REGULAR MEETING AGENDA

Date: 7/24/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

Members of the public can listen to the meeting and participate using the following methods.

How to participate in the meeting

- Access the live meeting, in-person, at the City Council Chambers
- Access the meeting real-time online at:
  zoom.us/join – Meeting ID# 862 5880 9056
- Access the meeting real-time via telephone (listen only mode) at:
  (669) 900-6833
  Regular Meeting ID # 862 5880 9056
  Press *9 to raise hand to speak
- Submit a written comment online up to 1-hour before the meeting start time:
  planning.commission@menlopark.gov*
  Please include the agenda item number related to your comment.

  *Written comments are accepted up to 1 hour before the meeting start time. Written messages are provided to the Planning Commission at the appropriate time in their meeting.

Subject to change: The format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the city website menlopark.gov. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.gov/agendas).

Regular Meeting

A. Call To Order

B. Roll Call

C. Reports and Announcements

D. Public Comment

Under "Public Comment," the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission once under public comment for a limit of three minutes. You are not required to provide your name or City of residence, but it is helpful. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Consent Calendar

None

F. Public Hearing

F1. Architectural Control and Use Permits/Peninsula Innovation Partners, LLC/1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court:
Consider and adopt resolutions to approve architectural control review for buildings and site improvements for the Hotel, a residential building (Parcel 6), and the standalone senior below market rate (BMR) housing building (Parcel 7), associated with the approved Willow Village masterplan development project. The masterplan, including the general plan amendment, rezoning and zoning map amendment, vesting tentative maps, conditional development permit, development agreement, and BMR housing agreements were approved by the City Council on December 6 and 13, 2022 and authorize up to 1.6 million square feet of office and accessory uses (with a maximum of 1.25 million square feet for office uses and the balance for accessory uses), up to 1,730 dwelling units (including 312 BMR units), up to 200,000 square feet of retail and restaurant uses, and an up to 193 room hotel. The architectural control reviews by the Planning Commission check for conformance with the approved masterplan, conditional development permit, development agreement, mitigation monitoring and reporting program (MMRP) for the certified environmental impact report, the R-MU (residential mixed use) and O (Office) zoning districts, and other applicable requirements from the masterplan governing documents. The requested actions implement the Willow Village masterplan project and are consistent with the MMRP for the environmental impact report prepared for the proposed project and certified by the City Council on December 6, 2022. Therefore nothing further is required under the California Environmental Quality Act. (Staff Report #23-049-PC)

The Planning Commission is scheduled to review three separate architectural control packages and use permit requests for the Hotel, the residential building on Parcel 6, and the standalone senior BMR housing building (Parcel 7). The Hotel would include up to 193 rooms and total approximately 162,000 square feet in size, including approximately 23,000 square feet of ground floor retail and

restaurant uses. The residential building on Parcel 6 would include up to approximately 178 dwelling units, including 20 BMR units. The residential building on Parcel 7 would include 119 senior BMR units and one manager's unit. Additional architectural control packages will be considered at future meetings. The proposals include associated use permit requests for modifications to design standards anticipated by the masterplan but not included in the conditional development permit. The use permit requests are generally summarized below:

Hotel

- Decrease the required interior setback; and
- Modify the projection allowances for awnings, signs, and canopies, including an allowance to encroach into the public access easement (West Street).

Parcel 6

- Modify modulation requirements along the building façade fronting the publicly accessible park.

F2. General Plan Circulation Element and El Camino Real/Downtown Specific Plan Amendments/City of Menlo Park.
Consider amendments to the City of Menlo Park General Plan Circulation Element and El Camino Real/Downtown Specific Plan to allow for the City Council to consider closing a portion of Santa Cruz Avenue and public alleys (e.g. Ryans Lane) to vehicle traffic. The proposed amendments would modify the street classifications in the General Plan Circulation Element to incorporate an Alley designation within the Local Access Street classification, and allow for the City Council to consider street closures within the Main Street (e.g., Santa Cruz Avenue) and Local Access Alley classifications, and allow for the City Council to consider additional street closures on Santa Cruz Avenue in additional locations to the Central Plaza identified in the Specific Plan. Additional clarifying text amendments would be required in both the El Camino Real/Downtown Specific Plan and General Plan Circulation Element for internal consistency and consistency between each plan. The proposed amendments would be limited to minor circulation changes and modifications to public space and would not increase the development potential of the General Plan or El Camino Real/Downtown Specific Plan. The Planning Commission is a recommending body to the City Council on the proposed amendments. If the City Council approves the proposed amendments, the City Council may consider actions to close the street segment and alley as a separate action. The City Council certified a program level environmental impact report (EIR) as part of approving the General Plan Update on November 29, 2016, and certified a subsequent EIR to the General Plan Program EIR as part of adopting the Housing Element Update on January 31, 2023; the City Council certified a different program level EIR as part of approving the El Camino Real/Downtown Specific Plan on June 5, 2012. Each proposed amendment has been evaluated regarding the impacts identified in its respective certified EIR, and that analysis found that the proposed amendments would not result in new impacts or an increase in severity of previously identified impacts, or otherwise require additional environmental review or processing under the California Environmental Quality Act (CEQA). An Addendum to each certified EIR has been prepared as authorized under CEQA to describe the proposed amendment and its relationship to the original approval and its already-recognized environmental impacts; Determine that the proposed General Plan and Downtown Specific Plan Amendments, as outlined in each Addendum, are consistent with the respective certified EIR and that no further environmental review is required under CEQA Guidelines sections 15162 and 15164. (Staff Report #23-050-PC)

G. Informational Items

G1. Summary of Environmental Justice and Safety Elements feedback from June 20 joint Planning Commission/City Council study session and next steps. (Staff Report #23-051-PC)

G2. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.

- Regular Meeting: August 14, 2023
- Regular Meeting: August 28, 2023

H. Adjournment

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

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

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

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

Agendas are posted in accordance with Cal. Gov. Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the city website at menlopark.gov/agendas and can receive email notifications of agenda postings by subscribing at menlopark.gov/subscribe. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 7/20/2023)

STAFF REPORT

City Council
Meeting Date: **7/24/2023**
Staff Report Number: **23-49-PC**

Public Hearing: **Consider and adopt resolutions approving use permits and architectural control plans for the Parcel 6 residential building, Parcel 7 senior below market rate (BMR) housing building, and the Hotel associated with the approved Willow Village mixed-use masterplan**

Recommendation

Staff recommends that the Planning Commission take the following actions associated with the Willow Village mixed-use masterplan project:

1. **Adopt a resolution (Attachment A) to:**
   a. **Approve the architectural control plans** for the design for the Hotel; and,
   b. **Approve the use permits** to modify design standards of the O (Office) zoning district, not previously included in the Conditional Development Permit (CDP);
2. **Adopt a resolution (Attachment B) to:**
   a. **Approve the architectural control permit** for the design for the residential building located on Parcel 6; and,
   b. **Approve the use permits** to modify design standards of the R-MU (Residential Mixed Use) zoning district, not previously included in the CDP;
3. **Adopt a resolution (Attachment C) to:**
   a. **Approve the architectural control plans** for the design for the senior BMR housing building located on Parcel 7.

Policy Issues

The City Council and the Planning Commission previously considered and evaluated the merits of the Willow Village mixed-use masterplan, including project consistency with the City's general plan, municipal code, and other adopted policies and programs. The City Council and Planning Commission previously considered the development regulations, which include modifications to the development standards established in the Zoning Ordinance (e.g., design standards, bird friendly waivers, transportation demand management, signage, construction hours and BMR housing) enumerated in the CDP, and the deviations from the Below Market Rate Housing Guidelines. In adopting the land use entitlements and certifying the environmental impact report for the masterplan, the City Council made findings that the merits of the project and the public benefits and specific community amenities associated with the development agreement balance the significant and unavoidable environmental impacts identified in the environmental impact report.

The masterplan project provided illustrative and conceptual plans for potential designs of each portion of the

project site, however the CDP mandates that specific architectural control plans (ACPs) be submitted for review of the detailed designs of the new buildings by the Planning Commission. At this time the Planning Commission will need to determine whether the specific ACPs are consistent with the approved masterplan, including the adopted CDP, development agreement, and certified environmental impact report mitigation, monitoring and reporting program (MMRP) and consider the merits of the use permit requests to further modify Zoning Ordinance development standards associated with each ACP. The Planning Commission is the decision making body on the ACPs and use permit requests to carry out the masterplan development project.

Background

On December 6 and 13, 2022, the City Council took the initial and final actions on the proposed masterplan project. Key project milestones and meetings for the masterplan project are included in the summary table in Attachment D.

At its meeting on June 26, 2023 the Planning Commission reviewed and approved the ACPs and use permits for the Office Campus buildings, Meeting and Collaboration Space buildings, Town Square open space and building, and Parcel 2 mixed-use residential building (which would include the grocery store). The Planning Commission's approval of these four ACPs was the first step in implementation of the masterplan after the City Council approved the masterplan project.

Masterplan project description

The masterplan project will redevelop approximately 59 acres of existing office and warehouse development owned and operated by Meta (formerly Facebook). The CDP approved the development of up to 1,600,000 square feet of office (with 1.25 million square feet for typical office uses and the balance for accessory uses including meeting and collaboration space), 1,730 housing units, 200,000 square feet of retail, a hotel with up to 193 rooms, and associated open space (e.g. elevated linear park, town square, dog park, and 3.5 acre publicly accessible park) and infrastructure. For more comprehensive information on the proposed project, please review the October 24, 2022 Planning Commission staff report (Attachment E) and the December 6, and December 13, 2022 City Council staff reports (Attachments F and G, respectively).

Site location

The approximately 59-acre main project site is generally located along Willow Road between Hamilton Avenue and Ivy Drive, previously referred to as the ProLogis Menlo Science and Technology Park. The main project site contains 20 existing buildings with approximately 1 million square feet of gross floor area. A project location map that includes site addresses, neighboring Meta sites, and other landmarks is included in Attachment H. The main project site is zoned O (Office) and R-MU (Residential mixed-use) and the masterplan provides for a comprehensive redevelopment of the project site. Separately, the masterplan also includes off-site improvements at the Belle Haven neighborhood shopping center, the realignment of Hamilton Avenue (across Willow Road from the main project site), and the demolition and reconstruction of the Chevron service station.

Table 1 summarizes the maximum approved development at the project site.

Table 1: Main project site project data		
	Proposed project (CDP Standards)	Zoning Ordinance bonus level standards (maximums)
Residential dwelling units	1,730 units*	1,730 units
Residential square footage	1,696,406 s.f.	1,701,404 s.f.
Residential floor area ratio	224.3%	225%
Commercial Retail square footage	200,000 s.f.	397,848 s.f.
Commercial Retail floor area ratio	12.6%	25%
Office square footage	1,600,000 s.f.**	1,780,436 s.f.
Office floor area ratio	113%	125%
Hotel rooms	193	n/a

* The total units would include a minimum of 15 percent of the residential units as below market rate (BMR) units to satisfy the City's inclusionary requirements. Additional BMR units would be incorporated to comply with the commercial linkage requirement.
**Office square footage includes a maximum of 1.25M s.f. of office use with the balance of 350,000 s.f. for meeting and collaboration space use (if office square footage is maximized at 1.25M sf) within the Campus District; the total s.f. includes a portion of the 25% non-residential FAR permitted in the R-MU portion of the project site.

Main project site layout

The masterplan project will ultimately redevelop the main project site with three districts: a Town Square district, a Residential/Shopping district, and a Campus district. The Campus district is intended to be occupied by Meta. The approved site plan is included in Attachment I and a hyperlink to the approved masterplan project plans is included in Attachment J. The conceptual district plan for the main project site is shown on Masterplan Sheet G3.01. The three districts are linked through the proposed street network, parks and open space, and the layout of the buildings. The following list identifies some key components of the project site layout.

- The grocery store will be proximate to Willow Road at the intersection with Hamilton Avenue/Main Street and entertainment and retail/dining uses would generally be located along Main Street;
- Hotel and associated retail/dining will be proximate to the 1.5-acre publicly accessible town square;
- 3.5-acre publicly accessible park (proximate to Willow Road at Park Street), a dog park (in the southeastern portion of the main project site) and additional public open space;
- 2-acre publicly accessible elevated park extending over Willow Road providing access at the Hamilton Avenue Parcel North; and
- A potential publicly-accessible, below grade tunnel for Meta intercampus trams, bicyclists and pedestrians connecting the project with the West and East campuses

The approved site plan will be bisected by a new north–south street (Main Street) as well as an east–west street that would provide access to all three districts (Park Street). The project includes a comprehensive circulation network for vehicles, bicycles, and pedestrians, inclusive of paseos, multi-use paths, and both

public rights-of-way and private streets that are generally aligned to an east-to-west and a north-to-south grid. The Willow Road Tunnel is an optional feature and the applicant may choose not construct the tunnel, which was studied in the certified EIR. If constructed, the tunnel would link the main project site with the West Campus (Buildings 20-23 and citizenM hotel).

Project phasing
The build out of the masterplan project would be phased. The first phase would include the demolition and backbone infrastructure, followed by the first vertical construction phase (focused on the campus district and select residential/mixed-use buildings). The first vertical construction phase would include the elevated park. The publicly accessible community park would be completed in the first vertical construction phase and construction on the town square and hotel are dependent upon Caltrans approvals and the completion of the below grade parking structure. The second phase would include the remainder of the residential and mixed-use buildings. The masterplan development agreement (DA) includes minimum phasing requirements. The DA is included in Attachment K. For reference the CDP is included in Attachment L.

As stated previously, the Planning Commission reviewed the first four ACPs at its meeting on June 26, 2023. The ACP reviews are an initial stage of the masterplan implementation. While the backbone infrastructure is required to be in place prior to vertical construction, the approvals of the ACPs will allow for the project to move forward with building permits for the buildings (upon completion of the backbone infrastructure and parcel management/final map recordation).

Current status and project milestones
This review focuses on three of the ACPs: the Hotel, residential building on Parcel 6, and residential building on Parcel 7. The Hotel includes up to 193 rooms with approximately 23,000 square feet of ground-floor retail and restaurant uses, Parcel 6 would include up to 178 residential units, including approximately 20 below market rate (BMR) units, and Parcel 7 includes a 120-unit senior housing development, including 119 BMR units and one manager's unit. The City is currently reviewing the remaining ACPs and anticipates bringing the Parcel 3 mixed-use building, publicly accessible park (along Willow Road) and publicly accessible dog park ACPs in the fall of 2023.

The applicant and staff have been discussing the Willow Road improvements, the on-site improvements (backbone infrastructure), and the final map approach. The applicant has submitted an encroachment permit for the onsite improvements, which are currently under review. City staff anticipates a submittal from the applicant for the final map in the near future.

Analysis
To comply with Section 2.1.3 of the CDP, the applicant has submitted detailed architectural plans for the masterplan buildings and public spaces. The Hotel is located on Parcel 1, and the residential buildings are located on their own separate parcels (Parcel 6 and Parcel 7).

Compliance tracking
As a masterplan project, development regulations (e.g. average height, floor area ratio, gross floor area, parking spaces, heritage tree replacements, open space, etc.) are calculated in aggregate across the entire site. Some development regulations are calculated by zoning district (e.g. average height) and others are calculated across both the O (Office) and R-MU (Residential mixed-use) zoning districts (e.g. gross floor area, open space, etc.). The applicant prepared a tracking matrix (Attachment M) that staff will use to track preliminary compliance during the ACP review and confirm compliance prior to issuance of each building

permit, since minor adjustments to the project plans may occur prior to building permit issuance. Attachment M has been updated by staff to document compliance with the previously approved ACPs and the three ACPs under review at this time.

Hotel ACP

Site layout

The Hotel consists of a single building constructed in the northwest corner of Parcel 1, which also includes the Office Campus, Meeting and Collaboration Space (MCS), elevated park, and Town Square. The building would be constructed in a U-shape with the opening facing east, towards the Town Square. The building would be up to seven stories in height, with the taller portions of the building along the Willow Road and Main Street frontages. The northeastern portion of the building would be three stories in height and would include a rooftop pool deck as well as access to the elevated park (included in the previously-approved MCS ACP). The center of the parcel would contain a large courtyard with access to the Hotel lobby and ground floor retail tenant spaces. Illustrative and architectural site plans of the Hotel are included in Hotel ACP plan set (Attachment N) and the Hotel location is highlighted on Sheet A0.01.

Gross floor area (GFA) and floor area ratio (FAR)

The proposed ACP identifies a total proposed hotel GFA of approximately 136,803 square feet, and retail GFA of approximately 23,213 square feet. The CDP approved up to 172,000 square feet of hotel GFA, and therefore, the proposed hotel is compliant with the CDP. The retail space will be included in the total approved retail GFA of up to 200,000 square feet, which is calculated across the entire Willow Village project site, and compliance will be tracked during building permit review.

Height

The maximum and average height for hotels in the Office district is 110 feet, with an additional 10 feet of maximum and average height allowed for project sites located in the FEMA flood zone. The proposed building would have a maximum height of approximately 84.5 feet from average natural grade, and an average height of approximately 58.9 feet, which are compliant with the maximum height allowed in the Office zoning district. Height will be tracked through the compliance matrix in Attachment M.

The applicant has submitted a preliminary height analysis in the masterplan plan set. Since height is calculated across all portions of the site zoned O (Office), staff has preliminarily confirmed the Office Campus, MCS, and Town Square, and Hotel ACPs would comply with the average height requirements.

Office site circulation, vehicle parking, and bicycle parking

Vehicle parking for the Hotel would be accommodated in an underground parking structure. The underground parking would be connected to the larger structure underneath the Town Square and Parcel 3. The parking allotment for the Hotel includes 168 spaces, and would be accessed from a hotel service road to the north of the building. The service road would be accessed from northbound Willow Road. Additional access would be through the parking structure under the Town Square which is accessed from Center Street to the south of Parcel 3. The required parking in Table 2 below is based on the full build out of the Hotel.

Table 2: Hotel parking requirements					
Project component	Development maximum	Minimum parking ratio	Minimum parking spaces	Maximum parking ratio	Maximum parking spaces
Hotel Rooms	193 rooms	.75/room	145	1.1/room	212
Retail square footage	23,213 sf	2.5/1,000 sf	59	3.3/1,000 sf	76

The Master Plan contemplated a total of 1,077 parking spaces shared between the Town Square, Hotel, Parcel 2 and Parcel 3 mixed use buildings. The proposed 168 spaces would be included in the shared parking count with the retail spaces included in the previously approved Town Square ACP.

Bicycle parking for the Hotel would be located in the underground parking structure. The hotel and retail space combined require a total of 25 long-term parking spaces and three short-term spaces. The underground parking structure would include 25 long-term spaces to accommodate the building's uses. An additional eight short-term bicycle parking spaces would be located on the eastern side of the building near the entrance to the ground-floor courtyard and retail spaces

The total proposed bicycle parking for the Hotel building meets the total required parking spaces and the locations comply with the Zoning Ordinance. Staff believes the locations of the short term retail spaces are located in desirable and usable locations along West Street, would be visible from retail entrances, and would be accessible from the Town Square. The bicycle parking spaces would also be in well-lit locations that should reduce potential bicycle theft. The ACP preliminarily complies with the vehicle and bicycle parking requirements and staff will confirm compliance prior to building permit issuance to account for any modifications in GFA.

Open space

The Hotel includes general open space at the ground floor courtyard, and above-grade open space at the hotel pool deck and terraces for use by hotel patrons. Table 3 outlines the required open space set by the CDP for the entire masterplan for both general and publicly accessible open space.

Table 3: Masterplan open space and landscaping requirements				
Land use	Zoning requirement (total open space) (sf)	Zoning requirement (publicly accessible*) (sf)	CDP minimum open space (sf)	CDP minimum publicly accessible open space (sf)
R-MU-B	189,045 (25%)	47,262 (25%)	370,000	160,000
O-B	477,418 (30%)	238,709 (50%)	487,000	200,000
Total	-	-	857,000	360,000

Table 4 identifies the open space incorporated into the Hotel ACP and the minimum required for the project site. Open space is aggregated between both zoning districts and compliance is documented across the entire project site and staff will update the compliance matrix as the ACPs are reviewed and approved and

confirm compliance and update the matrix before each building permit issuance.

Table 4: Hotel ACP open space			
Land use	CDP requirement for project site(sf)	Proposed open space in Office Campus ACP (sf)	Remaining required open space (sf)*
Open Space – general non-publicly accessible	497,000	24,267	472,733
Publicly accessible open space	360,000	0	360,000
Total	857,000	24,267	832,733

*This table does not take into account previously approved ACPs. Please see the compliance tracking matrix (Attachment M)

Publicly accessible open space
The Hotel ACP includes open space between in the ground-floor courtyard bicycle parking. The open space includes potentially publicly accessible seating areas for the retail tenants. Since the retail tenant seating areas are not defined at this time, the areas in the courtyard have not been included in the calculation of publicly accessible open space to allow for flexibility in programming the spaces adjacent to the retail/commercial spaces. While the Hotel does not include publicly accessible open space, the masterplan would comply with the required publicly accessible open space through the elevated park, town square plaza, publicly accessible park, publicly accessible dog park, and other smaller open spaces throughout the project site.

Trees and landscaping
The Hotel ACP includes a preliminary landscape plan indicating preliminary plantings in the courtyard, landscape areas along Willow Road and Main Street, hotel balconies, and the pool deck. The courtyard would include a mixture of trees, including Japanese maple, eastern rosebud, crepe myrtle and water gum trees. Ground cover would include a mixture of ferns and succulents, among a variety of flowering species. Potted plants would include a variety of Ficus species and palms, while sidewalk planters along Willow Road and Main Street would include low-maintenance grasses. Trees along Willow Road and the service road north of the hotel would include Brisbane box, date palms, and jelly palms.

Plant species at the pool deck would be more decorative in nature, and would have a Mediterranean theme. Tree species include a variety of palm trees, olive trees, strawberry trees and African sumac. The pool deck would be bordered with a variety of succulents and ground cover, including agave, bird of paradise, kangaroo paw, and rosemary plants, among others. The sixth floor terrace would also include a variety of succulents and flowering vines on the trellises.

The CDP conditions of approval require the applicant to submit a detailed landscape plan and heritage tree replacement tracking matrix concurrent with the submittal of a complete building permit. The matrix will incorporate these details from each building permit and document compliance with the minimum required heritage tree replacement value across the project site. The Hotel ACP documents preliminary compliance and Attachment M documents heritage tree replacement values associated with the Hotel ACP.

Build-to area requirement and frontage landscaping
The Hotel building would comply with the build-to area requirement, where applicable (See Attachment N Sheet A9.16). The CDP allows a minimum setback along Willow Road of one foot, six inches, and allows a

maximum setback of 50 feet along West Street. The Office zoning district typically allows a minimum setback of five feet and a maximum setback of 25 feet, with a minimum of 60 percent of each street-facing façade within these bounds (the build-to area). Accounting for the approved modifications to the setbacks, the Hotel would comply with the minimum build-to area requirement on all sides. The Hotel would comply with the minimum frontage landscaping requirement of 15 percent, included in the CDP, where applicable.

Design standards

Architectural style and building design

The Hotel building would be designed in a contemporary style, with the majority of the facades featuring glass fiber reinforced cement paneling (GFRC) or panelized cement board siding in an off-white or cream color. Windows at hotel rooms would feature extruded aluminum windows, with sunshades at the ground floors. The sixth-floor balcony areas would include wood trellis features with flowering vines, and all balconies and the pool deck would be surrounded by painted metal railings. The entrance to the courtyard facing east would also include a large wooden trellis with flowering vine plantings. The trellis would extend over the automobile turn-in to provide cover for hotel patrons while checking in at the ground-floor lobby.

The Hotel ACP would comply with the minimum requirements for setbacks and stepbacks, building modulation, roofline variation, building projections, building entrance locations, and ground floor transparency and height set forth in the Zoning Ordinance and the CDP, subject to the approval of the additional use permit requests outlined in the next section.

Use permit

The applicant is requesting the following modifications from the Zoning Ordinance and CDP through the use permit:

- Modify the required 10-foot interior setback along portions of the service road; and
- Allow a projection of 10 feet into the minimum setback along West Street and allow an encroachment of seven feet, three inches into the public access easement (West Street), for a total encroachment of 17 feet, three inches into the setback and easement area.

The applicant's modification requests and justifications are included in Attachment O.

The applicant is requesting to decrease the setback from the service road to the north of the Hotel to accommodate a pull over lane for short-term loading and unloading by service vehicles. The service road is an access easement over a private parcel (Parcel 1), and therefore the Zoning Ordinance interior setback of 10 feet is applied from the service road easement. The pullout would create a situation where portions of the easement are closer to the Hotel building and create a setback of approximately nine feet, five inches. Staff is supportive of the request because it would allow for safer loading and unloading along the service road, which also serves as access to the underground parking structure. The proposed design is consistent with the approved masterplan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

Similarly, the applicant is requesting a use permit to allow the trellis structure at the courtyard entrance to encroach into the public access easement. Similar to the easement described above, the portion of West Street adjacent to the Hotel is a public access easement, and the 10-foot interior setback is applied to this frontage. The CDP approved projections of up to eight feet into the setback area. The trellis would extend seven feet, three inches into the easement (an additional nine feet, three inches further than the approved modification in the CDP). The applicant states that the trellis is necessary to provide adequate sun and weather protection and a visual landmark for hotel patrons arriving and leaving the site. Staff is supportive

of the request because the trellis would not impede traffic due to the supporting columns being located on a traffic island separating the hotel driveway from West Street. Additionally, the trellis would be an attractive feature of the hotel and provide a strong reference point for patrons arriving at the site and is consistent with the design of the trellis shown in the masterplan document and previous submittals of the ACP for the Hotel.

Parcel 6 – Residential building

Site layout

Parcel 6 is located along the southern edge of the project site (adjacent to the San Francisco Public Utilities Commission "SFPUC" Hetch hetchy Right of Way "ROW") in the Residential Mixed Use (R-MU) zoning district. The parcel is bounded by the publicly accessible park (located along Willow Road) to the west, Park Street to the north, Hetch Hetchy right-of-way to the south, and Parcel 7 to the east. The proposed building would be constructed in an approximately east-west orientation along the Park Street project frontage. The Parcel 6 ACP project plans are included in Attachment P and Sheet A0.01 identifies the ACP project site within the masterplan project. The project consists of a seven-story residential building with approximately 178 dwelling units and a large resident amenity deck located on the third floor. The building would include an at-grade parking structure which would accommodate the project's parking requirements as well as a portion of the parking requirements for the senior BMR housing project on Parcel 7. The main lobby would be located in the northwest corner of the building with the entrance facing Park Street. The entrance to the leasing office would front the publicly accessible park.

Gross floor area (GFA), floor area ratio (FAR), and density

The CDP approved a total of 1,730 housing units with a total of approximately 1.696 million square feet of residential gross floor area to be tracked across the entire project site. The proposed building would consist of 178 units with a total of approximately 208,152 square feet of gross floor area. The calculation of the residential GFA includes the circulation areas outside the lobbies that are bounded by columns greater than 12-inches in width (per Menlo Park Municipal Code "MPMC" Section 16.04.325(C)(4). The tracking matrix in Attachment M has been updated to include this ACP and will continue to be updated as additional ACPs are reviewed and then further updated with each building permit to ensure compliance at full build out.

Below Market Rate housing units

The masterplan includes a site-wide BMR housing requirement of 312 BMR units at a range of affordability levels. The site-wide BMR agreement is included in Attachment S. The applicant is required to record parcel-specific BMR agreements prior to issuance of the first building permit associated with the ACP. Parcel 6 would include a total of 20 BMR units, approximately 11 percent of the Parcel 6 development, which is consistent with the project-wide BMR agreement that allows for individual buildings to contain less than 15 percent BMR units since 119 senior BMR units would be located in a standalone building. The BMR units include a mix of studio, one-, two-, and three-bedroom units which would be indistinguishable from market rate units in the development. The project plans in Attachment P document the preliminary locations of the BMR units. BMR units will be tracked with each building permit to confirm project-wide compliance with the unit sizes, affordability levels, and minimum required number of units.

Height

The maximum height in the RMU district for bonus level development is 70 feet, and the average height is 52.5 feet, with an additional 10 feet of maximum and average height allowed for project sites located in the FEMA flood zone. The proposed building would have a maximum height of approximately 79.8 feet from average natural grade, and an average height of approximately 61.9 feet, which are compliant with the maximum and average height allowed by the Zoning Ordinance. Height will be tracked through the compliance matrix in Attachment M.

Parcel 6 site circulation, vehicle parking, and bicycle parking

Parking on Parcel 6 would consist of one level of ground-level parking integrated into the overall structure. The parking garage would be accessed off Park Street via a shared driveway for Parcels 6 and 7. The garage would contain a total of 217 parking spaces, including 38 spaces designated for the senior residential development on Parcel 7. A large portion of the residential spaces would be accommodated through a system of parking puzzlers which would be able to stack cars in order to maximize space efficiency. The parking spaces allocated to the Parcel 6 building would meet the minimum one parking space per unit.

For residential uses, bicycle parking spaces are required to be provided at a ratio of 1.5 long-term bicycle parking spaces per unit with an additional 10 percent short-term bicycle parking spaces per guest. This project requires a minimum of 267 long-term and 27 short-term bicycle parking spaces. The proposed building would include 316 long-term bicycle parking spaces located in three large, secured, long-term bicycle parking rooms throughout the building. The project would include 30 short-term bicycle parking spaces near the main lobby entrance fronting Park Street and the publicly accessible park.

Open space

Private open space and common open space

Residential projects in the R-MU are required to provide a minimum amount of open space equal to 25 percent of the lot area. Common and private open space for use by residents of the development is also required to be provided at a rate of either 100 square feet of common open space or 80 square feet of private open space per unit. In the case of a combination of common and private open space, 1.25 square feet of common open space is required to be provided for each square foot of private open space not provided. The private and common open space is counted towards the minimum open space requirement. Table 5 below demonstrates that the open space requirements of the project will be met through a combination of private and common open space.

Table 5: Parcel 6 proposed open space

	Required open space	Proposed open space
Minimum private open space*	14,240 sf	6,215 sf
Minimum common open space**	17,800 sf	16,345 sf
Total required/proposed	**16,079 sf**	**22,569 sf**

*Minimum amount of private open space if no common if no common open space is provided
**Minimum common open space if no private open space is provided

A majority of the open space would be provided in a large common courtyard on the third level of the building. The common open space would include three connected courtyards furnished for use by all residents. There would be an additional common terrace space in the northwest corner of the seventh floor. In addition to the common open space, many of the residences would include private balcony and private stoop open spaces.

Trees and landscaping

The project site would be landscaped with a mixture of ground cover and trees along the southern property line, which serves as a bioretention area. Plantings at the first floor residential units would include a mixture of grasses and shrubs, including sages and mat rush. Plantings in bioretention areas at the rear of the

property would include a variety of native grasses and shrubs including wild rose, strawberry, and common rush. Screening trees would also be planted along the southern property line to help screen the building from adjacent properties. Trees in this area would include maple, cedar, dogwood, and pine trees, among others.

Additional landscaping would be included in the common courtyard on the third floor of the building. The courtyard landscaping would primarily include a mixture of ferns, succulents, and grasses, but would also include olive, palm, and aloe trees.

The CDP conditions of approval require the applicant to submit a detailed landscape plan and heritage tree replacement tracking matrix concurrent with the submittal of a complete building permit. The matrix will incorporate these details from each building permit and document compliance with the minimum required heritage tree replacement value across the project site. The Parcel 6 ACP documents preliminary compliance and Attachment M documents heritage tree replacement values associated with the Parcel 6 ACP.

Build-to area requirement and frontage landscaping
The proposed building would comply with the build-to area requirement on the Park Street frontage. Landscaping is required in a minimum of 25 percent of the frontage area. Frontage areas adjacent to active uses, such as retail uses or lobbies, are exempt from the frontage landscaping requirements. The project would comply with the minimum frontage landscaping requirements.

Design standards
Architectural style and building design
The building would be constructed in a contemporary residential design reminiscent of modern apartment complex design. The building would be designed in the shape of an H with two seven-story residential towers constructed in an east-west orientation along Park Street and the southern property line, and a resident amenity bridge connecting the two towers. The building would include a common deck area on the third floor that would look out over the public park to the west.

The building materials would primarily consist of a combination of grey and white panelized cement board panels and a panel siding system with a wood-like finish. Smooth stucco siding is limited to a maximum of 50 percent of the façade siding. The application has demonstrated compliance with the maximum amount of permitted stucco. The building would include aluminum clad windows, metal guardrails at balconies, and aluminum spandrel panels between townhouse-style windows. Large glass windows would be included at the ground floor residential lobby spaces. Sheet A7.01 includes the colors and materials board (Attachment P).

The Parcel 6 ACP would comply with the minimum requirements for setbacks and stepbacks, building modulation, roofline variation, building projections, building entrance locations, and ground floor transparency and height set forth in the Zoning Ordinance and the CDP, with the approval of the additional use permit request outlined in the next section.

Use permit
The applicant is requesting the following modification from the Zoning Ordinance through the use permit:
- Modify building minor modulation requirements;

The applicant's modification requests and justifications are included in Attachment Q.

Along the western façade, the first two floors include recessed balcony areas for the townhouse-style units that face the Park. The balconies are spaced approximately 22 feet apart. The Zoning Ordinance requires minor modulations of a minimum of five feet in width and depth from ground level to the base height, every 50 feet of building façade. Since the recessed balcony walls and guardrails would be flush with the rest of the structure, they do not meet the definition of a minor modulation. The applicant states that the first two residential stories create a strong base for the two flanking residential towers above, and that the modification is necessary to maintain the integrity of the design. Staff is supportive of the request because the proposed design is consistent with the approved masterplan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

Parcel 7 – Senior BMR housing building

Site layout

Parcel 7 is located along the southern edge of the project site (along the Hetch Hetchy ROW) in the Residential Mixed Use (R-MU) zoning district. The parcel is bounded by Parcel 6 to the west, Park Street to the north, Hetch Hetchy right-of-way to the south, and the publicly accessible dog park to the east. The proposed building would be constructed in an approximately east-west orientation along the Park Street project frontage. The Parcel 7 ACP project plans are included in Attachment R and Sheet A0.01 identifies the ACP project site within the masterplan project. The project consists of a six-story residential building with approximately 120 dwelling units with a podium courtyard and community room on the second floor. The building would include an at-grade parking structure which would accommodate a portion of the project's parking requirements, with the remaining required parking spaces included in the Parcel 6 parking garage. The main lobby, along with other residential amenity spaces, such as conference rooms and an art programming and community room, would be would be located on the first floor along Park Street.

Gross floor area (GFA), floor area ratio (FAR), and density

The CDP approved a total of 1,730 housing units with a total of approximately 1.696 million square feet of gross floor area to be tracked across the entire project site. The proposed building would consist of 120 units with a total of approximately 85,430 square feet of gross floor area. The calculation of the residential GFA includes approximately 3,077 square feet of outdoor arcade area along the entire Park Street frontage that is bounded by columns greater than 12-inches in width (per MPMC Section 16.04.325(C)(4)). The tracking matrix in Attachment M documents preliminary compliance and will be updated as the ACPs are reviewed. The tracking matrix will be further updated with each building permit to ensure compliance at full build out.

Below Market Rate housing units

The masterplan includes a site-wide BMR housing requirement of 312 BMR units at a range of affordability levels. The site-wide BMR agreement is included in Attachment S. The applicant is required to record parcel-specific BMR agreements prior to issuance of the first building permit associated with the ACP. Parcel 7 would include 119 BMR units, age-restricted to senior residents, and offered at extremely low and very low income levels (maximum 30 percent area median income and 50 percent area median income, respectively). One additional unit would be market rate and designated as the manager's unit. BMR units will be tracked with each building permit to confirm project-wide compliance with the unit sizes, affordability levels, and minimum required number of units. City staff are working with the applicant to develop a compliance table template to use to track the BMR units by income limits and building, prior to the recordation of each BMR agreement and the issuance of each applicable building permit.

Height

The maximum height in the RMU district for bonus level development is 70 feet, and the average height is 52.5 feet, with an additional 10 feet of maximum and average height allowed for project sites located in the

FEMA flood zone. The proposed building would have a maximum height of approximately 76 feet from average natural grade, and an average height of approximately 54 feet, which are compliant with the maximum and average height allowed by the Zoning Ordinance. Height will be tracked through the compliance matrix in Attachment M.

Parcel 7 site circulation, vehicle parking, and bicycle parking

Parking on Parcel 7 would consist of one level of ground-level parking integrated into the overall structure. The parking garage would be accessed off Park Street via a shared driveway for Parcels 6 and 7. The CDP requires a total of 60 parking spaces for the senior residential project, and allows for the parking to be provided in a shared parking arrangement with Parcel 6. The Parcel 7 garage would contain 22 parking spaces. The remaining 38 spaces would be provided in the garage of Parcel 6. The parking spaces provided onsite and in the Parcel 6 garage would meet the parking requirement of the CDP.

The CDP approved a bicycle parking ratio of .5 long-term spaces per unit for the senior housing development, with an additional 10% short-term spaces. This project requires a minimum of 60 long-term and 6 short-term bicycle parking spaces. The proposed building would include 60 long-term bicycle parking spaces located in the northeast corner of the garage, which would be easily accessible through the residential lobby fronting Park Street. The project would include six short-term bicycle parking spaces near the main lobby entrance fronting Park Street.

Open space

Private open space and common open space

Residential projects in the R-MU are required to provide a minimum amount of open space equal to 25 percent of the lot area. Common and private open space for use by residents of the development is also required to be provided at a rate of either 100 square feet of common open space or 80 square feet of private open space per unit. In the case of a combination of common and private open space, 1.25 square feet of common open space is required to be provided for each square foot of private open space not provided. The private and common open space is counted towards the minimum open space requirement. Table 6 below demonstrates that the open space requirements of the project will be met through a combination of private and common open space.

Table 6: Parcel 7 proposed open space

	Required open space	Proposed open space
Minimum private open space*	9,600 sf	2,837 sf
Minimum common open space**	12,000 sf	9,923 sf
Total required/proposed	**8,026 sf**	**12,760 sf**

*Minimum amount of private open space if no common if no common open space is provided
**Minimum common open space if no private open space is provided

A majority of the open space would be provided in a large podium courtyard on the second floor, as well as a ground level patio area in the northeast corner of the property. There would be an additional common roof terrace space in the northeast corner of the fifth floor. In addition to the common open space, many of the residences would include private balcony and terrace private open spaces.

Trees and landscaping

The project site would largely by occupied with the proposed building, and therefore planting areas would be limited to along the southern property line and next to the ground-floor common area in the eastern corner of the site. Additional landscaping would be included on the podium common area and rooftop terraces. Both the southern and northeastern planning areas would consist of shrubs and grasses, including grey sedge, California wild rose, a variety of rush, and common strawberry. Several screening trees, including red maple, cedar, dogwood, and Canary Island pine trees, would also be planted along the southern property line to screen the podium common space from adjacent properties. Attachment M includes the heritage tree replacement values of the proposed qualified heritage tree replacements.

The podium common area would include a variety of plantings to create a quiet lounging area for residents. Landscaping would include sensory gardens with a variety of flowering species, including autumn sage, gardenia, Russian sage, and coastal rosemary. Magnolia and princess flower accent trees would also be included in the gardens. Slender weaver bamboo would be planted along the western and a portion of the southern boundaries of the podium common area to provide screening from the residential project on Parcel 6 and adjacent properties to the south.

Build-to area requirement and frontage landscaping

The proposed building would comply with the build-to area requirement on the Park Street frontage. Landscaping is required in a minimum of 25 percent of the frontage area. Frontage areas adjacent to active uses, such as retail uses or lobbies, are exempt from the frontage landscaping requirements. The building would be constructed on the front property line, with the covered arcade adjacent to the residential lobby area. Therefore, a majority of the frontage is exempt from the frontage landscaping requirements and project would comply with the zoning standards in this respect.

Design standards

Architectural style and building design

The building would be constructed in a contemporary residential design similar to other residential buildings in the Willow Village project site. The building would be constructed in an east-west orientation, with the primary façade fronting Park Street. The building would include a covered arcade walkway adjacent to the sidewalk along Park Street. The building would include a common deck area on the second floor and an additional resident amenity structure on the podium deck.

The building materials would primarily consist of a combination of grey and white panelized cement board panels and a panel siding system with a wood-like finish as accent material. The portions of the north and west façades would also feature a thin, dark grey brick veneer siding. Smooth stucco siding is limited to a maximum of 50 percent of the façade siding, and would largely be limited to the southern façade, facing away from Park Street. The application has demonstrated compliance with the maximum amount of permitted stucco. The building would include aluminum clad windows, metal guardrails at balconies and terraces, and aluminum spandrel panels between windows. Sheet A7.01 includes the colors and materials board (Attachment R).

The Parcel 6 ACP would comply with the minimum requirements for setbacks and stepbacks, building modulation, roofline variation, building projections, building entrance locations, and ground floor transparency and height set forth in the Zoning Ordinance and the CDP.

Green and sustainable building regulations

The proposed project would, at a minimum, comply with the green and sustainable building requirements of

the Zoning Ordinance, the City's current Reach Code, and EV charging requirements. The summary below includes the City's requirements for the proposed project and compliance would be ensured through the CDP requirements, ACP specific conditions (as necessary), and documented accordingly at the building permit or construction stages or through ongoing compliance monitoring:

- Meet 100 percent of its energy demand through any combination of on-site energy generation, purchase of 100 percent renewable electricity, and/or purchase of certified renewable energy credits;
- Be designed to meet LEED (Leadership in Energy and Environmental Design) Gold BD+C (Building Design + Construction) for buildings greater than 25,000 square feet and LEED Silver BD+C for buildings between 10,000 and 25,000 square feet;
- Comply with the current electric vehicle (EV) charger requirements adopted by the City Council;
- Meet water use efficiency requirements including the use of recycled water for all City-approved non-potable applications;
- Locate the proposed buildings 24 inches above the Federal Emergency Management Agency (FEMA) base flood elevation (BFE) to account for sea level rise;
- Plan for waste management during the demolition, construction, and occupancy phases of the project (including the preparation of the required documentation of zero waste plans); and
- Incorporate bird friendly design in the placement of the building and use bird friendly exterior glazing and lighting controls.

The proposed project would be required to use electricity as the only source of energy for all appliances used for space heating, water heating, cooking, and other activities, consistent with the City's reach code, with the exception of commercial kitchens that may appeal to use natural gas, which is subject to review and approval by the Environmental Quality Commission. The Project proposes to use natural gas for commercial kitchens but the on-site renewable energy generation would off-set any natural gas used in building operations (cooking), any tenants that do not purchase 100 percent renewable energy through PCE, and the routine testing of diesel generators. The applicant submitted a memo outlining preliminary compliance with the 100 percent renewable energy requirement and how the on-site energy generation would offset any use of natural gas, diesel fuel, and any opt-outs by tenants from Peninsula Clean Energy (Attachment U).

The CDP requires the applicant to design and certify buildings greater than 25,000 square feet in size for LEED Gold and buildings between 10,000 and 25,000 square feet in size for LEED Silver. Buildings on the project site of less than 10,000 sf would not be certified under LEED. Each building shall be certified within one year of Certificate of Occupancy and documentation shall be provided to the Planning Division. The applicant has submitted LEED checklists and a cover letter confirming this approach for the Hotel, Parcel 6, and Parcel 7 (Attachment V).

The applicant has submitted memos from its biologist documenting compliance with the masterplan bird safe design assessment and CDP based on the specific designs of each building. The memorandums are included for each architectural control plan in Attachment W and the bird safe design assessment is included in Attachment X. Staff has reviewed and confirmed the applicant has documented preliminary compliance and a detailed analysis will be conducted and submitted with the building permit, as appropriate, to analyze the specific building design and materials, per the requirements of the CDP and mitigation monitoring and reporting program (MMRP).

The applicant has included the trash and recycling rooms on each of the building floor plans and confirmed the waste management would include compost bins. The applicant has submitted the required zero waste forms. Zero waste infrastructure (e.g. hydration stations, hand driers in restrooms, three-stream built-in

sorting stations, etc.) would be confirmed during the building permit review.

Correspondence
As of the writing of this report, staff has not received any items of correspondence on the project.

Conclusion
The ACPs for the Hotel, Parcel 6, and Parcel 7 are consistent with the approved masterplan, including the CDP and DA. The proposed architectural designs of the buildings and site components are consistent with the masterplan illustrative plans and would comply with the Zoning Ordinance, CDP, and DA. The residential projects would provide 139 BMR units, including 119 BMR units for senior residents, which would contribute to the minimum 312 BMR units required by the CDP. The requested use permits to modify Zoning Ordinance development standards are generally focused on making the illustrative plans consistent with the CDP. The use permits would facilitate a comprehensive architectural design for each ACP and continue to result in high quality architectural designs for each ACP. Staff recommends that the Planning Commission adopt the resolutions in Attachments A, B, and C, and approve the ACPs and use permits for the Hotel, Parcel 6, and Parcel 7.

Next steps
The Planning Division continues to review the remaining ACPs and anticipates bringing Parcel 3 (mixed-use residential), the Publicly Accessible Park, and Publicly Accessible Dog Park to the Planning Commission for review and action by the September of 2023.

Impact on City Resources
The applicant is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the proposed project. The applicant is also required to fully cover the cost of work by consultants performing environmental review and additional analyses to evaluate potential impacts of the project.

Environmental Review
The proposed ACPs would implement the specific building and site designs for the masterplan project. The use permit requests would modify the design standards from the Zoning Ordinance, but would not increase the density, intensity or height contemplated in the masterplan. The proposed ACPs would be consistent with the certified EIR prepared for the Willow Village masterplan project. The building permits associated with the ACPs would comply with the mitigation monitoring and reporting program, as required, from the certified EIR. No further environmental review is required.

Public Notice
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a ¼-mile radius of the subject property.

Attachments
A. Draft resolution approving architectural control package and use permits for the Hotel

Exhibits to Attachment A

Exhibit A: Hotel ACP Project Plans (Attachment N)
Exhibit B: Use Permit Request Letter (Attachment O)
Exhibit C: Conditions of Approval

B. Draft resolution approving architectural control package and use permits for Parcel 6

Exhibits to Attachment B

Exhibit A: Parcel 6 ACP Project Plans (Attachment P)
Exhibit B: Use Permit Request Letter (Attachment Q)
Exhibit C: Conditions of Approval

C. Draft resolution approving the architectural control package for Parcel 7

Exhibits to Attachment C

Exhibit A: Parcel 7 ACP Project Plans (Attachment R)
Exhibit B: Conditions of Approval

D. Masterplan project meeting and milestones summary
E. Hyperlink: Planning Commission October 24, 2022 Staff Report - https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/planning-commission/2022-meetings/agendas/20221024-planning-commission-agenda-packet.pdf
F. Hyperlink: City Council December 6, 2022 Staff Report – https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20221206-cc-agenda-packet-with-presentation.pdf
G. Hyperlink: City Council December 13, 2022 Staff Report - https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20221213-city-council-agenda-packet-2.pdf
H. Project location map
I. Approved masterplan site plan
J. Hyperlink: Approved masterplan project plan set - https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/october-2022/masterplan-plan-set.pdf
K. Hyperlink: Adopted development agreement - https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/willow-village-master-plan-development-agreement.pdf
L. Hyperlink: Adopted conditional development permit - https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/notice-of-terms-and-conditions-of-conditional-development-permit.pdf
M. Compliance tracking matrix
N. Hyperlink: Hotel ACP plan set – https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/architectural-control-plans/willow-village-hotel.pdf
O. Hotel use permit requests
P. Hyperlink: Parcel 6 ACP plan set – https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/architectural-control-plans/willow-village-parcel-6.pdf
Q. Parcel 6 use permit request
R. Hyperlink: Parcel 7 ACP plan set – https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/architectural-control-plans/willow-village-parcel-7.pdf
S. Hyperlink: Site-wide BMR agreement – https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-

review/willow-village/project-wide-affordable-housing-agreement.pdf

T. Template for BMR unit compliance tracking table
U. Renewable energy compliance memo (Hotel, Parcel 6, and Parcel 7 ACPs)
V. LEED compliance memo (Hotel, Parcel 6, and Parcel 7 ACPs)
W. Bird friendly design compliance memo (Hotel, Parcel 6, and Parcel 7 ACPs)
X. Willow Village Master Plan Bird Safe Design Assessment

Disclaimer

Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the applicant, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

Report prepared by:
Chris Turner, Associate Planner

Report reviewed by:
Kyle Perata, Planning Manager
Leila Moshref-Danesh, Assistant City Attorney

DRAFT

PLANNING COMMISSION RESOLUTION NO._____

DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL AND USE PERMITS TO MODIFY DESIGN STANDARDS FOR THE WILLOW VILLAGE HOTEL

WHEREAS, the City of Menlo Park ("City") certified an Environmental Impact Report ("EIR") and approved an application requesting an amendment to the General Plan Circulation Element ("General Plan"), zoning map amendment, rezoning certain properties to add a Conditional Development ("X") Combining District, a conditional development permit ("CDP"), below market rate ("BMR") housing agreements, vesting tentative maps, and Development Agreement from Peninsula Innovation Partners, LLC ("Applicant"), to redevelop an approximately 59-acre industrial site (the "Main Project Site") plus three parcels (within two sites) west of Willow Road (the "Hamilton Parcels" and collectively, with the Main Project Site, the "Project Site") with a bonus level development project consisting of up to 1.6 million square feet of office and accessory uses (a maximum of 1,250,000 square feet for office uses and the balance accessory uses), up to 1,730 multifamily dwelling units, up to 200,000 square feet of retail uses, an up to 193-room hotel, and associated open space and infrastructure ("Master Plan"); and

WHEREAS, Section 2.1.3 of the CDP requires the Applicant to submit architectural Control Plans ("ACP") for each individual project within the Main Project Site, subject to review and approval by the Planning Commission, prior to issuance of building permit for each building; and

WHEREAS, the applicant submitted an ACP for the Hotel, containing 193 rooms with approximately 160,000 square feet of gross floor area, and approximately 23,213 square feet of ground-floor retail space; and

WHEREAS, the ACP has been reviewed by the Planning Division and found to be in compliance with the approved CDP, Master Plan, and applicable zoning standards, with the exception of certain modifications to design standards of the Office zoning district; and

WHEREAS, the zoning ordinance allows for modifications to the design standards, subject to use permit approval by the Planning Commission; and

WHEREAS, the applicant has submitted requests for use permits to modify interior setback requirements along portions of the service road, and to allow a projection of 10 feet into the minimum setback along West Street and an additional encroachment of seven feet, three inches into the public access easement (West Street); and

WHEREAS, the requested modifications were generally included in the preliminary designs of the ACPs and within the Master Plan project plans, previously reviewed by the

Planning Commission and City Council during the development of the Master Plan and CDP; and

WHEREAS, the ACP and the use permit collectively constitute the "Project"; and

WHEREAS, the Project is consistent with the certified EIR for the Willow Village Master Plan Project; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on July 24, 2023, at which all persons interested had the opportunity to appear and comment; and

WHEREAS, after closing the public hearing, the Planning Commission considered all public and written comments, pertinent information, documents and plans and all other evidence in the public record on the Project; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission finds that the above recitals together with the staff report and the application materials, including without limitation, all documents, reports, studies, memoranda, maps, oral and written testimony, and materials in the City's file for the applications and the Project, and all adopted and applicable City planning documents related to the Project and the Project Site and all associated approved or certified environmental documents, have together served as an adequate and appropriate evidentiary basis for the actions set forth in this resolution.

BE IT FURTHER RESOLVED that the Planning Commission makes the following findings:

1. *Architectural Control*. The approval of the Hotel ACP is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

    a. That the general appearance of the structure is in keeping with the character of the neighborhood; in that, the Project is designed in a contemporary architectural style, and in the general character of other commercial developments in the Bayfront area and Willow Village Project Site, and is generally consistent with the Master Plan.

    b. That the development will not be detrimental to the harmonious and orderly growth of the City; in that, the Project is consistent with the Master Plan which was reviewed and approved by the City Council. The approvals included a Development Agreement and Conditional Development Permit that approved a phased development of the overall Project Site in order to allow for the orderly growth of the Bayfront area.

    c. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the Project would create a modern Hotel that would bring visitors to the Willow Village Project Site, and would provide retail opportunities that would liven the area. The proposed materials and colors used will be compatible with other developments in the

surrounding Bayfront area, and would be consistent with the design standards of the Office zoning district and approved modifications to the Office zoning district design standards included in the CDP and the use permit request as part of the ACP.

d. That the development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking; in that the Hotel would be constructed above an underground parking structure designed to provide shared parking to the Hotel, Town Square, and Parcel 3. The garage would provide an adequate number of parking spaces designated for use by the hotel patrons, meeting the minimum and maximum parking requirements of the CDP.

e. That the development is consistent with any applicable specific plan; in that, the Project is not located within a specific plan area. However, the Project is located within the Willow Village Project Site and is compliant with the approved CDP and Master Plan.

2. *Use permits to (1)Modify setback requirements along portions of the service road; (2) Allow a projection of 10 into the minimum setback along West Street and allow an encroachment of seven feet, three inches into the public access easement (West Street) for a total encroachment of 17 feet, three inches into the setback and public access easement*. That the establishment, maintenance, or operation of the use applied for will not, under the circumstance of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of such proposed use, or injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because:

   a. Generally, the proposed modifications to the Office district design standards are intended to clarify previously-identified modifications from the Master Plan and preliminary ACP plan sets that were not incorporated into the approved design modifications in the CDP.

   b. The decreased setback form the service road would be necessary to create a turnout for service vehicles loading and unloading at the Hotel building. The turnout would allow vendors to not block the service roadway while parked, increasing safety for vendors as well as other drivers. The proposed design is consistent with the approved Master Plan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

   c. Allowing the projection into the West Street right-of-way would create a canopy allowing hotel patrons to be protected from sun and weather while arriving at and departing from the hotel. The posts of the canopy would be located on a traffic island and would not impede traffic along West Street. The proposed design is consistent with the approved Master Plan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

Based on the above findings, the Planning Commission approves the Project, inclusive of the architectural control and use permit components.

SEVERABILITY

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

I, Corinna Sandmeier, Principal Planner and Planning Commission Liaison of Menlo Park, do hereby certify that the above and foregoing Planning Commission Resolution was duly and regularly passed and adopted at a meeting by said Planning Commission on the ____day of July, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of July, 2023.

Corinna Sandmeier
Principal Planner
City of Menlo Park

Exhibits

A. Hotel ACP Project Plans (see Attachment N of the July 24, 2023 staff report)
B. Use Permit Request Letter (see Attachment O of the July 24, 2023 staff report)
C. Conditions of Approval

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

1. The architectural control permit and use permit for the Hotel associated with the Willow Village mixed-use masterplan shall be subject to the following ***standard*** conditions:

General Conditions

a. Development of the Hotel Architectural Control Plans (hereinafter the "ACP" or "project") shall be substantially in conformance with the project plans attached to the July 24, 2023 Planning Commission staff report as Exhibit C to Attachment A, and consisting of 67 plan sheets, dated July 17, 2023 (hereinafter the "Plans"). The Plans are incorporated by reference herein. The Plans may be modified by the conditions contained herein or as permitted by the Willow Village mixed-use masterplan conditional development permit (hereinafter the "CDP") subject to review and approval of the Community Development Director or their designee.

b. Development of the project shall further be substantially in conformance with the Willow Village mixed-use masterplan plan set (hereinafter "the masterplan plans") dated October 19, 2022 and approved by the City Council on December 6, 2022 and December 13, 2022.

c. The project shall be subject to the California Environmental Quality Act Environmental Impact Report prepared for and certified for the Willow Village mixed-use masterplan project (hereinafter "masterplan project") and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2019090428. The project shall comply with all mitigation measures of the MMRP, which is attached to City Council Resolution No 2022-6790 and incorporated herein by this reference.

d. The project shall comply with all applicable conditions and requirements of the CDP adopted for the masterplan project by the City Council on December 13, 2023 by Ordinance No. 1094. The conditions contained herein are added to this ACP and the project is required to comply with the CDP and these conditions in totality.

e. The project shall comply with all applicable requirements of the Development Agreement (hereinafter "DA") adopted for the masterplan project by the City Council on December 13, 2023 by Ordinance No. 1095. The conditions contained herein are added to this ACP and the project is required to comply with the DA requirements and these conditions in totality.

f. All outstanding and applicable fees associated with the processing of this ACP shall be paid prior to the issuance of any building permit for the ACP.

g. Revisions to this ACP shall be processed by the City Community Development Department in accordance with Section 8.5 (Administrative Amendments of Project Approvals) of the Development Agreement.

h. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park and all applicable local, State, and Federal laws and regulations, unless the CDP or DA expressly state otherwise.

i. Prior to issuance of any building permit, the Applicant shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division that are directly applicable to the

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

project and the type of building permit issued, provide the requirements and conditions are consistent with the CDP and DA.

j. Prior to issuance of any foundation permit, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project and that are consistent with the CDP and DA.

k. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to Section 9.6 of the Development Agreement.

l. Developer is hereby notified, as required by Government Code §66020, that the approved plans, and the conditions of approval and ordinances governing fees and exactions in effect at the time the project is approved, constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90 day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.

Planning Division Conditions

m. No later than upon the submittal of any complete building permit application, the applicant shall submit an updated LEED Checklist ("Checklist"), subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP shall submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Gold certification for buildings greater than 25,000 square feet and LEED Silver for buildings between 10,000 and 25,000 square feet in size shall be required before issuance of the superstructure building permit. Each building shall be certified within one year of certificate of occupancy and documentation shall be provided to the Planning Division, per the requirements of CDP Condition 21.3.

n. During all phases of construction, potable water shall not be used for dust control.

o. Prior to final inspection, occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between ten (10) p.m. and sunrise, as required by Section 16.44.130(6)(C) of the Zoning Ordinance.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

p. During all phases of construction and after final inspection for the life of the project, rodenticides shall not be used on the property in accordance with Section 16.44.130(6)(G) of the Zoning Ordinance.

q. Simultaneous with the submittal of a complete building permit application, the Applicant shall comply with Item 13.5 (Public Open Space Access) of the CDP. Prior to issuance of the certificate of occupancy, the Applicant shall construct the publicly accessible open space for each ACP, subject to Exhibit F of the Development Agreement, and subject to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions. Further, the publicly accessible open space shall comply with the operating rules identified in Section 19 of the CDP.

Building Division Conditions

r. Detached structures require their own permit, have an occupancy category and are required to meet all Building Code requirements associated with their occupancy and location on the site.

s. Each complete building permit application shall include information on all imported fill. The imported fill must meet the City of Menlo Park's requirements. Documentation demonstrating that the fill meets the City's requirements must be submitted to and approved by the Building Official or their designee prior to fill being brought on site. Fill requirements are outlined in CBC appendix J section J107 as adopted in Menlo Park Municipal Code (MPMC) Section 12.06.020.

t. No later than upon the submittal of a complete building permit application for each building, and prior to issuance of the foundation permit, approved soil management plans and work plans by the agency with jurisdiction over any remediation work are required to be submitted to the City for reference purposes. Any excavation related to soils remediation shall require issuance of a building permit from the City. The applicant shall comply with the requirements of CDP Item 10.4 (Voluntary remediation work).

u. No later than upon the submittal of a complete building permit application and prior to issuance of the superstructure building permit, the project design shall incorporate dual plumbing for internal use of future recycled water, subject to review and approval of the Building Division.

v. No later than upon the submittal of each complete building permit application, the Applicant shall submit and get approval of a construction waste management plan per City's ordinance 12.18.010. The construction waste management plan is subject to approval by the Building Official or their designee.

w. Each complete building permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2019 CBC or the current CBC in effect at the time of submittal of a complete building permit application.

x. As part of each complete building permit application the project shall show that accessible routes comply with the requirements of 11B-402.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

y. As part of each complete building permit application, the project shall demonstrate compliance that all low-emitting, fuel efficient and/or carpool/van pool vehicle parking meet the Cal Green 5.106.5.2 requirements.

z. As part of each complete building permit application, the applicant shall include specific occupant loads and egress requirements for all courtyard and other outdoor use areas.

Engineering Division Conditions

aa. Prior to any building permit issuance, Applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the water mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.

bb. Prior to any building permit issuance, Applicant shall coordinate with West Bay Sanitary District to confirm the sanitary sewer mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, have sufficient capacity for the project.

cc. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.

dd. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:

i. Existing Topography (NAVD 88')
ii. Demolition Plan
iii. Site Plan (including easement dedications)
iv. Construction Parking Plan
v. Grading and Drainage Plan
vi. Utility Plan
vii. Erosion Control Plan / Tree Protection Plan
viii. Planting and Irrigation Plan
ix. Off-site Improvement Plan
x. Construction Details (including references to City Standards)

ee. During the design phase of the construction drawings, all potential utility conflicts shall be potholed and actual depths shall be recorded on the improvement plans, unless sufficiently documented on the as-built improvement plans constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.

ff. Simultaneous with the submittal of any building permit the applicant shall submit a Stormwater Management Plan. The project Stormwater Management Plan shall incorporate trash capture measures such as screens, filters or CDS/Vortex units to

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP). The Stormwater Management Plan shall be reviewed and approved by the Engineering Division prior to building permit issuance (grading and utilities phase).

gg. Simultaneous with the submittal of any complete building permit application, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

hh. All Public Works fees are due prior to issuance of any building permit. Refer to City of Menlo Park Master Fee Schedule.

ii. If existing utilities outside of the project site and utilities within the project site, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.

jj. If a tree protection plan is required pursuant to CDP Condition 12.18, prior to building permit issuance, a tree protection verification letter from the Project Arborist documenting that the required tree protection is installed consistent with the recommendations in the project arborist report. Documentation shall include, but is not limited to a site visit by the Project Arborist to verify that the protection measures are in compliance, documentation with photos, and summary letter, subject to review and approval of the City Arborist.

kk. If a tree preservation plan is required pursuant to CDP Condition 12.18, the Project Arborist shall conduct monthly tree protection inspections and monitoring. The Project Arborist shall monitor the condition of the trees, verify the tree protection measures are in compliance, provide recommendations for any necessary maintenance and impact reduction, and prepare and submit monthly reports for City Arborist review and acceptance.

ll. For construction activity resulting in a land disturbance of one acre or more, applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board under the Construction Activities Storm Water General Permit (General Permit). The NOI indicates the applicant's intent to comply with the San Mateo Countywide Stormwater Pollution Prevention Program, including a Stormwater Pollution Prevention Plan (SWPPP).

mm. Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans.

nn. Prior to construction, the applicant shall file and obtain a VOC and Fuel Discharge Permit with the San Francisco Bay Regional Water Quality Control Board as necessary for groundwater discharge. All groundwater discharge to the City storm

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

drain during construction shall be approved to the satisfaction of the Public Works Department prior to commencement of work. The City may request, at the behest of the Public Works Department, additional narratives, reports, or engineering plans to establish compliance with state and local regulations prior to approval. Similarly, any discharge to the City's Sanitary Sewer system shall be approved to the satisfaction of West Bay Sanitary District, with proof of acceptance, prior to commencement of work.

oo. Prior to final occupancy of any building, any frontage improvements which are damaged as a result of construction shall be required to be replaced.

pp. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.

2. The architectural control and use permit shall be subject to the following ***project-specific*** conditions:

a. The architectural control and use permit shall be valid after 15 days from the Planning Commission's approval (August 9, 2023), unless appealed to the City Council.

b. The use permit shall be valid for the term of the Development Agreement.

c. The Applicant shall document compliance with the Menlo Park Fire Protection District conditions and comments in its correction letter on the Planning Architectural Review, dated March 8, 2023, subject to review by the Building and Planning Division. The Applicant shall submit approval letters from the Menlo Park Fire Protection District for each building permit as applicable, prior to building permit issuance, subject to review by the Building Division. If compliance with the Fire District's access location and design requirements, or other Fire District requirements requires revisions to the approved architectural control and use permits, Planning Commission review of the revisions may be required as determined by the Community Development Director, utilizing Section 8 of the CDP.

Planning Division Conditions

d. Prior to the granting of the Certificate of Occupancy for the first building, the Applicant shall submit to the City a schedule for the documentation of compliance with the 100 percent renewable energy requirements and/or renewable energy off sets of Zoning Ordinance sections 16.45.130(2)(A) and 16.43.140(2)(A), per the requirements of CDP condition 13.15.

e. Subject to CDP section 4.13 and the Development Agreement, no later than twelve months after Certificate of Occupancy is granted, the Applicant shall submit calculations documenting the prorated/fair share water usage allocated to the building based on square footage, units, or hotel rooms. The maximum total potable water usage for the project site is 98 million gallons per year. The Applicant shall submit water allocation calculations to the City's Engineering Division and shall be reviewed and approved by the Public Works Director for compliance with the requirements of CD condition 13.1.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

f. Once construction has commenced, the applicant shall diligently pursue the project's construction through to completion, and, if at any point after building permits have been issued, the applicant abandons construction and the building permits expire, the applicant shall demolish the uncompleted portions of the project covered by the building permit(s) and restore the site to rough grade condition and/or shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

g. If the applicant leaves any work of construction in an unfinished state for more than seven (7) consecutive days, applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Building and Engineering Divisions.

h. If the applicant leaves any work of construction in an unfinished state for more than one hundred and twenty (120) consecutive days, applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

i. Utility equipment shall meet the requirements of Chapter 16.44.120(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping, subject to review and approval of the Planning, Engineering, and Building Divisions.

j. The ACP shall comply with requirements of Section 11 (Bird Safe Design) of the CDP and shall document compliance, as necessary, concurrent with the submittal of a complete building permit application, subject to review and approval by the Planning Division.

Transportation Division Conditions

k. All public right-of-way improvements, including frontage and intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy. Required intersection improvements shall be completed per the requirements of CDP section 14. The Applicant shall notify the Transportation Division prior to commencing design for each intersection, to avoid duplicating efforts started by the City and/or other development projects.

l. Prior to issuance of the first building permit, the applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the Transportation, Engineering, Planning, and Building Divisions. The applicant shall secure adequate parking for any and all construction trades, until the parking podium is available on the project site. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The plan shall include construction phasing and anticipated method of traffic handling for each phase.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

The existing sidewalk and bike lanes or an acceptable pedestrian and bicycle pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.

DRAFT

PLANNING COMMISSION RESOLUTION NO._____

DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL AND USE PERMIT TO MODIFY DESIGN STANDARDS FOR THE WILLOW VILLAGE PARCEL 6 RESIDENTIAL BUILDING

WHEREAS, the City of Menlo Park ("City") certified an Environmental Impact Report ("EIR") and approved an application requesting an amendment to the General Plan Circulation Element ("General Plan"), zoning map amendment, rezoning certain properties to add a Conditional Development ("X") Combining District, a conditional development permit ("CDP"), below market rate ("BMR") housing agreements, vesting tentative maps, and Development Agreement from Peninsula Innovation Partners, LLC ("Applicant"), to redevelop an approximately 59-acre industrial site (the "Main Project Site") plus three parcels (within two sites) west of Willow Road (the "Hamilton Parcels" and collectively, with the Main Project Site, the "Project Site") with a bonus level development project consisting of up to 1.6 million square feet of office and accessory uses (a maximum of 1,250,000 square feet for office uses and the balance accessory uses), up to 1,730 multifamily dwelling units, up to 200,000 square feet of retail uses, an up to 193-room hotel, and associated open space and infrastructure ("Master Plan"); and

WHEREAS, Section 2.1.3 of the CDP requires the Applicant to submit architectural Control Plans ("ACP") for each individual project within the Main Project Site, subject to review and approval by the Planning Commission, prior to issuance of building permit for each building; and

WHEREAS, the applicant submitted an ACP for Parcel 6, containing a residential development with 178 dwelling units, including 19 BMR units with approximately 208,152 square feet of gross floor area; and

WHEREAS, the ACP has been reviewed by the Planning Division and found to be in compliance with the approved CDP, Master Plan, and applicable zoning standards, with the exception of certain modifications to design standards of the Office zoning district; and

WHEREAS, the zoning ordinance allows for modifications to the design standards, subject to use permit approval by the Planning Commission; and

WHEREAS, the applicant has submitted a request for a use permit to modify minor modulation requirements on the west elevation; and

WHEREAS, the requested modifications were generally included in the preliminary designs of the ACPs and within the Master Plan project plans, previously reviewed by the

Planning Commission and City Council during the development of the Master Plan and CDP; and

WHEREAS, the ACP and the use permit collectively constitute the "Project"; and

WHEREAS, the Project is consistent with the certified EIR for the Willow Village Master Plan Project; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on July 24, 2023, at which all persons interested had the opportunity to appear and comment; and

WHEREAS, after closing the public hearing, the Planning Commission considered all public and written comments, pertinent information, documents and plans and all other evidence in the public record on the Project; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission finds that the above recitals together with the staff report and the application materials, including without limitation, all documents, reports, studies, memoranda, maps, oral and written testimony, and materials in the City's file for the applications and the Project, and all adopted and applicable City planning documents related to the Project and the Project Site and all associated approved or certified environmental documents, have together served as an adequate and appropriate evidentiary basis for the actions set forth in this resolution.

BE IT FURTHER RESOLVED that the Planning Commission makes the following findings:

1. *Architectural Control*. The approval of the Parcel 6 ACP is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

    a. That the general appearance of the structure is in keeping with the character of the neighborhood; in that, the Project is designed in a contemporary architectural style consistent with modern residential development designs, and in the general character of other residential developments in the Bayfront area and is generally consistent with the Master Plan.

    b. That the development will not be detrimental to the harmonious and orderly growth of the City; in that, the Project is consistent with the Master Plan which was reviewed and approved by the City Council. The approvals included a Development Agreement and Conditional Development Permit that approved a phased development of the overall Project Site in order to allow for the orderly growth of the Bayfront area.

    c. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the Project would create a new housing opportunity, including housing units offered at below market rates. The proposed materials and colors used will be compatible with other

developments in the surrounding Bayfront area, and would be consistent with the design standards of the Residential Mixed Use zoning district and approved modifications to the Residential Mixed Use zoning district design standards included in the CDP and the use permit request as part of the ACP.

d. That the development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking; in that the Project would include a ground-level parking garage integrated into the building, containing approximately 217 parking spaces, with 179 parking spaces designated for the residents of Parcel 6.

e. That the development is consistent with any applicable specific plan; in that, the Project is not located within a specific plan area. However, the Project is located within the Willow Village Project Site and is compliant with the approved CDP and Master Plan.

2. *Use permits to modify minor modulation requirements on the west elevation*. That the establishment, maintenance, or operation of the use applied for will not, under the circumstance of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of such proposed use, or injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because:

   a. Generally, the proposed modifications to the Residential Mixed Use district design standards are intended to clarify previously-identified modifications from the Master Plan and preliminary ACP plan sets that were not incorporated into the approved design modifications in the CDP.

   b. The building would include recessed balconies with guardrails that are flush with the building façade at the first and second levels. The first two levels of the structure are necessary to create a strong base to support the design of the upper levels. Although the recessed balconies would not meet the strict definition of a minor modulation, the recessed nature would reduce the perception of mass on the first two floors. The proposed design is consistent with the approved Master Plan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

Based on the above findings, the Planning Commission approves the Project, inclusive of the architectural control and use permit components.

SEVERABILITY

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

I, Corinna Sandmeier, Principal Planner and Planning Commission Liaison of Menlo Park, do hereby certify that the above and foregoing Planning Commission Resolution was duly and regularly

passed and adopted at a meeting by said Planning Commission on the ____day of July, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of July, 2023.

Corinna Sandmeier
Principal Planner
City of Menlo Park

Exhibits

A. Office Campus ACP Project Plans (see Attachment P of the July 24, 2023 staff report)
B. Use Permit Request Letter (see Attachment Q of the July 24, 2023 staff report)
C. Conditions of Approval

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

1. The architectural control permit and use permit for Parcel 6 associated with the Willow Village mixed-use masterplan shall be subject to the following ***standard*** conditions:

General Conditions

a. Development of the Parcel 6 Architectural Control Plan (hereinafter the "ACP" or "project") shall be substantially in conformance with the project plans attached to the July 24, 2023 Planning Commission staff report as Exhibit C to Attachment B, and consisting of 74 plan sheets, dated May 2, 2023 (hereinafter the "Plans"). The Plans are incorporated by reference herein. The Plans may be modified by the conditions contained herein or as permitted by the Willow Village mixed-use masterplan conditional development permit (hereinafter the "CDP") subject to review and approval of the Community Development Director or their designee.

b. Development of the project shall further be substantially in conformance with the Willow Village mixed-use masterplan plan set (hereinafter "the masterplan plans") dated October 19, 2022 and approved by the City Council on December 6, 2022 and December 13, 2022.

c. The project shall be subject to the California Environmental Quality Act Environmental Impact Report prepared for and certified for the Willow Village mixed-use masterplan project (hereinafter "masterplan project") and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2019090428. The project shall comply with all mitigation measures of the MMRP, which is attached to City Council Resolution No 2022-6790 and incorporated herein by this reference.

d. The project shall comply with all applicable conditions and requirements of the CDP adopted for the masterplan project by the City Council on December 13, 2023 by Ordinance No. 1094. The conditions contained herein are added to this ACP and the project is required to comply with the CDP and these conditions in totality.

e. The project shall comply with all applicable requirements of the Development Agreement (hereinafter "DA") adopted for the masterplan project by the City Council on December 13, 2023 by Ordinance No. 1095. The conditions contained herein are added to this ACP and the project is required to comply with the DA requirements and these conditions in totality.

f. All outstanding and applicable fees associated with the processing of this ACP shall be paid prior to the issuance of any building permit for the ACP.

g. Revisions to this ACP shall be processed by the City Community Development Department in accordance with Section 8.5 (Administrative Amendments of Project Approvals) of the Development Agreement.

h. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park and all applicable local, State, and Federal laws and regulations, unless the CDP or DA expressly state otherwise.

i. Prior to issuance of any building permit, the Applicant shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division that are directly applicable to the

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

project and the type of building permit issued, provide the requirements and conditions are consistent with the CDP and DA.

j. Prior to issuance of any foundation permit, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project and that are consistent with the CDP and DA.

k. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to Section 9.6 of the Development Agreement.

l. Developer is hereby notified, as required by Government Code §66020, that the approved plans, and the conditions of approval and ordinances governing fees and exactions in effect at the time the project is approved, constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90 day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.

Planning Division Conditions

m. No later than upon the submittal of any complete building permit application, the applicant shall submit an updated LEED Checklist ("Checklist"), subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP shall submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Gold certification for buildings greater than 25,000 square feet and LEED Silver for buildings between 10,000 and 25,000 square feet in size shall be required before issuance of the superstructure building permit. Each building shall be certified within one year of certificate of occupancy and documentation shall be provided to the Planning Division, per the requirements of CDP Condition 21.3.

n. During all phases of construction, potable water shall not be used for dust control.

o. Prior to final inspection, occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between ten (10) p.m. and sunrise, as required by Section 16.44.130(6)(C) of the Zoning Ordinance.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

p. During all phases of construction and after final inspection for the life of the project, rodenticides shall not be used on the property in accordance with Section 16.44.130(6)(G) of the Zoning Ordinance.

q. Simultaneous with the submittal of a complete building permit application, the Applicant shall comply with Item 13.5 (Public Open Space Access) of the CDP. Prior to issuance of the certificate of occupancy, the Applicant shall construct the publicly accessible open space for each ACP, subject to Exhibit F of the Development Agreement, and subject to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions. Further, the publicly accessible open space shall comply with the operating rules identified in Section 19 of the CDP.

r. Prior to issuance of the first building permit, the applicant shall record a below market rate (BMR) housing agreement for the Project. The BMR agreement shall be in compliance with the BMR requirements in the CDP and Development Agreement.

Building Division Conditions

s. Detached structures require their own permit, have an occupancy category and are required to meet all Building Code requirements associated with their occupancy and location on the site.

t. Each complete building permit application shall include information on all imported fill. The imported fill must meet the City of Menlo Park's requirements. Documentation demonstrating that the fill meets the City's requirements must be submitted to and approved by the Building Official or their designee prior to fill being brought on site. Fill requirements are outlined in CBC appendix J section J107 as adopted in Menlo Park Municipal Code (MPMC) Section 12.06.020.

u. No later than upon the submittal of a complete building permit application for each building, and prior to issuance of the foundation permit, approved soil management plans and work plans by the agency with jurisdiction over any remediation work are required to be submitted to the City for reference purposes. Any excavation related to soils remediation shall require issuance of a building permit from the City. The applicant shall comply with the requirements of CDP Item 10.4 (Voluntary remediation work).

v. No later than upon the submittal of a complete building permit application and prior to issuance of the superstructure building permit, the project design shall incorporate dual plumbing for internal use of future recycled water, subject to review and approval of the Building Division.

w. No later than upon the submittal of each complete building permit application, the Applicant shall submit and get approval of a construction waste management plan per City's ordinance 12.18.010. The construction waste management plan is subject to approval by the Building Official or their designee.

x. Each complete building permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2019 CBC

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

or the current CBC in effect at the time of submittal of a complete building permit application.

y. As part of each complete building permit application the project shall show that accessible routes comply with the requirements of 11B-402.

z. As part of each complete building permit application, the project shall demonstrate compliance that all low-emitting, fuel efficient and/or carpool/van pool vehicle parking meet the Cal Green 5.106.5.2 requirements.

aa. As part of each complete building permit application, the applicant shall include specific occupant loads and egress requirements for all courtyard and other outdoor use areas.

Engineering Division Conditions

bb. Prior to any building permit issuance, Applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the water mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.

cc. Prior to any building permit issuance, Applicant shall coordinate with West Bay Sanitary District to confirm the sanitary sewer mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, have sufficient capacity for the project.

dd. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.

ee. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:

i. Existing Topography (NAVD 88')
ii. Demolition Plan
iii. Site Plan (including easement dedications)
iv. Construction Parking Plan
v. Grading and Drainage Plan
vi. Utility Plan
vii. Erosion Control Plan / Tree Protection Plan
viii. Planting and Irrigation Plan
ix. Off-site Improvement Plan
x. Construction Details (including references to City Standards)

ff. During the design phase of the construction drawings, all potential utility conflicts shall be potholed and actual depths shall be recorded on the improvement plans, unless sufficiently documented on the as-built improvement plans constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

December 6, 2023 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.

gg. Simultaneous with the submittal of any building permit the applicant shall submit a Stormwater Management Plan. The project Stormwater Management Plan shall incorporate trash capture measures such as screens, filters or CDS/Vortex units to address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP). The Stormwater Management Plan shall be reviewed and approved by the Engineering Division prior to building permit issuance (grading and utilities phase).

hh. Simultaneous with the submittal of any complete building permit application, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

ii. All Public Works fees are due prior to issuance of any building permit. Refer to City of Menlo Park Master Fee Schedule.

jj. If existing utilities outside of the project site and utilities within the project site, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.

kk. If a tree protection plan is required pursuant to CDP Condition 12.18, prior to building permit issuance, a tree protection verification letter from the Project Arborist documenting that the required tree protection is installed consistent with the recommendations in the project arborist report. Documentation shall include, but is not limited to a site visit by the Project Arborist to verify that the protection measures are in compliance, documentation with photos, and summary letter, subject to review and approval of the City Arborist.

ll. If a tree preservation plan is required pursuant to CDP Condition 12.18, the Project Arborist shall conduct monthly tree protection inspections and monitoring. The Project Arborist shall monitor the condition of the trees, verify the tree protection measures are in compliance, provide recommendations for any necessary maintenance and impact reduction, and prepare and submit monthly reports for City Arborist review and acceptance.

mm. For construction activity resulting in a land disturbance of one acre or more, applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board under the Construction Activities Storm Water General Permit (General Permit). The NOI indicates the applicant's intent to comply with the San Mateo Countywide Stormwater Pollution Prevention Program, including a Stormwater Pollution Prevention Plan (SWPPP).

nn. Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans.

oo. Prior to construction, the applicant shall file and obtain a VOC and Fuel Discharge Permit with the San Francisco Bay Regional Water Quality Control Board as necessary for groundwater discharge. All groundwater discharge to the City storm drain during construction shall be approved to the satisfaction of the Public Works Department prior to commencement of work. The City may request, at the behest of the Public Works Department, additional narratives, reports, or engineering plans to establish compliance with state and local regulations prior to approval. Similarly, any discharge to the City's Sanitary Sewer system shall be approved to the satisfaction of West Bay Sanitary District, with proof of acceptance, prior to commencement of work.

pp. Prior to final occupancy of any building, any frontage improvements which are damaged as a result of construction shall be required to be replaced.

qq. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.

2. The architectural control and use permit shall be subject to the following ***project-specific*** conditions:

a. The architectural control and use permit shall be valid after 15 days from the Planning Commission's approval (August 9, 2023), unless appealed to the City Council.

b. The use permit shall be valid for the term of the Development Agreement.

c. The Applicant shall document compliance with the Menlo Park Fire Protection District conditions and comments in its correction letter on the Planning Architectural Review, dated March 8, 2023, subject to review by the Building and Planning Division. The Applicant shall submit approval letters from the Menlo Park Fire Protection District for each building permit as applicable, prior to building permit issuance, subject to review by the Building Division. If compliance with the Fire District's access location and design requirements, or other Fire District requirements requires revisions to the approved architectural control and use permits, Planning Commission review of the revisions may be required as determined by the Community Development Director, utilizing Section 8 of the CDP.

Planning Division Conditions

d. Prior to the granting of the Certificate of Occupancy for the first building, the Applicant shall submit to the City a schedule for the documentation of compliance with the 100 percent renewable energy requirements and/or renewable energy off sets of Zoning Ordinance sections 16.45.130(2)(A) and 16.43.140(2)(A), per the requirements of CDP condition 13.15.

e. Subject to CDP section 4.13 and the Development Agreement, no later than twelve months after Certificate of Occupancy is granted, the Applicant shall submit

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

calculations documenting the prorated/fair share water usage allocated to the building based on square footage, units, or hotel rooms. The maximum total potable water usage for the project site is 98 million gallons per year. The Applicant shall submit water allocation calculations to the City's Engineering Division and shall be reviewed and approved by the Public Works Director for compliance with the requirements of CD condition 13.1.

f. Once construction has commenced, the applicant shall diligently pursue the project's construction through to completion, and, if at any point after building permits have been issued, the applicant abandons construction and the building permits expire, the applicant shall demolish the uncompleted portions of the project covered by the building permit(s) and restore the site to rough grade condition and/or shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

g. If the applicant leaves any work of construction in an unfinished state for more than seven (7) consecutive days, applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Building and Engineering Divisions.

h. If the applicant leaves any work of construction in an unfinished state for more than one hundred and twenty (120) consecutive days, applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

i. Utility equipment shall meet the requirements of Chapter 16.44.120(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping, subject to review and approval of the Planning, Engineering, and Building Divisions.

j. The ACP shall comply with requirements of Section 11 (Bird Safe Design) of the CDP and shall document compliance, as necessary, concurrent with the submittal of a complete building permit application, subject to review and approval by the Planning Division.

Transportation Division Conditions

k. All public right-of-way improvements, including frontage and intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy. Required intersection improvements shall be completed per the requirements of CDP section 14. The Applicant shall notify the Transportation Division prior to commencing design for each intersection, to avoid duplicating efforts started by the City and/or other development projects.

l. Prior to issuance of the first building permit, the applicant shall submit plans for construction related parking management, construction staging, material storage

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the Transportation, Engineering, Planning, and Building Divisions. The applicant shall secure adequate parking for any and all construction trades, until the parking podium is available on the project site. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The existing sidewalk and bike lanes or an acceptable pedestrian and bicycle pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.

DRAFT

PLANNING COMMISSION RESOLUTION NO._____

DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL FOR THE WILLOW VILLAGE PARCEL 7 SENIOR BELOW MARKET RATE HOUSING BUILDING

WHEREAS, the City of Menlo Park ("City") certified an Environmental Impact Report ("EIR") and approved an application requesting an amendment to the General Plan Circulation Element ("General Plan"), zoning map amendment, rezoning certain properties to add a Conditional Development ("X") Combining District, a conditional development permit ("CDP"), below market rate ("BMR") housing agreements, vesting tentative maps, and Development Agreement from Peninsula Innovation Partners, LLC ("Applicant"), to redevelop an approximately 59-acre industrial site (the "Main Project Site") plus three parcels (within two sites) west of Willow Road (the "Hamilton Parcels" and collectively, with the Main Project Site, the "Project Site") with a bonus level development project consisting of up to 1.6 million square feet of office and accessory uses (a maximum of 1,250,000 square feet for office uses and the balance accessory uses), up to 1,730 multifamily dwelling units, up to 200,000 square feet of retail uses, an up to 193-room hotel, and associated open space and infrastructure ("Master Plan"); and

WHEREAS, Section 2.1.3 of the CDP requires the Applicant to submit architectural Control Plans ("ACP") for each individual project within the Main Project Site, subject to review and approval by the Planning Commission, prior to issuance of building permit for each building; and

WHEREAS, the applicant submitted an ACP for Parcel 7, containing a residential development with 120 dwelling units, including 119 senior BMR units with approximately 85,430 square feet of gross floor area; and

WHEREAS, the ACP has been reviewed by the Planning Division and found to be in compliance with the approved CDP, Master Plan, and applicable zoning standards; and

WHEREAS, the ACP constitutes the "Project"; and

WHEREAS, the Project is consistent with the certified EIR for the Willow Village Master Plan Project; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on July 24, 2023, at which all persons interested had the opportunity to appear and comment; and

WHEREAS, after closing the public hearing, the Planning Commission considered all public and written comments, pertinent information, documents and plans and all other evidence in the public record on the Project; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission finds that the above recitals together with the staff report and the application materials, including without limitation, all documents, reports, studies, memoranda, maps, oral and written testimony, and materials in the City's file for the applications and the Project, and all adopted and applicable City planning documents related to the Project and the Project Site and all associated approved or certified environmental documents, have together served as an adequate and appropriate evidentiary basis for the actions set forth in this resolution.

BE IT FURTHER RESOLVED that the Planning Commission makes the following findings:

1. *Architectural Control*. The approval of the Parcel 7 ACP is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

    a. That the general appearance of the structure is in keeping with the character of the neighborhood; in that, the Project is designed in a contemporary architectural style consistent with modern residential development designs, and in the general character of other residential developments in the Bayfront area and is generally consistent with the Master Plan.

    b. That the development will not be detrimental to the harmonious and orderly growth of the City; in that, the Project is consistent with the Master Plan which was reviewed and approved by the City Council. The approvals included a Development Agreement and Conditional Development Permit that approved a phased development of the overall Project Site in order to allow for the orderly growth of the Bayfront area.

    c. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the Project would create a new housing opportunity at below market rates for senior residents. The proposed materials and colors used will be compatible with other developments in the surrounding Bayfront area, and would be consistent with the design standards of the Residential Mixed Use zoning district and approved modifications to the Residential Mixed Use zoning district design standards included in the CDP.

    d. That the development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking; in that the Project would include a ground-level parking garage integrated into the building, containing approximately 22 parking spaces. An additional 38 parking spaces would be available for residents of Parcel 7 in the Parcel 6 garage. The 60 total parking spaces would be compliant with the Parcel 7 parking requirements included in the CDP.

e. That the development is consistent with any applicable specific plan; in that, the Project is not located within a specific plan area. However, the Project is located within the Willow Village Project Site and is compliant with the approved CDP and Master Plan.

Based on the above findings, the Planning Commission approves the Project, inclusive of the architectural control and use permit components.

SEVERABILITY

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

I, Corinna Sandmeier, Principal Planner and Planning Commission Liaison of Menlo Park, do hereby certify that the above and foregoing Planning Commission Resolution was duly and regularly passed and adopted at a meeting by said Planning Commission on the ____day of July, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of July, 2023.

Corinna Sandmeier
Principal Planner
City of Menlo Park

Exhibits

A. Office Campus ACP Project Plans (see Attachment R of the July 24, 2023 staff report)
B. Conditions of Approval

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

1. The architectural control permit for Parcel 7 associated with the Willow Village mixed-use masterplan shall be subject to the following ***standard*** conditions:

General Conditions

a. Development of the Parcel 7 Architectural Control Package (hereinafter the "ACP" or "project") shall be substantially in conformance with the project plans attached to the July 24, 2023 Planning Commission staff report as Exhibit C to Attachment B, and consisting of 66 plan sheets, dated May 2, 2023 (hereinafter the "Plans"). The Plans are incorporated by reference herein. The Plans may be modified by the conditions contained herein or as permitted by the Willow Village mixed-use masterplan conditional development permit (hereinafter the "CDP") subject to review and approval of the Community Development Director or their designee.

b. Development of the project shall further be substantially in conformance with the Willow Village mixed-use masterplan plan set (hereinafter "the masterplan plans") dated October 19, 2022 and approved by the City Council on December 6, 2022 and December 13, 2022.

c. The project shall be subject to the California Environmental Quality Act Environmental Impact Report prepared for and certified for the Willow Village mixed-use masterplan project (hereinafter "masterplan project") and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2019090428. The project shall comply with all mitigation measures of the MMRP, which is attached to City Council Resolution No 2022-6790 and incorporated herein by this reference.

d. The project shall comply with all applicable conditions and requirements of the CDP adopted for the masterplan project by the City Council on December 13, 2023 by Ordinance No. 1094. The conditions contained herein are added to this ACP and the project is required to comply with the CDP and these conditions in totality.

e. The project shall comply with all applicable requirements of the Development Agreement (hereinafter "DA") adopted for the masterplan project by the City Council on December 13, 2023 by Ordinance No. 1095. The conditions contained herein are added to this ACP and the project is required to comply with the DA requirements and these conditions in totality.

f. All outstanding and applicable fees associated with the processing of this ACP shall be paid prior to the issuance of any building permit for the ACP.

g. Revisions to this ACP shall be processed by the City Community Development Department in accordance with Section 8.5 (Administrative Amendments of Project Approvals) of the Development Agreement.

h. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park and all applicable local, State, and Federal laws and regulations, unless the CDP or DA expressly state otherwise.

i. Prior to issuance of any building permit, the Applicant shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division that are directly applicable to the

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

project and the type of building permit issued, provide the requirements and conditions are consistent with the CDP and DA.

j. Prior to issuance of any foundation permit, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project and that are consistent with the CDP and DA.

k. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to Section 9.6 of the Development Agreement.

l. Developer is hereby notified, as required by Government Code §66020, that the approved plans, and the conditions of approval and ordinances governing fees and exactions in effect at the time the project is approved, constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90 day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.

Planning Division Conditions

m. No later than upon the submittal of any complete building permit application, the applicant shall submit an updated LEED Checklist ("Checklist"), subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP shall submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Gold certification for buildings greater than 25,000 square feet and LEED Silver for buildings between 10,000 and 25,000 square feet in size shall be required before issuance of the superstructure building permit. Each building shall be certified within one year of certificate of occupancy and documentation shall be provided to the Planning Division, per the requirements of CDP Condition 21.3.

n. During all phases of construction, potable water shall not be used for dust control.

o. Prior to final inspection, occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between ten (10) p.m. and sunrise, as required by Section 16.44.130(6)(C) of the Zoning Ordinance.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

p. During all phases of construction and after final inspection for the life of the project, rodenticides shall not be used on the property in accordance with Section 16.44.130(6)(G) of the Zoning Ordinance.

q. Simultaneous with the submittal of a complete building permit application, the Applicant shall comply with Item 13.5 (Public Open Space Access) of the CDP. Prior to issuance of the certificate of occupancy, the Applicant shall construct the publicly accessible open space for each ACP, subject to Exhibit F of the Development Agreement, and subject to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions. Further, the publicly accessible open space shall comply with the operating rules identified in Section 19 of the CDP.

r. Prior to issuance of the first building permit, the applicant shall record a below market rate (BMR) housing agreement for the Project. The BMR agreement shall be in compliance with the BMR requirements in the CDP and Development Agreement.

Building Division Conditions

s. Detached structures require their own permit, have an occupancy category and are required to meet all Building Code requirements associated with their occupancy and location on the site.

t. Each complete building permit application shall include information on all imported fill. The imported fill must meet the City of Menlo Park's requirements. Documentation demonstrating that the fill meets the City's requirements must be submitted to and approved by the Building Official or their designee prior to fill being brought on site. Fill requirements are outlined in CBC appendix J section J107 as adopted in Menlo Park Municipal Code (MPMC) Section 12.06.020.

u. No later than upon the submittal of a complete building permit application for each building, and prior to issuance of the foundation permit, approved soil management plans and work plans by the agency with jurisdiction over any remediation work are required to be submitted to the City for reference purposes. Any excavation related to soils remediation shall require issuance of a building permit from the City. The applicant shall comply with the requirements of CDP Item 10.4 (Voluntary remediation work).

v. No later than upon the submittal of a complete building permit application and prior to issuance of the superstructure building permit, the project design shall incorporate dual plumbing for internal use of future recycled water, subject to review and approval of the Building Division.

w. No later than upon the submittal of each complete building permit application, the Applicant shall submit and get approval of a construction waste management plan per City's ordinance 12.18.010. The construction waste management plan is subject to approval by the Building Official or their designee.

x. Each complete building permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2019 CBC

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

or the current CBC in effect at the time of submittal of a complete building permit application.

y. As part of each complete building permit application the project shall show that accessible routes comply with the requirements of 11B-402.

z. As part of each complete building permit application, the project shall demonstrate compliance that all low-emitting, fuel efficient and/or carpool/van pool vehicle parking meet the Cal Green 5.106.5.2 requirements.

aa. As part of each complete building permit application, the applicant shall include specific occupant loads and egress requirements for all courtyard and other outdoor use areas.

Engineering Division Conditions

bb. Prior to any building permit issuance, Applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the water mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.

cc. Prior to any building permit issuance, Applicant shall coordinate with West Bay Sanitary District to confirm the sanitary sewer mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, have sufficient capacity for the project.

dd. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.

ee. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:

i. Existing Topography (NAVD 88')
ii. Demolition Plan
iii. Site Plan (including easement dedications)
iv. Construction Parking Plan
v. Grading and Drainage Plan
vi. Utility Plan
vii. Erosion Control Plan / Tree Protection Plan
viii. Planting and Irrigation Plan
ix. Off-site Improvement Plan
x. Construction Details (including references to City Standards)

ff. During the design phase of the construction drawings, all potential utility conflicts shall be potholed and actual depths shall be recorded on the improvement plans, unless sufficiently documented on the as-built improvement plans constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

December 6, 2023 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.

gg. Simultaneous with the submittal of any building permit the applicant shall submit a Stormwater Management Plan. The project Stormwater Management Plan shall incorporate trash capture measures such as screens, filters or CDS/Vortex units to address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP). The Stormwater Management Plan shall be reviewed and approved by the Engineering Division prior to building permit issuance (grading and utilities phase).

hh. Simultaneous with the submittal of any complete building permit application, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

ii. All Public Works fees are due prior to issuance of any building permit. Refer to City of Menlo Park Master Fee Schedule.

jj. If existing utilities outside of the project site and utilities within the project site, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2023 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.

kk. If a tree protection plan is required pursuant to CDP Condition 12.18, prior to building permit issuance, a tree protection verification letter from the Project Arborist documenting that the required tree protection is installed consistent with the recommendations in the project arborist report. Documentation shall include, but is not limited to a site visit by the Project Arborist to verify that the protection measures are in compliance, documentation with photos, and summary letter, subject to review and approval of the City Arborist.

ll. If a tree preservation plan is required pursuant to CDP Condition 12.18, the Project Arborist shall conduct monthly tree protection inspections and monitoring. The Project Arborist shall monitor the condition of the trees, verify the tree protection measures are in compliance, provide recommendations for any necessary maintenance and impact reduction, and prepare and submit monthly reports for City Arborist review and acceptance.

mm. For construction activity resulting in a land disturbance of one acre or more, applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board under the Construction Activities Storm Water General Permit (General Permit). The NOI indicates the applicant's intent to comply with the San Mateo Countywide Stormwater Pollution Prevention Program, including a Stormwater Pollution Prevention Plan (SWPPP).

nn. Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans.

oo. Prior to construction, the applicant shall file and obtain a VOC and Fuel Discharge Permit with the San Francisco Bay Regional Water Quality Control Board as necessary for groundwater discharge. All groundwater discharge to the City storm drain during construction shall be approved to the satisfaction of the Public Works Department prior to commencement of work. The City may request, at the behest of the Public Works Department, additional narratives, reports, or engineering plans to establish compliance with state and local regulations prior to approval. Similarly, any discharge to the City's Sanitary Sewer system shall be approved to the satisfaction of West Bay Sanitary District, with proof of acceptance, prior to commencement of work.

pp. Prior to final occupancy of any building, any frontage improvements which are damaged as a result of construction shall be required to be replaced.

qq. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.

2. The architectural control shall be subject to the following ***project-specific*** conditions:

a. The architectural control and use permit shall be valid after 15 days from the Planning Commission's approval (August 9, 2023), unless appealed to the City Council.

b. The Applicant shall document compliance with the Menlo Park Fire Protection District conditions and comments in its correction letter on the Planning Architectural Review, dated March 8, 2023, subject to review by the Building and Planning Division. The Applicant shall submit approval letters from the Menlo Park Fire Protection District for each building permit as applicable, prior to building permit issuance, subject to review by the Building Division. If compliance with the Fire District's access location and design requirements, or other Fire District requirements requires revisions to the approved architectural control and use permits, Planning Commission review of the revisions may be required as determined by the Community Development Director, utilizing Section 8 of the CDP.

Planning Division Conditions

c. Prior to the granting of the Certificate of Occupancy for the first building, the Applicant shall submit to the City a schedule for the documentation of compliance with the 100 percent renewable energy requirements and/or renewable energy off sets of Zoning Ordinance sections 16.45.130(2)(A) and 16.43.140(2)(A), per the requirements of CDP condition 13.15.

d. Subject to CDP section 4.13 and the Development Agreement, no later than twelve months after Certificate of Occupancy is granted, the Applicant shall submit calculations documenting the prorated/fair share water usage allocated to the building based on square footage, units, or hotel rooms. The maximum total potable water usage for the project site is 98 million gallons per year. The

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

Applicant shall submit water allocation calculations to the City's Engineering Division and shall be reviewed and approved by the Public Works Director for compliance with the requirements of CD condition 13.1.

e. Once construction has commenced, the applicant shall diligently pursue the project's construction through to completion, and, if at any point after building permits have been issued, the applicant abandons construction and the building permits expire, the applicant shall demolish the uncompleted portions of the project covered by the building permit(s) and restore the site to rough grade condition and/or shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

f. If the applicant leaves any work of construction in an unfinished state for more than seven (7) consecutive days, applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Building and Engineering Divisions.

g. If the applicant leaves any work of construction in an unfinished state for more than one hundred and twenty (120) consecutive days, applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

h. Utility equipment shall meet the requirements of Chapter 16.44.120(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping, subject to review and approval of the Planning, Engineering, and Building Divisions.

i. The ACP shall comply with requirements of Section 11 (Bird Safe Design) of the CDP and shall document compliance, as necessary, concurrent with the submittal of a complete building permit application, subject to review and approval by the Planning Division.

Transportation Division Conditions

j. All public right-of-way improvements, including frontage and intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy. Required intersection improvements shall be completed per the requirements of CDP section 14. The Applicant shall notify the Transportation Division prior to commencing design for each intersection, to avoid duplicating efforts started by the City and/or other development projects.

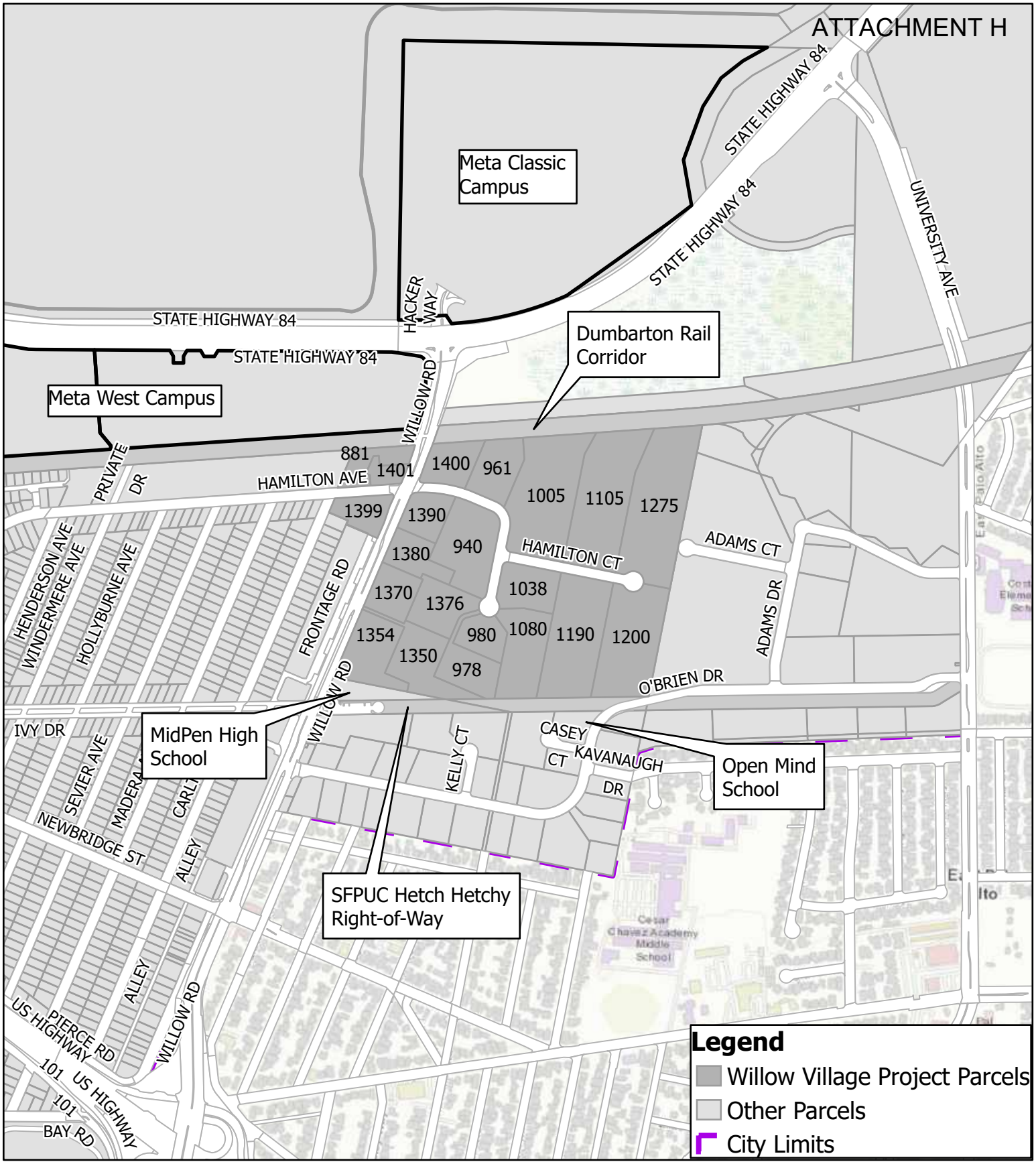
k. Prior to issuance of the first building permit, the applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the Transportation, Engineering, Planning, and Building Divisions. The applicant shall

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

secure adequate parking for any and all construction trades, until the parking podium is available on the project site. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The existing sidewalk and bike lanes or an acceptable pedestrian and bicycle pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.

Willow Village mixed-use masterplan project meetings and milestones	
Milestone	**Date**
Project submittal	July 2017
Planning Commission study session	February 2018
City Council study session	March 2018
Revised project submitted with current land uses and site plan	February 2019
Notice of Preparation for EIR released	September 18, 2019
Planning Commission EIR scoping session and study session	October 7, 2019
City Council review and confirmation on EIR scope and content	December 16, 2019
Draft EIR released for public review and comment	April 8, 2022
Planning Commission Draft EIR public hearing and study session	April 25, 2022
City Council study session on community amenities proposal	May 24, 2022
Complete Streets Commission review and recommendation on General Plan Circulation and Zoning Map amendments	June 8, 2022
Housing Commission review and recommendation on BMR proposal	August 3, 2022
City Council study session on community amenities proposal updates	August 23, 2022
Complete Streets Commission informational item on site circulation updates	September 14, 2022
Planning Commission review and recommendation on EIR and land use entitlements	October 24, 2022
Planning Commission continuation of review and recommendation on EIR and land use entitlements with modifications	November 3, 2022
City Council review and consideration of Planning Commission recommendation and City Council initial actions (Held hearing, discussed project, continued action to future date)	November 15, 2022
City Council review and consideration of Planning Commission recommendation, including project updates from November 15 City Council discussion (Adopted resolutions and introduced ordinances)	December 6, 2022
City Council ordinance adoption (Waived second reading and adopted ordinances for CDP, DA, rezoning)	December 13, 2022
Planning Commission adoption of architectural control plans (ACPs) and use permits for Office Campus buildings, Meeting and Collaboration Space buildings, Town Square open space and buildings, and Parcel 2 mixed-use residential building.	June 26, 2023



CITY OF MENLO PARK

LOCATION MAP

WILLOW VILLAGE

Scale: 1:9,000 Drawn By: KTP Checked By: CDS Date: 10/24/2022

N

LEGEND	
1	Town Square
2	Grocery Store on Ground Level
3	Publicly Accessible Park
4	Publicly Accessible Dog Park
5	Elevated Park Access (Elevator and Stairs)
6	Elevated Park
7	Hotel
8	Mixed-Use Block
9	Residential Block
10a	Office Campus
10b	Meeting & Collaboration Space
11	Parking Garage with Transit Hub on Ground Level
12	Proposed Multi-use Pathway
13	Willow Road Tunnel
14	Realigned Hamilton Avenue
15	Hamilton Avenue Parcel North
16	Hamilton Avenue Parcel South
Note: Willow Road improvements are subject to Caltrans approval.	

Willow Village

Active Compliance Table

ATTACHMENT M

7/20/2023

(NOTE: Formulas are not populated in this version)

Master Plan Compliance

			Retail GFA			Shared Parking	Public Park/Off-street Parking			Fossil Fuel Usage (kwh/yr)	Solar PV Generation (kwh/yr)	Heritage Tree Replacement Value	
CDP Standard			200,000			1052-1080 spaces	38 spaces					$3,448,500	
												ACP	Permit
Public Realm												$1,579,000*	

R-MU Compliance

	Units		GFA		Retail GFA		Avg Height (ft)		Parking		Shared Parking		Public Park/Off-street Parking		Minimim Publicly Accessible Open Space (SF)		Minimum Private Open Space (SF)		Fossil Fuel Usage (kwh/yr)		Solar PV Generation (kwh/yr)		Heritage Tree Replacement Value	
CDP Standard	1,730		1,695,976		see Master Plan above		62.5		1670-1695 spaces		see Master Plan above		see Master Plan above		160,000		210,000						see Master Plan above	
	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit
Parcel 2	328		316,740		46,768		60.82		332		300						51,261		542,052		100,000		$105,000	
Parcel 3																								
Parcel 4																								
Parcel 5																								
Parcel 6	178		208,152		0		61.90		179.00						0		22,569				56,000		$98,000	
Parcel 7	120		85,430		0		54.05		38.00						0		12,760				21,500		$80,000	
Park Restroom	N/A	N/A			N/A	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Pump Station	N/A	N/A			N/A	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Community Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A							N/A	N/A	N/A	N/A		
Dog Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A					N/A	N/A	N/A	N/A	N/A	
R-MU Subtotals	626		610,322		46,768				549		300						86,590		542,052		177,500		$283,000	

Office Compliance

	Units		GFA		Retail GFA		Avg Height (ft)		Parking		Shared Parking		Public Park/Off-street Parking		Minimim Publicly Accessible Open Space (SF)		Minimum Private Open Space (SF)		Fossil Fuel Usage (kwh/yr)		Solar PV Generation (kwh/yr)		Heritage Tree Replacement Value	
CDP Standard	N/A		1,772,000		see Master Plan above		70		3200-3700 spaces		see Master Plan above		see Master Plan above		200,000		287,000						see Master Plan above	
	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit
Hotel			113,590		23,213		58.90		0		168		0.00		0.00		24267.00				80,000		$40,000	
Town Square					4,778		34.48				267				52,408		9,621				-		$300,000	
MCS - O7			448,807				59.8		11						76,345		25,668				24,000		$425,000	
Office - O1			133,055				59.3														176,000			
Office - O2			159,634		6,679		81.1														240,000			
Office - O3			208,229		8,555		79.6														416,000			
Office - O4			168,466		14,807		67.6														160,000			
Office - O5			236,331				81.4										245,916				352,000		$2,722,200	
Office - O6			214,336				74.4														352,000			
Office - SP1			1,905																					
Office - NG			3,570				81.6		2,006												960,000			
Office - SG			1,106				25.9		1,298												720,000			
Office Subtotals			1,689,029		58,032				3,315						128,753		305,472				3,480,000		$3,487,200	

*The public realm heritage tree replacement value reflects tree replacements planted as part of the backbone infrastructure (on-site public and private improvement plans) and staff will review compliance through the on-site infrastructure plans

PARCEL 1 – HOTEL
WILLOW VILLAGE REQUESTED USE PERMITS

The following details the requested 'use permits' to allow modifications from the Zoning Ordinance in order to achieve the proposed building architecture.

Use Permit #1: Modification to the 10-ft Minimum Interior Setback

The current design proposes a 9'-4 ¾" wide minimum setback along portions of the Hotel Service Road where a 10'-0" minimum setback is required. The requested use permit is necessary to allow a dedicated pull-over lane for short term loading and unloading by service vehicles accessing the Hotel Loading dock while not obstructing through traffic between Willow Rd. and West St.

Use Permit #2: Modification to the Easement Setback

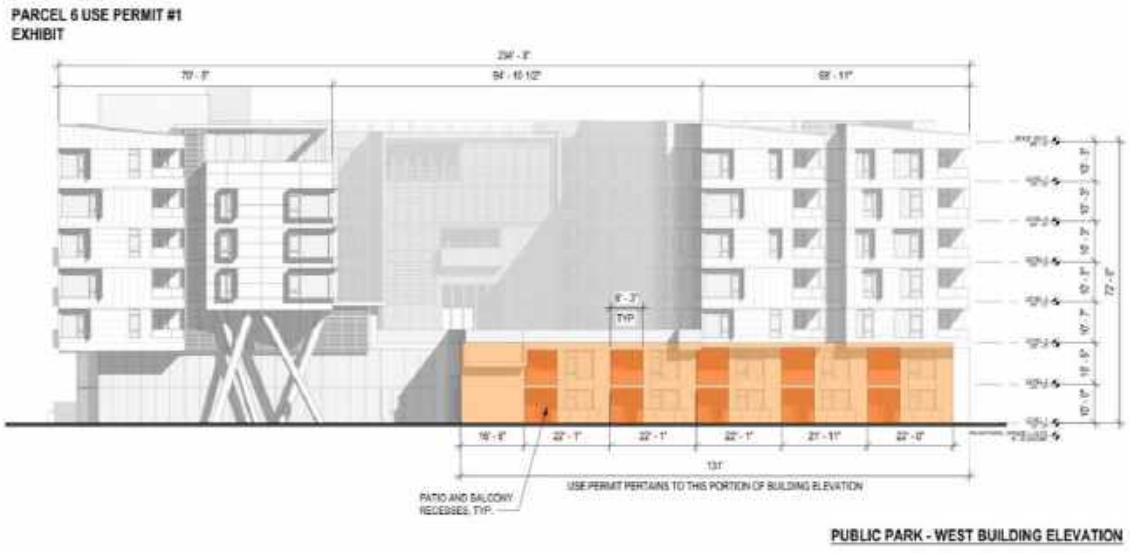
The current design proposes a building projection that extends 7'-3" over the Public Easement along West St, (17'-3" beyond the minimum setback of 10'-0") with 4 supporting columns within the minimum setback where a projection of 8'-0" beyond the minimum setback is allowed by Approved Modification #6. The requested use permit is necessary to provide adequate sun and weather protection as well as a visual signal of arrival for guests arriving and leaving by car.

PARCEL 6
WILLOW VILLAGE REQUESTED USE PERMIT

The following details the requested 'use permit' to allow modifications from the Zoning Ordinance in order to achieve the proposed building architecture.

Use Permit #1: Modify Modulation Requirements on Public Park Elevation.

At levels 1 and 2 of the southernmost +/- 131' feet of the building's west elevation, the building design proposes 5'-deep recessed balconies and patios spaced approximately 22' apart instead of 5'-deep open recess spaced a maximum of 50' apart as required by 16.45.120(2). The massing below the podium (levels 1 and 2) differs in order to create a strong base condition that anchors the flanking building volumes above and expresses the podium levels' different program and construction. The requested use permit is necessary to maintain the integrity of the design.



BMR COMPLIANCE TABLE

	30% AMI	50% AMI	80% AMI	120% AMI	TOTAL CHECK	Per BMR Agreement
Per BMR Agreement	**82**	**37**	**76**	**117**		**312**
Parcel 2						34
Parcel 3						43
Parcel 4						62
Parcel 5						34
Parcel 6						20
Parcel 7						119
TOTAL CHECK	**0**	**0**	**0**	**0**		**312**

SIGNATURE DEVELOPMENT GROUP

MEMORANDUM

To: Kyle Perata, City of Menlo Park

From: Faye Brandin, Signature Development Group

Subject: Willow Village 100% Renewable Energy Memo

Date: March 14, 2023

Dear Kyle:

This is a memorandum is an update to the previous 100% Renewable Energy Memo dated March 29, 2022. This memo outlines the applicant's proposed method of meeting both the REACH code and zoning ordinance requirements as it relates to on-site renewable energy and 100% renewable energy.

On-site Renewable Energy

The City of Menlo Park Municipal code (Menlo Park Municipal Code amendments to Title 24 Section 110.10) is an enhancement to the baseline requirements of Title 24-2019 and requires that new construction projects of 10,000 sf or more include on-site energy Solar PV or Solar Thermal. The applicant expects to meet the requirement with on-site Solar PV sized as follows*:

Building ID	**Solar PV System (kW)**	**Estimated Energy Production (kWh/yr)**	**Location of PV System**
RS2 (Mixed Use)	62	100,000	RS2 Roof
RS3 (Mixed Use)	57	92,000	RS3 Roof
RS4 (Mixed Use)	64	103,000	RS4 Roof
RS5 (Mixed Use)	34	55,000	RS5 Roof
RS6 (Mixed Use)	35	56,000	RS6 Roof
RS7 (Mixed Use	13	21,500	RS7 Roof
TS1 (Hotel)	50	80,000	TS 1 Roof
O1 (Office)	110	176,000	O1 Roof
O2 (Office)	150	240,000	O2 Roof
O3 (Office)	260	416,000	O3 Roof
O4/TS3 (Office)	100	160,000	O4 Roof
O5 (Office)	220	352,000	O5 Roof
O6 (Office)	220	352,000	O6 Roof
O7 (Office)	15	24,000	O7 Roof
North Garage	600	960,000	NG Roof
South Garage	450	720,000	SG Roof
TOTAL	**2,440**	**3,907,500**	

**these calculations are preliminary in nature; as the teams refine working drawings, these calculations will be refined*

Regarding the retail pavilion at the Townsquare, the applicant is currently pursuing some options as to how to achieve the on-site solar requirement and will discuss those options at a later date.

100% Renewable Energy

All of the buildings at Willow Village will be 100% electric other than the following uses, which are anticipated to be gas.

Uses	Estimated SF	Estimated Annual Natural Gas Usage	Conversion to kWh/yr*
Supermarket	40,000	18,500	542,052
Retail Dining Establishments	30,000	3,000	87,900
TOTAL	**60,000**	**21,500**	**629,952**

**conversion formula of therms to kWh: 1 therm = 29.3001 kWh*

The Willow Village Campus will be in Peninsula Clean Energy's service area, and when the project completes construction and begins electric service, Peninsula Clean Energy will be the default electricity provider. PCE's goal is to secure 100% of its energy from renewable sources by the end of 2025, well before any residents are anticipated to move in to the project. The applicant has obtained a preliminary commitment from PCE providing the Willow Campus with its required power demand by project's current estimated completion date. The amount of solar generated on-site (3,907,500 in kWh/year) will be in excess of the amount of gas usage anticipated (629,952 when converted to kWh/year) and will offset the anticipated gas usage. The net solar generated in kWh/year is 3,277,548 (3,907,500 less 629,952).

Emergency Backup Generator Testing Offset

Of the 3,277,548 kWh/year net solar that is generated on the Willow Village project site, a portion will be used to offset fossil-fuel energy used by emergency backup generator testing. A conservative estimate of 567,739 kWh/year is used to demonstrate that the project has enough solar power to offset emergency testing. This assumes that all 13 backup generators at the Willow Village Project site and Hamilton Retail are tested for 50 hours at full power (the maximum allowable generator testing permitted by code). The 50-hour assumption is built into the Air Quality modeling by Ramboll, so for consistency, the applicant is using it to demonstrate that the usage can be offset by existing solar. In reality, the applicant believes testing will be much less than the 50 hrs/year. Below is estimated annual output from the generators:

Quantity of Generators	Power	Annual Testing Operation	Energy	
	hp	hr/yr	hp-hrs	kWh
2	324	50	32,400	24,161
1	464	50	23,200	17,300
3	755	50	113,250	84,451
1	900	50	45,000	33,556
3	1,220	50	183,000	136,463
1	1,490	50	74,500	55,555
2	2,900	50	290,000	216,253
		Total	761,350	**567,739**

The energy output of 567,739 kWh is the associated electricity that would be produced from the generators if they were producing electricity.

In conclusion, after taking into taking account the energy associated with emergency backup generator testing, the remaining solar generation in kWh/year is 2,709,809 (3,277,548 less 567,739).

Compliance

The project as currently contemplated will comply with City of Menlo Park Municipal (REACH) code requirement that each building over 10,000 sf include on-site solar PV or solar thermal. Separately, the project will also comply with the zoning requirement of utilizing 100% renewable energy on a master plan wide basis. Each of the Mixed-Use/Residential buildings will comply with Title 24 on a building-by-building basis. Title 24 Compliance for the office campus is currently being evaluated and will be discussed separately with the City of Menlo Park Building Department.

Please do not hesitate to contact me with any questions. I can be reached at (510) 862-5629.

Sincerely,
Faye Brandin

Date: March 7, 2023

To whom it may concern:

The Willow Village Hotel has been registered with the USGBC under the LEED v4 rating system. Stok has been contracted to perform LEED consulting services for this project and this project will achieve LEED Gold Certification. Please see my experience and LEED AP certificate attached.

Sincerely,

JARED RICKMAN, LEED AP BD+C, ILFI LFA

STŌK
(501) 319-4204 | jared@stok.com
26 O'Farrell St, Fl 2, San Francisco, CA 94108

Jared Rickman

LEED AP BD+C, ILFI LFA

EXPERIENCE
12 years

EDUCATION
B.A. History, Hendrix College

KEY PROJECTS
- Confidential Tech Client Office District, Bay Area, CA | LEED Project Management
- Confidential Tech Client Multifamily, Bay Area, CA | LEED Project Management
- Confidential Life Sciences Campus, San Diego, CA | LEED & Fitwel Project Management
- Apple Park | LEED Gap Analysis
- Confidential Tech Client Data Center Portfolio, North America | LEED Project Management
- One-Four Embarcadero, San Francisco, CA | LEED Project Management
- Rockhill 5670 Wilshire Blvd | LEED Project Management
- Nike-TN U.S. Footwear Dist. Center, Memphis, TN – 1.9M SF LEED NC v2009 Silver: LEED Project Management*

*work done prior to joining Stok

Jared's vast experience as a sustainability consultant across a wide array of project types and rating systems has built a foundation of expertise and project management skills. Fused with a base desire to make impactful change in the built environment, his experience and insight allow him to guide clients toward strategies that maximize their impact, communicate leadership, and pave new pathways toward sustainability goals. His expertise includes volume portfolios, zero energy buildings, and various third-party verification tools, providing a foundation of knowledge and a passion for his clients' bold initiatives.

Jared's passion for sustainable and restorative development originated from his time volunteering at Heifer International's learning ranch in Perryville, Arkansas in 2008, where the impact of thoughtful and human-based design was experienced first-hand as a personal relationship with the built environment.

GREEN BUSINESS CERTIFICATION INC. CERTIFIES THAT

Jared Rickman

HAS ATTAINED THE DESIGNATION OF

LEED AP® Building Design + Construction

by demonstrating the knowledge and understanding of green building practices and principles needed to support the use of the LEED® green building program.

10746535-AP-BD+C

CREDENTIAL ID

08 AUG 2012

ISSUED

06 AUG 2024

VALID THROUGH

PETER TEMPLETON
PRESIDENT & CEO
U.S. GREEN BUILDING COUNCIL & GREEN BUSINESS CERTIFICATION INC.

V3

LEED NC v4 SCORECARD
WILLOW VILLAGE HOTEL

IP

CONFIRMED	LIKELY	MAYBE	NO	Phase	Overlap	Credit	Credit Name	Points Available
1				D		Credit	**Integrative Process** - In design phases, achieve synergies between building, energy AND water related systems	1
1				**Totals**				1

LOCATION & TRANSPORTATION

			16	D		Credit	**LEED for Neighborhood Development Location** - Locate within LEED ND certified development site boundary	16
1				D		Credit	**Sensitive Land Protection** - Develop on previously developed land or follow criteria for non - sensitive	1
			2	D		Credit	**High Priority Site** - Locate project on infill location in historic district, priority designation or brownfield	2
4			1	D		Credit	**Surrounding Density & Diverse Uses** - Site within 1/4 mile of surrounding density criteria and/or a 1/2 mile of diverse uses	5
			5	D		Credit	**Access to Quality Transit** - Locate functional entries within 1/4 mile of existing transit or 1/2 mile of planned transit services	5
1				D	MP	Credit	**Bicycle Facilities** - Provide a bike network and storage areas	1
			1	D		Credit	**Reduced Parking Footprint** - Don't exceed minimum local code requirements for parking capacity	1
1				D	MP	Credit	**LEED v4.1: Electric Vehicles** - 5 % of spaces or 20 % discount for parking and electric car charging OR liquid, gas or battery facilities	1
7			16	**Totals**				16

SUSTAINABLE SITES

REQUIRED				C	T24, MP	Prereq	**Construction Activity Pollution Prevention** - Implement an erosion control plan, per the EPA CGP v2012	NA
1				D		Credit	**Site Assessment** - Complete site survey including: topography, hydrology, climate, vegetation, soils, human use, human health	1
			2	D		Credit	**Site Development - Protect or Restore Habitat** - On-site restoration OR financial support	2
1				D		Credit	**Open Space** - Provide outdoor space greater than or equal to 30% of total site area, 25% of which is vegetated	1
			3	D		Credit	**Rainwater Management** - Manage runoff for at least the 85th percentile of local rainfall events	3
1			1	D		Credit	**Heat Island Reduction** - Meet nonroof and roof criteria OR place a minimum of 75% parking spaces under cover	2
1				D	T24	Credit	**Light Pollution Reduction** - Backlight-uplight-glare method or calculation method, exterior luminaires and signage req's	1
4			6	**Totals**				10

WATER

REQUIRED				D	T24,MP	Prereq 1	**Outdoor Water Use Reduction** - Permanent non-irrigated landscape OR reduce water use 30% for peak water month	N/A
REQUIRED				D	T24	Prereq 2	**Indoor Water Use Reduction** - Reduce aggregate water use by 20% for fixtures and fittings	N/A
REQUIRED				D		Prereq 3	**Building-Level Water Metering** - Install permanent water meters that measure potable water use, share data with USGBC	N/A
2				D	T24,MP	Credit	**Outdoor Water Use Reduction** - Reduce water use no irrigation or reduced irrigation 50% - 100%	2
6				D	T24	Credit	**Indoor Water Use Reduction** - Reduce fixture and fitting water use by 25% - 50%	6
2				D		Credit	**Cooling Tower Water Use** - Conduct a one-time potable water analysis, measure control parameters in Table 1	2
1				D		Credit	**Water Metering** - Meters for 2 or more water subsystems: irrigation, indoor plumbing, hot water, boiler, reclaimed water, or other	1
11				**Totals**				11

ENERGY & ATMOSPHERE

REQUIRED				C	T24	Prereq 1	**Fundamental Commissioning and Verification** - Commissioning for ASHRAE 0-2005 and 1.1-2007	N/A
REQUIRED				D	T24	Prereq 2	**Minimum Energy Performance** - Whole building energy simulation OR ASHRAE 50% Design Guide OR ABCPG	N/A
REQUIRED				D	T24	Prereq 3	**Building-Level Energy Metering** - Use building-level energy meters or submeters that can aggregate building-level data	N/A
REQUIRED				D	T24	Prereq 4	**Fundamental Refrigerant Management** - Do not use CFC-based refrigerants in HVAC&R systems, or have a phase out plan	N/A
3			3	C		Credit	**Enhanced Commissioning** - Implement systems commissioning or monitor-based commissioning	6
7			11	D	T24	Credit	**LEED v4.1: Optimize Energy Performance** - Whole building energy simulation or follow ASHRAE Advanced Energy Design Guide	18
1				D		Credit	**Advanced Energy Metering** - Install advanced energy metering for whole building and individual energy sources	1
			2	C		Credit	**Demand Response** - Participate in existing demand response program or provide infrastructure for demand response programs	2
3			2	D	MP	Credit	**LEED v4.1 Renewable Energy** - Use on-site or offsite renewable energy to offset green house gas emissions for annual energy use	5
			1	D		Credit	**Enhanced Refrigerant Management** - Refrigerants with ODP of 0 and GWP of less than 50 OR calculate refrigerant impact	1
14			19	**Totals**				33

MATERIALS & RESOURCES

CONFIRMED	LIKELY	NAYBE	NO	Phase	Overlap	Credit Number	Credit Name	Points Available
REQUIRED				D	T24	Prereq	**Storage and Collection of Recyclables** - Dedicated areas for waste collection, collection and storage	N/A
REQUIRED				D	MP	Prereq	**Construction and Demolition Waste Management Planning** - Establish C&D waste diversion goals	N/A
4			1	C		Credit	**Building Life-Cycle Impact Reduction** - Historic building reuse, renovate blighted buildings OR whole building LCA	5
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Environmental Product Declarations**	2
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Material Ingredients**	2
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Sourcing of Raw Materials**	2
2				C	MP	Credit	**C&D Waste Management** - Divert 50% (3 streams), 75% (4 streams) OR 2.5 lbs. waste per square foot	2
9		4		**Totals**				13

INDOOR ENVIRONMENTAL QUALITY

REQUIRED				D	T24	Prereq	**Minimum Indoor Air Quality Performance** - Meet ASHRAE 62.1-2010	N/A
REQUIRED				D	T24	Prereq	**Environmental Tobacco Smoke Control** - Prohibit smoking indoors, restrict outdoor smoking within 25 feet	N/A
2				D	T24	Credit	**Enhanced Indoor Air Quality Strategies** - Comply with enhanced IAQ strategies	2
3				C		Credit	**LEED v4.1: Low-Emitting Materials** - Achieve level of compliance for product categories or use budget calculation method	3
1				C	T24	Credit	**Construction IAQM Plan** - Implement IAQMP & protect materials and equipment during construction	1
1			1	C		Credit	**Indoor Air Quality Assessment** - Before and during occupancy flush-out OR conduct baseline IAQ testing	2
1				D		Credit	**Thermal Comfort** - Meet requirements for ASHRAE 55-2010	1
1			1	D		Credit	**Interior Lighting** - Lighting Controls for 90% plus individual occupant spaces & four lighting quality strategies	2
			3	D		Credit	**Daylight** - Install glare control devices, spatial daylight autonomy, illuminance calculations OR daylight floor area measurement	3
1				D		Credit	**Quality Views** - Vision glazing for 75% of regularly occupied floor area, with at least two kinds of view types	1
			1	D		Credit	**Acoustic Performance** - Meet requirements for HVAC noise, sound isolation, reverberation time, & sound masking	1
10		6		**Totals**				16

INNOVATION*

1				D		Credit	**ID - Parksmart Measures**	1
1				D		Credit	**Pilot - Integrative Analysis of Building Materials**	1
1				D		Credit	**ID - WELL Feature 87 Beauty and Design I**	1
1				D		Credit	**ID - Green Education**	1
1				D	MP	Credit	**Bird Collision Deterrence or EP point**	1
1				C		Credit	**LEED Accredited Professional**	1
6				**Totals**				6

Innovation in Design includes Exemplary Performance credits

REGIONAL**

			1	D		Credit	**Optimize Energy Performance**	1
1				D		Credit	**Sourcing of Raw Materials**	1
1				D		Credit	**Building Life-Cycle Impact Reduction**	1
1				D		Credit	**Indoor Water Use Reduction**	1
			1	D		Credit	**Access to Quality Transit**	1
			1	D		Credit	**Rainwater Management**	1
3		3		**Totals**				4

**only 4 Regional Credits are Applicable*

Confirmed Certification Level: GOLD

Confirmed + Likely Certification Level: GOLD

Confirmed + Likely + Maybe Certification Level: Gold

Confirmed Points 65

Confirmed + Likely Points 65

Confirmed + Likely + Maybe Points 65

Date: February 15, 2023

To whom it may concern:

The Willow Village Residential Parcel 6 has been registered with the USGBC under the LEED v4 rating system. Stok has been contracted to perform LEED consulting services for this project and has coordinated with each design team to develop the strategies associated with the LEED scorecards included with this submittal. Please see my experience and LEED AP certificate attached.

Sincerely,

JARED RICKMAN, LEED AP BD+C, ILFI LFA

STŌK
(501) 319-4204 | jared@stok.com
26 O'Farrell St, Fl 2, San Francisco, CA 94108

Jared Rickman

LEED AP BD+C, ILFI LFA

EXPERIENCE
12 years

EDUCATION
B.A. History, Hendrix College

KEY PROJECTS
- Confidential Tech Client Office District, Bay Area, CA | LEED Project Management
- Confidential Tech Client Multifamily, Bay Area, CA | LEED Project Management
- Confidential Life Sciences Campus, San Diego, CA | LEED & Fitwel Project Management
- Apple Park | LEED Gap Analysis
- Confidential Tech Client Data Center Portfolio, North America | LEED Project Management
- One-Four Embarcadero, San Francisco, CA | LEED Project Management
- Rockhill 5670 Wilshire Blvd | LEED Project Management
- Nike-TN U.S. Footwear Dist. Center, Memphis, TN – 1.9M SF LEED NC v2009 Silver: LEED Project Management*

*work done prior to joining Stok

Jared's vast experience as a sustainability consultant across a wide array of project types and rating systems has built a foundation of expertise and project management skills. Fused with a base desire to make impactful change in the built environment, his experience and insight allow him to guide clients toward strategies that maximize their impact, communicate leadership, and pave new pathways toward sustainability goals. His expertise includes volume portfolios, zero energy buildings, and various third-party verification tools, providing a foundation of knowledge and a passion for his clients' bold initiatives.

Jared's passion for sustainable and restorative development originated from his time volunteering at Heifer International's learning ranch in Perryville, Arkansas in 2008, where the impact of thoughtful and human-based design was experienced first-hand as a personal relationship with the built environment.

GREEN BUSINESS CERTIFICATION INC. CERTIFIES THAT

Jared Rickman

HAS ATTAINED THE DESIGNATION OF

LEED AP® Building Design + Construction

by demonstrating the knowledge and understanding of green building practices and principles needed to support the use of the LEED® green building program.

10746535-AP-BD+C

CREDENTIAL ID

08 AUG 2012

ISSUED

06 AUG 2024

VALID THROUGH

PETER TEMPLETON
PRESIDENT & CEO
U.S. GREEN BUILDING COUNCIL & GREEN BUSINESS CERTIFICATION INC.

V7

LEED NC v4 SCORECARD

WILLOW VILLAGE MIXED-USE PARCEL 6

IP

CONFIRMED	LIKELY	MAYBE	NO	Phase	Overlap	Credit Name		Points Available
1				D		Credit	**Integrative Process** - In design phases, achieve synergies between building, energy AND water related systems	1
1				Totals				1

LOCATION & TRANSPORTATION

			16	D		Credit	**LEED for Neighborhood Development Location** - Locate within LEED ND certified development site boundary	16
1				D		Credit	**Sensitive Land Protection** - Develop on previously developed land or follow criteria for non - sensitive	1
			2	D		Credit	**High Priority Site** - Locate project on infill location in historic district, priority designation or brownfield	2
4			1	D		Credit	**Surrounding Density & Diverse Uses** - Site within 1/4 mile of surrounding density criteria and/or a 1/2 mile of diverse uses	5
			5	D		Credit	**Access to Quality Transit** - Locate functional entries within 1/4 mile of existing transit or 1/2 mile of planned transit services	5
1				D	MP	Credit	**Bicycle Facilities** - Provide a bike network and storage areas	1
1				D		Credit	**Reduced Parking Footprint** - Don't exceed minimum local code requirements for parking capacity	1
1				D	MP	Credit	**LEED v4.1: Electric Vehicles** - 5 % of spaces or 20 % discount for parking and electric car charging OR liquid, gas or battery facilities	1
8			16	Totals				16

SUSTAINABLE SITES

REQUIRED				C	T24, MP	Prereq	**Construction Activity Pollution Prevention** - Implement an erosion control plan, per the EPA CGP v2012	NA
1				D		Credit	**Site Assessment** - Complete site survey including: topography, hydrology, climate, vegetation, soils, human use, human health	1
1			1	D		Credit	**Site Development - Protect or Restore Habitat** - On-site restoration OR financial support	2
1				D		Credit	**Open Space** - Provide outdoor space greater than or equal to 30% of total site area, 25% of which is vegetated	1
			3	D		Credit	**Rainwater Management** - Manage runoff for at least the 85th percentile of local rainfall events	3
2				D		Credit	**Heat Island Reduction** - Meet nonroof and roof criteria OR place a minimum of 75% parking spaces under cover	2
1				D	T24	Credit	**Light Pollution Reduction** - Backlight-uplight-glare method or calculation method, exterior luminaires and signage req's	1
6			4	Totals				10

WATER

REQUIRED				D	T24,MP	Prereq 1	**Outdoor Water Use Reduction** - Permanent non-irrigated landscape OR reduce water use 30% for peak water month	N/A
				D	T24	Prereq 2	**Indoor Water Use Reduction** - Reduce aggregate water use by 20% for fixtures and fittings	N/A
				D	T24	Prereq 3	**Building-Level Water Metering** - Install permanent water meters that measure potable water use, share data with USGBC	N/A
2				D	T24,MP	Credit	**Outdoor Water Use Reduction** - Reduce water use no irrigation or reduced irrigation 50% - 100%	2
6				D	T24	Credit	**Indoor Water Use Reduction** - Reduce fixture and fitting water use by 25% - 50%	6
			2	D		Credit	**Cooling Tower Water Use** - Conduct a one-time potable water analysis, measure control parameters in Table 1	2
1				D		Credit	**Water Metering** - Meters for 2 or more water subsystems: irrigation, indoor plumbing, hot water, boiler, reclaimed water, or other	1
9			2	Totals				11

ENERGY & ATMOSPHERE

REQUIRED				C	T24	Prereq 1	**Fundamental Commissioning and Verification** - Commissioning for ASHRAE 0-2005 and 1.1-2007	N/A
				D	T24	Prereq 2	**Minimum Energy Performance** - Whole building energy simulation OR ASHRAE 50% Design Guide OR ABCPG	N/A
				D	T24	Prereq 3	**Building-Level Energy Metering** - Use building-level energy meters or submeters that can aggregate building-level data	N/A
				D	T24	Prereq 4	**Fundamental Refrigerant Management** - Do not use CFC-based refrigerants in HVAC&R systems, or have a phase out plan	N/A
3			3	C		Credit	**Enhanced Commissioning** - Implement systems commissioning or monitor-based commissioning	6
10			8	D	T24	Credit	**Optimize Energy Performance** - Whole building energy simulation or follow ASHRAE Advanced Energy Design Guide	18
1				D		Credit	**Advanced Energy Metering** - Install advanced energy metering for whole building and individual energy sources	1
			2	C		Credit	**Demand Response** - Participate in existing demand response program or provide infrastructure for demand response programs	2
1			4	D	MP	Credit	**LEED v4.1 Renewable Energy** - Use on-site or offsite renewable energy to offset green house gas emissions for annual energy use	5
			1	D		Credit	**Enhanced Refrigerant Management** - Refrigerants with ODP of 0 and GWP of less than 50 OR calculate refrigerant impact	1
15			18	Totals				33

MATERIALS & RESOURCES

YES	LIKELY	NAYBE	NO	Phase	Overlap	Credit Number	Credit Name	Points Available
REQUIRED				D	T24	Prereq	**Storage and Collection of Recyclables** - Dedicated areas for waste collection, collection and storage	N/A
				D	T24,MP	Prereq	**Construction and Demolition Waste Management Planning** - Establish C&D waste diversion goals	N/A
3			2	C		Credit	**Building Life-Cycle Impact Reduction** - Historic building reuse, renovate blighted buildings OR whole building LCA	5
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Environmental Product Declarations**	2
2				C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Material Ingredients**	2
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Sourcing of Raw Materials**	2
2				C	T24, MP	Credit	**C&D Waste Management** - Divert 50% (3 streams), 75% (4 streams) OR 2.5 lbs. waste per square foot	2
9			4	Totals				13

INDOOR ENVIRONMENTAL QUALITY

REQUIRED				D	T24	Prereq	**Minimum Indoor Air Quality Performance** - Meet ASHRAE 62.1-2010	N/A
				D	T24	Prereq	**Environmental Tobacco Smoke Control** - Prohibit smoking indoors, restrict outdoor smoking within 25 feet	N/A
2				D	T24	Credit	**Enhanced Indoor Air Quality Strategies** - Comply with enhanced IAQ strategies	2
3				C		Credit	**LEED v4.1: Low-Emitting Materials** - Achieve level of compliance for product categories or use budget calculation method	3
1				C	T24	Credit	**Construction IAQM Plan** - Implement IAQMP & protect materials and equipment during construction	1
1			1	C		Credit	**Indoor Air Quality Assessment** - Before and during occupancy flush-out OR conduct baseline IAQ testing	2
1				D		Credit	**Thermal Comfort** - Meet requirements for ASHRAE 55-2010	1
1			1	D		Credit	**Interior Lighting** - Lighting Controls for 90% plus individual occupant spaces & four lighting quality strategies	2
			3	D		Credit	**Daylight** - Install glare control devices, spatial daylight autonomy, illuminance calculations OR daylight floor area measurement	3
1				D		Credit	**Quality Views** - Vision glazing for 75% of regularly occupied floor area, with at least two kinds of view types	1
			1	D		Credit	**Acoustic Performance** - Meet requirements for HVAC noise, sound isolation, reverberation time, & sound masking	1
10			6	Totals				16

INNOVATION*

1				D		Credit	**ID - Parksmart Measures**	1
1				D		Credit	**Pilot - Integrative Analysis of Building Materials**	1
1				D		Credit	**ID - WELL Feature 87 Beauty and Design I**	1
1				D		Credit	**ID - Green Education**	1
1				D	MP	Credit	**MR EP point**	1
1				C		Credit	**LEED Accredited Professional**	1
6				Totals				6

**Innovation in Design includes Exemplary Performance credits*

REGIONAL**

1				D		Credit	**Optimize Energy Performance**	1
1				D		Credit	**Sourcing of Raw Materials**	1
1				D		Credit	**Building Life-Cycle Impact Reduction**	1
1				D		Credit	**Indoor Water Use Reduction**	1
			1	D		Credit	**Access to Quality Transit**	1
			1	D		Credit	**Rainwater Management**	1
4			2	Totals				4

***only 4 Regional Credits are Applicable*

Confirmed Certification Level: GOLD

Confirmed + Likely Certification Level: GOLD

Confirmed + Likely + Maybe Certification Level: Gold

Confirmed Points 68

Confirmed + Likely Points 68

Confirmed + Likely + Maybe Points 68

V8

2/15/2023

Date: February 15, 2023

To whom it may concern:

The Willow Village Residential Parcel 7 has been registered with the USGBC under the LEED v4 rating system. Stok has been contracted to perform LEED consulting services for this project and has coordinated with each design team to develop the strategies associated with the LEED scorecards included with this submittal. Please see my experience and LEED AP certificate attached.

Sincerely,

JARED RICKMAN, LEED AP BD+C, ILFI LFA

STŌK
(501) 319-4204 | jared@stok.com
26 O'Farrell St, Fl 2, San Francisco, CA 94108

Jared Rickman

LEED AP BD+C, ILFI LFA

EXPERIENCE
12 years

EDUCATION
B.A. History, Hendrix College

KEY PROJECTS
- Confidential Tech Client Office District, Bay Area, CA | LEED Project Management
- Confidential Tech Client Multifamily, Bay Area, CA | LEED Project Management
- Confidential Life Sciences Campus, San Diego, CA | LEED & Fitwel Project Management
- Apple Park | LEED Gap Analysis
- Confidential Tech Client Data Center Portfolio, North America | LEED Project Management
- One-Four Embarcadero, San Francisco, CA | LEED Project Management
- Rockhill 5670 Wilshire Blvd | LEED Project Management
- Nike-TN U.S. Footwear Dist. Center, Memphis, TN – 1.9M SF LEED NC v2009 Silver: LEED Project Management*

*work done prior to joining Stok

Jared's vast experience as a sustainability consultant across a wide array of project types and rating systems has built a foundation of expertise and project management skills. Fused with a base desire to make impactful change in the built environment, his experience and insight allow him to guide clients toward strategies that maximize their impact, communicate leadership, and pave new pathways toward sustainability goals. His expertise includes volume portfolios, zero energy buildings, and various third-party verification tools, providing a foundation of knowledge and a passion for his clients' bold initiatives.

Jared's passion for sustainable and restorative development originated from his time volunteering at Heifer International's learning ranch in Perryville, Arkansas in 2008, where the impact of thoughtful and human-based design was experienced first-hand as a personal relationship with the built environment.

GREEN BUSINESS CERTIFICATION INC. CERTIFIES THAT

Jared Rickman

HAS ATTAINED THE DESIGNATION OF

LEED AP® Building Design + Construction

by demonstrating the knowledge and understanding of green building practices and principles needed to support the use of the LEED® green building program.

10746535-AP-BD+C

CREDENTIAL ID

08 AUG 2012

ISSUED

06 AUG 2024

VALID THROUGH

PETER TEMPLETON
PRESIDENT & CEO
U.S. GREEN BUILDING COUNCIL & GREEN BUSINESS CERTIFICATION INC.

V11

LEED NC v4 SCORECARD

WILLOW VILLAGE MIXED-USE PARCEL 7

IP

CONFIRMED	LIKELY	MAYBE	NO	Phase	Overlap	Credit Name		Points Available
1				D		Credit	**Integrative Process** - In design phases, achieve synergies between building, energy AND water related systems	1
1				Totals				1

LOCATION & TRANSPORTATION

			16	D		Credit	**LEED for Neighborhood Development Location** - Locate within LEED ND certified development site boundary	16
1				D		Credit	**Sensitive Land Protection** - Develop on previously developed land or follow criteria for non - sensitive	1
			2	D		Credit	**High Priority Site** - Locate project on infill location in historic district, priority designation or brownfield	2
4			1	D		Credit	**Surrounding Density & Diverse Uses** - Site within 1/4 mile of surrounding density criteria and/or a 1/2 mile of diverse uses	5
			5	D		Credit	**Access to Quality Transit** - Locate functional entries within 1/4 mile of existing transit or 1/2 mile of planned transit services	5
1				D	MP	Credit	**Bicycle Facilities** - Provide a bike network and storage areas	1
1				D		Credit	**Reduced Parking Footprint** - Don't exceed minimum local code requirements for parking capacity	1
1				D	MP	Credit	**LEED v4.1: Electric Vehicles** - 5 % of spaces or 20 % discount for parking and electric car charging OR liquid, gas or battery facilities	1
8			16	Totals				16

SUSTAINABLE SITES

REQUIRED				C	T24, MP	Prereq	**Construction Activity Pollution Prevention** - Implement an erosion control plan, per the EPA CGP v2012	NA
1				D		Credit	**Site Assessment** - Complete site survey including: topography, hydrology, climate, vegetation, soils, human use, human health	1
			2	D		Credit	**Site Development - Protect or Restore Habitat** - On-site restoration OR financial support	2
1				D		Credit	**Open Space** - Provide outdoor space greater than or equal to 30% of total site area, 25% of which is vegetated	1
			3	D		Credit	**Rainwater Management** - Manage runoff for at least the 85th percentile of local rainfall events	3
2				D		Credit	**Heat Island Reduction** - Meet nonroof and roof criteria OR place a minimum of 75% parking spaces under cover	2
1				D	T24	Credit	**Light Pollution Reduction** - Backlight-uplight-glare method or calculation method, exterior luminaires and signage req's	1
5			5	Totals				10

WATER

REQUIRED				D	T24,MP	Prereq 1	**Outdoor Water Use Reduction** - Permanent non-irrigated landscape OR reduce water use 30% for peak water month	N/A
REQUIRED				D	T24	Prereq 2	**Indoor Water Use Reduction** - Reduce aggregate water use by 20% for fixtures and fittings	N/A
REQUIRED				D	T24	Prereq 3	**Building-Level Water Metering** - Install permanent water meters that measure potable water use, share data with USGBC	N/A
2				D	T24,MP	Credit	**Outdoor Water Use Reduction** - Reduce water use no irrigation or reduced irrigation 50% - 100%	2
6				D	T24	Credit	**Indoor Water Use Reduction** - Reduce fixture and fitting water use by 25% - 50%	6
			2	D		Credit	**Cooling Tower Water Use** - Conduct a one-time potable water analysis, measure control parameters in Table 1	2
			1	D		Credit	**Water Metering** - Meters for 2 or more water subsystems: irrigation, indoor plumbing, hot water, boiler, reclaimed water, or other	1
8			3	Totals				11

ENERGY & ATMOSPHERE

REQUIRED				C	T24	Prereq 1	**Fundamental Commissioning and Verification** - Commissioning for ASHRAE 0-2005 and 1.1-2007	N/A
REQUIRED				D	T24	Prereq 2	**Minimum Energy Performance** - Whole building energy simulation OR ASHRAE 50% Design Guide OR ABCPG	N/A
REQUIRED				D	T24	Prereq 3	**Building-Level Energy Metering** - Use building-level energy meters or submeters that can aggregate building-level data	N/A
REQUIRED				D	T24	Prereq 4	**Fundamental Refrigerant Management** - Do not use CFC-based refrigerants in HVAC&R systems, or have a phase out plan	N/A
3			3	C		Credit	**Enhanced Commissioning** - Implement systems commissioning or monitor-based commissioning	6
10			8	D	T24	Credit	**Optimize Energy Performance** - Whole building energy simulation or follow ASHRAE Advanced Energy Design Guide	18
1				D		Credit	**Advanced Energy Metering** - Install advanced energy metering for whole building and individual energy sources	1
			2	C		Credit	**Demand Response** - Participate in existing demand response program or provide infrastructure for demand response programs	2
1			4	D	MP	Credit	**LEED v4.1 Renewable Energy** - Use on-site or offsite renewable energy to offset green house gas emissions for annual energy use	5
			1	D		Credit	**Enhanced Refrigerant Management** - Refrigerants with ODP of 0 and GWP of less than 50 OR calculate refrigerant impact	1
15			18	Totals				33

MATERIALS & RESOURCES

YES	LIKELY	NAYBE	NO	Phase	Overlap	Credit Number		Points Available
REQUIRED				D	T24	Prereq	**Storage and Collection of Recyclables** - Dedicated areas for waste collection, collection and storage	N/A
REQUIRED				D	T24,MP	Prereq	**Construction and Demolition Waste Management Planning** - Establish C&D waste diversion goals	N/A
3			2	C		Credit	**Building Life-Cycle Impact Reduction** - Historic building reuse, renovate blighted buildings OR whole building LCA	5
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Environmental Product Declarations**	2
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Material Ingredients**	2
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Sourcing of Raw Materials**	2
2				C	T24, MP	Credit	**C&D Waste Management** - Divert 50% (3 streams), 75% (4 streams) OR 2.5 lbs. waste per square foot	2
8			5	Totals				13

INDOOR ENVIRONMENTAL QUALITY

REQUIRED				D	T24	Prereq	**Minimum Indoor Air Quality Performance** - Meet ASHRAE 62.1-2010	N/A
REQUIRED				D	T24	Prereq	**Environmental Tobacco Smoke Control** - Prohibit smoking indoors, restrict outdoor smoking within 25 feet	N/A
2				D	T24	Credit	**Enhanced Indoor Air Quality Strategies** - Comply with enhanced IAQ strategies	2
3				C		Credit	**LEED v4.1: Low-Emitting Materials** - Achieve level of compliance for product categories or use budget calculation method	3
1				C	T24	Credit	**Construction IAQM Plan** - Implement IAQMP & protect materials and equipment during construction	1
1			1	C		Credit	**Indoor Air Quality Assessment** - Before and during occupancy flush-out OR conduct baseline IAQ testing	2
1				D		Credit	**Thermal Comfort** - Meet requirements for ASHRAE 55-2010	1
1			1	D		Credit	**Interior Lighting** - Lighting Controls for 90% plus individual occupant spaces & four lighting quality strategies	2
			3	D		Credit	**Daylight** - Install glare control devices, spatial daylight autonomy, illuminance calculations OR daylight floor area measurement	3
1				D		Credit	**Quality Views** - Vision glazing for 75% of regularly occupied floor area, with at least two kinds of view types	1
			1	D		Credit	**Acoustic Performance** - Meet requirements for HVAC noise, sound isolation, reverberation time, & sound masking	1
10			6	Totals				16

INNOVATION*

1				D		Credit	**ID - Parksmart Measures**	1
1				D		Credit	**Pilot - Integrative Analysis of Building Materials**	1
1				D		Credit	**ID - WELL Feature 87 Beauty and Design I**	1
1				D		Credit	**ID - Green Education**	1
1				D	MP	Credit	**MR EP point**	1
1				C		Credit	**LEED Accredited Professional**	1
6				Totals				6

**Innovation in Design includes Exemplary Performance credits*

REGIONAL**

1				D		Credit	**Optimize Energy Performance**	1
1				D		Credit	**Sourcing of Raw Materials**	1
1				D		Credit	**Building Life-Cycle Impact Reduction**	1
1				D		Credit	**Indoor Water Use Reduction**	1
			1	D		Credit	**Access to Quality Transit**	1
			1	D		Credit	**Rainwater Management**	1
4			2	Totals				4

***only 4 Regional Credits are Applicable*

Confirmed Certification Level: GOLD

Confirmed + Likely Certification Level: GOLD

Confirmed + Likely + Maybe Certification Level: Gold

Confirmed Points 65

Confirmed + Likely Points 65

Confirmed + Likely + Maybe Points 65

H. T. HARVEY & ASSOCIATES
Ecological Consultants
50 years of field notes, exploration, and excellence

August 16, 2022

Brian Zubradt
Peninsula Innovation Partners
1 Hacker Way, Building 28
Menlo Park, CA 94025

Subject: Willow Village Hotel – Bird-Safe Design Architectural Control Package Compliance Assessment (HTH #3375-21)

Dear Brian Zubradt:

Per your request, H. T. Harvey & Associates has assessed compliance of the proposed hotel located at the Willow Village project site in Menlo Park, California, with the *Willow Village Master Plan Bird-Safe Design Assessment* prepared by H. T. Harvey & Associates for Peninsula Innovation Partners (October 19, 2021). The hotel is part of the larger Willow Village Master Plan and will consist of a seven-story, 84.5-foot tall, 162,746 square-foot building. The hotel is located along the western boundary of the Master Plan area and will be bounded by the future elevated park to the north, the future Town Square to the east, future mixed-use development to the south, and Willow Road to the west.

We previously assessed project implementation of bird-safe design requirements for the hotel in the *Willow Village Master Plan Bird-Safe Design Assessment* prepared based on the project's conceptual Conditional Development Permit (CDP) application. The purpose of this report is to review the hotel's Architectural Control Package (ACP), which is more detailed compared to the conceptual CDP and commits the project to the design details specified therein, in order to document project compliance with City and California Environmental Quality Act (CEQA) bird-safe design requirements that reduce impacts due to bird collisions to less-than-significant levels under CEQA.

A number of the City and CEQA requirements listed herein pertain to lighting; however, the project's lighting has not yet been designed. It is our understanding that the project will implement the lighting measures provided in the *Willow Village Master Plan Bird-Safe Design Assessment* including lighting design principles in Section 6.2.1, Mitigation Measures 6–9 in Section 6.3.1.2, and City occupancy sensor requirements (either via compliance with City lighting requirements [i.e., requirement C, discussed below] or the implementation of the proposed alternative City measures in Section 6.2.2). Implementation of these measures will reduce impacts due to hotel lighting to less-than-significant levels under CEQA. Per ACP pages A9.15, the project will implement these principles, requirements, and measures. By incorporating these principles, requirements, and measures, it is our

983 University Avenue, Building D • Los Gatos, CA 95032 • 408.458.3200 • *www.harveyecology.com*

professional opinion that project impacts due to hotel lighting would be less than significant under CEQA. A subsequent report prepared by a qualified biologist will accompany the project's permit submittal to document compliance of the lighting design for the hotel with these requirements.

Assessment of Compliance with City Bird-Safe Design Requirements

The City requires the hotel to comply with the bird-safe design requirements identified in Mitigation Measure BIO-1 of the *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Environmental Impact Report*, certified by the City of Menlo Park in 2016 and codified in Sections 16.43.140(6) and 16.45.130(6) of the City's Municipal Code, hereafter referred to as *City bird-safe design requirements*. The hotel will comply with the City bird-safe design requirements as described in Section 5.2.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment* and documented in Table 1, or, subject to City approval of waivers, implement alternative City measures (described below).

Table 1. Documentation of Hotel Compliance with City Bird-Safe Design Requirements or Waiver Requests

City Bird-Safe Design Requirement	Does the Hotel ACP Design Comply with the Requirement?	ACP Documentation
A. No more than 10% of facade surface area shall have non-bird-friendly glazing	No – waiver requested	Approximately 17.5% of the façade surface area shall have non-bird-friendly glazing (see ACP page A9.15).
B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted. Specifically, glazing used on the hotel and residential/mixed-use buildings shall have the following specifications: • Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches; OR • Bird-safe glazing shall have a Threat Factor[1] less than or equal to 30.	Yes	Bird-friendly glazing shall have the following specifications (see page A9.15): • Vertical elements of the window patterns will be at least 0.25 inch wide at a maximum spacing of 4 inches and/or have horizontal elements at least 0.125 inch wide at a maximum spacing of 2 inches; OR • Bird-safe glazing shall have a Threat Factor[1] less than or equal to 30. AND • Visible reflectance less than or equal to 15%.

To reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on the hotel will have a visible reflectance of 15% or lower.		
C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.	No – waiver requested	It is our understanding that occupancy sensors will not be used in all areas of the building.
D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.	Yes	In our professional opinion, the placement of the hotel does not funnel flight paths towards a building façade.
E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.	No – waiver requested	No free-standing glass handrails are included in the project design. Transparent glass corners are present on the building's southwest corner on Level 1 (see ACP pages A4.01, A4.02 and A6.02), as well as at the northeast and southeast corners of the courtyard on Level 1 (see ACP pages A4.01, A5.01, and A6.01).
F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.	No – waiver requested	Transparent glass is included at the rooflines of the hotel and at roof terraces with landscape vegetation (see ACP pages A4.01, A4.02, A5.01, A6.01, and A6.02).
G. Use of rodenticides shall not be allowed.	Yes	It is our understanding that rodenticides shall not be used.

[1]A material's Threat Factor is assigned by the American Bird Conservancy, and refers to the level of danger posed to birds based on birds' ability to perceive the material as an obstruction, as tested using a "tunnel" protocol (a standardized test that uses wild birds to determine the relative effectiveness of various products at deterring bird collisions). The higher the Threat Factor, the greater the risk that collisions will occur. An opaque material will have a Threat Factor of 0, and a completely transparent material will have a Threat Factor of 100. Threat Factors for many commercially available façade materials can be found by clicking the "Threat Factor Table" link at https://abcbirds.org/glass-collisions/nyc-threat-factor.

The project is requesting waivers for requirements A, C, E, and F for the hotel, as permitted by the City bird-safe design requirements. These waivers are requested in order for the project to achieve design excellence. To address collision risk with the hotel when waivers are requested, and ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, tailored alternative bird-safe design measures, derived from the City bird-safe design requirements, are provided in Section 5.2.2.2 of the

Willow Village Master Plan Bird-Safe Design Assessment (hereafter, these alternative measures are referred to as *alternative City measures*). Documentation of compliance with these alternative City measures, with the exception of requirement C (discussed separately below), is provided in Table 2.

Table 2. Documentation of Hotel Compliance with Alternative City Measures

Alternative City Measure	Does the Hotel ACP Design Comply with the Measure?	ACP Documentation
The hotel shall focus bird-friendly glazing treatments within areas of extensive glazing on lower floors and roof terraces that face the Town Square and elevated park (i.e., the north, east, and south facades of the hotel), as these represent areas of heightened collision risk. The focal façade areas to be treated shall be identified by a qualified biologist on building-specific façade views; no more than 10% of these areas shall have non-bird-friendly glazing.	Yes	H. T. Harvey & Associates reviewed the ACP design and identified focal façade areas to be treated. Documentation that no more than 10% of the identified focal façade areas will have non-bird-friendly glazing is provided in the ACP on pages A9.15.
If free-standing glass railings are included on the hotel, all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment. Specifically, all glazing on free-standing glass railings on the buildings shall have a Threat Factor (see footnote 1 above) less than or equal to 15.	Yes	No free-standing glass railings are included in the project design.
All glazed features of the hotel with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment where they are located within or adjacent to (i.e., on both sides of a corner where one side of the corner falls within a focal treatment area) the focal treatment areas identified by the qualified biologist. These transparent building corners shall treated as far from the corner as it is possible to see through to the other side of the corner.	Yes	H. T. Harvey & Associates reviewed the ACP design and identified transparent glass corners on the southwest corner of the hotel on Level 1, as well as at the northeast and southeast corners of the courtyard on Level 1. Documentation that these corners will be 100% treated with a bird-safe glazing treatment is provided in the ACP on pages A9.15.

As discussed in the *Willow Village Master Plan Bird-Safe Design Assessment*, the hotel shall comply with City occupancy sensor requirements where feasible. However, if occupancy sensors or other switch control devices

are not feasible, and/or interior lights cannot be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise (e.g., because the space is occupied 24 hours per day or is residential), no alternative City measures are proposed for the hotel. In our opinion, this measure (or an alternative measure) is not necessary to reduce bird collisions with the hotel to less-than-significant levels under CEQA, and a waiver to this requirement is appropriate. CEQA mitigation measures developed in the *Willow Village Master Plan Bird-Safe Design Assessment* to minimize lighting for the hotel are discussed below.

In lieu of complying with City requirements A, C, E, and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate.

Assessment of Compliance with CEQA Bird-Safe Design Requirements

The *Willow Village Master Plan Bird-Safe Design Assessment* identifies project design elements and mitigation measures that are necessary to reduce project impacts due to bird collisions to less-than-significant levels under CEQA. These are referred to as *CEQA bird-safe design requirements*, and are as follows:

- Features of the hotel's architecture that would reduce the frequency of avian collisions (referred to as *beneficial project features*), identified in Section 5.2.1.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*.
- Lighting design principles listed in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*.
- CEQA Mitigation Measures 6, 7, 8, and 9 identified in Sections 5.2.3 (related to building architecture) and 6.3.1.2 (related to lighting) of the *Willow Village Master Plan Bird-Safe Design Assessment*. Compliance of the hotel project with other CEQA Mitigation Measures identified in the *Willow Village Master Plan Bird-Safe Design Assessment* (i.e., Mitigation Measures 1–5 and 10–13) is not required, as these measures are specific to other components of the Master Plan.

The hotel will comply with the CEQA bird-safe design requirements as described in the *Willow Village Master Plan Bird-Safe Design Assessment* and documented in Table 3.

Table 3. CEQA Bird-Safe Design Requirements

CEQA Bird-Safe Design Requirement	Does the Hotel ACP Design Comply with the Requirement?	Documentation
Beneficial Project Features		
Extensive opaque panels	Yes	Opaque wall panels are shown on ACP pages A4.01, A4.02, A5.01, A6.01, and A6.02.
Lighting Design Principles		

The list of project lighting design principles in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with all lighting design principles in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.
CEQA Mitigation Measures		
Mitigation Measure 6. To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture. If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees and buildings) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 6 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.
Mitigation Measure 7. All lighting shall be fully shielded to block illumination from shining outward towards San Francisco Bay habitats to the north. No light trespass shall be permitted more than 80 feet beyond the site's northern property line (i.e., beyond the JPB rail corridor).	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 7 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.
Mitigation Measure 8. Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 8 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.

Association[1]) from 10:00 p.m. until sunrise, except as needed for safety and City code compliance.		
Mitigation Measure 9. Temporary lighting that exceeds minimal site lighting requirements may be used for nighttime social events. This lighting shall be switched off no later than midnight. No exterior up-lighting (i.e., lighting that projects upward above the fixture, including spotlights) shall be used during events.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 9 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.

Summary

The hotel will comply with the City's bird-safe design requirements by implementing requirements B, D, and G and requesting waivers for requirements A, C, E, and F (with the implementation of alternative City measures). In addition, the project will incorporate the beneficial project features, lighting design principles, and Mitigation Measures 6–9 identified for the hotel in the *Willow Village Master Plan Bird-Safe Building Assessment* to reduce impacts due to bird collisions to less-than-significant levels under CEQA. With compliance with City requirements B, D, and G and requested waivers for requirements A, C, E, and F (including implementation of the identified alternative City measures); implementation of the applicable beneficial project features and lighting design principles; and compliance with CEQA Mitigation Measures 6–9, it is our professional opinion that impacts of the hotel due to bird collisions are less than significant under CEQA, and the requested waivers for requirements A, C, E, and F are appropriate.

Please feel free to contact me at (408) 677-8737 or rcarle@harveyecology.com if you have any questions regarding this assessment. Thank you very much for contacting H. T. Harvey & Associates about this project.

Sincerely,

Robin Carle, M.S.
Senior Associate Wildlife Ecologist/Project Manager

[1] International Dark-Sky Association. 2011. Model Lighting Ordinance with User's Guide. Available: https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF. Accessed August 2022.

August 16, 2022

Brian Zubradt
Peninsula Innovation Partners
1 Hacker Way, Building 28
Menlo Park, CA 94025

Subject: Willow Village Parcel 6 – Bird-Safe Design Architectural Control Package Compliance Assessment (HTH #3375-21)

Dear Brian Zubradt:

Per your request, H. T. Harvey & Associates has assessed compliance of the proposed Parcel 6 development located at the Willow Village project site in Menlo Park, California, with the *Willow Village Master Plan Bird-Safe Design Assessment* prepared by H. T. Harvey & Associates for Peninsula Innovation Partners (October 19, 2021). The Parcel 6 development will consist of a seven-story, 244,032 square-foot mixed-use building with 178 residential units, and is part of the larger Willow Village Master Plan. Parcel 6 is located along the southern boundary of the Master Plan area and will be surrounded by a future park to the northwest, Park Street and residential development to the northeast, residential development to the southeast, and the Hetch Hetchy right-of-way to the south.

We previously assessed project implementation of bird-safe design requirements for Parcel 6 in the *Willow Village Master Plan Bird-Safe Design Assessment* prepared based on the project's conceptual Conditional Development Permit (CDP) application. The purpose of this report is to review the Parcel 6 Architectural Control Package (ACP), which is more detailed compared to the conceptual CDP and commits the project to the design details specified therein, in order to document project compliance with City and California Environmental Quality Act (CEQA) bird-safe design requirements that reduce impacts due to bird collisions to less-than-significant levels under CEQA.

A number of the City and CEQA requirements listed herein pertain to lighting; however, the project's lighting has not yet been designed. It is our understanding that the project will implement the lighting measures provided in the *Willow Village Master Plan Bird-Safe Design Assessment* including lighting design principles in Section 6.2.1, Mitigation Measure 6 in Section 6.3.1.2, Mitigation Measure 13 in Section 6.3.4.2, and City occupancy sensor requirements (either via compliance with City lighting requirements [i.e., requirement C, discussed below] or the implementation of the proposed alternative City measures in Section 6.2.2). Implementation of these measures will reduce impacts due to lighting in the southern portion of the project site to less-than-significant

983 University Avenue, Building D • Los Gatos, CA 95032 • 408.458.3200 • *www.harveyecology.com*

levels under CEQA. Per ACP pages A9.15, the project will implement these principles, requirements, and measures. By incorporating these principles, requirements, and measures, it is our professional opinion that project impacts due to Parcel 6 lighting would be less than significant under CEQA. A subsequent report prepared by a qualified biologist will accompany the project's permit submittal to document compliance of the lighting design for Parcel 6 with these requirements.

Assessment of Compliance with City Bird-Safe Design Requirements

The City requires the Parcel 6 development to comply with the bird-safe design requirements identified in Mitigation Measure BIO-1 of the *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Environmental Impact Report*, certified by the City of Menlo Park in 2016 and codified in Sections 16.43.140(6) and 16.45.130(6) of the City's Municipal Code, hereafter referred to as *City bird-safe design requirements*. The Parcel 6 development will comply with the City bird-safe design requirements as described in Section 5.2.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment* and documented in Table 1, or, subject to City approval of waivers, implement alternative City measures (described below).

Table 1. Documentation of Parcel 6 Compliance with City Bird-Safe Design Requirements or Waiver Requests

City Bird-Safe Design Requirement	Does the Parcel 6 ACP Design Comply with the Requirement?	ACP Documentation
A. No more than 10% of facade surface area shall have non-bird-friendly glazing	No – waiver requested	Approximately 26% of the façade surface area shall have non-bird-friendly glazing.
B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.	Yes	Bird-friendly glazing shall have the following specifications (see page A9.15): a. Vertical elements of the window patterns should be at least 0.25 inch wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inch wide at a maximum spacing of two inches; OR b. Bird-safe glazing shall have a Threat Factor[1] less than or equal to 30. OR c. A screen shall be placed in front of the treated window such that the combination of the window treatment and screen size/spacing

		meet the specifications in (a) or (b) (e.g., by spacing the frit in between the screen panels) (see discussion below) In addition, the project glazing will have visible reflectance of 15% or lower (ACP page A9.15).
C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.	No – waiver requested	Occupancy sensors will not be used in all areas of the building (ACP page A9.15).
D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.	Yes	In our professional opinion, the placement of the Parcel 6 building does not funnel flight paths towards a building façade.
E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.	No – waiver requested	Free-standing glass guardrails are included in the project design (see pages A4.01, A4.02, A4.03, and A4.04 of the ACP).
F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.	No – waiver requested	Transparent glass is included at the rooflines of the Parcel 6 building and at roof terraces with landscape vegetation (see pages A4.01, A4.02, A4.03, A4.04, L1.02, and L1.03 of the ACP).
G. Use of rodenticides shall not be allowed.	Yes	It is our understanding that rodenticides shall not be used.

The use of a screen instead of or in combination with a bird-safe frit pattern to comply with requirement B is not discussed in the *Willow Village Master Plan Bird-Safe Design Assessment* because this alternative was not proposed in the CDP design. However, external screens are listed as an option for bird-safe treatment of windows in requirement B, and hence are an appropriate option to reduce collisions with glazing. In our opinion, the use of a screen in front of a window with a bird-safe glazing treatment such that the combination of the window treatment and screen size/spacing meet the appropriate specifications (i.e., vertical elements at least 0.25 inch wide at a maximum spacing of 4 inches and/or horizontal elements at least 0.125 inches wide at a maximum spacing of 2 inches) by spacing the frit in between the screen panels is an appropriate option to reduce bird collisions with the Parcel 6 building.

The project is requesting waivers for requirements A, C, E, and F for the Parcel 6 building, as permitted by the City bird-safe design requirements. These waivers are requested in order for the project to achieve design excellence. To address collision risk with the project buildings when waivers are requested, and ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, tailored alternative bird-safe design measures, derived from the City bird-safe design requirements, are provided in Section 5.2.2.2 of the *Willow Village Master Plan Bird-Safe Design Assessment* (hereafter, these alternative measures are referred to as *alternative City measures*). Documentation of compliance with these alternative City measures, with the exception of requirement C (discussed separately below), is provided in Table 2.

Table 2. Documentation of Parcel 6 Compliance with Alternative City Measures

Alternative City Measure	Does the Parcel 6 ACP Design Comply with the Measure?	ACP Documentation
The Parcel 6 building shall focus bird-friendly glazing treatments within areas of extensive glazing on lower floors and roof terraces that face the approximately 3.5-acre publicly accessible park (Parcel A) (i.e., the west façades of the Parcel 6 building), as these represent areas of heightened collision risk. The focal façade areas to be treated shall be identified by a qualified biologist on building-specific façade views; no more than 10% of these areas shall have non-bird-friendly glazing.	Yes	H. T. Harvey & Associates reviewed the ACP design and identified focal façade areas to be treated. Documentation that the identified focal façade areas will be treated such that no more than 10% of these areas have non-bird-friendly glazing is provided in the ACP on page A9.15.
All glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment. Specifically, this glazing shall have a Threat Factor[1] less than or equal to 15.	Yes	Documentation that free-standing glass railings will be 100% treated with a bird-safe glazing treatment that has a Threat Factor[1] less than or equal to 15 is provided in the ACP on page A9.15.
All glazed features of the Parcel 6 building with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment where they are located within or adjacent to (i.e., on both sides of a corner where one side of the corner falls within a focal treatment area) the focal treatment areas identified by the qualified biologist. These transparent building corners shall treated as far from the corner as it is	Yes	H. T. Harvey & Associates reviewed the ACP design and identified a transparent glass corner at the northern end of the focal treatment area on the ground level on the western façade of the Parcel 6 building. Documentation that this area will be 100% treated with a bird-safe glazing treatment is provided in the ACP on page A9.15.

possible to see through to the other side of the corner.

[1]A material's Threat Factor is assigned by the American Bird Conservancy, and refers to the level of danger posed to birds based on birds' ability to perceive the material as an obstruction, as tested using a "tunnel" protocol (a standardized test that uses wild birds to determine the relative effectiveness of various products at deterring bird collisions). The higher the Threat Factor, the greater the risk that collisions will occur. An opaque material will have a Threat Factor of 0, and a completely transparent material will have a Threat Factor of 100. Threat Factors for many commercially available façade materials can be found by clicking the "Threat Factor Table" link at https://abcbirds.org/glass-collisions/nyc-threat-factor.

As discussed in the *Willow Village Master Plan Bird-Safe Design Assessment*, the mixed-use buildings (including Parcel 6) shall comply with City occupancy sensor requirements where feasible. However, if occupancy sensors or other switch control devices are not feasible, and/or interior lights cannot be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise (e.g., because the space is occupied 24 hours per day or is residential), no alternative City measures are proposed for the Parcel 6 building. In our opinion, this measure (or an alternative measure) is not necessary to reduce bird collisions with the Parcel 6 building to less-than-significant levels under CEQA, and a waiver to this requirement is appropriate. CEQA mitigation measures developed in the *Willow Village Master Plan Bird-Safe Design Assessment* to minimize lighting for the Parcel 6 building are discussed below.

In lieu of complying with City requirements A, C, E, and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate.

Assessment of Compliance with CEQA Bird-Safe Design Requirements

The *Willow Village Master Plan Bird-Safe Design Assessment* identifies project design elements and mitigation measures that are necessary to reduce project impacts due to bird collisions to less-than-significant levels under CEQA. These are referred to as *CEQA bird-safe design requirements*, and are as follows:

- Features of the Parcel 6 building's architecture that would reduce the frequency of avian collisions (referred to as *beneficial project features*), identified in Section 5.2.1.2 of the *Willow Village Master Plan Bird-Safe Design Assessment*.
- Lighting design principles listed in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*.
- CEQA Mitigation Measures 6 and 13 identified in Sections 5.2.3 (related to building architecture) and 6.3.4.2 (related to lighting) of the *Willow Village Master Plan Bird-Safe Design Assessment*. Compliance of the Parcel 6 project with other CEQA Mitigation Measures identified in the *Willow Village Master Plan Bird-Safe Design Assessment* (i.e., Mitigation Measures 1–5 and 7–12) is not required, as these measures are specific to other components of the Master Plan.

The Parcel 6 development will comply with the CEQA bird-safe design requirements as described in the *Willow Village Master Plan Bird-Safe Design Assessment* and documented in Table 3.

Table 3. CEQA Bird-Safe Design Requirements

CEQA Bird-Safe Design Requirement	Does the Parcel 6 ACP Design Comply with the Requirement?	Documentation
Beneficial Project Features		
Opaque panels	Yes	Opaque wall panels are shown on ACP pages A4.01, A4.02, A4.03, A4.04, and A7.01.
Overhangs	Yes	Building overhangs are shown on ACP pages A4.01 and A4.02.
Mullions	Yes	Mullions are shown on ACP pages A4.01, A4.2, A4.03, A4.04, and A7.01.
Porticos that are not vegetated or located immediately adjacent to vegetation	Yes	Porticos without vegetation are shown on ACP pages A4.01, A4.02, A4.03, A4.04.
Lighting Design Principles		
The list of project lighting design principles in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with all lighting design principles in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.
CEQA Mitigation Measures		
Mitigation Measure 6. To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture. If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees and buildings) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 6 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.

beyond, no substantial adverse effects on migrating birds are anticipated.		
Mitigation Measure 13. Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from midnight until sunrise, except as needed for safety and City code compliance.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 6 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.

Summary

The Parcel 6 development will comply with the City's bird-safe design requirements by implementing requirements B, D, and G and requesting waivers for requirements A, C, E, and F (with the implementation of alternative City measures). In addition, the project will incorporate the beneficial project features, lighting design principles, and Mitigation Measures 6 and 13 identified for Parcel 6 in the *Willow Village Master Plan Bird-Safe Building Assessment* to reduce impacts due to bird collisions to less-than-significant levels under CEQA. With compliance with City requirements B, D, and G and requested waivers for requirements A, C, E, and F (including implementation of the identified alternative City measures); implementation of the applicable beneficial project features and lighting design principles; and compliance with CEQA Mitigation Measures 6 and 13, it is our professional opinion that impacts of the Parcel 6 development due to bird collisions are less than significant under CEQA, and the requested waivers for requirements A, C, E, and F are appropriate.

Please feel free to contact me at (408) 677-8737 or rcarle@harveyecology.com if you have any questions regarding this assessment. Thank you very much for contacting H. T. Harvey & Associates about this project.

Sincerely,

Robin Carle, M.S.
Senior Associate Wildlife Ecologist/Project Manager

August 16, 2022

Brian Zubradt
Peninsula Innovation Partners
1 Hacker Way, Building 28
Menlo Park, CA 94025

Subject: Willow Village Parcel 7 – Bird-Safe Design Architectural Control Package Compliance Assessment (HTH #3375-21)

Dear Brian Zubradt:

Per your request, H. T. Harvey & Associates has assessed compliance of the proposed Parcel 7 development located at the Willow Village project site in Menlo Park, California, with the *Willow Village Master Plan Bird-Safe Design Assessment* prepared by H. T. Harvey & Associates for Peninsula Innovation Partners (October 19, 2021). The Parcel 7 development will consist of a six-story, 93,606 square-foot mixed-use building with 120 residential units, and is part of the larger Willow Village Master Plan. Parcel 7 is located along the southern boundary of the Master Plan area and will be surrounded by Park Street to the north, a future park (Parcel 8) to the east, the Hetch-Hetchy Right of Way to the south, and future mixed-use development (Parcel 6) to the west.

We previously assessed project implementation of bird-safe design requirements for Parcel 7 in the *Willow Village Master Plan Bird-Safe Design Assessment* prepared based on the project's conceptual Conditional Development Permit (CDP) application. The purpose of this report is to review the Parcel 7 Architectural Control Package (ACP), which is more detailed compared to the conceptual CDP and commits the project to the design details specified therein, in order to document project compliance with City and California Environmental Quality Act (CEQA) bird-safe design requirements that reduce impacts due to bird collisions to less-than-significant levels under CEQA.

A number of the City and CEQA requirements listed herein pertain to lighting; however, the project's lighting has not yet been designed. It is our understanding that the project will implement the lighting measures provided in the *Willow Village Master Plan Bird-Safe Design Assessment* including lighting design principles in Section 6.2.1, Mitigation Measure 6 in Section 6.3.1.2, Mitigation Measure 13 in Section 6.3.4.2, and City occupancy sensor requirements (either via compliance with City lighting requirements [i.e., requirement C, discussed below] or the implementation of the proposed alternative City measures in Section 6.2.2). Implementation of these measures will reduce impacts due to lighting in the southern portion of the project site to less-than-significant levels under CEQA. Per ACP pages A9.15, the project will implement these principles, requirements, and

983 University Avenue, Building D • Los Gatos, CA 95032 • 408.458.3200 • *www.harveyecology.com*

measures. By incorporating these principles, requirements, and measures, it is our professional opinion that project impacts due to Parcel 7 lighting would be less than significant under CEQA. A subsequent report prepared by a qualified biologist will accompany the project's permit submittal to document compliance of the lighting design for Parcel 7 with these requirements.

Assessment of Compliance with City Bird-Safe Design Requirements

The City requires the Parcel 7 development to comply with the bird-safe design requirements identified in Mitigation Measure BIO-1 of the *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Environmental Impact Report*, certified by the City of Menlo Park in 2016 and codified in Sections 16.43.140(6) and 16.45.130(6) of the City's Municipal Code, hereafter referred to as *City bird-safe design requirements*. The Parcel 7 development will comply with the City bird-safe design requirements as described in Section 5.2.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment* and documented in Table 1, or, subject to City approval of waivers, implement alternative City measures (described below).

Table 1. Documentation of Parcel 7 Compliance with City Bird-Safe Design Requirements or Waiver Requests

City Bird-Safe Design Requirement	Does the Parcel 7 ACP Design Comply with the Requirement?	ACP Documentation
A. No more than 10% of facade surface area shall have non-bird-friendly glazing	No – waiver requested	No bird-safe glazing is proposed on the Parcel 7 building (see ACP page A9.15).
B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.	No – waiver requested	No bird-safe glazing is proposed on the Parcel 7 building (see ACP page A9.15).
C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.	No – waiver requested	It is our understanding that occupancy sensors will not be used in all areas of the building.
D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.	Yes	In our professional opinion, the placement of the Parcel 7 building does not funnel flight paths towards a building façade.
E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent	Yes	No free-standing glass features, such as skyways or guardrails, are included in the project design (see

building corners shall not be allowed.		pages A4.01–02 and A5.02–04 of the ACP).
F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.	No – waiver requested	Transparent glass is included at the rooflines of the Parcel 7 building and at roof terraces with landscape vegetation (see pages A4.01–02 and L1.02–03 of the ACP).
G. Use of rodenticides shall not be allowed.	Yes	It is our understanding that rodenticides shall not be used.

The project is requesting waivers for requirements A, B, C, and F for the Parcel 7 mixed-use building, as permitted by the City bird-safe design requirements. These waivers are requested in order for the project to achieve design excellence. To address collision risk with the project buildings when waivers are requested, and ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, tailored alternative bird-safe design measures, derived from the City bird-safe design requirements, are provided in Section 5.2.2.2 of the *Willow Village Master Plan Bird-Safe Design Assessment* (hereafter, these alternative measures are referred to as *alternative City measures*). Documentation of compliance with these alternative City measures, with the exception of requirement C (discussed separately below), is provided in Table 2.

Table 2. Documentation of Parcel 7 Compliance with Alternative City Measures

Alternative City Measure	Does the Parcel 7 ACP Design Comply with the Measure?	ACP Documentation
The Parcel 7 building shall focus bird-friendly glazing treatments within areas of extensive glazing on lower floors and roof terraces that face the approximately 3.5-acre publicly accessible park (Parcel A), Town Square, and elevated park (i.e., the north, east, and south facades of the hotel; the north and south façades of the Parcel 2 building; the north/northeast facades of the Parcel 3 buildings; a portion of the south façade of the Parcel 4 building; and the west façades of the Parcel 6 building), as these represent areas of heightened collision risk. The focal façade areas to be treated shall be identified by a qualified biologist on building-specific façade views; no more than 10% of these areas shall have non-bird-friendly glazing.	Yes	H. T. Harvey & Associates reviewed the ACP design and identified no focal façade areas on the Parcel 7 building are required to be treated because these facades do not face the public park, Town Square, or elevated park. Thus, the project complies with this requirement.

All glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment. Specifically, this glazing shall have a Threat Factor[1] less than or equal to 15.	Yes	No free-standing glass railings are included in the project design (see pages A4.01–02 and A5.02–04 of the ACP).
All glazed features of the Parcel 7 building with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment where they are located within or adjacent to (i.e., on both sides of a corner where one side of the corner falls within a focal treatment area) the focal treatment areas identified by the qualified biologist. These transparent building corners shall treated as far from the corner as it is possible to see through to the other side of the corner.	Yes	H. T. Harvey & Associates reviewed the ACP design and identified no transparent glass corners on the Parcel 7 building are required to be treated because these facades do not fall within the identified focal treatment areas that face the public park, Town Square, or elevated park. Thus, the project complies with this requirement.

[1]A material's Threat Factor is assigned by the American Bird Conservancy, and refers to the level of danger posed to birds based on birds' ability to perceive the material as an obstruction, as tested using a "tunnel" protocol (a standardized test that uses wild birds to determine the relative effectiveness of various products at deterring bird collisions). The higher the Threat Factor, the greater the risk that collisions will occur. An opaque material will have a Threat Factor of 0, and a completely transparent material will have a Threat Factor of 100. Threat Factors for many commercially available façade materials can be found by clicking the "Threat Factor Table" link at https://abcbirds.org/glass-collisions/nyc-threat-factor.

As discussed in the *Willow Village Master Plan Bird-Safe Design Assessment*, the mixed-use buildings (including Parcel 7) shall comply with City occupancy sensor requirements where feasible. However, if occupancy sensors or other switch control devices are not feasible, and/or interior lights cannot be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise (e.g., because the space is occupied 24 hours per day or is residential), no alternative City measures are proposed for the Parcel 7 building. In our opinion, this measure (or an alternative measure) is not necessary to reduce bird collisions with the Parcel 7 building to less-than-significant levels under CEQA, and a waiver to this requirement is appropriate. CEQA mitigation measures developed in the *Willow Village Master Plan Bird-Safe Design Assessment* to minimize lighting for the Parcel 7 building are discussed below.

In lieu of complying with City requirements A, B, C, and F to the letter, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate.

Assessment of Compliance with CEQA Bird-Safe Design Requirements

The *Willow Village Master Plan Bird-Safe Design Assessment* identifies project design elements and mitigation measures that are necessary to reduce project impacts due to bird collisions to less-than-significant levels under CEQA. These are referred to as *CEQA bird-safe design requirements*, and are as follows:

- Features of the Parcel 7 building's architecture that would reduce the frequency of avian collisions (referred to as *beneficial project features*), identified in Section 5.2.1.2 of the *Willow Village Master Plan Bird-Safe Design Assessment*.
- Lighting design principles listed in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*.
- CEQA Mitigation Measures 6 and 13 identified in Sections 5.2.3 (related to building architecture) and 6.3.4.2 (related to lighting) of the *Willow Village Master Plan Bird-Safe Design Assessment*. Compliance of the Parcel 7 project with other CEQA Mitigation Measures identified in the *Willow Village Master Plan Bird-Safe Design Assessment* (i.e., Mitigation Measures 1–5 and 7–12) is not required, as these measures are specific to other components of the Master Plan.

The Parcel 7 development will comply with the CEQA bird-safe design requirements as described in the *Willow Village Master Plan Bird-Safe Design Assessment* and documented in Table 3.

Table 3. CEQA Bird-Safe Design Requirements

CEQA Bird-Safe Design Requirement	Does the Parcel 7 ACP Design Comply with the Requirement?	Documentation
Beneficial Project Features		
Opaque panels	Yes	Opaque wall panels are shown on ACP pages A4.01–02.
Overhangs	Yes	Building overhangs are shown on ACP pages A4.01–02.
Mullions	Yes	Mullions are shown on ACP pages A4.01–02.
Porticos that are not vegetated or located immediately adjacent to vegetation	Yes	Porticos without vegetation are shown on ACP pages A4.01–02.
Lighting Design Principles		
The list of project lighting design principles in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with all lighting design principles in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.

CEQA Mitigation Measures		
Mitigation Measure 6. To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture. If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees and buildings) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 6 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.
Mitigation Measure 13. Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from midnight until sunrise, except as needed for safety and City code compliance.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 6 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.

Summary

The Parcel 7 development will comply with the City's bird-safe design requirements by implementing requirements D, E, and G and requesting waivers for requirements A, B, C, and F (with implementation of alternative City measures). In addition, the project will incorporate the beneficial project features, lighting design principles, and Mitigation Measures 6 and 13 identified for Parcel 7 in the *Willow Village Master Plan Bird-Safe Building Assessment* to reduce impacts due to bird collisions to less-than-significant levels under CEQA. With compliance with City requirements D, E, and G and requested waivers for requirements A, B, C, and F (including implementation of the identified alternative City measures); implementation of the applicable beneficial project features and lighting design principles; and compliance with CEQA Mitigation Measures 6 and 13, it is our professional opinion that impacts of the Parcel 7 development due to bird collisions are less than significant under CEQA, and the requested waivers for requirements A, B, C, and F are appropriate.

Please feel free to contact me at (408) 677-8737 or rcarle@harveyecology.com if you have any questions regarding this assessment. Thank you very much for contacting H. T. Harvey & Associates about this project.

Sincerely,

Robin Carle, M.S.
Senior Associate Wildlife Ecologist/Project Manager

H. T. HARVEY & ASSOCIATES
Ecological Consultants
50 years of field notes, exploration, and excellence

Willow Village Master Plan
Bird-Safe Design Assessment

Project #3375-21

Prepared for:

Brian Zubradt
Peninsula Innovation Partners
1 Hacker Way, Building 28
Menlo Park, CA 94025

Prepared by:

H. T. Harvey & Associates

February 24, 2022

983 University Avenue, Building D • Los Gatos, CA 95032 • Ph: 408.458.3200 • F: 408.458.3210

Table of Contents

Appendices

List of Preparers

Steve Rottenborn, Ph.D., Principal/Senior Wildlife Ecologist
Robin Carle, M.S., Project Manager/Senior Wildlife Ecologist

Section 1. Introduction and Purpose

Per the request of Peninsula Innovation Partners, H. T. Harvey & Associates has performed an assessment of avian collision risk for the proposed Willow Village Master Plan project (Master Plan) located in Menlo Park, California.

It is our understanding that the project proposes to replace more than one million square feet of existing industrial, office, and warehouse space in the 59-acre Menlo Science and Technology Park with a new residential/mixed-used village that includes up to 1,730 residential units, up to 200,000 square feet of retail uses, a hotel with up to 193 rooms and accessory uses, approximately 1,600,000 square feet of space for office and accessory uses (with a maximum of 1,250,000 square feet of office uses and the balance 350,000 square feet [if office use is maximized] of accessory uses) on the project site. The site is bounded by Willow Road to the west, the Joint Powers Board (JPB) rail corridor to the north, the Hetch Hetchy right-of-way corridor and Mid-Peninsula High School to the south, and an existing life science complex to the east. To allow for the transformation of the site into a vibrant residential/mixed-use community, the plan will require demolition of all existing site improvements consisting of buildings, streets, and utilities.

This report provides an analysis of bird collision hazards associated with the conceptual design for the Master Plan and documents the bird-safe design measures that will be incorporated into the project to ensure that (1) project impacts due to bird collisions with buildings are reduced to less-than-significant levels under the California Environmental Quality Act (CEQA), and (2) the project complies with City of Menlo Park bird-safe design requirements.

This assessment is based on the project's Conditional Development Permit (CDP) application, as well as additional design details for the various Master Plan components identified in Appendix A to support our assessment. We will also review the final Architectural Control Plans (ACPs) and produce a subsequent final report for each Master Plan component to document (1) compliance with the CEQA mitigation measures the project will implement to mitigate significant CEQA impacts; and (2) compliance with City of Menlo Park bird-safe design requirements (with requests for waivers of certain requirements as permitted by the City bird-safe design requirements and including compliance with alternative City measures, where appropriate); and (3) compliance with the lighting design principles identified herein. If we find that modifications are needed to the ACPs to ensure that impacts are reduced to less-than-significant levels under CEQA and/or compliance with City requirements, we will provide recommended modifications in our reports for individual ACPs.

Section 2. City Bird-Safe Design Requirements

In 2014, the City of Menlo Park initiated the process of updating its General Plan Land Use and Circulation Elements as well as its zoning for the M-2 area (also known as the Bayfront Area) in the northern portion of Menlo Park. Collectively, this update to the General Plan and zoning is known as *ConnectMenlo*. On November 29, 2016, the City Council certified the *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Environmental Impact Report* (ConnectMenlo EIR) and approved the General Plan Land Use and Circulation Elements. The Willow Village project is located within the ConnectMenlo area.

Mitigation Measure BIO-1 of the ConnectMenlo EIR requires measures to ensure that the project reduces bird collisions with new buildings. For the purpose of this report, we assume that the project will comply with City of Menlo Park bird-safe design requirements (including obtaining waivers, as permitted by the City bird-safe design requirements, where applicable) provided in Municipal Code Sections 16.43.140(6) and 16.45.130(6), which include measures to reduce bird collisions. Hereafter, the bird-safe design measures in the ConnectMenlo EIR and the City's Municipal Code are referred to together as *City bird-safe design requirements*. These requirements are as follows:

A. No more than 10% of facade surface area shall have non-bird-friendly glazing.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

G. Use of rodenticides shall not be allowed.

A project may receive a waiver from requirements A through F, subject to the submittal of a site-specific evaluation from a qualified biologist (defined as an ornithologist familiar with local bird communities and populations and with expertise assessing avian collision risk) and review and approval by the planning commission. A waiver from requirement G is not authorized. The project will comply with requirement G, and this requirement is not discussed further in the body of this report.

However, to address collision risk with the project buildings, tailored alternative bird-safe design measures, derived from the City of Menlo Park's requirements with appropriate waivers, are provided in Section 5 of this report based on the conceptual designs in the project's CDP application to reduce collision impacts to less-than-significant levels under CEQA (hereafter, these alternative measures are referred to as *alternative City measures*). Sections 5 and 6 of this report provides a discussion of how the Master Plan components will comply with the City's bird-safe design requirements, as well as examples of locations where waivers to the City requirements are, in our professional opinion, appropriate in areas of low collision risk. Waivers are requested in order for the project to achieve design excellence (e.g., related to aesthetics, energy efficiency, or project objectives). Waivers are requested only where strict adherence to the City's bird-safe design requirements (a) is not necessary to reduce project impacts to less-than-significant levels under CEQA and (b) would not substantively reduce bird collision risk beyond the alternative City measures proposed in Sections 5 and 6 (discussed in detail in Sections 5 and 6 below).

This report documents the CEQA mitigation measures and alternative City measures the project will implement to reduce impacts to less-than-significant levels and comply with the City's bird-safe design requirements. Documentation of compliance with this report will be provided in subsequent reports for each ACP for the project.

Section 3. Project Site Conditions

3.1 Existing Conditions

Habitat conditions and bird occurrence in the immediate vicinity of the project site (i.e., on the site and on immediately adjacent lands) are typical of much of the urbanized San Francisco Bay area. The approximately 64.0-acre project site currently supports office buildings, roadways, restaurants, a gas station, parking lots, walking paths, mulched and irrigated areas, and landscape areas (Photos 1–4). The site is located across the inactive JPB rail corridor from a storage facility and large brackish marsh to the north, and is otherwise surrounded by high-density commercial and residential development to the east, west, and south (Figure 1).

Photo 1. Office buildings, parking lots, and landscape areas on the project site.

Photo 2. Landscape areas and trees on the project site.

Photo 3. An overgrown wooded area with landscape trees on the project site.

Photo 4. Office buildings and landscape trees on the project site.

Figure 1. The project site (delineated in yellow) is surrounded by commercial and residential development to the east, west, and south. The inactive JPB rail corridor, a storage facility, and a large brackish marsh are located to the north.

Habitat conditions on the site are of low quality for most native birds found in the region due to the scarcity of vegetation, the lack of well-layered vegetation (e.g., with ground cover, shrub, and canopy tree layers in the same areas), and the small size of the vegetated habitat patches. Landscaped areas on the site support nonnative Canary Island pine (*Pinus canariensis*), Chinese pistache (*Pistacia chinensis*), London plane (*Platanus* x *hispanica*), eucalyptus (*Eucalyptus* sp.), and crepe myrtle (*Lagerstroemia* sp.) trees. Common understory plants include nonnative buckbrush (*Ceanothus* sp.) and rosemary (*Rosmarinus officinalis*). Nonnative vegetation supports fewer of the resources required by native birds compared to native vegetation, and the structural simplicity of the vegetation further limits resources available to birds (Anderson 1977, Mills et al. 1989). Nevertheless, there is a suite of common, urban-adapted bird species that occur in such urban areas that are expected to occur on the site regularly. These include the native Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), Bewick's wren (*Thryomanes bewickii*), bushtit (*Psaltriparus minimus*), dark-eyed junco (*Junco hyemalis*), and house finch (*Haemorhous mexicanus*), as well as the non-native European starling (*Sturnus vulgaris*) and house sparrow (*Passer domesticus*). All of these birds are year-round residents that can potentially nest on or immediately adjacent to the project site. A number of other species, primarily migrants or winter visitors (i.e., nonbreeders), are expected to occur occasionally on the site as well, including the white-crowned sparrow (*Zonotrichia leucophrys*), golden-crowned sparrow (*Zonotrichia atricapilla*), and yellow-rumped warbler (*Setophaga coronata*). All of the species expected to occur regularly are regionally abundant species, and no special-status birds (i.e., species of conservation concern) are expected to nest or occur regularly on the site.

The habitat conditions located to the east, west, and south of the project site are very similar to those on the project site itself. These areas are dominated by commercial and residential uses and have landscaping similar to that on the project site (Figure 1). As a result, bird use of these surrounding areas is as described above for the project site.

A large brackish marsh is present approximately 150 feet north of the project site, north of the inactive JPB rail corridor and a storage facility (Figure 1). This brackish marsh, which extends north to State Route 84 and east to University Avenue, is dominated by salt marsh and brackish marsh plants and contains several channels. As a result, marsh-associated special-status birds such as the San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), Alameda song sparrow (*Melospiza melodia pusillula*), and northern harrier (*Circus hudsonius*) – all of which are California species of special concern – may occur in this area. However, state and federally listed birds associated with tidal salt marshes, salt pannes, and aquatic habitats, such as the California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), western snowy plover (*Charadrius nivosus nivosus*), and California least tern (*Sternula antillarum browni*), are absent from these habitats.

Further to the northeast and northwest are former salt ponds, now managed as waterbird habitat, and the waters and marshes of the San Francisco Bay. Ravenswood Pond R3 is located approximately 750 feet north of the site, and is separated from the site by the inactive JPB rail corridor, commercial development, and Highway 84 (Figure 1). Ravenswood Pond SF2 is located approximately 1,760 feet northeast of the site, and is separated from the site by the inactive JPB rail corridor, a large brackish marsh (discussed above), and University Avenue (Figure 1). These ponds provide foraging habitat for a wide variety of waterbirds such as the American avocet (*Recurvirostra americana*), western sandpiper (*Calidris mauri*), marbled godwit (*Limosa fedoa*), ruddy duck (*Oxyura jamaicensis*), semipalmated plover (*Charadrius semipalmatus*), dunlin (*Calidris alpina*), least sandpiper (*Calidris minutilla*), red knot (*Calidris canutus*), long-billed dowitcher (*Limnodromus scolopaceus*), northern shoveler (*Spatula clypeata*), green-winged teal (*Anas crecca*), canvasback (*Aythya valisineria*), American white pelican (*Pelecanus erythrorhynchos*), black-bellied plover (*Pluvialis squatarola*) and others (Cornell Lab of Ornithology 2021). The federally threatened western snowy plover also nests and forages in Pond SF2.

Due to their location along the edge of the San Francisco Bay and the extensive areas of habitat present, the managed ponds located northeast and northwest of the project site support relatively high numbers of species of birds compared to areas located farther inland in San Mateo (Figure 2). Based on observations by birders over the years, approximately 138 species of birds have been recorded at pond SF2 and 136 species along the Bay Trail adjacent to Pond R3, including year-round resident, migrant, and wintering landbirds (associated with upland areas), shorebirds (associated with the shoreline), and waterbirds (associated with open water habitat) (Cornell Lab of Ornithology 2021). Ebird records suggest that some species of shorebirds and waterbirds can occur in these areas in large numbers (i.e., 1,000 individuals), but the majority of these species occur in smaller flocks. A number of migrant bird species will remain in this area for days to weeks to rest and forage. Resident birds that are present in the vicinity year-round are similarly attracted to the open habitats within these salt ponds in relatively large numbers for foraging opportunities (Cornell Lab of Ornithology 2021).

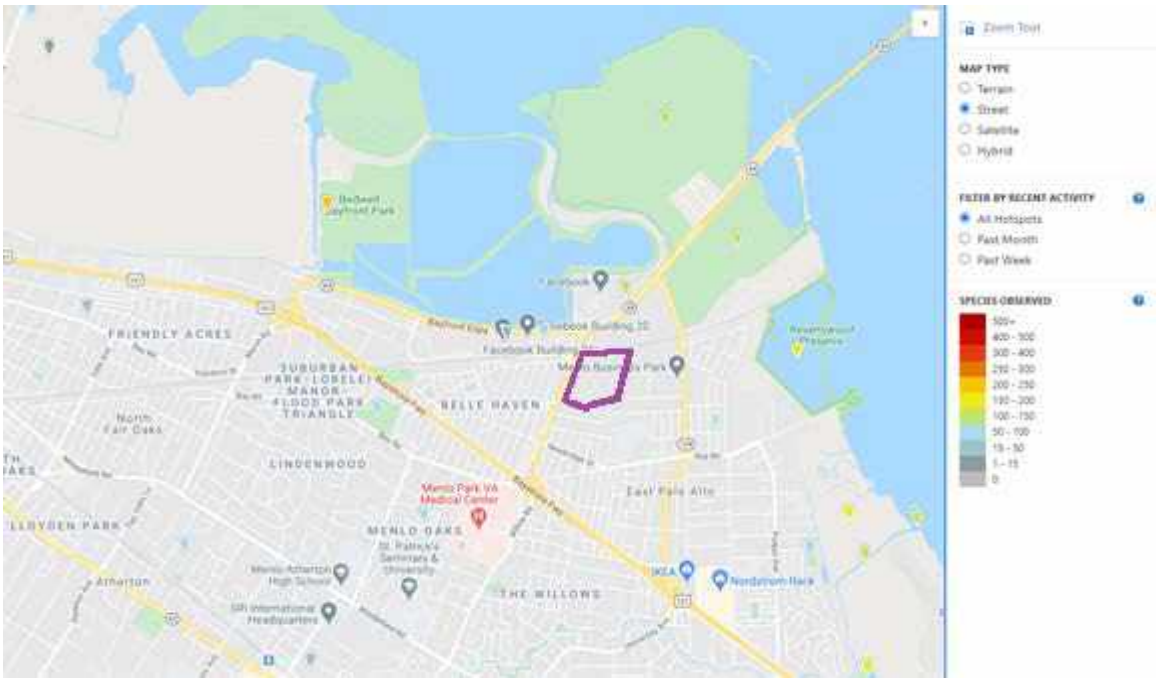


Figure 2. Map of eBird hotspots in the site vicinity. The project site is outlined in purple.

3.2 Proposed Conditions

The project would construct office and accessory space, parking garages, a hotel, retail, residential, and residential/mixed-use buildings on the majority of the site. A portion of the office and accessory space would be located inside a glass atrium. We do not expect these artificial structures to provide high-quality habitat for birds. However, the project will also create approximately 20 acres of open space areas consisting of paved pedestrian areas and landscape vegetation. The conceptual planting plans for these areas predominantly include nonnative trees, shrubs, and herbaceous plants (Appendix B). Nonnative trees to be planted on the site may include red maple (*Acer rubrum*), deodar cedar (*Cedrus deodara*), Canary Island pine, European olive (*Olea europea*), Mexican fan palm (*Washingtonia robusta*), agave (*Agave* sp.), ginkgo (*Ginkgo biloba*), Chinese elm (*Ulmus parvifolia*), crape myrtle, London plane, Brisbane box (*Lophostemon confertus*), coast redwood (*Sequoia sempervirens*) (which is not locally native to the project site), and red alder (*Alnus rubra*). In addition, native California sycamores (*Platanus racemosa*) and coast live oaks (*Quercus agrifolia*) may be planted on the site. Shrubs, forbs, and grasses that may be planted on the site include nonnative European grey sedge (*Carex divulsa*), small cape rush (*Chondropetalum tectorum*), horsetails (*Equisetum hyemale*), slender weavers (*Bambusa textilis*), bougainvillea (*Bougainvillea* sp.), and New Zealand flax (*Phormium* sp.); natives include common yarrow (*Achillea millefolium*), California wild rose (*Rosa californica*), California lilac (*Ceanothus* spp.), toyon (*Heteromeles arbutifolia*), and common rush (*Juncus patens*). While we understand that the exact species to be planted may change, we assume for purposes of this report that the characterization of proposed conditions as a mix of native and nonnative tree and plant species, with predominantly nonnative species, will remain the same.

In general, native plant species provide higher-quality food, nesting, roosting, and cover resources for native birds compared to nonnative plant species. Thus, under proposed conditions, the predominantly nonnative tree and plant species to be planted on the site will provide resources such as food (e.g., seeds, fruits, nectar, or foliage that supports insect prey), nesting sites, roosting sites, and cover from predators that is similar to existing conditions. However, due to the anticipated greater extent of this vegetation compared to existing conditions, this vegetation is expected to attract greater numbers of landbirds, including both resident birds and migrating birds, to the site compared to existing conditions. Nocturnal migrant landbirds that travel along the edge of San Francisco Bay are expected to be attracted to vegetated open space areas on the site following construction, as these areas will be visible from the San Francisco Bay as potential nesting, roosting, and foraging opportunities along a densely developed urban shoreline. Such migrants are expected to descend from their migration flights to the project site to rest and forage. Thus, a slight increase in the abundance of resident birds and a somewhat larger increase in the abundance of migrating birds is expected as a result of the proposed landscaping. Still, due to the extent of hardscape proposed in these open space areas, bird use will be much lower than in natural areas in the region.

Section 4. Method of Analysis

This assessment was prepared by H. T. Harvey & Associates wildlife ecologists/ornithologists Steve Rottenborn, Ph.D., and Robin Carle, M.S. Their qualifications are provided in Appendix C. Reconnaissance-level field surveys of the portion of the site located east of Willow Road, as well as areas within the JPB rail corridor east and west of Willow Road, were initially conducted by S. Rottenborn on October 26, 2017. After the project was redesigned in 2019, S. Rottenborn visited the project site again on April 22, 2019.

Although the subject of bird-friendly design is relatively new to the West Coast, S. Rottenborn and R. Carle have performed avian collision risk assessments and identified measures to reduce collision risk for several projects in the Bay Area, including projects in the cities of San Francisco, Oakland, Berkeley, South San Francisco, Redwood City, Menlo Park, Palo Alto, Mountain View, Santa Clara, Sunnyvale, and San José. The methods of analysis used for this report are consistent with the methods of analysis used for these other projects in the San Francisco Bay Area.

Section 5. Project Analysis

5.1 Analysis of Overall Project Site Conditions

Because birds do not necessarily perceive glass as an obstacle (Sheppard and Phillips 2015), windows or other structures that reflect the sky, trees, or other habitat may not be perceived as obstacles, and birds may collide with these structures. Similarly, transparent windows can result in bird collisions when they allow birds to perceive an unobstructed flight route through the glass (such as at corners), and when the combination of transparent glass and interior vegetation results in attempts by birds to fly through glass to reach vegetation. A number of factors play a role in determining the risk of bird collisions with buildings, including the amount and type of glass used, lighting, properties of the building (e.g., size, design, and orientation), type and location of vegetation around the building, and building location.

As noted above, moderate numbers of native, resident birds occur in the project vicinity. Because resident birds are present within an area year-round, they are more familiar with their surroundings and can be less likely to collide with buildings compared with migrant birds (discussed below). However, the numbers of resident birds that collide with buildings can still be relatively high over time. Young birds that are more naïve regarding their surroundings are more likely to collide with glass compared to adult birds. In addition, although adult birds are often more familiar with their surroundings, they still collide with glass with some frequency, especially when they are startled (e.g., by a predator) and have limited time to assess their intended flight path to avoid glazed facades. As a result, a moderate number of resident (i.e., breeding or overwintering) landbirds may collide with the project buildings over time.

Nocturnal migrant landbirds are also expected to be attracted to the project vicinity, especially the marsh and scrub habitat to the north of the site, during migration periods in the spring and fall. When these birds arrive in the site vicinity they are tired from flying all night, they are hungry, and they are less likely to be aware of risks such as glass compared to well-fed, local resident, summering, or wintering birds familiar with their surroundings. As these migrants descend from higher elevations, they will seek suitable resting and foraging resources in the new landscape vegetation adjacent to the buildings. During this reorientation process, migrants will be susceptible to collisions with the buildings if they cannot detect the glass as a solid structure to be avoided. Migrant birds that use structures for roosting and foraging (such as swifts and swallows) will also be vulnerable to collisions if they perceive building interiors as potential habitat and attempt to enter the buildings through glass walls.

Once migrants have descended and decided to settle into vegetation on or adjacent to the project site, they may collide with the glass because they do not detect it as a solid surface and think they can fly through the building (e.g., if they are on the west side of the building and try to fly through a glazed corner to reach trees on the north side). Foggy conditions may exacerbate collision risk, as birds may be even less able to perceive that glass is present in the fog. The highest collision risk would likely occur when inclement weather enters the region on

a night of heavy bird migration, when clouds and fog make it difficult for birds to find high-quality stopover sites once they reach ground level.

The project site is located in a highly urbanized area, and is surrounded on three sides by high-intensity development (Figure 1). As a result, relatively low numbers of birds are expected to occur in the general vicinity of the site to the east, west, and south (i.e., away from less developed, higher-quality habitats along the edge of the baylands to the north).

In addition, several features of the proposed buildings' architecture would further reduce the frequency of avian collisions (referred to in this report as *beneficial project features*) (Appendix A). For instance, the presence of beneficial project features such as overhangs and awnings on many of the project buildings may reduce the potential for bird collisions with buildings by helping buildings to appear as more solid structures from a distance (San Francisco Planning Department 2011, Sheppard and Phillips 2015), and we expect that birds using habitats on the project site or in adjacent areas would be more likely to interpret the building as a solid structure (rather than as reflected sky or vegetation) due to the presence of these beneficial project features. At a more localized scale, these beneficial project features reduce collisions by blocking views of glazing to birds using areas of trees or roof vegetation located above the overhangs and awnings. However, overhangs and awnings do not eliminate issues related to reflections or transparency, or block the view of birds unless birds are located above the overhang or awning (San Francisco Planning Department 2011, Sheppard and Phillips 2015). Thus, these beneficial project features are typically used in combination with bird-safe glazing treatments, such as incorporation of visible patterns on the glass, as scientific trial studies have documented that these treatments effectively reduce bird collisions. Incorporation of the beneficial project features identified in this Assessment as depicted on the figures included in Appendix A will be required as a condition of the CDP so that they are part of the project description for CEQA review of the Master Plan.

Many of the project buildings are also articulated, with numerous features that break up the building's exterior surfaces so they do not appear smooth and unbroken. Well-articulated buildings are better perceived by birds as solid structures, particularly as birds approach buildings from a distance (San Francisco Planning Department 2011); as discussed above for awnings and overhangs, this is expected to reduce bird collisions. At a more localized/closer scale, building articulations can influence the potential for collisions in different ways. A recent study (Riding et al. 2020) found that buildings with alcoves (i.e., indentations/concavities in the building outline when viewed from above) experienced higher collision rates compared to other façade types (including flat facades), possibly because these features "trap" birds within an area where they are surrounded on three sides by glazing. These findings suggest that alcoves represent high-risk collision hazards to birds that are attracted to vegetation within the alcoves. In contrast, porticos (i.e., areas where an overhang creates a covered paved walkway), which are present in several locations on the Master Plan buildings, have been found to have relatively low collision rates compared to other façade types (Riding et al 2020). However, if porticos are vegetated (rather than entirely paved) or located immediately adjacent to native vegetation and trees that will attract birds, collision rates are expected to be higher because birds would be drawn towards the glass by the vegetation. In addition, porticos on the project buildings include transparent glass corners, which represent high-risk collision

hazards. Thus, it is necessary to consider the presence of collision hazards at porticos that may be created by vegetation and/or transparent glass corners when determining if porticos should be used independently, or in combination with bird-safe glazing treatments, to ensure that collision hazards are effectively addressed.

The project includes landscape vegetation that will be planted immediately adjacent to glazed facades in a number of locations, especially at the elevated park adjacent to the south façade of the atrium and in landscape areas adjacent to the north façade of the atrium. Where landscape vegetation must be planted adjacent to buildings, some agencies recommend planting the vegetation very close to (i.e., within 3 feet of) glazed facades to reduce bird collisions, as this obscures reflections of the vegetation in glazing and reduces fatal collisions by reducing birds' flight speed if they should fly into the glass (Klem 1990, New York City Audubon Society, Inc. 2007). However, not all studies have documented a reduction in bird collisions when resources are placed within 3 feet of windows (Kummer and Bayne 2015), and birds are fragile enough that they may still be killed due to window collisions when flying at relatively slow speeds (Klem 2008). In our professional opinion, vegetation that is (1) dense enough that birds cannot fly swiftly through it to reach glazed windows, and (2) located close enough to windows that birds will not be flying fast when they leave the vegetation and hit the glass, reduces the potential for collisions with glazing that is immediately adjacent to the vegetation. However, while dense shrubs and herbaceous plants will reduce collision hazards with immediately adjacent glazing, they will not protect glazing located above or to the side of the vegetation. Similarly, while a dense crown of a tree located immediately adjacent to a façade will reduce collision hazards on the adjacent glass, birds may still have a relatively high collision risk with glass located below the crown, where there is no dense vegetation. All trees and vegetation also grow and are trimmed over time, and areas of adjacent facades with higher or lower collision risk are expected to change accordingly over time. As a result, although planting vegetation adjacent to facades is expected to reduce collision hazards with immediately adjacent glazing, the effectiveness of this strategy is limited because (1) birds may still be killed or injured even when they fly into windows at relatively low speeds; (2) the vegetation only reduces the collision hazard where it is dense very close to the façade, and not in adjacent areas; and (3) vegetation is not uniformly shaped, and grows or is trimmed back over time, and so does not provide uniform or consistent protection for entire facades over time.

There are also some features evident in the project's plans where bird collisions may be more frequent than at other features because they may not be easily perceived by birds as physical obstructions; these features are related to the presence of a location-related hazard on the site as well as feature-related hazards on the proposed new buildings. A *location-related hazard* occurs where new construction is located within 300 feet of an *urban bird refuge*, which is defined as an open space 2 acres or larger dominated by vegetation (San Francisco Planning Department 2011). The project is located immediately adjacent to open areas to the north that provide habitat for birds. In addition, the project will construct new landscape areas on the site within approximately 20 acres of open space (composed of extensive paved areas with some landscape vegetation) that is accessible to birds. The connectivity of the new open space on the site with open habitats to the north is expected to draw birds onto the site, especially where trees are present to attract migrant birds. The northern portion of the site is expected to attract the highest numbers of birds due to its proximity to open habitats along the edge of San Francisco Bay. Although some birds will also occur farther south within the project site, the number of

individuals is likely to decline farther south due to the urbanized conditions that will be present on the project site and urbanization present to the west, south, and east.

Within areas of relatively high collision risk, the greatest potential for bird collisions is where a feature-related hazard is located adjacent to a location-related hazard. A *feature-related hazard* is a design feature that represents a high-risk collision hazard regardless of its location. Feature-related hazards on the site include free-standing glass railings, transparent glass corners with clear sight lines through a building, and alcoves and atria surrounded by glazing. In addition, feature-related hazards include areas of extensive glazing, as the extent of glazing on a building and the presence of vegetation opposite the glazing are known to be two of the strongest predictors of avian collision rates (Gelb and Delacretaz 2009, Borden et al. 2010, San Francisco Planning Department 2011, Cusa et al. 2015, Sheppard and Phillips 2015, Riding et al. 2020). The risk of collision is highest when a feature-related hazard is located adjacent to a location-related hazard, especially when vegetation is present on either side of the hazard, creating a perceived "flight path" through the glazing. Where these features are located along potential flight paths that birds may use when traveling to and from landscape vegetation on the site or in nearby areas, the risk of bird collisions is higher because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

5.2 Hotel and Residential/Mixed-Use Buildings

The hotel and residential/mixed-use buildings are discussed together because the conceptual designs indicate that their facades are predominantly opaque (with the exception of retail areas on the lower levels of the buildings) and they are located in portions of the site with less extensive vegetation. Thus, bird collisions with these buildings are generally expected to be lower compared to other buildings on the project site, although certain facades of these buildings face areas of landscape vegetation (e.g., parks and courtyards) where bird collisions are generally expected to be relatively higher.

5.2.1 Building Descriptions

5.2.1.1 Hotel

A hotel is located at the eastern end of the Town Square District, adjacent to Willow Road; the hotel will be a maximum of 120 feet tall (Figure 3). The conceptual design of the hotel includes a central courtyard on Level 1, a pool deck on Level 3, and balconies on Level 6 (Figure 4). A bridge will connect the hotel's Level 3 pool deck to the elevated park to the north. The facades of the hotel are intended to be predominantly opaque, with extensive glazing on Level 1 on the west, east, and south facades as well as all Level 1 facades surrounding the courtyard (Figure 5). Free-standing glass railings may be included in the hotel design, and landscape vegetation may be present on roof terraces.

Figure 3. Illustration of buildings in the northern portion of the site showing the proposed atrium, elevated park, hotel, Town Square, Office Building 04, and event building.

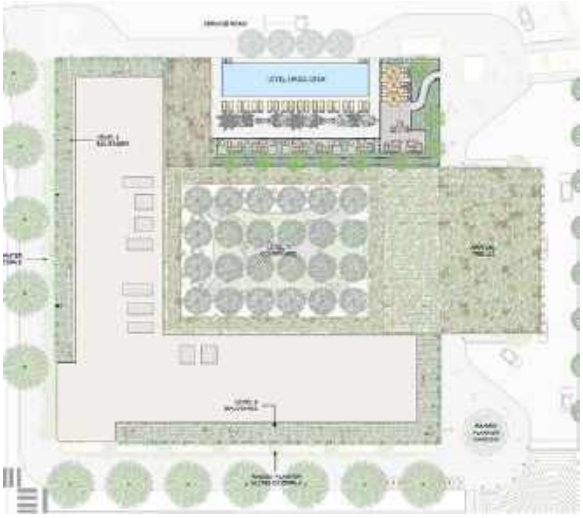


Figure 4. The conceptual hotel plan includes a central courtyard on Level 1, a pool deck on Level 3, and vegetated balconies on Level 6.

Figure 5. The conceptual east (top left), north (top right), west (bottom left), and south (bottom right) facades of the hotel.

Birds using open marsh and scrub habitats, or migrating, north of the site may be attracted to landscape vegetation along the façades of the hotel. The conceptual project plans show vegetation and trees at the elevated park to the northeast within the Town Square to the east, and within the hotel's central courtyard (Figures 3 and 5). Street trees and limited vegetation are proposed along Willow Road to the northwest and future Main Street to the southwest (Figure 5).

Although the hotel is located in the northern portion of the site and adjacent to the elevated park (i.e., in areas where higher numbers of birds are expected to be present, compared to areas farther south within the Master Plan area), the extensive opaque panels on the exterior facades as shown in the conceptual design are beneficial project features that substantially reduce the expected frequency of bird collisions with this building by helping the building appear as a solid structure from a distance (Figure 5). Features of the architecture of the hotel where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at roofs with landscape vegetation (which are expected to attract birds towards glazing on the building), in the central courtyard (where birds are surrounded on three or three sides by glazed facades), and at areas of contiguous glazing that face landscape vegetation within approximately 60 feet of the ground.

5.2.1.2 Residential/Mixed-Use Buildings

The residential/mixed-use buildings on Parcels 2–7 are assessed together because they are similar in structure, and collision hazards with these buildings are expected to be similar. These buildings are located in the southeast portion of the Master Plan area (Figure 6) and will be a maximum of 85 feet tall. Figures 7 and 8, which show the Parcel 2 building, are representative of the conceptual appearance of the residential/mixed-use buildings: their facades are intended to be predominantly opaque with residential windows, with more extensive glazing typically present at ground-floor public spaces. All buildings incorporate courtyards and open space areas, and landscape vegetation may be present on roof terraces. Free-standing glass railings may be included in the building designs.

Figure 6. Illustrative site plan showing the proposed residential/mixed-use buildings and associated open space areas. Facades with relatively highest collision risk are delineated in red.

Figure 7. The conceptual Parcel 2 residential/mixed-use building plan includes open space courtyards on Level 3.

Figure 8. The conceptual east (top), west (middle), south (bottom left), and north (bottom right) facades of the Parcel 2 residential/mixed-use building.

Birds are expected to use landscape vegetation planted adjacent to the façades of the residential/mixed-use buildings within public areas (e.g., street trees), planted landscape areas, and parks. However, according to the conceptual designs, the majority of the residential/mixed-use buildings are not located adjacent to large open space areas; as a result, fewer birds are expected to occur along these buildings compared to other buildings on the project site. In general, higher numbers of birds are expected to be present at the approximately 3.5-acre publicly accessible park on Parcel A and at the Town Square to the north/northeast of Parcels 2 and 3, and fewer birds are expected to be present in smaller/narrower vegetated areas (e.g., in between buildings).

Beneficial project features of the architecture of residential/mixed-use buildings that would reduce the frequency of avian collisions include opaque panels, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to vegetation (Figure 8). Nevertheless, some bird collisions with these façades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the facades of the residential/mixed-use buildings where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at alcoves (which surround trees and vegetation that are expected to attract birds), at green roofs (which are expected to attract birds towards glazing on the building), in courtyards (where birds are surrounded on three or four sides by glazed facades), and at areas of contiguous glazing that face landscape vegetation within approximately 60 feet of the ground (Figure 8). At transparent glass corners, the collision hazard extends as far from the corner as it is possible to see through the corner (and can potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).

5.2.2 Compliance with City Bird-Safe Design Requirements

Collision risk for the hotel and residential/mixed-use buildings is expected to be lower compared with other buildings in the Master Plan area because the conceptual designs indicate that their facades are predominantly opaque (with the exception of retail areas on the lower levels of the buildings) and they are located in portions of the site with less extensive vegetation. To address collision risk, the project will comply with City bird-safe design requirements, with requests for appropriate waivers, as permitted by the City bird-safe design requirements, by focusing bird-safe treatment of glazing within areas of relatively highest collision risk.

5.2.2.1 Requirements for which No Waiver is Requested

As currently proposed, the hotel and residential/mixed-use buildings anticipate complying with City bird-safe design requirements B, D, and G without requesting waivers; requirements B and D are listed below. Where the project's bird-safe design strategy is more specific than the City's requirements, sub-bullets specify how the project will comply with those requirements.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

- Specifically, glazing used on the hotel and residential/mixed-use buildings shall have the following specifications:

    a. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches;

    OR

    b. Bird-safe glazing shall have a Threat Factor[1] less than or equal to 30.

- To reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on the hotel and residential/mixed-use buildings will have a visible reflectance of 15% or lower.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

Discussion of project compliance with City requirement C, related to occupancy sensors, is provided in Section 6.2.2 below.

[1] A material's Threat Factor is assigned by the American Bird Conservancy, and refers to the level of danger posed to birds based on birds' ability to perceive the material as an obstruction, as tested using a "tunnel" protocol (a standardized test that uses wild birds to determine the relative effectiveness of various products at deterring bird collisions). The higher the Threat Factor, the greater the risk that collisions will occur. An opaque material will have a Threat Factor of 0, and a completely transparent material will have a Threat Factor of 100. Threat Factors for many commercially available façade materials can be found at https://abcbirds.org/wp-content/uploads/2021/01/Master-spreadsheet-1-25-2021.xlsx.

5.2.2.2 Requirements for which Waivers will be Requested

Waivers Requested. As currently proposed, the project anticipates complying with City bird-safe requirements A, E, and F by requesting waivers for the hotel and residential/mixed-use buildings, as permitted by the City bird-safe design requirements. These waivers are requested in order for the project to achieve design excellence. City requirements A, E, and F are as follows:

A. No more than 10% of facade surface area shall have non-bird-friendly glazing.

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

Alternative City Measures Proposed. As an alternative to these requirements, to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures:

- The hotel and residential/mixed-use buildings shall focus bird-friendly glazing treatments within areas of extensive glazing on lower floors and roof terraces that face the approximately 3.5-acre publicly accessible park (Parcel A), Town Square, and elevated park (i.e., the north, east, and south facades of the hotel; the north and south façades of the Parcel 2 building; the north/northeast facades of the Parcel 3 buildings; a portion of the south façade of the Parcel 4 building; and the west façades of the Parcel 6 building as indicated on Figure 6), as these represent areas of heightened collision risk. The focal façade areas to be treated shall be identified by a qualified biologist on building-specific façade views; no more than 10% of these areas shall have non-bird-friendly glazing.
- If free-standing glass railings are included on the hotel and/or residential/mixed-use buildings, all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment.
    - Specifically, all glazing on free-standing glass railings on the buildings shall have a Threat Factor (see footnote 1 above) less than or equal to 15. This Threat Factor is relatively low (and the effectiveness of the bird-safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.
- All glazed features of the hotel and residential/mixed-use with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment where they are located within or adjacent to (i.e., on both sides of a corner where one side of the corner falls within a focal treatment area) the focal treatment areas identified by the qualified biologist. These transparent building corners shall treated as far from the corner as it is possible to see through to the other side of the corner.

With respect to the bird-safe glazing treatments recommended in connection with these alternatives, Figure 9 provides an example of identified areas that would be required to be treated on the conceptual Parcel 2 residential/mixed-use building based on the January 2021 façade elevations.

Figure 9. An example mark-up of areas (shown in blue) that would be required to be treated on north (top left), south (top right), east (middle) and west (bottom) facades of the conceptual Parcel 2 residential/mixed-use building to ensure that avian collisions are less-than-significant. Transparent glass corner delineations are estimated; these corners should be treated as far from the corner as it is possible to see through the corner. Free-standing glass railings are not indicated on this figure but are required to be treated in all locations.

In lieu of complying with City requirements A, E, and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirements A, E, and F, the project will comply with these City requirements. In our professional opinion, this strategy (i.e., compliance with City requirements or compliance via approved waivers, as permitted by the City bird-safe design requirements, and alternative City measures) will avoid significant CEQA impacts for these buildings.

5.2.3 Additional Mitigation Measures Proposed Under CEQA

Based on our assessment of the conceptual design of the hotel and residential/mixed-use buildings, we have determined that there is an overall low likelihood of collisions with the buildings. With the project's compliance with City requirements (either via compliance with the listed requirements or by requesting waivers, as permitted by the City bird-safe design requirements, and proposing alternative City measures, where

appropriate), it is our professional opinion that project impacts due to bird collisions with the hotel and residential/mixed-use buildings would be less than significant under CEQA. As such, no additional mitigation measures under CEQA for impacts related to avian collisions are proposed.

5.2.4 CEQA Impacts Summary

The hotel and residential/mixed-use buildings will comply with the City's bird-safe design requirements by implementing requirements B, D, and G; requesting waivers for requirements A, E, and F, as permitted by the City bird-safe design requirements; and implementing alternative City measures for requirements A, E, and F. Compliance with requirement C is discussed in Section 6.2.2 below. No additional mitigation measures under CEQA for impacts related to avian collisions are proposed. As stated above, with compliance with City requirements (including the implementation of the proposed alternative City measures), it is our professional opinion that project impacts due to bird collisions with the hotel and residential/mixed-use buildings would be less than significant under CEQA.

A subsequent report prepared by a qualified biologist will accompany the final ACPs for each of the residential/mixed-use buildings and the hotel. It is our understanding based on coordination with the design teams that (1) the final ACP designs for the residential/mixed-use buildings and hotel will substantially conform with the conceptual designs reviewed for this report, such that our analysis and conclusions are expected to be valid for the final designs; (2) the proposed bird-safe treatments within the areas where such treatments are expected to be necessary (per the example shown in Figure 9) are feasible; and (3) the project will implement alternative City measures as described herein. Nevertheless, because the designs and renderings for the hotel and residential/mixed-use buildings that were reviewed for this assessment are conceptual, a qualified biologist shall review the final ACPs for the hotel and residential/mixed-use buildings to confirm that the alternative City measures described herein, or other alternative measures reasonably acceptable to the qualified biologist[2], are incorporated into the final design, such that project impacts due to bird collisions would be less than significant under CEQA as indicated herein.

5.3 Office Campus

Office Buildings 01, 02, 03, 05, and 06 are assessed together because the conceptual designs indicate that they are similar in structure, and collision hazards with these buildings are expected to be similar.

5.3.1 Building Descriptions

5.3.1.1 Office Buildings 01, 02, 03, 05, and 06

Office Buildings 01, 02, 03, 05, and 06 will be a maximum of 120 feet tall. As shown on Figure 13 in Section 5.4.1.2 below, Office Building 04 is representative of the appearance of all proposed office buildings; their facades are predominantly glazed, although portions of the lower levels incorporate opaque wall panels. All

[2] If alternative measures are used that are not discussed in this report for the project's CDP, those measures will be submitted to the City for review in accordance with the City's Zoning Code and CEQA with the project's ACPs.

buildings have open space areas on rooftops that may support landscape vegetation. Free-standing glass railings may be included in the design of Office Buildings 01, 02, 03, 05, and 06.Birds are expected to use landscape vegetation along the façades of the office buildings. In general, higher numbers of birds are expected to be present in larger vegetated open space areas (e.g., in the plaza north of Office Building 05), and fewer birds are expected to be present in smaller/narrower vegetated areas (e.g., in between Office Building 06 and the South Garage) (Figure 10).

Figure 10. Conceptual site plan showing the locations of proposed office buildings and garages, as well as the proposed extent of landscape vegetation and trees.

Beneficial project features of the architecture of office building facades that would reduce the frequency of avian collisions include opaque panels, exterior vertical and horizontal solar shades, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to native vegetation. Nevertheless, because (1) the façades of the office buildings are extensively glazed and (2) this glazing faces landscape vegetation, bird

collisions with these façades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the facades of the office buildings where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at alcoves (which surround trees and vegetation that are expected to attract birds), at roofs with landscape vegetation (which are expected to attract birds towards glazing on the building), at free-standing glass railings, and at areas of contiguous glazing that face landscape vegetation within approximately 60 feet of the ground. At transparent glass corners, the collision hazard extends as far from the corner as it is possible to see through the corner (and can potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).

5.3.1.2 Parking Garages

The North Garage is located in the northeast corner of the project site and the South Garage is located in the southeast corner of the project site (Figure 10). These garages are similar in structure, and will be a maximum of 120 feet tall. The conceptual plans indicate that the facades of the garages are predominantly opaque, with limited glazing only on two approximately 15-foot wide elevator towers on the west and north facades on all levels (Figure 11). Free-standing glass railings may be included in the project design, and landscape vegetation may be present above the ground level.

Figure 11. Conceptual North Garage elevations: east (top), west (middle), north (bottom left), and south (bottom right). The building facades are predominantly opaque; glazed areas are located on all levels the elevator towers on the west and north facades.

Birds using open marsh and scrub habitats, or migrating, north of the site may use landscape vegetation along the façades of the North Garage and South Garage. In general, higher numbers of birds are expected to be present opposite the north façade of the North Garage (which faces open habitats associated with the San Francisco Bay) and in larger vegetated open space areas (e.g., in the plaza southwest of the North Garage), and

fewer birds are expected to be present in smaller/narrower vegetated areas opposite the garage facades (e.g., in between the North Garage and Office Building 05).

The extensive opaque facades on the North Garage and South Garage shown on the conceptual plans are beneficial project features that will substantially reduce bird collisions with these buildings. Nevertheless, bird collisions are expected to occur where glazing is present opposite open space areas and landscape vegetation, at free-standing glass railings, and at roofs where landscape vegetation is located adjacent to glazing. No high-risk collision hazards (e.g., transparent glass corners) are present on these buildings.

5.3.2 Compliance with City Bird-Safe Design Requirements

Although a number of beneficial project features in the project design mentioned above will reduce bird collisions (e.g., opaque facades, exterior solar shades, mullions, and porticos), the number of collisions with Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage is expected to be relatively higher compared with certain other buildings in the Master Plan area (e.g., the hotel and mixed-use buildings described above) because (1) the building facades incorporate extensive glazing, and (2) this glazing faces landscape vegetation that will be used by birds. To address collision risk, the project will comply with City bird-safe design requirements, with appropriate waivers, as permitted by the City bird-safe design requirements.

5.3.2.1 Requirements for which No Waiver is Requested

As currently proposed, Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage anticipate complying with City bird-safe design requirements A, B, C, D, and G without requesting waivers; requirements A, B, C, and D are listed below. Where the project's bird-safe design strategy is more specific than the City's requirements, sub-bullets specify how the project will comply with those requirements.

A. No more than 10% of facade surface area shall have non-bird-friendly glazing.

   - Specifically, all portions of Office Buildings 01, 02, 03, 05, and 06 shall be treated with a bird-safe glazing treatment with the exception of certain portions of the facades on Level 1. The area of untreated glazing shall be less than 10% of the total surface area of the atrium. Specific treatment areas on the North Garage and South Garage are unknown, but will comply with this requirement.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

   - Specifically, glazing used on Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage shall have the following specifications:

      c. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches;

      OR

d. Bird-safe glazing shall have a Threat Factor (see footnote 1 above) less than or equal to 30.

- To reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage will have a visible reflectance of 15% or lower.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

Discussion of project compliance with City requirement C, related to occupancy sensors is provided in Section 6.2.2 below.

5.3.2.2 Requirements for which Waivers will be Requested

Waivers Requested. As currently proposed, the project anticipates complying with City bird-safe design requirements E and F by requesting waivers for Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage, as permitted by the City bird-safe design requirements. City requirements E and F are as follows:

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

Alternative City Measures Proposed. As an alternative to these requirements, to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures:

- All glazed features with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners and free-standing glass railings) shall be 100% treated with a bird-safe glazing treatment. Transparent building corners shall be treated as far from the corner as it is possible to see through to the other side of the corner (and will potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).
- All glazing above Level 1 of Office Buildings 01, 02, 03, 05, and 06 (i.e., all glazing adjacent to roof terraces with landscape vegetation) will be 100% treated with a bird-safe glazing treatment. Specific treatment areas on the North Garage and South Garage are unknown, but no more than 10% of the façade surface area shall have non-bird-friendly glazing.
- All transparent glass at the rooflines adjacent to vegetated roof decks will be 100% treated with a bird-safe glazing treatment. The only untreated glazing on for Office Buildings 01, 02, 03, 05, and 06 will be located on the ground level, which does not create a collision hazard due to landscape vegetation on roofs. No vegetated roof decks are proposed for the North Garage and South Garage, and all transparent glass at the rooflines of these buildings will be 100% treated with a bird-safe glazing treatment.

- If free-standing glass railings are included on Office Buildings 01, 02, 03, 05 and/or 06, all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment.
    - Specifically, all glazing on free-standing glass railings on the building shall have a Threat Factor (see footnote 1 above) less than or equal to 15. This Threat Factor is relatively low (and the effectiveness of the bird-safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.

In lieu of complying with City requirements E and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirements E and F, the project will comply with these City requirements. In our professional opinion, this strategy (i.e., compliance with City requirements or compliance via approved waivers, as permitted by the City bird-safe design requirements, and alternative City measures) will avoid significant CEQA impacts for these buildings.

5.3.3 Additional Mitigation Measures Proposed Under CEQA

With the project's compliance with City requirements (either via compliance with the listed requirements or by requesting waivers, as permitted by the City bird-safe design requirements, and proposing alternative City measures, where appropriate), it is our professional opinion that project impacts due to bird collisions with Office Buildings 01, 02, 03, 05, and 06 would be less than significant under CEQA. As such, no additional mitigation measures under CEQA for impacts related to avian collisions are proposed.

5.3.4 CEQA Impacts Summary

Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage will comply with the City's bird-safe design requirements by implementing requirements A, B, C, D, and G; requesting waivers for requirements E and F, as permitted by the City bird-safe design requirements; and implementing alternative City measures for requirements E and F. Compliance with requirement C is discussed in Section 6.2.2 below. No additional mitigation measures under CEQA for impacts related to avian collisions are proposed. As stated above, with compliance with City requirements (including the implementation of the proposed alternative City measures), it is our professional opinion that project impacts due to bird collisions with Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage would be less than significant under CEQA.

A subsequent report prepared by a qualified biologist will accompany the final ACPs for Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage. It is our understanding based on coordination with the design teams that (1) the final ACP designs for these buildings will substantially conform with the conceptual designs reviewed for this report, such that our analysis and conclusions are expected to be valid for the final designs; (2) the proposed bird-safe treatments within the areas where such treatments are expected to be necessary are feasible; and (3) the project will implement alternative City measures as described herein.

Nevertheless, because the designs and renderings for Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage that were reviewed for this assessment are conceptual, a qualified biologist shall review the final ACPs for these buildings to confirm that the alternative City measures described herein, or other alternative measures reasonably acceptable to the qualified biologist (see footnote 2 above), are incorporated into the final design such that project impacts due to bird collisions would be less than significant under CEQA as indicated herein.

5.4 Event Building and Nearby Buildings

The event building, Office Building 04, Town Square retail pavilion, pavilions SP1 and SP2, and stair/elevator towers are discussed together because the conceptual designs indicate that they are located in the northern portion of the project site reasonably close to open space areas with extensive trees and landscape vegetation (Figure 3). Because these open space areas are relatively large compared to other areas of the project site, and because the structures addressed in this section all incorporate extensive glazing, avian collision risk with these buildings is expected to be relatively higher than on the other office campus buildings, hotel, and residential/mixed-use buildings discussed in Sections 5.2 and 5.3 above.

5.4.1 Building Descriptions

5.4.1.1 Event Building

An event building is located southeast of the atrium (Figure 3), and it will have a maximum height of 120 feet. The northwest façade of this facility abuts the elevated park, and the facility connects directly with the atrium via a partially glazed passageway that extends beneath the elevated park (Figure 12). The southwest and northeast facades of the event building will be entirely opaque, and the lower portions of the northwest and southeast facades will also be opaque (Figure 12). Glazing will be present on the upper portions of the northwest and southeast facades; this glazing will face the vegetation at the adjacent elevated park (Figure 12). Landscape vegetation may be present on the sides of the building above the ground level, and free-standing glass railings may be included in the project design.

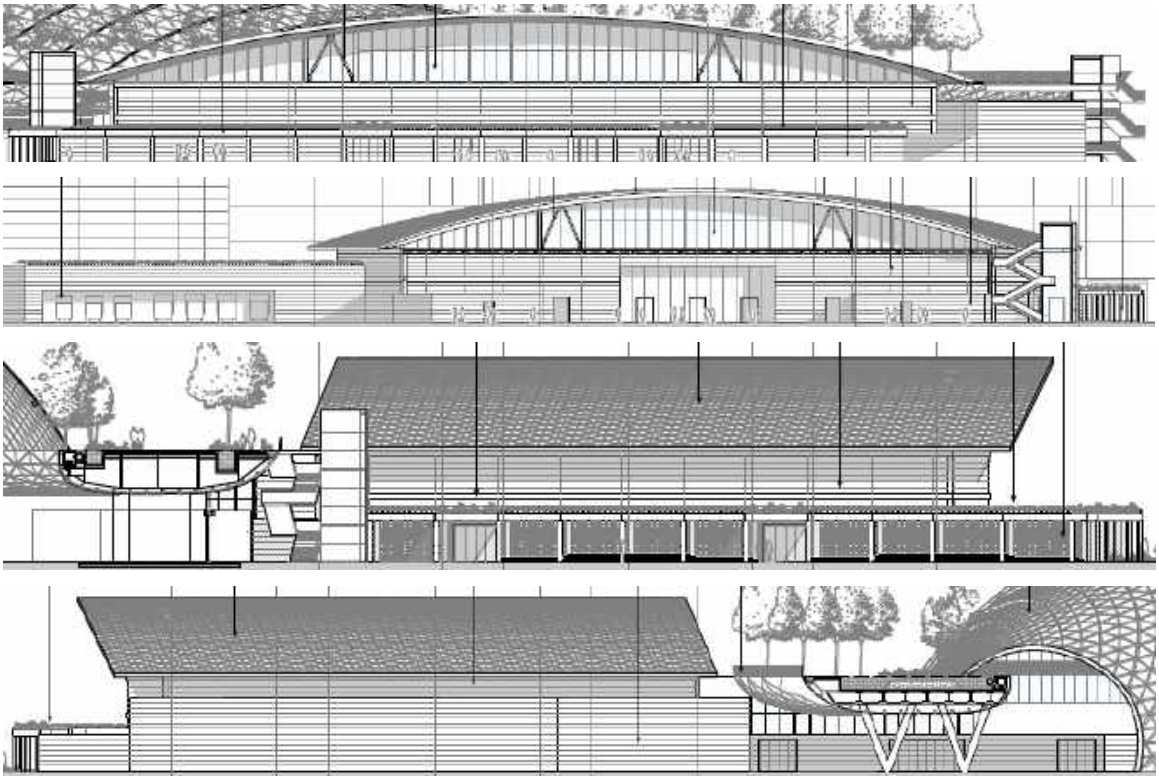


Figure 4. Illustration of the event building façades. Top to bottom: the southeast, northwest, northeast, and southwest facades.

Birds using open marsh and scrub habitats, or migrating, north of the site may be attracted to landscape vegetation along the façades of the event building. Because the conceptual plans show that the event building is surrounded by vegetated open space areas, including the elevated park to the northwest and a plaza with landscape vegetation to the southwest and southeast, relatively high numbers of birds are expected to be present around the building (Figure 3).

The extensive opaque facades on the event building are beneficial project features that will substantially reduce bird collisions with the building. However, bird collisions are expected to occur in several locations where glazing is present. For instance, birds using vegetation at the elevated park northwest of the event building will be able to see vegetation within the open space area southeast of the building, and vice-versa, through the glazing on the building's northwest and southeast facades. In addition, birds using vegetation adjacent to the glazed passageway will also be able to see vegetation on the other side of this feature. The risk of bird collisions at these locations is expected to be relatively high because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass. Bird collisions are also expected to be relatively high where vegetation above the ground level is located adjacent to glazing, and at free-standing glass railings.

5.4.1.2 Office Building 04

Office Building 04 will have a maximum height of 120 feet. Open space areas will be located on rooftop terraces that may support landscape vegetation, and free-standing glass railings may be included in the project design.

Figure 13 shows the facades of Office Building 04, which are predominantly glazed, although portions of the lower levels incorporate opaque wall panels.

Figure 13. Conceptual Office Building 04 elevations: west (top left), east (top right), north (middle), and south (bottom).

Birds using open marsh and scrub habitats, or migrating, north of the site may be attracted to landscape vegetation along the façades of Office Building 04. Higher numbers of birds are expected to be present around this building compared to buildings located farther south on the project site (e.g., Office Buildings 01–03 and 05–06, which are discussed in Section 5.3 above) due to the presence of large open space areas with landscape vegetation in the northern portion of the site. The conceptual plans show vegetation and trees at the elevated park north of Office Building 04 and within open space areas at grade level to the east, west, and south of this building (Figure 10).

Features of the architecture of the facades of Office Building 04 (and connected building TS3) that represent beneficial project features that would reduce the frequency of avian collisions include opaque panels, exterior vertical and horizontal solar shades, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to native vegetation (Figure 13). Nevertheless, because (1) the façades of the office building are extensively glazed and (2) this glazing faces landscape vegetation, bird collisions with these façades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the building where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at roofs with landscape vegetation (which are expected to attract birds towards glazing on the building), at free-standing glass railings, and at areas of contiguous glazing that face landscape vegetation within approximately 60 feet of the ground. At transparent glass corners, the collision hazard extends as far from the

corner as it is possible to see through the corner (and can potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).

5.4.1.3 Town Square

The Town Square is located east of the hotel, south of the elevated park, and west of Office Building 04 (Figure 3). This area includes a new access road (West Street), a below-grade parking garage, a paved plaza with landscape vegetation and trees, several seating areas, bicycle parking, and a retail pavilion (Figure 14). Glazing will be present on the facades of the retail pavilion, which will have a maximum height of 120 feet (Figure 15). Free-standing glass railings may be included in the Town Square design, and landscape vegetation may be present on the roof of the retail pavilion.

Figure 14. The conceptual Town Square includes a paved plaza with landscape vegetation and trees, seating areas, a glazed elevator to the elevated park, bicycle parking, and a retail pavilion.

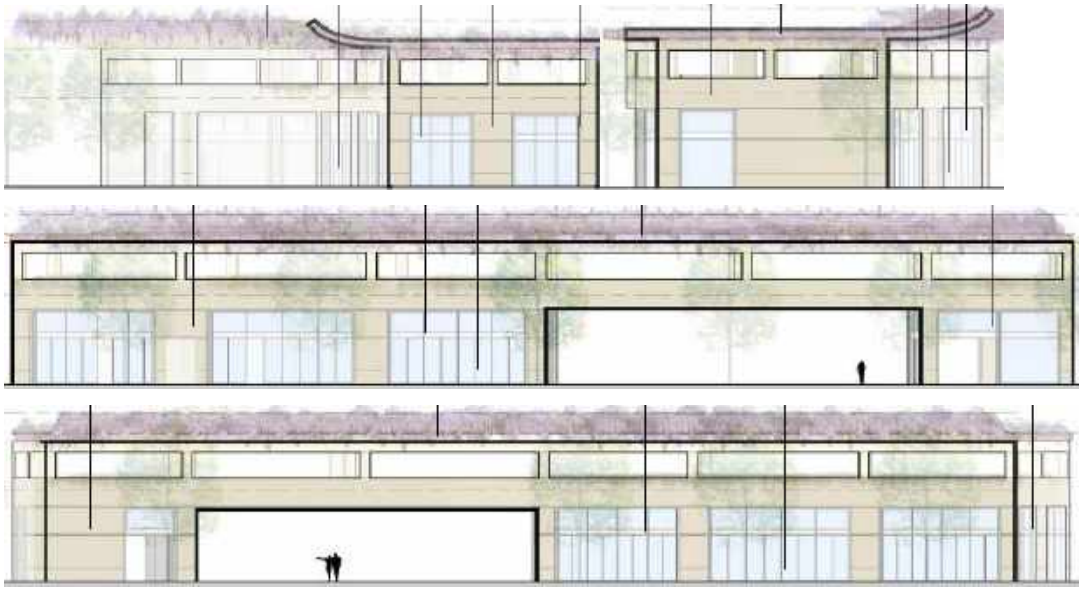


Figure 15. The conceptual west (top left), east (top right), south (middle), and north (bottom) facades of the Town Square retail pavilion.

Birds using open marsh and scrub habitats, or migrating north of the site may be attracted to landscape vegetation in the Town Square. The Town Square is an open space area with paved pedestrian areas as well as landscape vegetation and trees, and vegetation is also present to the north of the Town Square at the elevated park (Figures 3 and 14).

Beneficial project features of the Town Square retail pavilion that would reduce the frequency of avian collisions include opaque panels and mullions (Figure 15). Nevertheless, because (1) the façades of the retail pavilion are extensively glazed and (2) this glazing faces landscape vegetation, bird collisions with these façades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the pavilion where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at the roof (which is expected to attract birds towards glazing on the pavilion due to the potential presence of landscape vegetation), at free-standing glass railings, and at areas of contiguous glazing that face landscape vegetation. In addition, birds using vegetation north of the pavilion will be able to see vegetation south of the pavilion, and vice-versa, though the glazing on the pavilion's north and south facades. The risk of bird collisions at these locations is expected to be relatively high because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

5.4.1.4 Security Pavilions

Accessory buildings Security Pavilions 1 and 2 (SP1 and SP2) are located in the northern portion of the site: SP1 in between Office Buildings 03 and 04, and SP2 at the southwest corner of the North Garage (Figure 10). These pavilions are discussed together because they are similar in structure, and collision risk with the pavilions' facades is expected to be similar. SP1 and SP2 will have a maximum height of 120 feet. Figure 16 is

representative of the appearance of these buildings, and indicates that glazing will be present on all sides of the buildings and pergolas will be present above the roofs. Free-standing glass railings may be included in the design of the pavilions, and landscape vegetation may be present on the building's roofs.

Figure 16. The conceptual south (top left), west (top right), north (bottom left), and east (bottom right) facades of buildings SP1 and SP2.

Birds using open marsh and scrub habitats, or migrating, north of the site may be attracted to landscape vegetation along the pavilions. Higher numbers of birds are expected to be present around these buildings compared to buildings located farther south on the project site (e.g., Office Buildings 01–03 and 05–06, which are discussed in Section 5.3 above) due to the presence of large open space areas with landscape vegetation in the northern portion of the site. The conceptual project plans show vegetation and trees in large open space areas/plazas surrounding buildings SP1 and SP2 (Figure 10).

Features of the architecture of the pavilions that represent beneficial project features that would reduce the frequency of avian collisions include opaque panels and mullions (Figure 16). Nevertheless, because the facades of these pavilions incorporate extensive glazing that faces landscape vegetation, bird collisions with these facades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the pavilions where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at free-standing glass railings, where rooftop vegetation is located adjacent to glazing, and at areas of contiguous glazing that face landscape vegetation. In addition, birds using vegetation east of the pavilions will be able to see vegetation west of the pavilions, and vice-versa, though the glazing on the pavilion's east and west facades (Figure 16). The risk of bird collisions at these locations is expected to be relatively high because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

5.4.1.5 Stair/Elevator Towers

Five stair/elevator towers are present that connect the ground level with the elevated park in the following locations (Figure 3):

- At the eastern end of the elevated park
- At the northwest corner of the event building (also see Figure 12)
- At the Town Square (also see Figure 14)
- At the hotel (also see Figure 5)
- At the western end of the elevated park

The conceptual plans indicate that the stair/elevator towers incorporate extensive glazing; as a result, bird collisions with facades of these towers are expected to occur. Because these towers create clear sight lines between vegetation on either side of the towers, the risk of bird collisions at these locations is expected to be relatively high because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

5.4.2 Compliance with City Bird-Safe Design Requirements

To address collision risk, the project will comply with City bird-safe design requirements, with appropriate waivers, as permitted by the City bird-safe design requirements.

5.4.2.1 Requirements for which No Waiver is Requested

As currently proposed, the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers shall anticipate complying with City bird-safe design requirements A–D and G without requesting waivers; requirements A–D are listed below. Where the project's bird-safe design strategy is more specific than the City's requirements, sub-bullets specify how the project will comply with those requirements.

A. No more than 10% of facade surface areas shall have non-bird-friendly glazing.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

   - Specifically, glazing used on the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers shall have the following specifications:

     e. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches;

     OR

     f. Bird-safe glazing shall have a Threat Factor (see footnote 1 above) less than or equal to 30.

   - To reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on the event building, Office

Building 04, Town Square retail pavilion, security pavilions, and elevator towers will have a visible reflectance of 15% or lower.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

Discussion of project compliance with City requirement C, related to occupancy sensors, is provided in Section 6.2.2 below.

5.4.2.2 Requirements for which Waivers will be Requested

Waivers Requested. As currently proposed, the project anticipates complying with City bird-safe design requirements E and F by requesting waivers for the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers, as permitted by the City bird-safe design requirements. City requirements E and F are as follows:

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

Alternative City Measures Proposed. As an alternative to these requirements, to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures:

- All glazed features of the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment. Transparent building corners of these buildings shall be treated as far from the corner as it is possible to see through to the other side of the corner (and will potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).
- Any glazing of the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers that creates see-through conditions where vegetation will be visible from one side of the building to the other shall be 100% treated. Examples include the north and south facades of the event building, the north and south facades of the Town Square retail pavilion, and facades of pavilions SP1 and SP2.
- If free-standing glass railings are included on the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers, all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment.
    - Specifically, all glazing on free-standing glass railings on the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers shall have a Threat Factor (see footnote 1 above) less than or equal to 15. This Threat Factor is relatively low (and the effectiveness of the bird-

safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.

- All glazing above Level 1 of Office Building 04 (i.e., all glazing adjacent to roof terraces with landscape vegetation) will be 100% treated with a bird-safe glazing treatment.

In lieu of complying with City requirements E and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirements E and F, the project will comply with these City requirements. In our professional opinion, this strategy (i.e., compliance with City requirements or compliance via approved waivers, as permitted by the City bird-safe design requirements, and alternative City measures) will avoid significant CEQA impacts for these buildings.

5.4.3 Additional Mitigation Measures Proposed Under CEQA

With the project's compliance with City requirements (either via compliance or by requesting waivers, as permitted by the City bird-safe design requirements, and proposing alternative City measures, where appropriate), it is our professional opinion that project impacts due to bird collisions with the event building and nearby buildings would be less than significant under CEQA. As such, no additional mitigation measures under CEQA for impacts related to avian collisions are proposed.

5.4.4 CEQA Impacts Summary

The Town Square retail pavilion, security pavilions, and stair/elevator towers will comply with the City's bird-safe design requirements by implementing requirements A–D and G, requesting waivers for requirements E and F, as permitted by the City bird-safe design requirements, and implementing alternative City measures for requirements E and F. Compliance with requirement C is discussed in Section 6.2.2 below. No additional mitigation measures under CEQA for impacts related to avian collisions are proposed. As stated above, with compliance with City requirements (including the implementation of the proposed alternative City measures), it is our professional opinion that project impacts due to bird collisions with the Town Square retail pavilion, security pavilion, and stair/elevator towers would be less than significant under CEQA.

A subsequent report prepared by a qualified biologist will accompany the final ACPs for the event building, Office Building 04, the Town Square retail pavilion, the security pavilions, and the stair/elevator towers. It is our understanding based on coordination with the design teams that (1) the final ACP designs for these buildings will substantially conform with the conceptual designs reviewed for this report, such that our analysis and conclusions are expected to be valid for the final designs; (2) the proposed bird-safe treatments within the areas where such treatments are expected to be necessary are feasible; and (3) the project will implement alternative City measures as described herein. Nevertheless, because the designs and renderings for the event building, Office Building 04, the Town Square retail pavilion, the security pavilions, and the stair/elevator

towers that were reviewed for this assessment are conceptual, a qualified biologist shall review the final ACPs for these buildings to confirm that the alternative City measures described herein, or other alternative measures reasonably acceptable to the qualified biologist (see footnote 2 above), are incorporated into the final design such that project impacts due to bird collisions are less than significant under CEQA as described herein.

5.5 Atrium

Due to the unique structure of the atrium and the potential for bird collisions with the atrium to occur, additional supporting information from the project's ACP for the atrium was referenced for this analysis (Appendix A). Although the ACP for the atrium is not yet final, it is our understanding based on considerable coordination with the design teams that the designs in the final ACP for the atrium will substantially conform with the designs referenced in this report, such that our analysis and conclusions are expected to be valid for the final design. Incorporation of the beneficial project features identified in this Assessment as depicted on the figures included in Appendix A will be required as a condition of the CDP so that they are part of the project description for CEQA review of the Master Plan.

5.5.1 Building Description

5.5.1.1 Overall Description of the Atrium Structure

The structure located north of the elevated park is proposed to be covered by an approximately 117-foot tall, 129,000 square-foot glass atrium (hereafter referred to as the *atrium*) with four interior levels of office and accessory space and approximately 3.7 acres of interior open space that will include paved pedestrian areas, landscape vegetation, and trees. For the purpose of these sections, landscape vegetation, structures, and features outside the atrium are referred to as *exterior*, and landscape vegetation, structures, and features within the atrium are referred to as *interior*. The interior of the atrium will not be accessible to birds. The northern side of the atrium faces open marsh and scrub habitats and the San Francisco Bay, and the southern side of the atrium faces the remainder of the project site. A roadway, an open space area, and a bicycle park will be constructed along the northern side of the atrium (Figure 3). An approximately 36-foot tall elevated park will be constructed along the southern side of the atrium, and an event building, office building, town square, and hotel will be located immediately south of the elevated park (Figure 3). Vegetation and trees at the elevated park and in the area immediately north of the atrium will be planted as close to the atrium's north and south façades as feasible (this is discussed as a general 'good practice' in Section 5 above).

The lower approximately 12.5 feet[3] of the atrium's south façade will consist of vertical glazing with several building entrances, and the remaining areas of the atrium's north and south facades will be composed of a network of glass panels that create a curved 'dome' shape (Figure 17). At its eastern end along the south façade, the atrium is connected to the event building via a partially glazed passageway; this connection is discussed in Section 5.4 above. A visitor center is located on the ground floor below the elevated park at the western end of

[3] The vertical façade beneath the elevated park consists of 12.5-foot tall contiguous untreated glazing below a solid roof, and a 4.5-foot tall zone of framed glass louvers in between the roof and the elevated park. The total height of the glazed façade beneath the elevated park is 18.5 feet.

the atrium, and connects with the atrium's westernmost interior building. Glass facades surround the visitor center (Figure 18) and are contiguous with the atrium's vertical south façade (Figure 17). The eastern and western ends of the atrium are closed off via large vertical predominantly glazed facades that are approximately 45–50 feet tall (Figure 18).

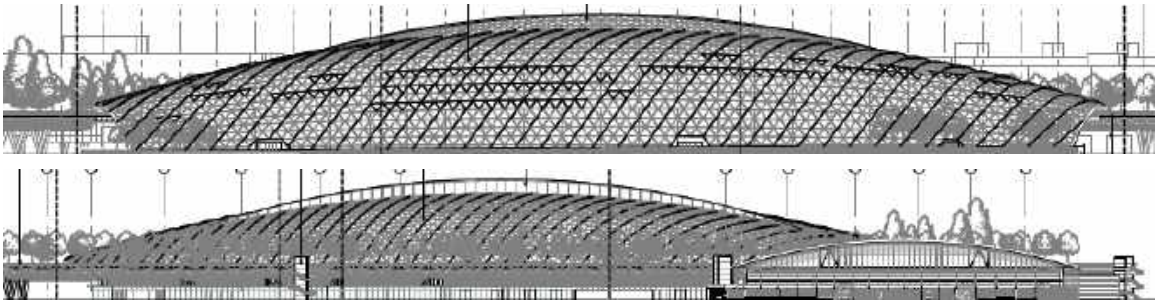


Figure 17. Conceptual drawings of the north façade (top) and south façade (bottom) of the atrium. Trees to be planted along the north façade are not shown.

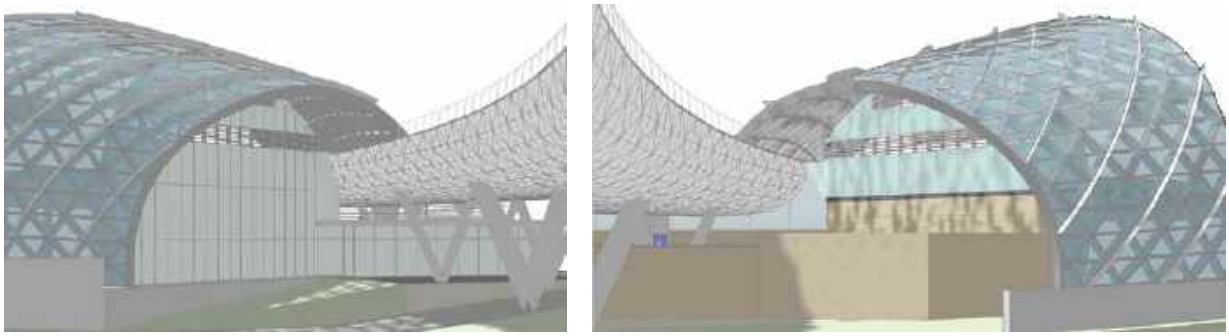


Figure 18. An illustration of the appearance of the vertical glass facades at the western (left) and eastern (right) ends of the atrium.

Figure 19 provides illustrative overhead views of proposed vegetation on each level inside the atrium. The vegetation in the atrium's interior will be similar in character to the exterior vegetation described in Section 3.2 (i.e., predominantly nonnative plant species).

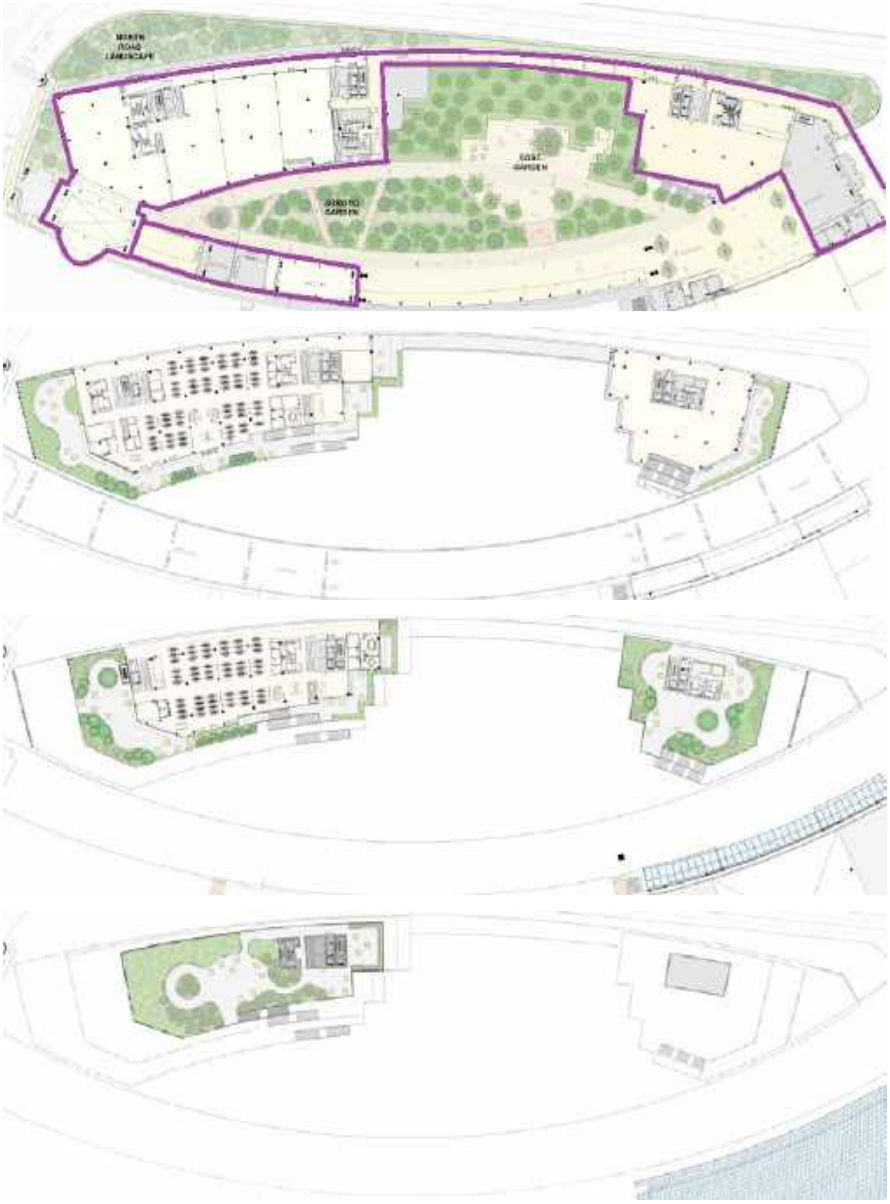


Figure 19. From top to bottom, illustrative views of landscape vegetation on Levels 1, 2, 3, and 4 of the atrium's interior. The interior building footprints and the connection between them are outlined in purple on the top image.

One four-story building and one three-story building will be located within the atrium, and the atrium's north façade composes the north façades of these buildings (Figure 19). These buildings incorporate vegetated terraces approximately 37 feet high on Level 2, 56 feet high on Level 3, and (on the westernmost building only) 75 feet high on Level 4 (Figure 19). A raised walkway connects the two buildings at Level 2 along the atrium's north facade; the area beneath the raised walkway is open with the exception of structural support beams. A security office and café with glass facades will be located beneath the elevated park; however, no interior structures will be located along the atrium's south façade; rather, this area will consist of open space gardens

with landscape vegetation and pedestrian pathways (Figure 19). An approximately 12.5-foot tall vertical glass façade is present along the base of the atrium's south facade beneath the elevated park, with several doorways/entrances that connect with the Town Square and courtyards to the south. As mentioned above and discussed in Section 5.4, a passageway directly connects the atrium with the event building to the south. In addition, a visitor center with glazed facades and a glazed entrance in the shape of a half-circle projects outwards from beneath the elevated park near the atrium's western end, connecting the interior building with the Town Square to the south, and a security office and café with glazed facades are located immediately east of this entrance beneath the elevated park (Figure 19). The only vegetation proposed beneath the elevated park consists of small low interior planters adjacent to the event building near the eastern end of the atrium and small low exterior planters adjacent to a bicycle parking area near the western end of the atrium.

The potential for avian collisions differs between the north, south, east, and west facades of the atrium due to differences in the designs of these facades; the habitats located opposite the façades; and the presence, location, and orientation of interior vegetation, structures, and features within the atrium. Due to these differences, Sections 5.5.1.2, 5.5.1.3, and 5.5.1.4 provide separate assessments of the frequency of bird collisions with the north, south, and east/west facades of the atrium, respectively. The atrium will be sealed such that birds are not expected to be able to enter the atrium's interior; as a result, bird collisions with the interior surfaces of the atrium and/or building facades within the atrium would not occur, and no bird-safe treatment of glazing inside the atrium would be necessary.

5.5.1.2 North Façade

Birds using habitats or descending from migration flights to the north of the site may be attracted to the exterior landscape vegetation along the northern façade of the atrium. There is also some potential for higher-flying birds (e.g., birds descending from migration) to be attracted to the interior vegetation within the atrium; however, the visibility of this interior vegetation to birds located north of the structure will be very limited for the following reasons: (1) interior structures located along the northern facade of the atrium will block the view of the majority of interior vegetation from the north, and (2) the articulated shape of the atrium's facades will substantially reduce the visibility of interior vegetation to birds.

The majority of interior vegetation planted on Level 1 of the atrium's interior will be entirely screened from view to birds located at grade level to the north by the presence of interior buildings along the northern periphery of the atrium (Figure 19). Although some interior trees will be partially visible to birds to the north beneath the walkway that connects the two interior buildings, most will be blocked from view by terraces of the East Garden. No exterior trees will be planted immediately adjacent to the atrium's north façade along the East Garden such that birds would be attracted to this section of the façade where they would be able to see interior vegetation within the East Garden.

Some interior trees planted on roof terraces on Levels 2, 3, and 4 of interior buildings will be visible to birds from the north; however, all trees on these terraces will be set back from the atrium's north façade by approximately 20 feet on Levels 2 and 3, and 25 feet on Level 4 (Figure 19). As a result, birds using exterior

vegetation and trees north of the atrium will have limited line-of-sight views to interior trees at grade level and no line-of-sight views to trees on rooftops. This reduces the potential for bird collisions with the atrium's north façade by blocking direct "flight paths" for birds between interior and exterior vegetation.

The articulated structure of the atrium is a beneficial project feature that will substantially reduce the visibility of all interior vegetation to birds, especially from a distance (Figure 20), reducing the likelihood that birds will collide with glazing on the north façade (in any location) because they are attempting to reach interior vegetation. The architect for the Willow Village atrium has indicated that a good comparison, with respect to birds' ability to view vegetation inside the atrium, is the Jewel Changi Airport in Singapore (Figure 20), which was also designed by the same architecture firm. Although the Jewel Changi Airport building also contains extensive vegetation in its interior, like the Jewel Changi Airport building, the articulated glass surface and fins at the Willow Village atrium (see Figure 21) would combine to mask the visibility of that vegetation, so that birds flying outside the Willow Village atrium will not be able to clearly see, and therefore will not be attracted to, interior vegetation.

Figure 20. The Jewel Changi Airport building, which has a comparable design and exterior appearance to the proposed atrium. Although extensive vegetation is present inside this building, it is largely invisible from outside the atrium.

Fin-like mullions on the exterior surface of the atrium's façade are a beneficial project feature that will help break up the smooth surface and increase the visibility of the façade to birds (Figure 21). As a result, birds located north of the atrium that are attracted to the project site are more likely to view the atrium as a solid structure and are less likely to collide with the atrium.

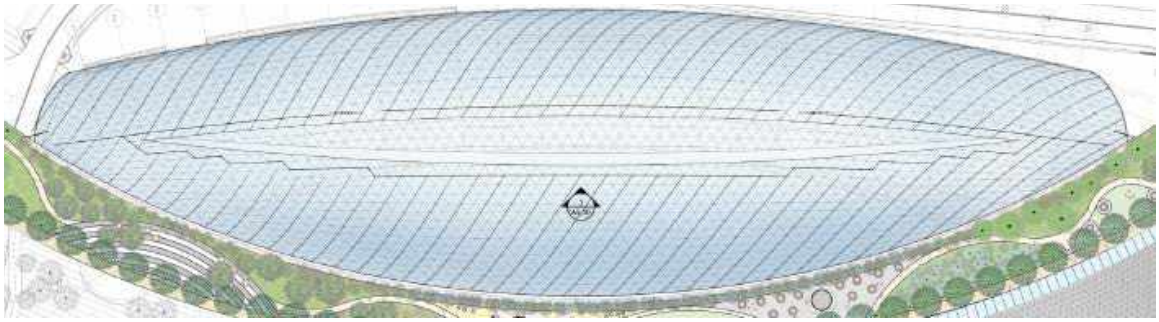


Figure 21. Fin-like mullions on the exterior surface of the conceptual north and south facades of the atrium will break up the smooth surface and increase the visibility of the facades to birds, especially from a distance.

5.5.1.3 South Façade

Birds are expected to be attracted to exterior landscape vegetation along the south side of the atrium, especially at the elevated park located immediately adjacent to the atrium's south façade. Vegetation will also be present in open space courtyards and at the Town Square to the south, and some birds are expected to be attracted to these areas as well. Interior vegetation consisting of small low planters adjacent to the event building will be present below the elevated park; these planters will be screened from the outside by the event building and an adjacent enclosed room, and hence will not be directly visible to birds on the atrium's exterior. Additional exterior vegetation proposed beneath the elevated park consists of small low planters adjacent to a bicycle parking area near the western end of the south façade.

The visibility of vegetation within the glass atrium to birds using vegetation at the elevated park will be limited for the following reasons: (1) interior solar shades will block the view of interior vegetation from the south in certain locations, and (2) the articulated shape of the atrium's façades will substantially reduce the visibility of interior vegetation to birds, as indicated in Figure 20. In addition, vegetation located at the elevated park will be planted immediately adjacent to glass, as feasible, so that birds' flight speeds may be reduced as they approach the glazing, further reducing the potential for collisions.

Interior operable, suspended solar shades along a large portion of the south façade are a beneficial project feature that will block views of interior vegetation to birds located south of the atrium (Figure 22). As a result, birds using exterior vegetation and trees or flying in certain areas south of the atrium (i.e., areas from which the solar shades block views of vegetation in the atrium's interior) will not have line-of-sight views to interior vegetation where these shades are present. This reduces the potential for bird collisions with portions of the atrium's south façade by preventing that interior vegetation from being a strong attractant to birds. However, birds located elsewhere along the south façade (i.e., areas where the solar shades do not block views of vegetation in the atrium's interior) would have line-of-sight views to interior vegetation. As discussed above for the north façade, the articulated structure of the atrium will substantially reduce the visibility of interior vegetation to birds on the atrium's south facade, especially from a distance (Figure 20), reducing the likelihood

that birds will collide with glazing on the south façade because they are attempting to reach interior vegetation. In addition, fin-like mullions on the exterior surface of the façade will help break up the smooth surface and increase the visibility of the façade to birds (Figure 21).

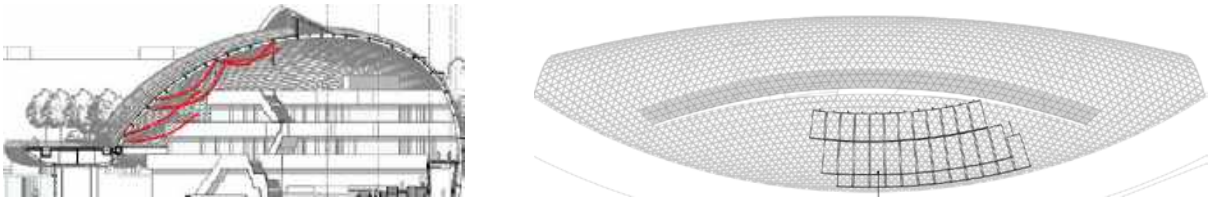


Figure 22. Interior sail shades, shown in red on the left cross-section image, are located along portions of the south façade of the atrium and will block views of interior vegetation to birds located at the elevated park or flying overhead. The approximate extent of the sail shades is shown in dark gray on the right (overhead) image.

To the extent feasible, exterior vegetation at the elevated park will be planted such that high-branching clear-stemmed trees are set back from the glass façade, and dense trees, shrubs, and other plants would be located immediately adjacent to glass facades (Figure 23). As discussed above, we expect this planting strategy to reduce the frequency of collisions with glazing that is immediately adjacent to the vegetation by obscuring reflections of the vegetation in glazing, and to reduce fatal collisions by reducing birds' flight speed if they should fly into the glass. However, even with this orientation of plantings, (1) birds may still be killed or injured even when they fly into windows at relatively low speeds; (2) the vegetation only reduces the collision hazard where it is dense very close to the façade, and not in adjacent areas; and (3) vegetation is not uniformly shaped, and grows or is trimmed back over time, and so does not provide uniform or consistent protection for entire facades over time. As a result, while this strategy represents a good practice for bird-safe design, collisions with the facades adjacent to the elevated park are still expected to occur.

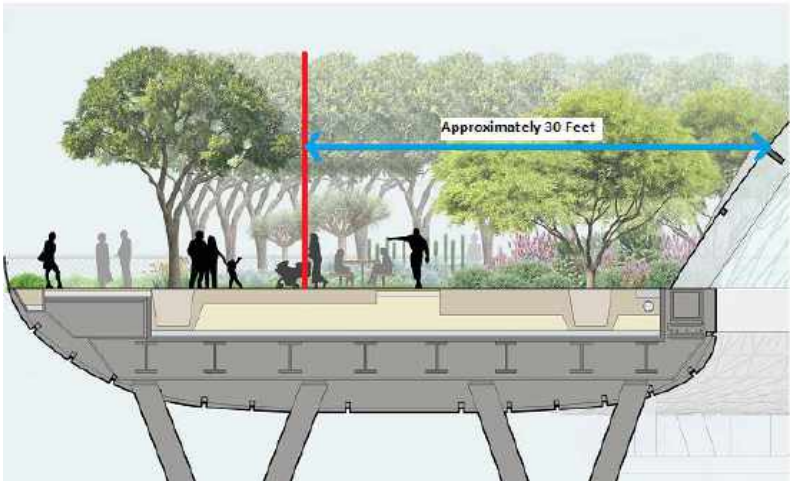


Figure 23. To the extent feasible, vegetation at the elevated park south of the site will be planted such that trees are set back from the glass façade, and dense shrubs and plants are located immediately adjacent to glass facades.

We expect potential bird collisions with the approximately 12.5-foot tall vertical glass façade beneath the elevated park to be reduced due to the following:

- The elevated park is approximately 50–65 feet wide, and trees on Level 1 within the atrium will be set back approximately 50 feet from the vertical glass façade. The resulting more than 50-foot distance of separation is expected to reduce the visibility of trees in the atrium to birds in the Town Square and courtyard.
- Birds would need to traverse more than 50 feet of minimally vegetated areas to attempt to travel in between trees in the Town Square/courtyard and the atrium's interior. Although some birds are expected to attempt to travel along this flight path, in our professional opinion the majority of birds will choose to travel to the immediately adjacent trees at the elevated park due to the closer proximity of these resources.
- A recent study (Riding et al. 2020) found that glass facades located at porticos (i.e., areas where an overhang creates a covered paved walkway, such as beneath the elevated park) have relatively low collision rates compared to other façade types. Thus, the overhang created by the elevated park, in combination with the lack of vegetation beneath the park, is expected to reduce the potential for collision risk.

Nevertheless, due to the presence of vegetation on either side of the atrium's south facade, birds are expected to collide with glazing on this façade when attempting to reach vegetation inside the atrium. Based on the project plans, this is especially true where vegetation on the Level 2 and 3 terraces are located adjacent to the atrium's south façade, because both of these areas are elevated at similar heights (Figure 19).

5.5.1.4 East and West Facades

Birds are expected to be attracted to exterior landscape vegetation along the east and west sides of the atrium. Within the atrium, Level 1 immediately adjacent to the west façade consists of the interior of a building, Level 2 consists of a vegetated roof terrace set back 30 feet from the facade, and Levels 3 and 4 consist of open air with vegetated roof terraces set back farther from the façade (Figure 19). Within the atrium immediately adjacent to the east façade, Level 1 consists of the interior of a building, Level 2 consists of a vegetated roof terrace set back 30 feet from the facade, Level 3 consists of open air with a vegetated roof terrace set back farther from the façade, and Level 4 consists of open air with an unvegetated roof terrace (Figure 19). Vegetation on the Level 2 terraces will be directly visible to birds using landscape vegetation in exterior areas east and west of the atrium. Vegetation on the Level 3 terraces will have limited visibility to birds east and west of the building due to the height of these terraces and because they are set back from the facades (Figure 19). Vegetation on the Level 4 terrace on the westernmost building is not expected to be visible to birds through the atrium's west façade (Figure 19).

Due to the presence of vegetation on either side of the atrium's east and west facades, birds are expected to collide with glazing on these facades when attempting to reach vegetation inside the atrium, especially at the Level 2 and 3 terraces.

5.5.2 Compliance with City Bird-Safe Design Requirements

To address collision risk with the atrium in part, the project will comply with City bird-safe design requirements, with appropriate waivers, as permitted by the City bird-safe design requirements.

5.5.2.1 Requirements for which No Waiver is Requested

As currently proposed, the atrium anticipates complying with City bird-safe design requirements A–D and G without requesting waivers; requirements A–D are listed below. Where the project's bird-safe design strategy is more specific than the City's requirements, sub-bullets specify how the project will comply with those requirements.

A. No more than 10% of facade surface area shall have non-bird-friendly glazing.
    - Specifically, all portions of the atrium shall be treated with a bird-safe glazing treatment with the exception of the vertical façade on the south side of the atrium below the elevated park. The area of untreated glazing shall be no more than 10% of the total surface area of the atrium.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.
    - Specifically, to reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on the atrium will have a visible reflectance of 15% or lower.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

Discussion of project compliance with City requirement C, related to occupancy sensors, is provided in Section 6.2.2 below.

5.5.2.2 Requirements for which Waivers will be Requested

Waivers Requested. As currently proposed, the project anticipates complying with the City's bird-safe design requirements E and F by requesting waivers for the atrium, as permitted by the City bird-safe design requirements. These waivers are requested in order for the project to achieve design excellence. City requirements E and F are as follows:

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

Alternative City Measures Proposed. As an alternative to these requirements, to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures for the atrium:

- All glazed features of the atrium with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment. Transparent building corners shall be treated in all locations where it is possible to see through to the other side of the visitor center.
- If free-standing glass railings are included in the project design in exterior areas adjacent to the atrium (e.g., at the elevated park), all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment.
    - Specifically, all glazing on free-standing glass railings in exterior areas adjacent to the atrium shall have a Threat Factor (see footnote 1 above) less than or equal to 15. This Threat Factor is relatively low (and the effectiveness of the bird-safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.
- All transparent glass at the rooflines of the atrium adjacent to roof decks (i.e., the elevated park) will be 100% treated with a bird-safe glazing treatment. The only untreated glazing on the atrium will be located on the vertical façade beneath the elevated park, which does not create a collision hazard due to landscape vegetation on roofs.

In lieu of complying with City requirements E and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirements E and F, the project will comply with these City requirements.

5.5.3 Additional Mitigation Measures Proposed Under CEQA

Due to the unique design of the atrium, compliance with City bird-safe design requirements (either via compliance with the listed requirements or by requesting waivers, as permitted by the City bird-safe design requirements, and proposing alternative City measures, where appropriate) may not reduce collision impacts with this structure sufficiently to avoid significant impacts under CEQA, and therefore these impacts may be potentially significant even with incorporation of the alternative City measures provided in Section 5.5.2 above. Therefore, additional CEQA mitigation measures are necessary to reduce impacts. With the implementation of the following mitigation measures, which go above and beyond the City's bird-safe design requirements as well as the alternative City measures, impacts due to bird collisions with the atrium will be reduced to less-than-significant levels under CEQA, in our professional opinion.

- **Mitigation Measure 1.** The project shall treat 100% of glazing on the 'dome-shaped' portions of the atrium's façades (i.e., all areas of the north façade, and all areas of the south façade above the elevated park)

with a bird-safe glazing treatment to reduce the frequency of collisions. This glazing shall have a Threat Factor (see footnote 1 above) of 15 or lower.

Because a Threat Factor is a nonlinear index, its value is not equivalent to the percent reduction in collisions that a glazing product provides. However, products with lower threat factors result in fewer bird collisions. Because the City's bird-safe design requirements (and requirements of other municipalities in the Bay Area) do not specify the effectiveness of required bird-safe glazing, Mitigation Measure 1 goes above and beyond what would ordinarily be acceptable to the City, as well as what is considered the industry standard for the Bay Area.

- **Mitigation Measure 2.** The project shall treat 100% of glazing on the atrium's east and west facades with a bird-safe glazing treatment to reduce the frequency of collisions. This glazing shall have a Threat Factor[1] of 15 or lower.

- **Mitigation Measure 3.** Interior trees and woody shrubs will be set back from the atrium's east, west, and non-sloped (i.e., vertical/perpendicular to the ground) portions of the south facades by at least 50 feet to reduce the potential for collisions with these facades due to the visibility of interior trees. This 50-foot distance is greater than the distance used in the project design for the north and sloped portions of the south facades (e.g., 20-25 feet for the north façade) due to the vertical nature of the east, west, and non-sloped portions of the south facades, as opposed to the articulated nature of the north and sloped portions of the south facades (which is expected to reduce the visibility of internal vegetation to some extent), as well as the direct line-of-sight views between interior and exterior vegetation through the east, west, and non-sloped portions of the south facades compared to the north façade (where internal vegetation is elevated above exterior vegetation). Interior trees and shrubs that are not visible through the east, west, and south facades may be planted closer than 50 feet to glass facades.

- **Mitigation Measure 4.** Because the glass production process can result in substantial variations in the effectiveness of bird-safe glazing, a qualified biologist will review physical samples of all glazing to be used on the atrium to confirm that the bird-safe frit will be visible to birds in various lighting conditions, and is expected to be effective.

- **Mitigation Measure 5.** The project shall monitor bird collisions around the atrium for a minimum of two years following completion of construction of the atrium to identify if there are any collision "hotspots" (i.e., areas where collisions occur repeatedly).

  A monitoring plan for the atrium shall be developed by a qualified biologist that includes focused surveys for bird collisions in late April–May (spring migration), September–October (fall migration), and mid-November–mid-January (winter) to maximize the possibility that the surveys will detect any bird collisions that might occur. Surveys of the atrium will be conducted daily for three weeks during each of these periods (i.e., 21 consecutive days during each season, for a total of 63 surveys per year). In addition, for the two-year monitoring period, surveys of the atrium will be conducted the day following all nighttime events held in the atrium during which temporary lighting exceeds typical levels (i.e., levels specified in the International Dark-Sky Association's defined lighting zone LZ-2 from dusk until 10:00 p.m., or 30% below these levels

from 10:00 p.m. to midnight, as described in Section 6.5 below). The applicant can assign responsibility for tracking events and notifying the biologist when a survey is needed to a designated individual who is involved in the planning and scheduling of atrium events. The timing of the 63 seasonal surveys (e.g., morning or afternoon) will vary on different days to the extent feasible; surveys conducted specifically to follow nighttime events will be conducted in the early morning.

At a frequency of no less than every six months, a qualified biologist will review the bird collision data for the atrium in consultation with the City to determine whether any potential hotspots are present (i.e., if collisions have occurred repeatedly in the same locations). A "potential hotspot" is defined as a cluster of three or more collisions that occur within one of the three-week monitoring periods described above at a given "location" on the atrium. The "location" shall be identified by the qualified biologist as makes sense for the observed collision pattern and may consist of a single pane of glass, an area of glass adjacent to a landscape tree or light fixture, the 8,990 square-foot vertical façade beneath the elevated park, the façade adjacent to vegetation on the elevated park, the atrium's east façade, the atrium's west façade, or another defined area where the collision pattern is observed. "Location" shall be defined based on observations of (1) collision patterns and (2) architectural, lighting, and/or landscape features contributing to the collisions, and not arbitrarily (e.g., by assigning random grids).

If any potential hotspots are found, the qualified biologist will provide an opinion regarding whether the potential hotspot will impact bird populations over the long-term to the point that additional measures (e.g., adjustments to lighting or the placement of vegetation) are needed to reduce the frequency of bird strikes at the hotspot location in order to reduce impacts to a less-than-significant level under CEQA (i.e., whether it constitutes an actual "hotspot"). This will be determined based on the number and species of birds that collide with the atrium over the monitoring period. In addition, a "hotspot" is automatically defined if a cluster of five or more collisions are identified at a given "location" on the atrium within one of the three-week monitoring periods described above. If a hotpot is identified, additional measures will be implemented at the potential hotspot location at the atrium; these may include one or more of the following options in the area of the hotspot depending on the cause of the collisions:

- The addition of a visible bird-safe frit pattern, netting, exterior screens, art, printed sheets, interior shades, grilles, shutters, exterior shades, or other features to untreated glazing (i.e., on the façade below the elevated park) to help birds recognize the façade as a solid structure.
- Installing interior or exterior blinds in the buildings within the atrium to prevent light from spilling outward though glazed facades at night.
- Reducing lighting by dimming fixtures, redirecting fixtures, turning lights off, and/or adjusting programmed timing of dimming/shutoff.
- Replacing certain light fixtures with new fixtures to provide increased shielding or redirect lighting.
- Adjusting or reducing lighting during events.
- Adjusting the timing of events to reduce the frequency of events during certain times of year (e.g., spring and/or fall migration) when relatively high numbers of collisions occur.

- Adjusting landscape vegetation by removing, trimming, or relocating trees or other plants (e.g., moving them farther from glass), or blocking birds' views of vegetation through glazing (e.g., using a screen or other opaque feature).

If modifications to the atrium are implemented to reduce collisions at a hotspot, one year of subsequent focused monitoring of the hotspot location will be performed to confirm that the modifications effectively reduce bird collisions to a less-than-significant level under CEQA. This monitoring may or may not extend beyond the two-year monitoring period described above, depending on the timing of the hotspot detection.

It is our understanding that the project proposes to use a frit consisting of ¼-inch white dots spaced in a 2x2-inch grid (i.e., similar in specifications to the Solyx SX-BSFD Frost Dot Bird Safety Film product rated with a Threat Factor of 15 by the American Bird Conservancy) for all treated façade areas on the atrium. We further understand that the atrium's glazing will have a dark gray thermal frit treatment (e.g., dark dots incorporated into the glass) in addition to the lighter-toned frit pattern that composes the bird-safe treatment. The extent of thermal frit will vary from the lower portions of the atrium to the upper portions of the atrium, with the upper portions incorporating more extensive (i.e., greater percent cover) thermal frit. Based on our review of preliminary physical glass samples supporting potential combinations of thermal frit and bird-safe frit, provided by the project team, it is our opinion that the combination of the bird-safe frit treatment with the thermal frit would produce very low Threat Factors (Figure 24). We are unaware of any glazing products that incorporate thermal frit patterns and have been assigned a Threat Factor by the American Bird Conservancy; however, the U.S. Green Building Council allows Threat Factors to be determined via any of the following options: (1) using a glass product that has been tested and rated by the American Bird Conservancy; (2) using a glass product with the same characteristics as a product that has been tested and rated by the American Bird Conservancy; or (3) using a glass product that has not been tested and rated, and asking the American Bird Conservancy to provide their opinion regarding an appropriate Threat Factor. We reached out to Dr. Christine Sheppard at the American Bird Conservancy to request her concurrence that the presence of the solar frit would not reduce the effectiveness of the bird-safe frit (and may even increase the effectiveness of the bird-safe frit). Dr. Sheppard responded in an email dated April 9, 2021 agreeing that the solar frit should make the lighter bird-safe frit dots more visible, and the proposed bird-safe treatment would have a Threat Factor of 15 as long as the bird-safe frit dots are ¼-inch in diameter (Sheppard 2021). Thus, the proposed bird-safe glazing treatment is appropriate for the atrium facades and goes above and beyond the City's minimum requirements, as well as the local standard for the San Francisco Bay Area.

Figure 24. Two preliminary glass samples that combine the dark gray thermal frit and lighter-toned bird-safe frit were reviewed by H. T. Harvey & Associates. The frit on these samples had very good visibility in different lighting conditions due to the contrast between the light and dark frit, and in our professional opinion are likely to reduce bird collisions with the atrium.

It is our understanding that only the proposed 12.5-foot tall vertical glazed facades on the south side of the atrium will remain untreated. This untreated area is relatively large (approximately 8,990 square feet, per the August 2021 ACPs); however, it will be less than 10% of the entire façade area in compliance with City bird-safe design requirements. Some collisions with this glazing are expected to occur when birds attempt to fly from trees and vegetation within the Town Square and courtyard located south of the elevated park to trees and vegetation within the atrium. As discussed above, because trees on either side of the untreated vertical glass façade will be separated by a distance of approximately 50 feet, and because the vertical glazed façade is located beneath the elevated park (creating a 'portico'), it is our opinion that the potential for collisions with this glazing would be low.

5.5.4 CEQA Impacts Summary

The atrium will comply with the City's bird-safe design requirements by implementing requirements A–D and G, requesting waivers for requirements E and F, as permitted by the City bird-safe design requirements, and implementing alternative City measures for requirements E and F. Compliance with requirement C is discussed in Section 6.2.2 below. In addition, the project will implement Mitigation Measures 1–5 above to reduce impacts to less-than-significant levels under CEQA. As stated above, with compliance with City requirements (including the implementation of proposed alternative City measures) and Mitigation measures 1–5 above, it is our professional opinion that project impacts due to bird collisions with the atrium would be less than significant under CEQA.

A subsequent report prepared by a qualified biologist will accompany the final ACP for the atrium. It is our understanding based on coordination with the design team that (1) the final ACP design for the atrium will

substantially conform with the designs reviewed for this report, such that our analysis and conclusions are expected to be valid for the final design; (2) the proposed bird-safe treatments within the areas where such treatments are expected to be necessary are feasible; and (3) the project will implement alternative City measures and CEQA mitigation measure as described herein. Nevertheless, because the designs and renderings for the atrium were based on conceptual CDP plans and preliminary ACP designs, a qualified biologist shall review the final ACP for the atrium to confirm that the alternative City measures and CEQA mitigation measures described herein , or other alternative measures reasonably acceptable to the qualified biologist (see footnote 2 above) are incorporated into the final design such that project impacts due to bird collisions are reduced to less-than-significant levels under CEQA as described herein.

Section 6. Assessment of Lighting Impacts on Birds

6.1 Overview of Potential Impacts on Birds from Artificial Lighting

Numerous studies indicate that artificial lighting associated with development can have an impact on both local birds and migrating birds. Below is an overview of typical impacts on birds from artificial lighting, including lighting impacts related to general site lighting conditions and up-lighting.

6.1.1 Impacts Related to General Site Lighting Conditions

Evidence that migrating birds are attracted to artificial light sources is abundant in the literature as early as the late 1800s (Gauthreaux and Belser 2006). Although the mechanism causing migrating birds to be attracted to bright lights is unknown, the attraction is well documented (Longcore and Rich 2004, Gauthreaux and Belser 2006). Migrating birds are frequently drawn from their migratory flight paths into the vicinity of an artificial light source, where they will reduce their flight speeds, increase vocalizations, and/or end up circling the lit area, effectively "captured" by the light (Herbert 1970, Gauthreaux and Belser 2006, Sheppard and Phillips 2015, Van Doren et al. 2017). When birds are drawn to artificial lights during their migration, they may become disoriented and possibly blinded by the intensity of the light (Gauthreaux and Belser 2006). The disorienting and blinding effects of artificial lights directly impact migratory birds by causing collisions with light structures, buildings, communication and power structures, or even the ground (Gauthreaux and Belser 2006). Indirect impacts on migrating birds might include orientation mistakes and increased length of migration due to light-driven detours.

6.1.2 Impacts Related to Up-Lighting

Up-lighting refers to light that projects upwards above the fixture. There are two primary ways in which the luminance of up-lights might impact the movements of birds. First, local birds using habitats on a site may become disoriented during flights among foraging areas and fly toward the lights, colliding with the lights or with nearby structures. Second, nocturnally migrating birds may alter their flight direction or behavior upon seeing lights; the birds may be drawn toward the lights or may become disoriented, potentially striking objects such as buildings, adjacent power lines, or even the lights themselves. These two effects are discussed separately below.

Local Birds. Seabirds may be especially vulnerable to artificial lights because many species are nocturnal foragers that have evolved to search out bioluminescent prey (Imber 1975, Reed et al. 1985, Montevecchi 2006), and thus are strongly attracted to bright light sources. When seabirds approach an artificial light, they seem unwilling to leave it and may become "trapped" within the sphere of the light source for hours or even days, often flying themselves to exhaustion or death (Montevecchi 2006). Seabirds using habitats associated with the San Francisco Bay to the north include primarily gulls and terns. Although none of these species are primarily nocturnal foragers, there is some possibility that gulls, which often fly at night, may fly in areas where they

would be disoriented by project up-lights under conditions dark enough that the lights would affect the birds. Shorebirds forage along the San Francisco Bay nocturnally as well as diurnally, and move frequently between foraging locations in response to tide levels and prey availability. Biologists and hunters have long used sudden bright light as a means of blinding and trapping shorebirds (Gerstenberg and Harris 1976, Potts and Sordahl 1979), so evidence that shorebirds are affected by bright light is well established. Though impacts of a consistent bright light are undocumented, it is possible that shorebirds, like other bird species, may be disoriented by a very bright light in their flight path.

Passerine species have been documented responding to increased illumination in their habitats with nocturnal foraging and territorial defense behaviors (Longcore and Rich 2004, Miller 2006, de Molenaar et al. 2006), but absent significant illumination, they typically do not forage at night, leaving them less susceptible to the attraction and disorientation caused by luminance when they are not migrating.

Migrating Birds. Hundreds of bird species migrate nocturnally in order to avoid diurnal predators and minimize energy expenditures. Bird migration over land typically occurs at altitudes of up to 5,000 feet, but is highly variable by species, region, and weather conditions (Kerlinger 1995, Newton 2008). In general, night-migrating birds optimize their altitude based on local conditions, and most songbird and soaring bird migration over land occurs at altitudes below 2,000 feet while waterfowl and shorebirds typically migrate at higher altitudes (Kerlinger 1995, Newton 2008).

It is unknown what light levels adversely affect migrating birds, and at what distances birds respond to lights (Sheppard and Phillips 2015). In general, vertical beams are known to capture higher numbers of birds flying at lower altitudes. High-powered 7,000-watt (equivalent to 105,000-lumen) spotlights that reach altitudes of up to 4 miles (21,120 feet) in the sky have been shown to capture birds migrating at varying altitudes, with most effects occurring below 2,600 feet (where most migration occurs); however, effects were also documented at the upper limits of bird migration at approximately 13,200 feet (Van Doren et al. 2017). A study of bird responses to up-lighting from 250-watt (equivalent to 3,750-lumen) spotlights placed on the roof of a 533-foot tall building and directed upwards at a company logo documented behavioral changes in more than 90% of the birds that were visually observed flying over the building at night (Haupt and Schillemeit 2011). One study of vertical lights projecting up to 3,280 feet found that higher numbers of birds were captured at altitudes below 650 feet, but this effect was influenced by wind direction and the birds' flight speed (Bolshakov et al. 2013). These studies have not analyzed the capacity for vertical lights to attract migrating birds flying beyond their altitudinal range, and the potential for the project up-lights to affect birds flying at various altitudes is unknown. Thus, birds that encounter beams from up-lights are likely to respond to the lights, and may become disoriented or attracted to the lights to the point that they collide with buildings or other nearby structures, but the range of the effect of the lights is unknown.

Observations of bird behavioral responses to up-lights indicate that their behaviors return to normal quickly once up-lights are completely switched off (Van Doren et al. 2017), but no studies are available that demonstrate bird behavioral responses to reduced or dimmed up-lights. In general, up-lights within very dark areas are more

likely to "capture" and disorient migrating birds, whereas up-lights in brightly lit areas (e.g., highly urban areas, such as Menlo Park) are less likely to capture birds (Sheppard 2017). Birds are also known to be more susceptible to capture by artificial light when they are descending from night migration flights in the early mornings compared to when they ascend in the evenings; as a result, switching off up-lights after midnight can minimize adverse effects on migrating birds (Sheppard 2017). However, more powerful up-lights (e.g., 3,000 lumen spotlights) may create issues for migrating birds regardless of the time of night they are used (Sheppard 2017).

6.2 Lighting Design Principles

To address potential impacts from artificial project lighting, the CDP requires the project to implement (i) certain lighting design principles as well as (ii) the occupancy sensor requirement in the City's bird-safe design requirements, as described below. For all Master Plan components, because the project's lighting plan has not yet been developed, a qualified biologist shall review the final lighting design as part of each ACP to ensure that the lighting design principles provided in Sections 6.2.1 and 6.2.2 below are incorporated into the final design.

The International Dark-Sky Association (2021a) recommends using lighting with a color temperature of no more than 3,000 Kelvins to minimize harmful effects on humans and wildlife. However, the effects of different light wavelengths on various species of birds are not consistent (Owens et al. 2020). Some studies have shown that using blue and green lights may be less disorienting to birds compared to red lights (Poot et al. 2008), but it is known that birds can be disoriented by red lights (Sheppard et al. 2015) and blue lights (Zhao et al. 2020). The American Bird Conservancy's Bird-Friendly Building Design guidance states that manipulating light color shows promise in its potential to reduce bird collisions with buildings, but additional study is needed to determine what colors should be used (Sheppard and Phillips 2015). Instead, the American Bird Conservancy recommends reducing exterior building and site lighting, which has been proven to reduce bird mortality (Sheppard and Phillips 2015). The City of San Francisco's Standards for Bird-Safe Buildings recommends that project proponents "consider" reducing red wavelengths where lighting is necessary, but this measure is not required; rather, they require avoidance of uplighting in lighting designs (San Francisco Planning Department 2011). As a result, the principles provided in Sections 6.5.2.1 to 6.4.2.4 below focus on minimizing lighting, rather than restricting lighting temperatures. Reducing, shielding, and directing lights on the project site and avoiding uplighting effectively limits the effects of lights by minimizing skyglow and the spillage of light outwards into adjacent natural areas, and is consistent with local (City of San Francisco) and national (American Bird Conservancy) standards for minimizing bird collisions.

6.2.1 Design Principles

The advancement of luminaires has substantially improved lighting design in recent years, and the project will employ a scientific approach to reduce overall lighting levels as well as Backlight, Up-light, and Glare ("BUG") ratings for individual fixtures to avoid and minimize the lighting impacts on birds discussed above. Accordingly, the CDP requires the following design principles to avoid and minimize potential lighting impacts on birds:

- Fixtures shall comply with lighting zone LZ-2, *Moderate Ambient*, as recommended by the International Dark-Sky Association (2011) for light commercial business districts and high-density or mixed-use residential districts. The allowed total initial luminaire lumens for the Master Plan area is 2.5 lumens per square foot of hardscape, and the BUG rating for individual fixtures shall not exceed B3-U2-G2, as follows:
    - B3: 2,500 lumens high (60–80 degrees), 5,000 lumens mid (30–60 degrees), 2,500 lumens low (0–30 degrees)
    - U2: 50 lumens (90–180 degrees)
    - G2: 225 lumens (forward/back light 80–90 degrees), 5,000 (forward 60–80 degrees), 1,000 (back light 60–80 degrees asymmetrical fixtures), 5,000 (back light 60–80 degrees quadrilateral symmetrical fixtures)
- Unshielded fixtures, flood lights, drop and sag lens fixtures, unshielded bollards, widely and poorly aimed lights, and searchlights shall be avoided. All lights shall be well-shielded and aimed appropriately to minimize up-light and glare. The materials of illuminated objects shall be considered to minimize up-lighting effects, and low-glare lighting shall be prioritized (e.g., fixtures shall be aimed no more than 25 degrees from vertical).
- Full cutoff fixtures, shielded fixtures, shielded walkway bollards, shielded and properly aimed lights, and flush-mounted fixtures will be encouraged. Full glare control and concealed sources shall be provided to minimize light trespass.
- Lighting controls such as automatic timers, photo sensors, and motion sensors shall be used. Luminaires not on emergency controls shall have occupancy sensors and an astronomic time clock.
- Low-level and human-scale lighting shall be prioritized while emphasizing areas of activity.
- All exterior luminaires shall be dimmable, and overall brightness at night shall be minimized.
- Exterior lighting along the perimeter of the Master Plan area shall be minimized.
- Soft transitions and low contrast shall be created between lighter and darker exterior spaces.
- Interior office lighting shall be directed and shielded to light task areas and minimize spillage outside of buildings.
- All energy efficiency standards shall be met.

With the adoption of these principles, the potential for lighting impacts on birds will be greatly reduced. In our professional opinion, compliance these design principles will reduce impacts due to overall lighting levels on birds to less-than-significant levels under CEQA. However, because the project lighting design has not yet been developed, and due to the sensitivity of the Master Plan area (which faces habitats along the San Francisco Bay) as well as the potential for collisions with certain project components (e.g., the atrium and stair/elevator towers), additional mitigation measures are needed in the absence of a finalized design to ensure that impacts of project lighting on birds are reduced to less-than-significant levels (see Section 6.3.1.2 below).

6.2.2 City Occupancy Sensor Requirements

As currently proposed, the project anticipates complying with City bird-safe design requirement C by implementing the requirement as stated or by requesting waivers where compliance is not feasible, as permitted by the City bird-safe design requirements. City requirement C is as follows:

C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.

For the purpose of this report, we assume that the City intends this requirement to apply to interior lights only. No additional lighting measures are required as part of the City's bird-safe design requirements.

The two buildings inside the atrium, visitor center, Town Square retail pavilion, event building, Office Buildings 01–06, stair/elevator towers, security pavilions, North Garage, South Garage, hotel, and mixed-use buildings shall comply with City occupancy sensor requirements where feasible. However, occupancy sensors may not be feasible in some areas (e.g., because the space is occupied 24 hours per day). In addition, events at the atrium may extend later than 10:00 p.m. The applicant shall request waivers for areas where occupancy sensors are not feasible, as well as for events that extend later than 10:00 p.m., as permitted by the City bird-safe design requirements.

Alternative City Measures Proposed. As an alternative to this requirement, to ensure that the project meets the City's intent of minimizing the spill of lighting outwards from buildings at night and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures to minimize lighting:

- When occupancy sensors are not feasible, the visitor center, Town Square retail pavilion, Office Building 04, event building, and North Garage shall program interior or exterior blinds to close on exterior windows during non-work hours and between 11:00 p.m. and sunrise in order to block lighting from spilling outward from the buildings.
- During events at the atrium, occupancy sensors shall be programmed so that interior lights shut off no later than midnight.
- For the remaining buildings on the project site (i.e., the two buildings within the atrium, hotel, residential/mixed-use buildings; Office Buildings 01, 02, 03, 05, and 06; stair/elevator towers; security pavilions, and the South Garage), if occupancy sensors or other switch control devices are not feasible, and/or interior lights cannot be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise (e.g., because the space is occupied 24 hours per day or is residential), no alternative City measures are proposed.

In lieu of complying with City requirement C per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet

the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirement C, the project will comply with this requirement.

6.3 Analysis of Potential Impacts on Birds due to Lighting

No detailed information regarding the proposed lighting design for the project was available for review as part of this assessment. Nevertheless, construction of the project will create new sources of lighting on the project site. Lighting would emanate from light fixtures illuminating buildings, building architectural lighting, pedestrian lighting, and artistic lighting. Depending on the location, direction, and intensity of exterior lighting, this lighting can potentially spill into adjacent natural areas, thereby resulting in an increase in lighting compared to existing conditions. Areas to the south, east, and west of the project site are entirely developed as urban (i.e., within a city or town) habitats that do not support diverse or sensitive bird communities that might be substantially affected by illuminance from the project. Birds inhabiting more natural habitat areas along the San Francisco Bay to the north and/or the future vegetated open space areas on the project site may be affected by an increase in lighting. However, the number of shorebirds foraging near or flying over the project site is expected to be relatively low, as shorebirds do not congregate in large numbers at or near the project site.

Thus, lighting from the project has some potential to attract and/or disorient birds, especially during inclement weather when nocturnally migrating birds descend to lower altitudes. As a result, some birds moving along the San Francisco Bay at night may be (1) attracted to the site, where they are more likely to collide with buildings; and/or (2) disoriented by night lighting, potentially causing them to collide with the buildings. Certain migrant birds that use structures for roosting and foraging (such as swifts and swallows) would be vulnerable to collisions if they perceive illuminated building interiors as potential roosting habitat and attempt to enter the buildings through glass walls. Similarly, migrant and resident birds would be vulnerable to collisions if they perceive illuminated vegetation within buildings as potential habitat and attempt to enter a building through glass walls.

Potential impacts on birds due to lighting within the various Master Plan components, as well as applicable CEQA mitigation measures, are discussed Sections 6.3.1 to 6.3.4 below. For purposes of this analysis, Master Plan components are grouped together in these sections based on lighting impacts within these areas as well as the lighting design principles necessary to reduce impacts under CEQA, as follows:

- Master Plan components within the northern portion of the project site (i.e., areas north of Main Street and Office Buildings 03 and 05 surrounding the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage, but not including buildings within the atrium) are discussed together because lighting within these areas has a greater potential to (1) spill northwards into sensitive habitats along the San Francisco Bay, and (2) attract and/or disorient migrating birds during the spring and fall compared to areas farther south on the project site.

- The stair/elevator towers are discussed separately due to the potential for lighting of these towers to attract birds (especially migrants) towards these structures where they would able to see roosting opportunities behind glazed façades, and potentially collide with the glass.
- Due its unique structure and location along the northern boundary of the project site, the atrium and buildings within the atrium are discussed separately.
- Master Plan components within the southern portion of the project site (i.e., Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings) are discussed together because they have a lower potential to affect migrating birds due to the greater distance between these areas and the San Francisco Bay, the extensive opaque facades on these buildings, and the less extensive vegetation present compared to the northern portion of the site.

6.3.1 Potential Impacts due to Lighting within the Northern Portion of the Project Site

6.3.1.1 Description of Potential Impacts

As discussed above, birds inhabiting more natural habitat areas along the San Francisco Bay to the north and/or the future vegetated open space areas on the project site itself may be affected by an increase in lighting on the site. Because buildings within the northern portion of the site are located in closer proximity to natural habitats along the San Francisco Bay as well as proposed extensive vegetation on the project site itself (e.g., at the elevated park), lighting associated with the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage has a greater potential to (1) spill northwards into sensitive habitats along the San Francisco Bay, and (2) attract and/or disorient migrating birds during the spring and fall, compared to buildings located farther south on the project site. Due to the potential for birds to collide with glazing on these buildings, CEQA mitigation measures to minimize lighting at these locations are provided in Section 6.3.1.2 below to ensure that these impacts are minimized.

6.3.1.2 Additional Mitigation Measures Proposed Under CEQA

Due to the potential for lighting within the northern portion of the project site to affect birds, the City's requirement to include occupancy sensors in the project design (or the alternative City measures provided in Section 6.2.2 above) in combination with the lighting design principles provided in Section 6.2 may not reduce lighting-related impacts within this area sufficiently to avoid significant impacts under CEQA. While the project's lighting design principles provide a general strategy for lighting design and specify a BUG rating for exterior fixtures, these principles are not specific enough to ensure that the spill of lighting upwards and outwards into adjacent natural areas will be minimized to an appropriate level. With the implementation of Mitigation Measures 6–9 below, which provide greater specificity to ensure that lighting impacts are minimized, impacts on birds due to lighting in the northern portion of the site will be reduced to less-than-significant levels under CEQA, in our professional opinion.

For all exterior lighting in the northern portion of the project site (i.e., areas north of Main Street and Office Buildings 03 and 05 surrounding the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage):

- **Mitigation Measure 6.** To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture.

  If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees and buildings) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated.

- **Mitigation Measure 7.** All lighting shall be fully shielded to block illumination from shining outward towards San Francisco Bay habitats to the north. No light trespass shall be permitted more than 80 feet beyond the site's northern property line (i.e., beyond the JPB rail corridor).

- **Mitigation Measure 8.** Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from 10:00 p.m. until sunrise, except as needed for safety and City code compliance.

- **Mitigation Measure 9.** Temporary lighting that exceeds minimal site lighting requirements may be used for nighttime social events. This lighting shall be switched off no later than midnight. No exterior up-lighting (i.e., lighting that projects upward above the fixture, including spotlights) shall be used during events.

6.3.1.3 CEQA Impacts Summary

The project will implement the lighting design principles in Section 6.2 as well as Mitigation Measures 6–9 above and comply with City requirements (either via compliance with requirement C or the implementation of the proposed alternative City measures) to reduce impacts due to lighting in the northern portion of the project site to less-than-significant levels under CEQA. By incorporating these principles and measures, it is our professional opinion that project impacts due to bird collisions with the buildings in the northern portion of the project site would be less than significant under CEQA.

Subsequent reports prepared by a qualified biologist will accompany each of the final ACPs for the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage. It is our understanding based on considerable coordination with the design team that (1) the proposed lighting design principles, City measures, and mitigation measures are feasible, and (2) the project will implement the lighting design principles, City requirements or alternative City measures, and mitigation measures as described herein. Nevertheless, because detailed information about project lighting design was not available as part of this assessment, a qualified biologist shall review the final ACPs to confirm that the lighting design principles, City requirements or

alternative City measures, and mitigation measures described herein are incorporated into the final design such that project impacts due to bird collisions are reduced to less-than-significant levels under CEQA as described herein.

6.3.2 Potential Impacts Related to the Stair/Elevator Towers

6.3.2.1 Description of Potential Impacts

Five stair/elevator towers connect the plaza south of the atrium with the elevated park. These towers will be lit at night. As discussed above, certain migrant birds that use structures for roosting and foraging (such as swifts and swallows) would be vulnerable to collisions if they perceive illuminated building interiors as potential roosting habitat and attempt to enter the buildings through glass walls. Lighting of these towers is expected to illuminate their interiors, potentially attracting birds (especially migrants) towards these areas when they are able to see roosting opportunities behind glazed façades. Due to the potential for birds to collide with this glazing, CEQA mitigation measures to minimize lighting at these locations are provided in Section 6.3.2.2 below to ensure that impacts due to lighting at stair/elevator towers are minimized.

6.3.2.2 Additional Mitigation Measures Proposed Under CEQA

Due to the potential for lighting within the stair/elevator towers to result in bird collisions, the City's requirement to include occupancy sensors in the project design (or the alternative City measures provided in Section 6.2.2 above) in combination with the lighting design principles provided in Section 6.2 may not reduce collision impacts with these towers sufficiently to avoid significant impacts under CEQA. While the project's lighting design principles provide a general strategy for lighting design and specify a BUG rating for exterior fixtures, these principles are not specific enough to ensure that the spill of lighting outwards from the glass stair/elevator towers will be minimized to an appropriate level. With the implementation of Mitigation Measure 10 below, impacts due to lighting of the stair/elevator towers will be reduced to less-than-significant levels under CEQA, in our professional opinion.

- **Mitigation Measure 10.** Lights shall be shielded and directed so that lighting does not spill outwards from the elevator/stair towers into adjacent areas.

6.3.2.3 CEQA Impacts Summary

The project will implement the lighting design principles in Section 6.2 as well as Mitigation Measure 10 above and comply with City requirements (either via compliance with requirement C or the implementation of the proposed alternative City measures) to reduce impacts due to lighting within the stair/elevator towers to less-than-significant levels under CEQA. By incorporating these principles, requirements, and measures, it is our professional opinion that project impacts due to bird collisions with the stair/elevator towers would be less than significant under CEQA.

Subsequent reports prepared by a qualified biologist will accompany the final ACPs for the project components that include elevator towers (i.e., the hotel, Town Square, Office Building 04, event building, and atrium). It is

our understanding based on considerable coordination with the design team that (1) the proposed lighting design principles, City requirements or alternative City measures, and mitigation measures are feasible; and (2) the project will implement the lighting design principles, City requirements or alternative City measures, and mitigation measures as described herein. Nevertheless, because detailed information about project lighting design was not available as part of this assessment, a qualified biologist shall review the final ACPs to confirm that the lighting design principles, City requirements or alternative City measures, and mitigation measures described herein are incorporated into the final design such that project impacts due to bird collisions are reduced to less-than-significant levels under CEQA as described herein.

6.3.3 Potential Impacts Related to the Atrium

6.3.3.1 Description of Potential Impacts

In addition to the general site lighting impacts and up-lighting impacts discussed above, lighting within the atrium will illuminate interior vegetation and structures. The architectural features described above that are expected to make it difficult for birds to see interior vegetation during daytime would still mask the appearance of interior vegetation at night to some extent. However, if illumination makes interior vegetation more visible to birds (e.g., in early morning or late evening hours when exterior light levels are low), birds that are active between dusk and dawn may fly into the glazing on the atrium where they can see vegetation and/or structures (e.g., for roosting) on the other side of the glass. As discussed above, collisions by resident birds are expected to occur year-round; however, these birds are generally familiar with their surroundings and can be less likely to collide with buildings compared with migrant birds. In addition, resident birds are primarily active during the day. In contrast, nocturnal migrant landbirds may be attracted to lighting, and are less likely to be aware of risks such as glass compared to resident birds. As a result, relatively higher numbers of collisions by birds, especially migrant birds, could occur if vegetation and/or structures within the atrium are made more conspicuous between dusk and dawn due to interior illumination.

Conceptual views of night lighting levels within the atrium are provided in Figure 25. As discussed in Section 5 above, the visibility of interior vegetation to birds is limited within the atrium due to the presence of interior buildings and solar shades that partially block the view of this vegetation from the north and south, respectively. Nevertheless, lighting is expected to illuminate interior vegetation and structures such that they may be visible to birds outside of the atrium as follows:

- Birds located north of the atrium at any elevation will be able to see illuminated interiors of structures within the atrium. Birds flying at elevations 37 feet or higher will be able to see illuminated interior vegetation and structures on rooftops (Figure 19). The presence of exterior trees and other vegetation immediately adjacent to the north façade is expected to screen illuminated interior vegetation less than or equal to the height of these trees to birds from a distance, with the exception of the area along the East Garden (where no trees will be planted along the atrium's north façade).
- Birds located south of the atrium will be able to see illuminated interior structures and vegetation except where interior solar shades are present in between the birds and interior features (Figure 22). In addition,

the presence of exterior trees and other vegetation immediately adjacent to the south façade along the elevated park is expected to screen illuminated interior vegetation less than or equal to the height of these trees to birds from a distance.

Figure 5. Anticipated conceptual lighting conditions within the atrium and immediately surrounding areas during evening hours (top left), events (top right), and after hours (bottom).

Due to the potential for birds to collide with glazing on the atrium if interior structures and vegetation are illuminated, CEQA mitigation measures to minimize the attraction of birds towards the atrium by minimizing light radiating outward from the atrium being perceived as a bright attractant to nocturnal migrants, as well as the illumination of vegetation and structures within the atrium, are provided in Section 6.3.3.2 below to ensure that impacts due to lighting within the atrium are minimized.

6.3.3.2 Additional Mitigation Measures Proposed Under CEQA

Buildings within the Atrium. Due to the potential for interior lighting within the buildings within the atrium to spill outwards to the north and affect birds, the City's requirement to include occupancy sensors in the project design (or the alternative City measures provided in Section 6.2.2 above), in combination with the lighting design principles provided in Section 6.2 above, may not reduce collisions with the atrium's north façade sufficiently to avoid significant impacts under CEQA. While the project's lighting design principles provide a general strategy for lighting design and specify a BUG rating for exterior fixtures, these principles do not ensure that any security lighting and lighting within occupied spaces will not spill outwards from these buildings towards sensitive habitats to the north. The project shall implement the following mitigation measure for interior lights within the buildings within the atrium to minimize impacts due to lighting:

- **Mitigation Measure 11.** Interior or exterior blinds shall be programmed to close on north-facing windows of interior buildings within the atrium from 10:00 p.m. to sunrise in order to block lighting from spilling outward from these windows.

Atrium. If birds are able to distinguish illuminated interior vegetation, trees, and structures within the atrium at night, collisions with the building are expected to be appreciably higher as birds attempt to fly through glazing to reach these features (e.g., during descent from migration at dawn). The project shall implement Mitigation Measures 6 and 8 above as well as the Mitigation Measure 12 below to ensure that structures, trees, and vegetation in the atrium are not illuminated by up-lighting or accent lighting such that they are more conspicuous to birds from outside compared to ambient conditions (i.e., lighting levels from fixtures within the atrium that do not specifically illuminate these features). Structures, trees, and vegetation are considered 'more conspicuous' to birds when they would be more conspicuous when viewed by the human eye from outside the atrium at any elevation.

- **Mitigation Measure 12.** Accent lighting within the atrium shall not be used to illuminate trees or vegetation. OR

  The applicant shall provide documentation to the satisfaction of a qualified biologist that the illumination of vegetation and/or structures within the atrium by accent lighting and/or up-lighting will not make these features more conspicuous to the human eye from any elevation outside the atrium compared to ambient conditions within the atrium. The biologist shall submit a report to the City following the completion of the lighting design documenting compliance with this requirement.

6.3.3.3 CEQA Impacts Summary

The project will implement the lighting design principles in Section 6.21 as well as Mitigation Measures 6, 8, 11, and 12 above and comply with City requirements (either via compliance with requirement C or the implementation of the proposed alternative City measures) to reduce impacts due to lighting within the atrium and the buildings within the atrium to less-than-significant levels under CEQA. By incorporating these principles and measures, it is our professional opinion that project impacts due to lighting within these areas would be less than significant under CEQA.

Subsequent reports prepared by a qualified biologist will accompany the final ACP for the atrium. It is our understanding based on considerable coordination with the design team that (1) the proposed lighting design principles, City requirements or alternative City measures, and mitigation measures are feasible; and (2) the project will implement the lighting design principles, City requirements or alternative City measures, and mitigation measures as described herein. Nevertheless, because detailed information about project lighting design was not available as part of this assessment, a qualified biologist shall review the final ACP to confirm that the lighting design principles, City requirements or alternative City measures, and mitigation measures described herein are incorporated into the final design such that project impacts are reduced to less-than-significant levels under CEQA as described herein.

6.3.4 Potential Impacts Related to the Southern Portion of the Project Site

6.3.4.1 Description of Potential Impacts

As discussed above, birds inhabiting more natural habitat areas along the San Francisco Bay to the north and/or the future vegetated open space areas on the project site itself may be affected by an increase in lighting on the site. Because buildings within the southern portion of the site are located farther from natural habitats along the San Francisco Bay as well as proposed extensive vegetation on the project site itself (e.g., at the elevated park), the potential for lighting associated with Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings is not expected to spill into sensitive habitats north of the site (due to the presence of buildings in between these areas and habitats to the north), and has a lower potential to attract and/or disorient migrating birds during the spring and fall compared to buildings located farther north on the project site. Nevertheless, due to the potential for birds to collide with glazing on these buildings due to lighting within these areas, CEQA mitigation measures to minimize lighting within this area are provided in Section 6.3.4.2 below to ensure that these impacts are less than significant.

6.3.4.2 Additional Mitigation Measures Proposed Under CEQA

Due to the potential for lighting within the southern portion of the project site to affect birds, the City's requirement to include occupancy sensors in the project design (or the alternative City measures provided in Section 6.2.2 above) in combination with the lighting design principles provided in Section 6.2.1 may not reduce collision impacts with Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings to less-than-significant levels under CEQA. While the project's lighting design principles provide a general strategy for lighting design and specify a BUG rating for exterior fixtures, these principles are not specific enough to ensure that lighting will be minimized sufficiently to avoid significant impacts under CEQA. With the implementation of Mitigation Measures 6 and 13, which provide greater specificity to ensure that lighting impacts are minimized, impacts due to lighting in the southern portion of the site will be reduced to less-than-significant levels under CEQA, in our professional opinion.

For Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings, the project shall implement Mitigation Measure 6 above as well as the following mitigation measure to minimize impacts due to increased lighting:

- **Mitigation Measure 13.** Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from midnight until sunrise, except as needed for safety and City code compliance.

6.3.4.3 CEQA Impacts Summary

The project will implement the lighting design principles in Section 6.2.1 as well as Mitigation Measures 6 and 13 and comply with City requirements (either via compliance with requirement C or the implementation of the proposed alternative City measures) to reduce impacts due to lighting in the southern portion of the project site to less-than-significant levels under CEQA. By incorporating these principles, requirements, and measures,

it is our professional opinion that project impacts due to lighting within this area would be less than significant under CEQA.

Subsequent reports prepared by a qualified biologist will accompany each of the final ACPs for Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings. It is our understanding based on considerable coordination with the design team that (1) the proposed lighting design principles, City requirements or alternative City measures, and mitigation measures are feasible; and (2) the project will implement the lighting design principles, City requirements or alternative City measures, and mitigation measures as described herein. Nevertheless, because detailed information about project lighting design was not available as part of this assessment, a qualified biologist shall review the final ACPs to confirm that the lighting design principles, City requirements or alternative City measures, and mitigation measures described herein are incorporated into the final design such that project impacts due to bird collisions are reduced to less-than-significant levels under CEQA as described herein.

Section 7. References

Anderson, B. W., A. E. Higgins, and R. D. Ohmart. 1977. Avian use of saltcedar communities in the lower Colorado River valley. Pages 128–136 in R. R. Johnson and D. A. Jones (eds.), Importance, preservation, and management of riparian habitats. USDA For. Serv. Gen. Tech. Rep. RM-43.

Beier, P. 2006. Effects of artificial night lighting on mammals in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 19–42.

Bolshakov, C.V., V.N. Bulyuk, A.Y. Sinelschikova, and M.V. Vorotkov. 2013. Influence of the vertical light beam on numbers and flight trajectories of night-migrating songbirds. Avian Ecology and Behavior 24: 35–49.

Borden, W.C., Lockhart, O.M., Jones, A.W. and Lyons, M.S., 2010. Seasonal, taxonomic, and local habitat components of bird-window collisions on an urban university campus in Cleveland, OH.

Cornell Lab of Ornithology. 2021. eBird. http://www.ebird.org/. Accessed through March 2021.

Cusa, M., Jackson, D.A. and Mesure, M., 2015. Window collisions by migratory bird species: urban geographical patterns and habitat associations. Urban Ecosystems, 18(4): 1427–1446.

de Molenaar, J. G., M. E. Sanders and D. A. Jonkers. 2006. Road Lighting and Grassland Birds: Local Influence of Road Lighting on a Black-tailed Godwit Population in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 114–136.

DeCandido R. and D. Allen. 2006. Nocturnal hunting by peregrine falcons at the Empire State Building, New York City. Wilson J. Ornithol. 118(1): 53–58.

Gauthreaux, S. A. and C. G. Belser. 2006. Effects of Artificial Night Lighting on Migrating Birds in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 67–93.

Gelb, Y. and Delacretaz, N., 2009. Windows and vegetation: primary factors in Manhattan bird collisions. Northeastern Naturalist, 16(3): 455–470.

Gerstenberg, R. H. and S. W. Harris. 1976. Trapping and Marking of Shorebirds at Humboldt Bay, California. Bird Banding 47(1): 1–7.

Haupt, H. and U. Schillemeit, 2011. Skybeamer und Gebäudeanstrahlungen bringen Zugvögel vom Kurs ab: Neue Untersuchungen und eine rechtliche Bewertung dieser Lichtanlagen. NuL 43 (6), 2011, 165–170.

Herbert, A. D. 1970. Spatial Disorientation in Birds. Wilson Bull. 82(4): 400–419.

Imber, M. J. 1975. Behavior of Petrels in Relation to the Moon and Artificial Lights. Notornis 22: 302–306.

International Dark-Sky Association. 2011. Model Lighting Ordinance with User's Guide. Available: https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF. Accessed May 2021.

International Dark-Sky Association. 2021a. Outdoor Lighting Basics. Available: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/. Accessed March 2021.

International Dark-Sky Association. 2021b. Fixture Seal of Approval. Available: https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/. Accessed March 2021.

Kerlinger, P. 1995. How Birds Migrate. Stackpoll Books, Mechanicsburg, PA. 228 pp.

Klem, D. 1990. Collisions between birds and windows: mortality and prevention (Colisiones de pájaros con ventanas: mortalidad y prevención). Journal of Field Ornithology 61(1): 120–128.

Klem, D. 2008. Avian mortality at windows: the second largest human source of bird mortality on Earth. Tundra to tropics: connecting birds, habitats and people. Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics, pp. 244–251.

Kummer, J. and Bayne, E., 2015. Bird feeders and their effects on bird-window collisions at residential houses. Avian Conservation and Ecology 10(2):6.

Longcore, T. and C. Rich. 2004. Ecological Light Pollution. Front. Ecol. Environ. 2(4): 191–198.

Miller, M. W. 2006. Apparent Effects of Light Pollution on Singing Behavior of American Robins. Condor 108(1): 130–139.

Montevecchi, W. A. 2006. Influences of Artificial Light on Marine Birds in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 95–113.

Mills, G. S., J. B. Dunning, Jr., and J. M. Bates. 1989. Effects of urbanization on breeding bird community structure in southwestern desert habitats. Condor 91: 416–429.

Negro, J. J., J. Bustamante, C. Melguizo, J. L. Ruiz, and J. M. Grande. 2000. Nocturnal activity of lesser kestrels under artificial lighting conditions in Seville, Spain. J. Raptor Res. 34(4): 327–329.

New York City Audubon Society, Inc. 2007. Bird-Safe Building Guidelines. New York, NY. May 2007.

Newton, I. 2008. The Migration Ecology of Birds. Academic Press, London, UK. 976 pp.

Owens, A.C., Cochard, P., Durrant, J., Farnworth, B., Perkin, E.K. and Seymoure, B., 2020. Light pollution is a driver of insect declines. Biological Conservation 241 (2020) 108259.

Poot, H., Ens, B.J., de Vries, H., Donners, M.A., Wernand, M.R. and Marquenie, J.M., 2008. Green light for nocturnally migrating birds. Ecology and Society 13(2): 47.

Potts, W. K. and T. A. Sordahl. 1979. The Gong Method for Capturing Shorebirds and Other Ground-roosting Species. North Amer. Bird Band. 4(3): 106–107.

Reed, J. R., J. L. Sincock, and J. P. Hailman. 1985. Light Attraction in Endangered Procellariiform Birds: Reduction by Shielding Upward Radiation. Auk 102(2): 377–383.

Riding, C.S., O'Connell, T.J. and Loss, S.R. 2020. Building façade-level correlates of bird–window collisions in a small urban area. The Condor 122(1): 1–14.

Ringer, R. K. 1972. Effect of light and behavior on nutrition. J. Anim. Sci. 35: 642–647.

Rogers, D. I., T. Piersma, and C. J. Hassell. 2006. Roost availability may constrain shorebird distribution: Exploring the energetic costs of roosting and disturbance around a tropical bay. Biol. Conserv. 33(4): 225–235.

San Francisco Planning Department. 2011. Standards for Bird-Safe Buildings. Planning Department. July 14, 2011.

Sheppard, C. 2017. Telephone conversation with Robin Carle of H. T. Harvey & Associates regarding the potential for different types and intensities of up-lighting to affect migrating birds. October 26, 2017.

Sheppard, C. 2021. Email correspondence to H. T. Harvey & Associates senior wildlife ecologist Robin Carle regarding the appropriate Threat Factor Rating for a custom glazing product with both bird-safe frit and solar frit.

Sheppard, C. and G. Phillips. Bird-Friendly Building Design, 2nd Ed. The Plains, VA: American Bird Conservancy, 2015.

U.S. Green Building Council. 2021. LEED Pilot Credit 55: Bird Collision Deterrence. Available: https://www.usgbc.org/credits/core-shell-existing-buildings-healthcare-new-construction-retail-nc-schools/v2009/pc55. Accessed March 2021.

Van Doren, B.M., K.G. Horton, A.M. Dokter, H. Klinck, S.B. Elbin, and A. Farnsworth. 2017. High-intensity urban light installation dramatically alters nocturnal bird migration. Proceedings of the National Academy of Sciences of the United States of America: 114 (42): 11175–11180.

Zhao, X., Zhang, M., Che, X. and Zou, F., 2020. Blue light attracts nocturnally migrating birds. The Condor, 122(2), p.duaa002.

Appendix A. Additional Supporting Design Detail

The project will generally conform with the designs reviewed for this report, as depicted on the figures in this Appendix A to support H. T. Harvey & Associates analysis of bird collision hazards associated with the project. In addition, the CDP will require that the project comply with the specific beneficial project features identified in this Assessment as depicted on the figures in this Appendix A, in addition to the City bird-safe design requirements, City alternative measures, mitigation measures, and lighting design principles discussed in the Assessment, to avoid or reduce to less-than-significant levels under the California Environmental Quality Act project impacts due to bird collisions.

The images provided herein were used as the basis for the Willow Village Master Plan bird-safe design analysis; however, these images are conceptual and represent design intent rather than the final project design. Because the final design may differ from the images provided in Appendix A, a qualified biologist shall review the final ACPs for each project component to confirm that the final design is consistent with this bird-safe design assessment.

Hotel

Figure 6. Illustration of buildings in the northern portion of the site showing the proposed atrium, elevated park, hotel, Town Square, Office Building 04, and event building.

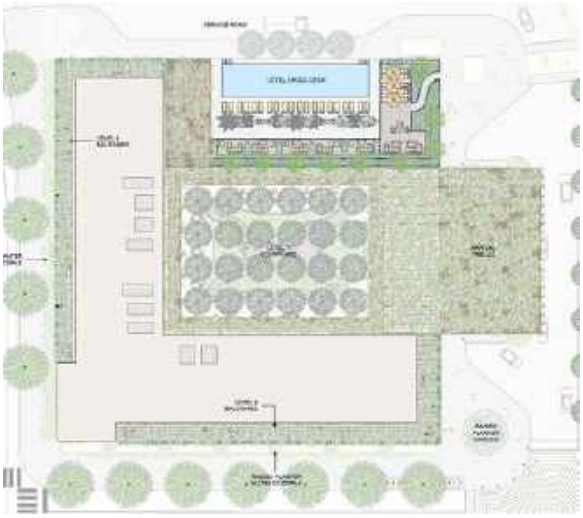


Figure 4. The conceptual hotel plan includes a central courtyard on Level 1, a pool deck on Level 3, and vegetated balconies on Level 6.

Figure 5. The conceptual east (top left), north (top right), west (bottom left), and south (bottom right) facades of the hotel.

Residential/Mixed-Use Buildings

Figure 6. Illustrative site plan showing the proposed residential/mixed-use buildings and associated open space areas. Facades with highest collision risk are delineated in red.

Figure 7. The conceptual Parcel 2 residential/mixed-use building plan includes open space courtyards on Level 3.

Figure 8. The conceptual east (top), west (middle), south (bottom left), and north (bottom right) facades of the Parcel 2 residential/mixed-use building.

Figure 9. An example mark-up of areas (shown in blue) that would be required to be treated on north (top left), south (top right), east (middle) and west (bottom) facades of the conceptual Parcel 2 residential/mixed-use building to ensure that avian collisions are less-than-significant. Transparent glass corner delineations are estimated; these corners should be treated as far from the corner as it is possible to see through the corner. Free-standing glass railings are not indicated on this figure but are required to be treated in all locations.

Office Buildings

Figure 10. Conceptual site plan showing the locations of proposed office buildings and garages, as well as the proposed extent of landscape vegetation and trees.

Parking Garages

Figure 11. Conceptual North Garage elevations: east (top), west (middle), north (bottom left), and south (bottom right). The building facades are predominantly opaque; glazed areas are located on all levels the elevator towers on the west and north facades.

Event Building

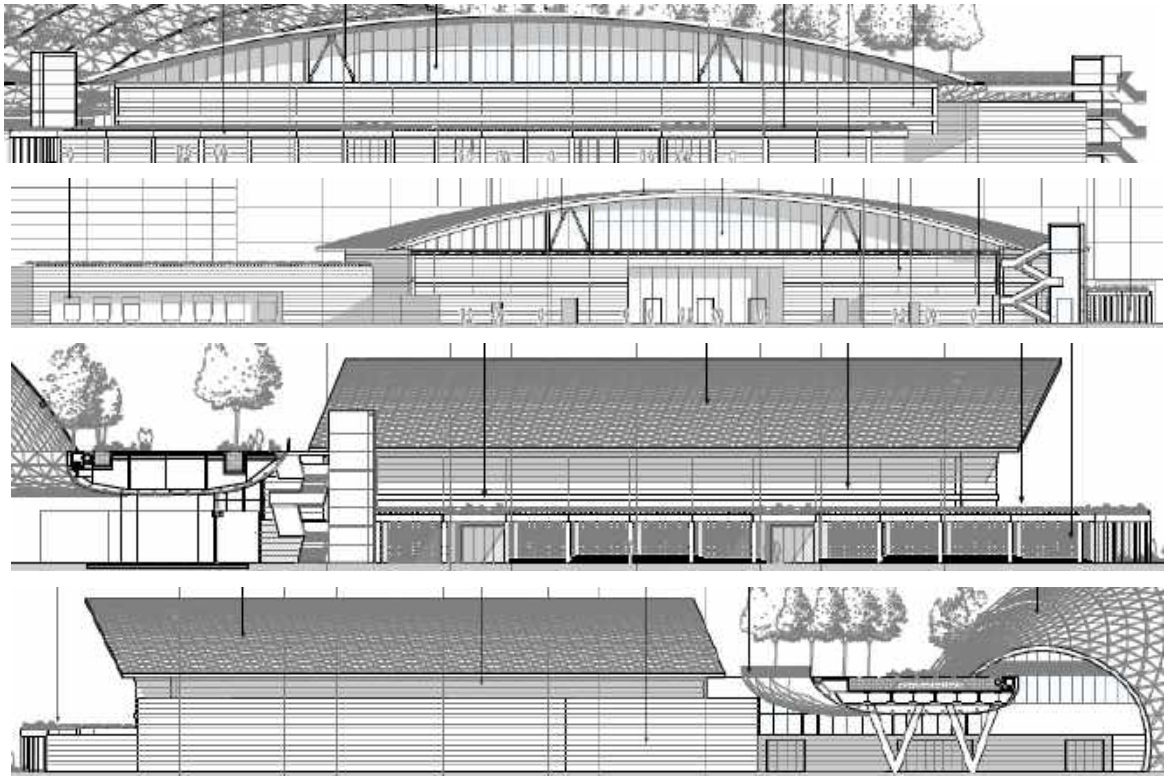


Figure 13. Illustration of the event building façades. Top to bottom: the southeast, northwest, northeast, and southwest facades.

Office Building 04

Figure 14. Conceptual Office Building 04 elevations: west (top left), east (top right), north (middle), and south (bottom).

Town Square

Figure 14. The conceptual Town Square includes a paved plaza with landscape vegetation and trees, seating areas, a glazed elevator to the elevated park, bicycle parking, and a retail pavilion.

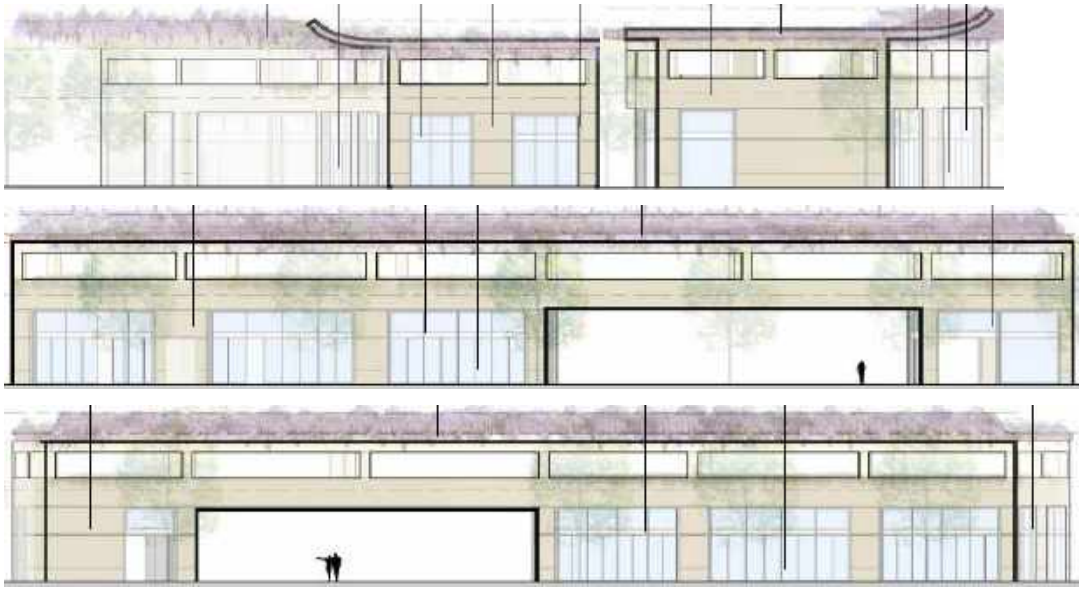


Figure 15. The conceptual west (top left), east (top right), south (middle), and north (bottom) facades of the Town Square retail pavilion.

Security Pavilions

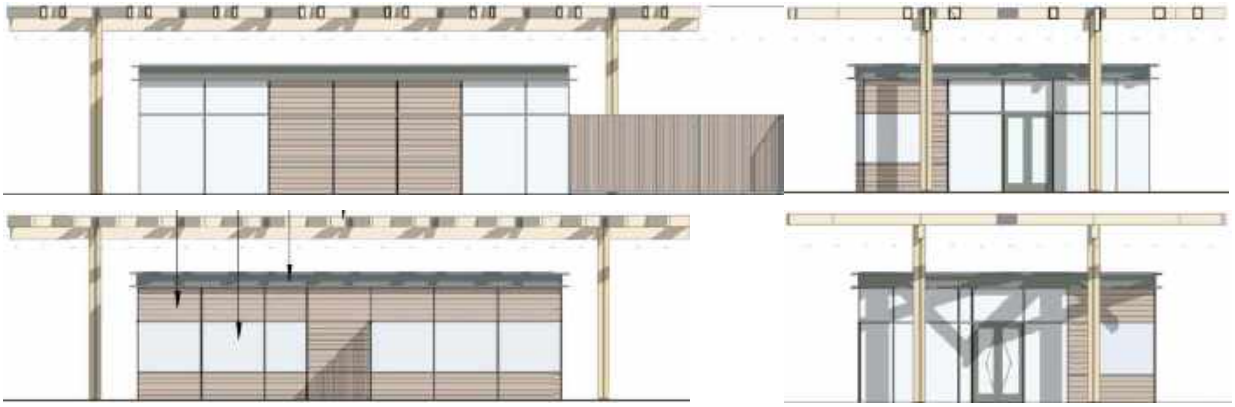


Figure 16. The conceptual south (top left), west (top right), north (bottom left), and east (bottom right) facades of buildings SP1 and SP2.

Atrium

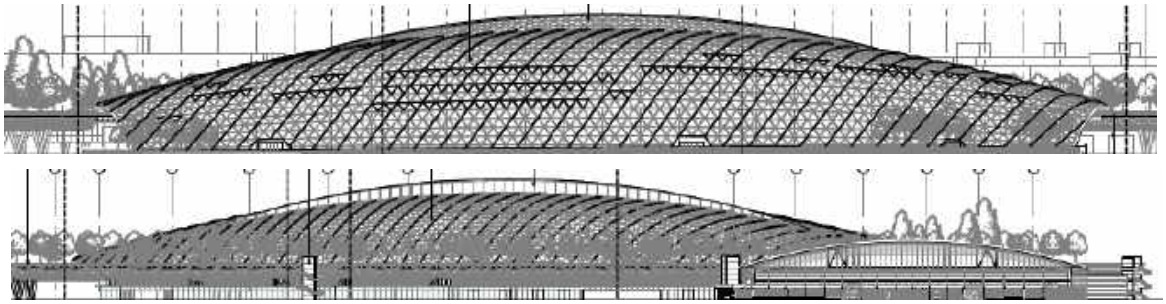


Figure 17. Conceptual drawings of the north façade (top) and south façade (bottom) of the atrium. Trees to be planted along the north façade are not shown.

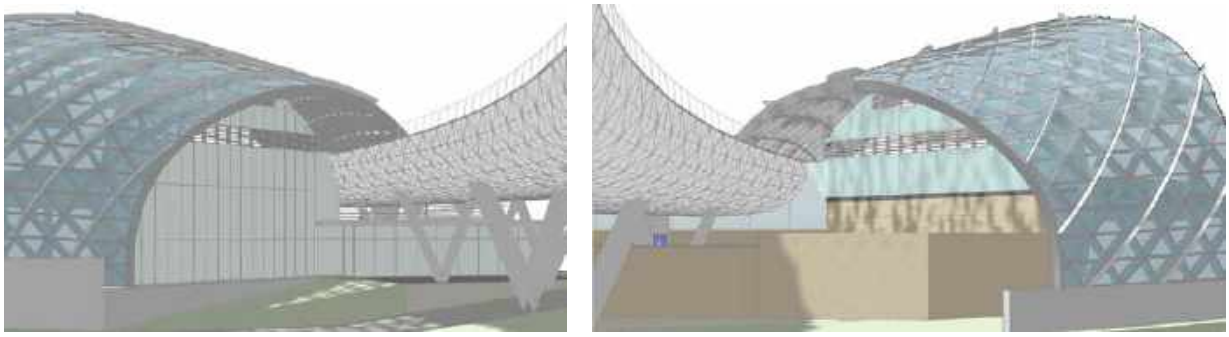


Figure 18. An illustration of the appearance of the vertical glass facades at the western (left) and eastern (right) ends of the atrium.

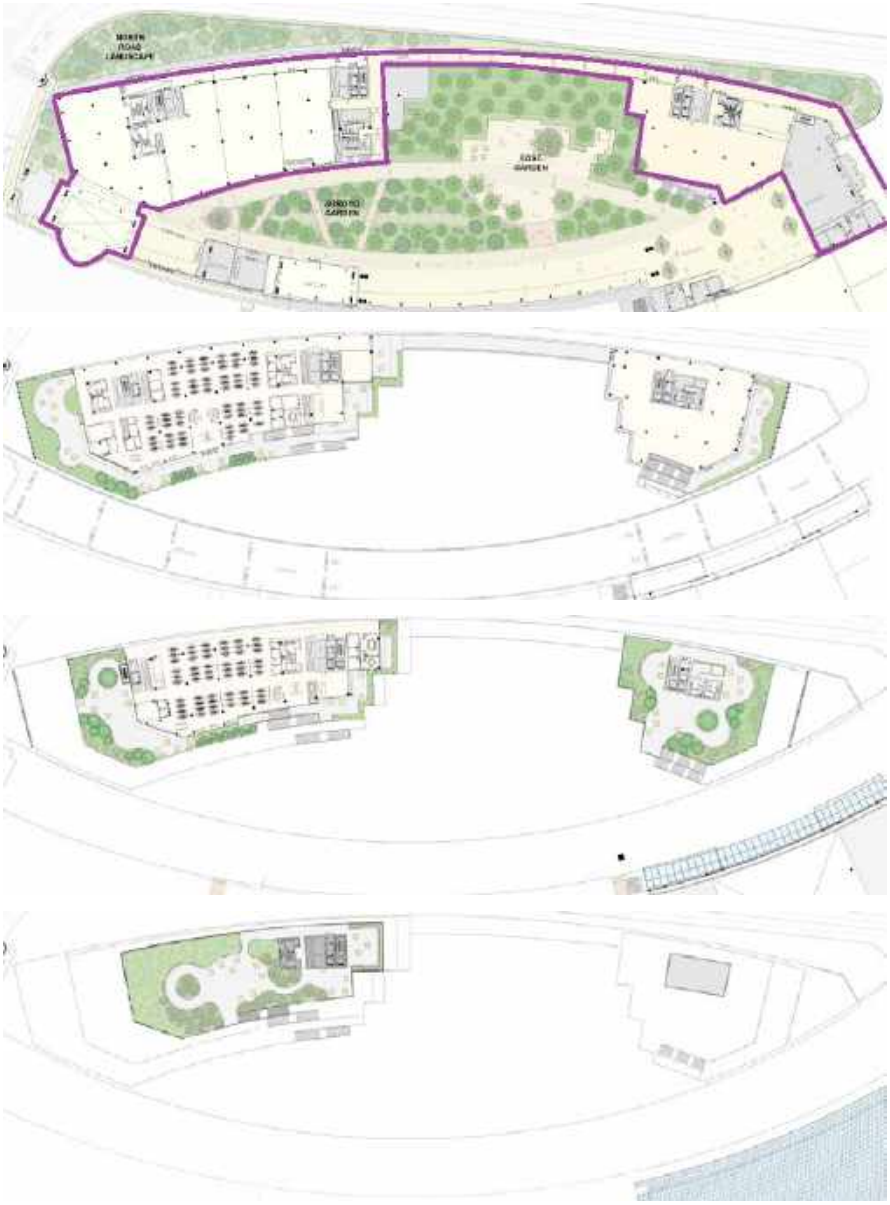


Figure 19. From top to bottom, illustrative views of landscape vegetation on Levels 1, 2, 3, and 4 of the atrium's interior. The interior building footprints and the connection between them are outlined in purple on the top image.

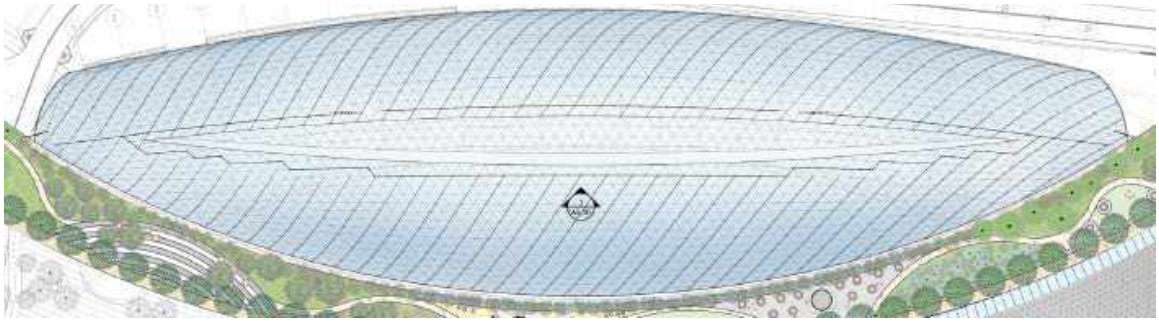


Figure 21. Fin-like mullions on the exterior surface of the conceptual north and south facades of the atrium will break up the smooth surface and increase the visibility of the facades to birds, especially from a distance.

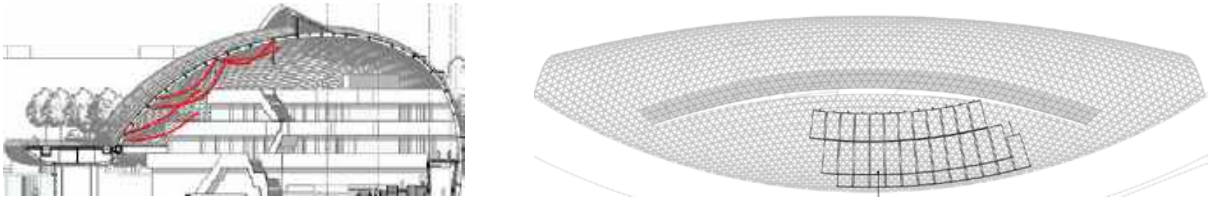


Figure 22. Interior sail shades, shown in red on the left cross-section image, are located along portions of the south façade of the atrium and will block views of interior vegetation to birds located at the elevated park or flying overhead. The approximate extent of the sail shades is shown in dark gray on the right (overhead) image.

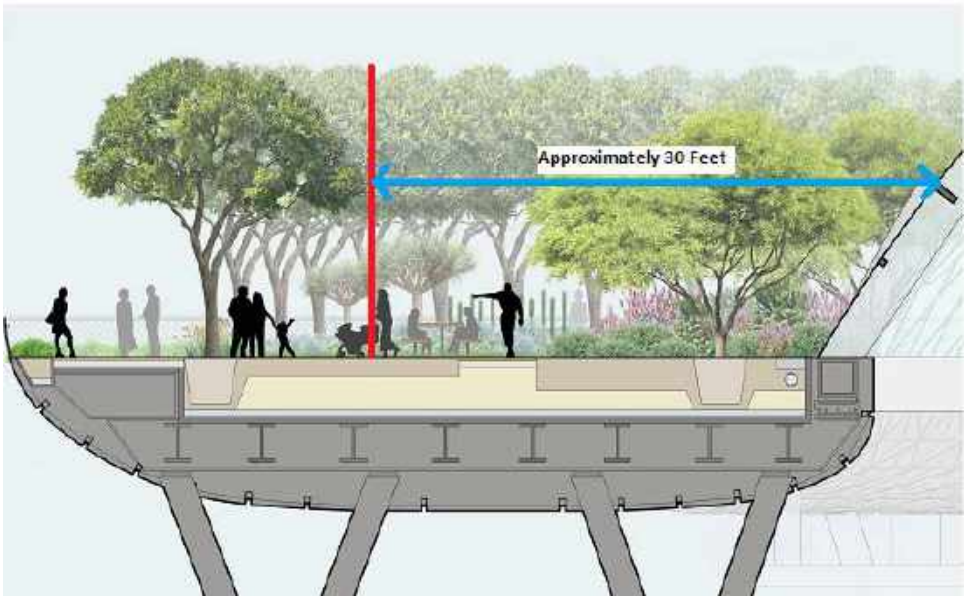


Figure 23. To the extent feasible, vegetation at the elevated park south of the site will be planted such that trees are set back from the glass façade, and dense shrubs and plants are located immediately adjacent to glass facades.

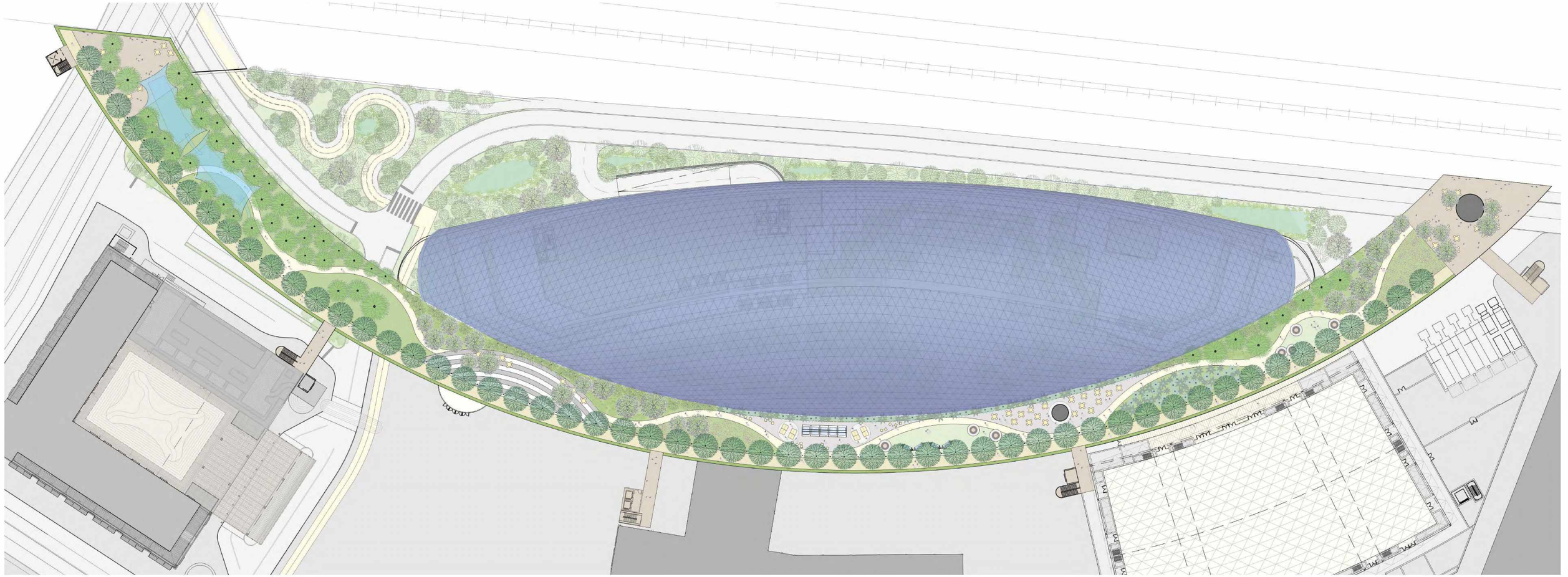
Lighting

Figure 7. Anticipated conceptual lighting conditions within the atrium and immediately surrounding areas during evening hours (top left), events (top right), and after hours (bottom).

Beneficial Project Features

- The extensive opaque panels on the exterior facades of the hotel (Figure 5)
- Opaque panels, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to vegetation on the residential/mixed-use buildings (Figure 8)
- The extensive opaque facades on the North Garage and South Garage (Figure 11)
- The extensive opaque facades on the event building (Figure 13)
- Opaque panels, exterior vertical and horizontal solar shades, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to native vegetation on Office Buildings 01–06 (Figure 14)
- Opaque panels and mullions on the Town Square retail pavilion (Figure 15)
- Opaque panels and mullions on the security pavilions (Figure 16).
- The articulated structure of the atrium (Figure 20)
- Fin-like mullions on the exterior surface of the atrium's façade (Figure 21)
- Interior operable, suspended solar shades along a large portion of the south façade of the atrium Figure 22)

Appendix B. Conceptual Planting Plans and Plant Palettes



1 min. Walk

0 40 80 120 160 200 240 320'

1" = 40' at 22" x 34"

PARCEL 1 - MCS
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

X87

TREES

Sydney Red Gum
Angophora costata

Manzanita
Arctostaphylos manzanita

Brisbane Box
Lophostemon confertus

Chilean Myrtle
Luma apiculata

Catalina Ironwood
Lyonothamnus floribundus

Palo Verde
Parkinsonia ' Desert Museum'

African Sumac
Rhus lancea

Norfolk Island Palm
Auracaria heterophylla

Yew Plum Pine
Podocarpus spp.

London Plane Tree
Platanus x acerifolia

Chinese Elm
Ulmus parvifolia

Oak Tree
Quercus spp.

Quiver Tree
Aloe dichotoma

Ponytail Palm
Beaucarnea recurvata

Illawarra Flame Tree
Bracychiton acerifolius

Sago Palm
Cycas revoluta

Dragon Tree
Dracaena draco

UNDERSTORY PLANTING

Tree Houseleek
Aeonium spp.

Fox Tail Agave
Agave attenuate 'Boutin Blue'

Coral Aloe
Aloe striata

Blue Grama
Bouteloua gracilis

Leafy Reed Grass
Calamagrostis foliosa

California Lilac
Ceanothus horizontalis

Silk Floss Tree
Chorisia speciosa

Finger Aloe
Cotyledon orbiculata var. oblonga

Sunshine Bush Cone
Leucadendron spp.

Giant Dioon
Dioon spp.

Chalk Dudleya
Dudleya spp.

Mexican Snowball
Echeveria spp.

Golden Barrel Cactus
Echinocactus grusonii

California Fuscia
Epilobium canum

Red Buckwheat Erigonum
Erigonum grande 'Rubescens'

California Fescue
Festuca californica

Lavander
Lavandula angustifolia

Blue Chalk Sticks
Senecio mandraliscae

Blue Lyme Grass
Leymus spp

Silver Bush Lupine
Lupinus albifrons

Burrawang
Macrozamia spp.

Bush Monkey Flower
Mimulus aurantiacus

Scarlet Bugler
Penstemon centranthifolius

Coffeeberry
Rhamnus californica

Firecracker Plant
Russelia equisetiformis

Protea
Protea spp.

Beaked Yucca
Yucca rostrata

Honeysuckle
Banksia spp.

White Sage
Salvia apiana

Western Sword Fern
Polystichum munitum

Woolybush
Adenanthos sericeus

Puya
Puya venusta

Giant Chain Fern
Woodwardia fimbriata

LEVEL 1

TREES

Kauri Pine
Agathis robusta

Red Alder
Alnus rubra

Norfolk Island Pine
Auracaria heterophyla

Black Olive
Bucida buceras

Karaka
Corynocarpus laevigatus

Brisbane Box
Lophostemon confertus

Champak
Michelia champaca

Yew Plum Pine
Podocarpus spp.

Umbrella Tree
Schefflera actinophylla

UNDERSTORY PLANTING

Indian Mallow
Abutilon spp.

Japanese Rush
Acorus gramineus

Azalea
Azalea spp.

Rushes
Baumea spp.

Sedges
Carex spp.

Tree Ferns
Cyathea spp.

Rabbits Foot Fern
Davallia denticulata

Green Island Ficus
Ficus microcarpa 'Green Island'

Walking Iris
Neomarica gracilis

Western Sword Fern
Polystichum munitum

Rhododendron
Vireya rhododendron

Giant Chain Fern
Woodwardia fimbriata

Boston Fern
Nephrolepis exaltata

LEVEL 2-4

TREES

Alii Fig
Ficus alii

Weeping Fig
Ficus benjamina

Chinese Banyan
Ficus microcarpa

Rusty Leaf Fig
Ficus rubiginosa

Brisbane Box
Lophostemon confertus

Champak
Michelia alba

European Olive
Olea europaea

Umbrella Tree
Schefflera actinophylla

UNDERSTORY PLANTING

Calathea
Calathea zebrina

Spider Lily
Hymenocalis speciosa

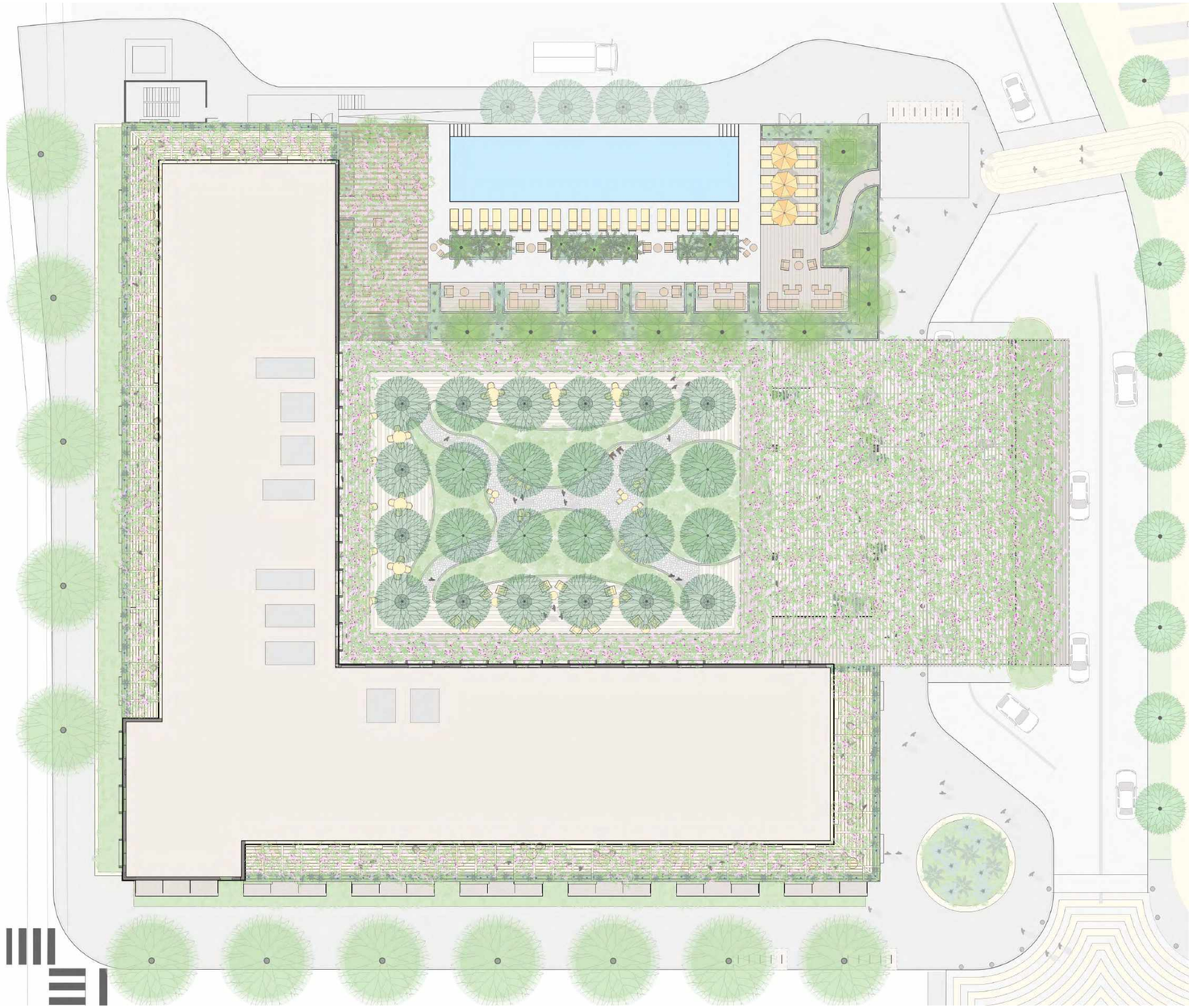
Shell Ginger
Alpinia zerumbet

Mint Geranium
Pelargonium tomentosum

Asparagus Fern
Asparagus densiflorus 'Sprengeri'

Rattlesnake Plant
Calathea lancifolia

Dwarf Umbrella Tree
Schefflera arboricola



0 8 16 32'

1/16" = 1'-0" at 22" x 34"

PARCEL 1-HOTEL
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
CONCEPTUAL LANDSCAPE PLAN

January 8, 2021

LEVEL 1

TREES

Eastern Redbud
Cercis canadensis

European Olive
Olea europaea

Brisbane Box
Lophostemon confertus

UNDERSTORY PLANTING

Foxtail Agave
Agave attenuata 'Nova'

Yarrow
Achillea spp.

Tree Houseleek
Aeonium spp.

Kangaroo Paw
Anigozanthos spp.

Wormwood
Artemisia

Rabbit's Foot Fern
Davallia spp.

Mexican Snowball
Echeveria spp.

Mediterranean Spurge
Euphorbia characias

Spider Flower
Grevillea

Sage
Salvia spp.

Lace Fern
Microlepia strigosa

Boston Fern
Nephrolepis exaltata

Western Sword Fern
Polystichum munitum

Giant Chain Fern
Woodwardia fimbriata

Carpet Geranium
Geranium incanum

Japanese Wisteria
Wisteria floribunda

California Lilac
Ceanothus horizontalis

Coffeeberry
Rhamnus californica

LEVEL 3

TREES AND PALMS

King Palm
Archontophoenix spp.

Mediterranean Fan Palm
Chamaerops humilis 'Cerifera'

Kentia Palm
Howea forsteriana

Fruitless Olive
Olea europaea 'Swan Hill'

Pygmy Date Palm
Phoenix roebelenii

UNDERSTORY PLANTING

Foxtail Agave
Agave attenuata

Yarrow
Achillea spp.

Tree Houseleek
Aeonium spp.

Wormwood
Artemisia

Mexican Snowball
Echeveria spp.

Mediterranean Spurge
Euphorbia characias

Lavender
Lavandula spp.

LEVEL 6

Tree Houseleek
Aeonium spp.

Agave
Agave 'Blue Flame'

Mexican Snowball
Echeveria spp.

Blue Finger
Senecio talinoides spp. mandraliscae

Japanese Wisteria
Wisteria floribunda

Bougainvillea
Bougainvillea spp.

PARCEL 1-TOWN SQUARE
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2020

X93

Peppermint Tree
Agonis flexuosa

London Plane Tree*
Platnus x acerifolia

Aeonium
Aeonium spp.

Kangaroo Paw
Anigozanthos cv.

Black Anther Flax Lily
Dianella revoluta

Lavender
Lavandula spp.

New Zealand Flax
Phormium cv.

Jacaranda
Jacaranda mimosifolia

Chinese Evergreen Elm
Ulmus parvifolia cv.

Agave
Agave spp.

Berkeley Sedge
Carex divulsa

Dietes
Dietes spp.

Lily Turf
Liriope muscari cv.

California Sword Fern
Polystichum californicum

Brisbane Box*
Lophostemon confertus

Zelkova*
Zelkova serrata cv.

Aloe
Aloe spp.

Small Cape Rush
Chondropetalum tectorum

Spurge
Euphorbia spp.

Deer Grass
Muhlenburgia rigens

Sage
Salvia spp.

1 min. Walk

0 80 160 240 320 400 480 640'

1" = 80' at 22" x 34"

1/4 ac

1/8 ac

PARCEL 1(PORTION) & 8
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00

January 8, 2021

X95

CHINESE PISTACHE

Pistacia chinensis

CHINESE PISTACHE

Pistacia chinensis multi-trunk

CALIFORNIA SYCAMORE

Platanus racemosa

CALIFORNIA SYCAMORE

Platanus racemosa multi-stem

SHUMARD OAK

Quercus shumardii

COASTAL REDWOOD

Sequoia sempervirens 'Aptos Blue'

ELM

Ulmus 'Accolade'

CHINESE ELM

Ulmus parviflora 'True Green'

OLIVE TREE

Olea europaea 'Mission'

MYRICA CALIFORNICA

Pacific Wax Myrtle

PARCEL 1(PORTION) & 8
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.01
Conceptual Representative Planting Palette

January 8, 2021

X96

BLONDE AMBITION BLUE GRAMA

Bouteloua gracilis 'Blonde Ambition'

BERKELEY SEDGE

Carex divulsa (C. tumulicola)

SMALL CAPE RUSH

Chondropetalum tectorum

BLUE OAT GRASS

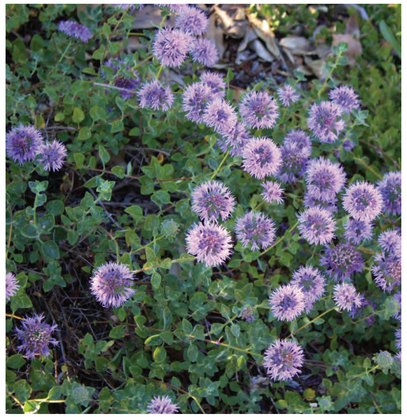
Helictotrichon sempervirens

SEA PINK

Armeria maritima

COREOPSIS

Coreopis grandiflora



COYOTE MINT

Monardella villosa

FOOTHILL PENSTEMON

Penstemon heterophyllus 'Blue Springs'

STONE CROP

Sedum sp. (many)

EMERALD CARPET MANZANITA

Arctostaphylos 'Emerald Carpet'

WAYNE RODERICK DAISY

Erigeron glaucus 'Wayne Roderick'

CALIFORNIA POPPY

Eschscholzia californica

COASTAL GUM PLANT

Grindelia stricta platyphylla

CREEPING SAGE

Salvia sonomensis

MOLATE FESCUE

Festuca rubra 'molate'

HOOKER'S MANZANITA

Arctostaphylos hookeri

ROCKROSE

Cistus spp.

LITTLE SUR COFFEEBERRY

Rhamnus californica 'Little Sur'

PARCEL 1(PORTION) & 8
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.01
Conceptual Representative Planting Palette

January 8, 2021

X97

STICKY MONKEY

Mimulus aurantiacus

RED-FLOWERED BUCKWHEAT

Eriogonum grande var. rubescens

DEER GRASS

Muhlenbergia rigens

COMMON COYOTE MINT

Monardella villosa

CENTENNIAL CEANOTHUS

Ceanothus Centennial

BEE'S BLISS SAGE

Salvia 'Bee's Bliss'

DWARF SILVERGRASS

Miscanthus sp. 'Adagio'

CANYON PRINCE WILD RYE

Leymus condensatus 'Canyon Prince'

SIX HILLS GIANT CATMINT

Nepeta faassenii 'Six Hills Giant'

SPANISH LAVENDER

Lavandula otto quast

COMPACT MEXICAN SAGE

Salvia leucantha 'Santa Barbara'

UPRIGHT ROSEMARY

Rosmarinus officinalis 'Tuscan'

LITTLE OLLIE DWARF OLIVE

Olea europaea 'Little Ollie'

MOUNTAIN FLAX

Phormium cookianum

WYNYABBIE COAST ROSEMARY

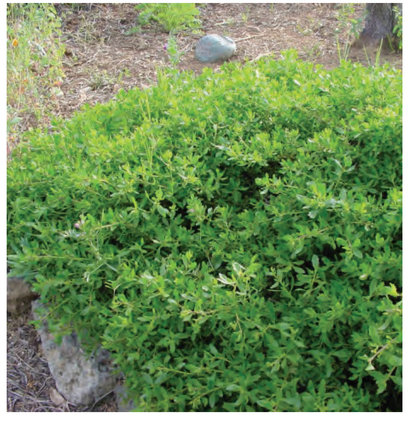
Westringia fruticosa 'Wynyabbie Gem'

COMMON YARROW

Achillea millefolium

FORTNIGHT LILY

Dietes iridioides



DWARF COYOTE BRUSH

Baccharis pilularis 'Twin Peaks'

PARCEL 1(PORTION) & 8
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.01
Conceptual Representative Planting Palette

January 8, 2021

X98

WILLOW RD

PARK ST

MAIN ST

WEST ST

30 seconds Walk

0 20 40 60 80 100 120 160'

1" = 20' at 22" x 34"

PARCEL 2
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

X99

TREE PALETTE

Platanus × acerifolia
London Plane

Magnolia grandiflora
Magnolia Tree

Zelkova serrata
Japanese Zelkova

Platanus × acerifolia
London Plane

Quercus suber
Cork Oak

Arbutus Marina
Strawberry Tree

Quercus virginiana
Southern Live Oak

Olea europaea ‘Swan Hill’
Swan Hill Olive

Lyonothamnus floribundus
Catalina Ironwood

Myrica californica
Pacific Wax myrtle

Prunus ilicifolia
Hollyleaf cherry

Ceanothus
California lilacs

UNDERSTORY PALETTE

Verbena lilacina
Purple Cedros Island Verbena

Arctostaphylos ‘John Dourley’
John Dourley Manzanita

Bouteloua gracilis ‘Blonde Ambition’
mosquito grass

Arctostaphylos manzanita
whiteleaf manzanita

Aristida purpurea
Purple three-awn

Carpenteria californica
Tree Anemone

Ceanothus thyrsiflorus
Blue blossom ceanothus

Daphne x transatlantica
Eternal Fragrance

Agave attenuata
Foxtail Agave

Lessingia filaginifolia
California Dune Aster

Rosmarinus officinalis ‘Tuscan Blue
Italian Rosemary

Festuca mairei
Mt. Atlas Fescue

Kniphofia uvaria hybrids
Red-hot Poker

Olea europaea ‘Little Ollie’
Dwarf Olive

Sporobolus airoides
Sporobolus airoides

Achillea millefolium ‘coronation gold’
Common Yarrow

Myrica californica
Pacific Wax myrtle

Calycanthus occidentalis
Spice Bush

Salvia rosmarinus
Rosemary

Salvia sonomensis Bee’s Bliss
Bee’s Bliss Sage

30 sec. walk

0 20 40 60 80 100 120 160'

1" = 20' *at 24" x 36"*

PARCEL 3
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

X101

TREES

Chinese Elm
Ulmus parvifolia

Zelkova
Zelkova serrata cv.

Ginkgo 'Autumn Gold'
Ginkgo biloba 'Autumn

Guadalupe Fan Palm
Brahea edulis

Peppermint Tree
Agonis flexuosa

Swan Hill Olive
Olea europaea 'Swan Hill'

Chilean Myrtle
Luma apiculate

Arapaho Crape Myrtle
Lagerstroemia indica x faueri 'Arapaho'

Natchez Crape Myrtle
Lagerstroemia indica x fauriei 'Natchez'

Jade Butterfly Ginkgo
Ginkgo biloba 'Jade Butterfly'

Venus Dogwood
Cornus 'Venus'

SHRUBS, PERENNIALS, GRASSES AND GROUND COVERS

Dietes
Dietes spp.

Baby Bliss Flax Lily
Dianella revoluta 'Baby Bliss'

Dwarf Red Kangaroo Paw
Anigozanthos 'Dwarf Red'

Weeping Lantana
Lantana montevidensis 'White Lightning'

Finescape Lomandra
Lomandra confertifolia

Platinum Beauty Lomandra
Lomandra longifolia 'Platinum Beauty'

Breeze Dwarf Mat Rush
Lomandra longifolia

Dwarf Germander
Teucrium chamaedrys 'nanum'

Snow in Summer
Cerastium tomentosum

Elijah Blue Fescue
Festuca glauca 'Elijah Blue'

Small Cape Rush
Chondropetalum tectorum

Sheep's Fescue
Festuca amethystina

Berkeley Sedge
Carex divulsa

Amazing Red New Zealand Flax
Phormium 'Amazing Red'

Red Bunny Tails Fountain Grass
Pennisetum massaicum

Blue Oat Grass
Helictotrichon sempervirens

Mexican Feather Grass
Stipa tennuissima

30 seconds Walk

0 20 40 60 80 100 120 160'

1" = 20' at 22" x 34"

PARCEL 4
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

X103

TREE PALETTE

Platanus × acerifolia
London Plane

Magnolia grandiflora
Magnolia Tree

Zelkova serrata
Japanese Zelkova

Platanus × acerifolia
London Plane

Quercus suber
Cork Oak

Arbutus Marina
Strawberry Tree

Quercus virginiana
Southern Live Oak

Olea europaea 'Swan Hill'
Swan Hill Olive

Lyonothamnus floribundus
Catalina Ironwood

Myrica californica
Pacific Wax myrtle

Prunus ilicifolia
Hollyleaf cherry

Ceanothus
California lilacs

UNDERSTORY PALETTE

Verbena lilacina
Purple Cedros Island Verbena

Arctostaphylos 'John Dourley'
John Dourley Manzanita

Bouteloua gracilis 'Blonde Ambition'
mosquito grass

Arctostaphylos manzanita
whiteleaf manzanita

Aristida purpurea
Purple three-awn

Carpenteria californica
Tree Anemone

Ceanothus thyrsiflorus
Blue blossom ceanothus

Daphne x transatlantica
Eternal Fragrance

Agave attenuata
Foxtail Agave

Lessingia filaginifolia
California Dune Aster

Rosmarinus officinalis 'Tuscan Blue
Italian Rosemary

Festuca mairei
Mt. Atlas Fescue

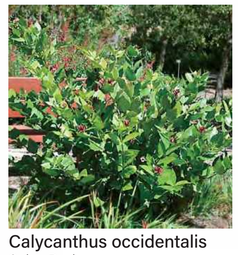
Kniphofia uvaria hybrids
Red-hot Poker

Olea europaea 'Little Ollie'
Dwarf Olive

Sporobolus airoides
Sporobolus airoides

Achillea millefolium 'coronation gold'
Common Yarrow

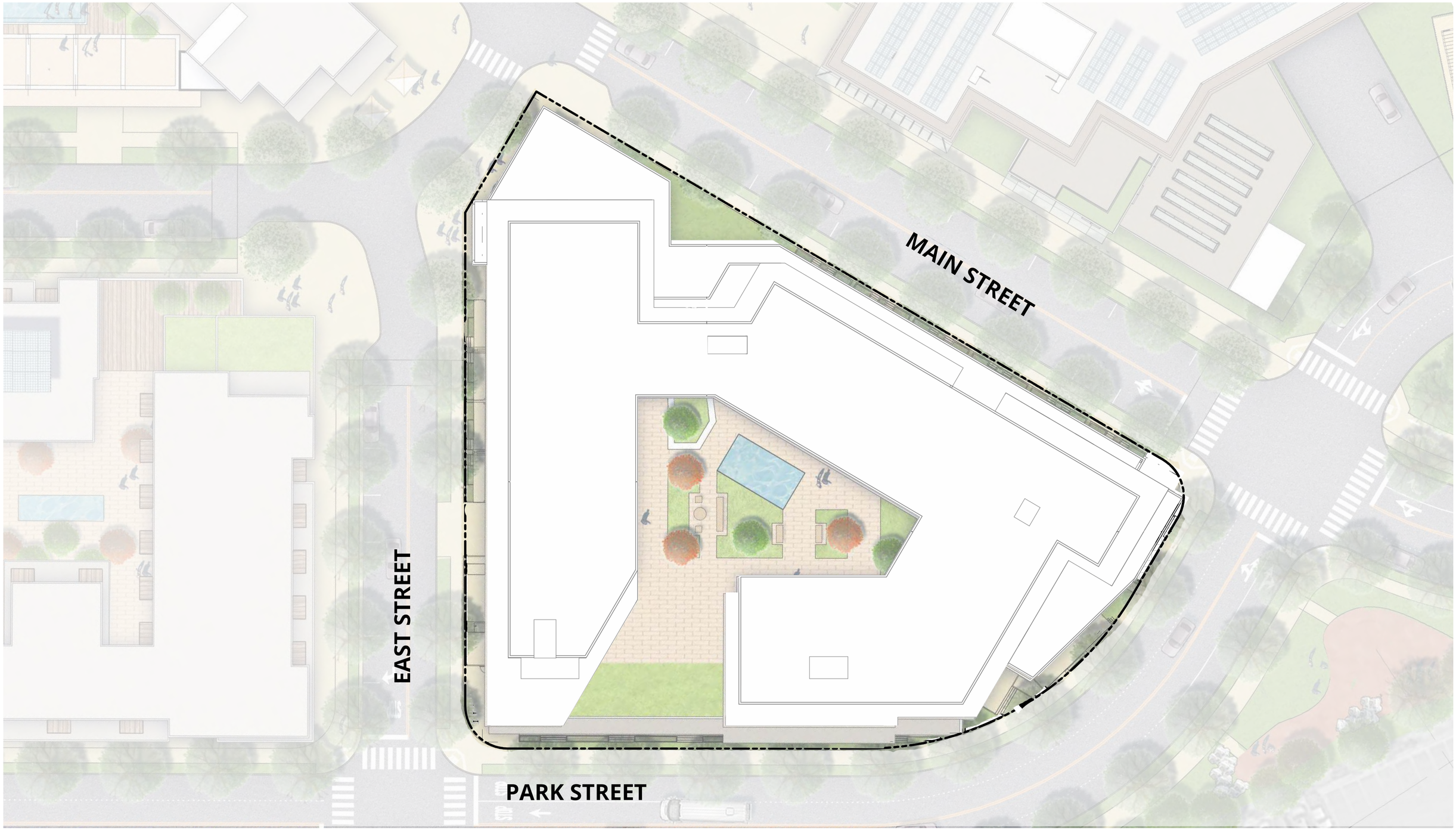
Myrica californica
Pacific Wax myrtle



Calycanthus occidentalis
Spice Bush

Salvia rosmarinus
Rosemary

Salvia sonomensis Bee's Bliss
Bee's Bliss Sage



PARCEL 5
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

X105

TREE PALETTE

Platanus × acerifolia
London Plane

Magnolia grandiflora
Magnolia Tree

Zelkova serrata
Japanese Zelkova

Platanus × acerifolia
London Plane

Quercus suber
Cork Oak

Arbutus Marina
Strawberry Tree

Quercus virginiana
Southern Live Oak

Olea europaea ‘Swan Hill’
Swan Hill Olive

Lyonothamnus floribundus
Catalina Ironwood

Myrica californica
Pacific Wax myrtle

Prunus ilicifolia
Hollyleaf cherry

Ceanothus
California lilacs

UNDERSTORY PALETTE

Verbena lilacina
Purple Cedros Island Verbena

Arctostaphylos ‘John Dourley’
John Dourley Manzanita

Bouteloua gracilis ‘Blonde Ambition’
mosquito grass

Arctostaphylos manzanita
whiteleaf manzanita

Aristida purpurea
Purple three-awn

Carpenteria californica
Tree Anemone

Ceanothus thyrsiflorus
Blue blossom ceanothus

Daphne x transatlantica
Eternal Fragrance

Agave attenuata
Foxtail Agave

Lessingia filaginifolia
California Dune Aster

Rosmarinus officinalis ‘Tuscan Blue
Italian Rosemary

Festuca mairei
Mt. Atlas Fescue

Kniphofia uvaria hybrids
Red-hot Poker

Olea europaea ‘Little Ollie’
Dwarf Olive

Sporobolus airoides
Sporobolus airoides

Achillea millefolium ‘coronation gold’
Common Yarrow

Myrica californica
Pacific Wax myrtle

Calycanthus occidentalis
Spice Bush

Salvia rosmarinus
Rosemary

Salvia sonomensis Bee’s Bliss
Bee’s Bliss Sage

30 seconds Walk

0 20 40 60 80 100 120 160'

1" = 20' at 24" x 36"

PARCEL 6
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan

January 8, 2021

X107

Carex divulsa
European Grey Sedge

Chondropetalum tectorum
Small Cape Rush

Juncus patens
Common Rush

Symphoricarpos albus
Common Snowberry

Acer rubrum 'Armstrong'
Armstrong Red Maple

Cedrus deodara
Deodar Cedar

Gingko biloba 'Princeton Sentry'
Princeton Sentry Maidenhair Tree

Pinus canariensis
Canary Island Pine

Salvia elegans
Pineapple Sage

Lomandra longifolia
Spiny Headed Mat Rush

Anigozanthos var.
Kangaroo Paw

Calamagrostis x acutiflora 'Karl Foerster'
Feather Reed Grass

Hesperaloe parviflora
Red Yucca

Bouteloua gracilis 'Blonde Ambition'
Blonde Ambition Blue Grama Grass

Muhlenbergia capillaris 'Pink Muhly'
Pink Muhly Grass

Salvia 'Anthony Parker'
Anthony Parker Bush Sage

Aspidistra elatior
Cast Iron Plant

Dicksonia Antarctica
Soft Tree Fern

Salvia spathacea
Humming Bird Sage

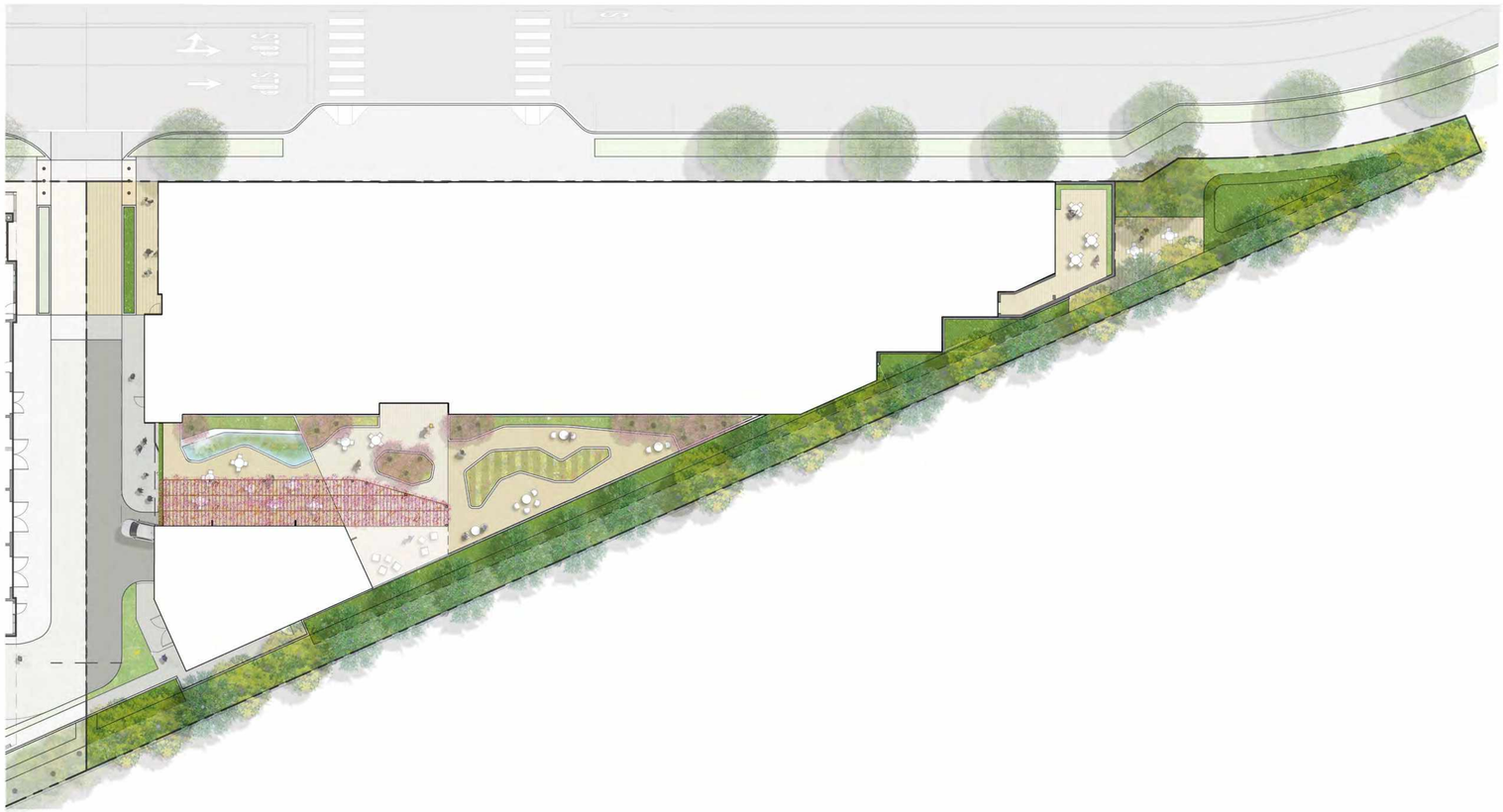
Woodwardia fimbriata
Giant Chain Fern

Agave attenuata
Century Plant

Calamagrostis foliosa
Leafy Reedgrass

Euphorbia rigida
Gopher Spurge

Washingtonia Robusta
Mexican Fan Palm



30 seconds Walk

0 20 40 60 80 100 120 160'

1" = 20' at 24" x 36"

PARCEL 7
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

Carex divulsa
European Grey Sedge

Chondropetalum tectorum
Small Cape Rush

Juncus patens
Common Rush

Symphoricarpos Albus
Common Snowberry

Acer rubrum 'Armstrong'
Armstrong Red Maple

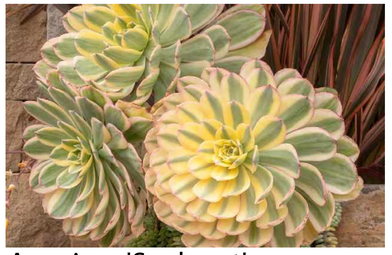
Cedrus deodara
Deodar Cedar

Gingko biloba 'Princeton Sentry'
Princeton Sentry Maidenhair Tree

Pinus canariensis
Canary Island Pine

Heuchera maxima
Island Alum Root

Polystichum munitum
Western Sword Fern



Aeonium 'Sunburst'
Copper Pinwheel

Gardenia jasminoides 'Leetwo'
Gardenia

Lavandula x intermedia
Lavender

Olea europaea 'Montra'
Little Ollie Dwarf Olive

Perovskia atriplicifolia
Russian Sage

Rosemary officinalis 'Chef's Choice'
Chef's Choice Rosemary

Salvia microphylla 'Killer Cranberry'
Autumn Sage

Salvia microphylla 'Little Kiss'
Cherry Sage

Westringia fruticosa
Coastal Rosemary

Bambusa multiplex 'Golden Goddess'
Golden Goddess Bamboo

Bambusa textilis 'Gracilis'
Slender Weavers

Anigozanthos Hybrid
Kangaroo Paw

Bouteloua 'Blonde Ambition'
Blue Grama Grass

Calandrinia Grandiflora
Rock Purslane

LEGEND

	BOTANIC NAME (COMMON NAME)	QUANTITY	SIZE	WUCOLS
	Existing Tree to Remain *Pinus canariensis* (Canary Island Pine)	23	-	-
	Alnus rhombifolia (White Alder)	10	48" box	High
	Arbutus 'Marina' (Marina Arbutus)	13	48" box	Low
	Magnolia grandiflora (Southern Magnolia)	21	48" box	Medium
	Pinus canariensis (Canary Island Pine)	33	48" box	Low
	Pistacia chinensis (Chinese Pistache)	2	48" box	Low
	Platanus x *acerifolia* 'Morton Circle' (Exclamation London Plane Tree)	118	48" box	Medium
	Platanus racemosa (California Sycamore)	53	48" box	Medium
	Ulmus parvifolia cv. (Chinese Elm)	38	48" box	Low
	Zelkova serrata cv. (Zelkova)	68	60" box	Medium
	Total Proposed Tree	356		

Note: Structural soil to be used under sidewalk and plaza adjoining street trees.

TREE VALUATION

QUANTITY	UNIT SIZE	UNIT VALUE	VALUE
0	#5	$ 100	$ -
55	#5	$ 200	$ 11,000
369	24" box	$ 400	$ 147,000
103	36" box	$ 1,200	$ 123,000
670	48" box	$ 5,000	$ 3,350,000
110	60" box	$ 7,000	$ 770,000
294	72" box	$ 10,000	$ 2,940,000
12	84" box	$ 12,000	$ 144,000
34	96" box	$ 15,000	$ 510,000
2	108" box	$ 17,000	$ 34,000
2	120" box	$ 20,000	$ 40,000
1,651			$ 8,070,000

Note: Current valuation includes all proposed trees within Willow Village, and excludes the publicly accessible park. Pending park design.

MASTER PLAN
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

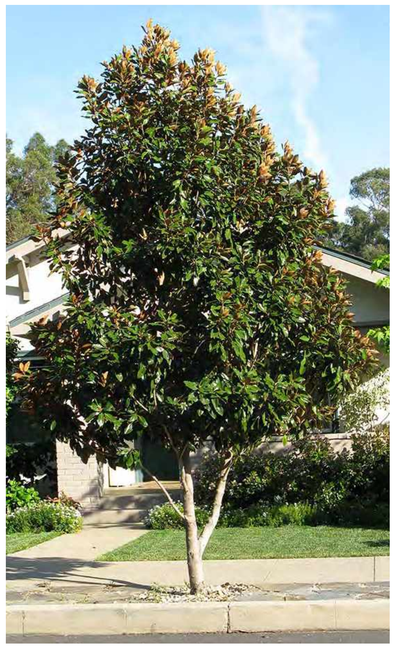
Menlo Park, CA

G5.18
Conceptual Public Realm Tree Planting Plan
December 23, 2021

X111

White Alder
Alnus rhombifolia

Marina Arbutus
Arbutus 'Marina'



Southern Magnolia
Magnolia grandiflora

Canary Island Pine
Pinus canariensis

Chinese Pistache
Pistacia chinensis

Exclamation London Plane Tree
Platanus x acerifolia 'Morton Circle'

California Sycamore
Platanus racemosa

Chinese Evergreen Elm
Ulmus parvifolia cv.

Zelkova
Zelkova serrata cv.

WATER USE ESTIMATION & IRRIGATION SCHEDULE - PUBLIC REALM

WATER TYPE	Recycled
CITY	Palo Alto
ETO	43.1
DATE	

Nearest City to project with published ET data

REGULAR LANDSCAPE AREAS

STATION/HYDROZONE	GPM	AREA (sq.ft) (HA)	WATER USE TYPE (LW=LOW, MW=MOD, HW=HIGH)	PLANT TYPE	IRRIGATION TYPE	PLANT FACTOR (PF)	IRRIGATION EFFICIENCY (IE)	PRECIP. RATE/ APPLICATION RATE (IN/HR)	ETAF (PF/IE)	CYCLES PER DAY	DAYS PER WEEK	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ETWU (GALLONS PER YEAR)	PERCENTAGE OF LANDSCAPE
												MONTHLY ETO													
												1.5	1.8	2.8	3.8	5.2	5.3	6.2	5.6	5.0	3.2	1.7	1.0		
												TOTAL RUN TIME IN MINUTES PER DAY													
Trees - Low	0	21737	LW	SHRUB DC LW	DRIP LINE 12"	0.3	0.81	0.9	0.4	2	2	0.0	0.0	8.0	11.0	15.0	15.0	18.0	16.0	14.0	9.0	5.0	0.0	215,132	18%
Trees - Med	0	49086	MW	SHRUB DC LW	DRIP LINE 12"	0.5	0.81	0.9	0.6	2	2	0.0	0.0	14.0	18.0	25.0	25.0	29.0	27.0	24.0	15.0	8.0	0.0	793,182	41%
Trees - High	0	3300	HW	SHRUB DC HW	DRIP LINE 12"	0.8	0.81	0.9	1.0	2	3	0.0	0.0	14.0	19.0	26.0	27.0	31.0	28.0	25.0	16.0	9.0	0.0	26,392	1%
Shrubs	0	53909	LW	SHRUB DC LW	DRIP LINE 12"	0.3	0.81	0.9	0.4	2	2	0.0	0.0	8.0	11.0	15.0	15.0	18.0	16.0	14.0	9.0	5.0	0.0	324,712	28%
BTA	0	14935	LW	SHRUB DC LW	SPRAY	0.3	0.75	1.6	0.4	2	2	0.0	0.0	5.0	7.0	9.0	9.0	11.0	10.0	9.0	6.0	3.0	0.0	159,680	13%
	TOTAL	118,571																					TOTAL	1,554,706	66%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	AREA (sq.ft) (HA)	Percentage of Landscape
ALL		118,571	
		118,571	100%

THE IRRIGATION VALVE SCHEDULE SHOWN ABOVE IS INTENDED TO BE USED AS A GUIDELINE ONLY AND INDICATES THE APPROXIMATE RUN TIMES IN MINUTES FOR EACH VALVE BASED ON ESTIMATED WEEKLY WATER REQUIREMENTS FOR ESTABLISHED PLANT MATERIAL. THE TIMES SHOWN ARE APPROXIMATE AND HAVE BEEN DEVELOPED FROM LOCAL AND CURRENT AVERAGES FOR EVAPOTRANSPIRATION, AND REFLECTIVE WATER REQUIREMENTS OF THE PLANT MATERIAL BASED ON PLANT TYPE AND THE APPROXIMATE PRECIPITATION OR APPLICATION RATES OF THE IRRIGATION SYSTEM TYPE. ACTUAL RUN TIMES MAY BE DIFFERENT DEPENDING ON A VARIETY OF FACTORS INCLUDING TOPOGRAPHY, SOIL STRUCTURE, SUN AND WIND EXPOSURE, WEATHER, ACTUAL PLANT WATER REQUIREMENTS, OVERALL PRECIPITATION RATE OF ZONE, ETC.

MAWA	GALLONS/YR	3,168,454
	ACRE FEET/YR	9.72
	HCF/YR	4,235.90
ETWU	GALLONS/YR	1,634,706
	ACRE FEET/YR	3.18
	HCF/YR	1,383.30

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
65.4%	0.26	YES

ETAF Calculations	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	38,721
TOTAL AREA	118,571
AVG. ETAF	32.66%

MAWA FORMULA

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR

MAWA = (ETo)(0.62)[(LA x 0.45) + (0.55 x SLA)]

ETo = REFERENCE EVAPOTRANSPIRATION

0.45= ET ADJUSTMENT FACTOR

LA=LANDSCAPED AREA (SQUARE FEET)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA

ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU= (ETO)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION

PF = PLANT FACTOR FOR HYDROZONES

HA = HYDROZONE AREA (SQ.FT)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

Agave
Agave spp.

Berkeley Sedge
Carex divulsa

Dietes
Dietes spp.

New Zealand Flax
Phormium cv.

Aloe
Aloe spp.

California Wild Lilac
Ceanothus spp.

Grevillea
Grevillea 'Noelii'

Rosemary
Rosmarinus officinalis cv.

Kangaroo Paw
Anigozanthos cv.

Small Cape Rush
Chondropetalum tectorum

Pine Muhly
Muhlenburgia dubia

Sage
Salvia spp.

MASTER PLAN
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

G5.20
Conceptual Representative Shrub Palette
December 23, 2021

X113

Appendix C. Résumés

Robin J. Carle, MS

Wildlife Ecology

rcarle@harveyecology.com
408.458.3241

H. T. HARVEY & ASSOCIATES
Ecological Consultants
50 years of field notes, exploration, and excellence

Highlights

- 14 years of experience
- Avian ecology
- Environmental impact assessment
- Endangered Species Act consultation and compliance
- Nesting bird and burrowing owl surveys and monitoring
- Other special-status wildlife surveys and habitat assessments
- Bird-safe design

Education

MS, Fish and Wildlife Management, Montana State University

BS, Ecology, Behavior, and Evolution, University of California, San Diego

Permits and Licenses

Listed under CDFW letter permits to assist with research on bats, California tiger salamanders, California Ridgway's rails, and California black rails

USFWS 10(a)(1)(A) for California tiger salamander

Professional Experience

Associate ecologist, H. T. Harvey & Associates, 2007–present

Volunteer bird bander, San Francisco Bay Bird Observatory, 2010–20

Avian field technician, West Virginia University, 2006

Graduate teaching assistant, Montana State University, 2003–06

Avian field technician, Point Blue Conservation Science (formerly PRBO Conservation Science), 2004

Professional Profile

Robin Carle is an associate wildlife ecologist and ornithologist at H. T. Harvey & Associates, with more than 14 years of experience working in the greater San Francisco Bay Area. Her expertise is in the nesting ecology of passerine birds, and her graduate research focused on how local habitat features and larger landscape-level human effects combine to influence the nesting productivity of passerine birds in the Greater Yellowstone region. She also banded, sexed, and aged resident and migrant passerine birds with the San Francisco Bay Bird Observatory for 10 years.

With an in-depth knowledge of regulatory requirements for special-status species, Robin has contributed to all aspects of client projects including NEPA/CEQA documentation, bird-safe design assessments, biological constraints analyses, special-status species surveys, nesting bird and raptor surveys and monitoring, construction implementation/permit compliance, Santa Clara Valley Habitat Plan/Natural Community Conservation Plan applications and compliance support, and natural resource management plans. Her strong understanding of CEQA, FESA, and CESA allows her to prepare environmental documents that fully satisfy the regulatory requirements of the agencies that issue discretionary permits. She manages field surveys, site assessments, report preparation, agency and client coordination, and large projects.

Bird-Safe Design Experience

Provides bird-safe design support for **development projects for major technology companies in Sunnyvale and Mountain View** including the preparation of avian collision risk assessments, sections of CEQA documents, assessments of project compliance with City requirements, design recommendations, avian collision monitoring plans, and calculations of qualification for LEED Pilot Credit 55.

Provided bird-safe design support for a **development project in Berkeley** including the preparation of an avian collision risk assessment and development of bird-safe design features.

Served as project manager for the preparation of an **avian collision risk assessment for the CityView Plaza project** in San José, and prepared recommendations to minimize the potential for bird nesting and perching on the building following construction.

Served as project manager for the preparation of **avian collision risk assessments for the Menlo Uptown and Menlo Portal** projects in Menlo Park, which included assessments of the potential for avian collisions to occur with the proposed buildings and the potential significance (e.g., under CEQA) of such an impact.

Provided bird-safe design support for **development at Oyster Point in South San Francisco** including the preparation of an avian collision risk assessment and providing project-specific bird-safe design measures to ensure project compliance with CEQA requirements.

Stephen C. Rottenborn, PhD
Principal, Wildlife Ecology

srottenborn@harveyecology.com
408.458.3205

H. T. HARVEY & ASSOCIATES
Ecological Consultants
50 years of field notes, exploration, and excellence

Highlights

- 28 years of experience
- Avian ecology
- Wetlands and riparian systems ecology
- Endangered Species Act consultation
- Environmental impact assessment
- Management of complex projects

Education

PhD, Biological Sciences, Stanford University

BS, Biology, College of William and Mary

Professional Experience

Principal, H. T. Harvey & Associates, 1997–2000, 2004–present

Ecology section chief/environmental scientist, Wetland Studies and Solutions, Inc., 2000–04

Independent consultant, 1989–97

Memberships and Affiliations

Chair, California Bird Records Committee, 2016–19

Member, Board of Directors, Western Field Ornithologists, 2014–20

Scientific associate/advisory board, San Francisco Bay Bird Observatory, 1999–2004, 2009–18

Member, Board of Directors, Virginia Society of Ornithology, 2000–04

Publications

Erickson, R. A., Garrett, K. L., Palacios, E., Rottenborn, S. C., and Unitt, P. 2018. Joseph Grinnell meets eBird: Climate change and 100 years of latitudinal movement in the avifauna of the Californias, in Trends and traditions: Avifaunal change in western North America (W. D. Shuford, R. E. Gill Jr., and C. M. Handel, eds.), pp. 12–49. Studies of Western Birds 3. Western Field Ornithologists, Camarillo, CA.

Rottenborn, S. C. 2000. Nest-site selection and reproductive success of red-shouldered hawks in central California. Journal of Raptor Research 34:18-25.

Rottenborn, S. C. 1999. Predicting the impacts of urbanization on riparian bird communities. Biological Conservation 88:289-299.

Rottenborn, S. C. and E. S. Brinkley. 2007. Virginia's Birdlife. Virginia Society of Ornithology, Virginia Avifauna No. 7.

Professional Profile

Dr. Steve Rottenborn is a principal in the wildlife ecology group in H. T. Harvey & Associates' Los Gatos office. He specializes in resolving issues related to special-status wildlife species and in meeting the wildlife-related requirements of federal and state environmental laws and regulations. Combining his research and training as a wildlife biologist and avian ecologist, Steve has built an impressive professional career that is highlighted by a particular interest in wetland and riparian communities, as well as the effects of human activities on bird populations and communities. Steve's experience extends to numerous additional special-status animal species. The breadth of his ecological training and project experience enables him to expertly manage multidisciplinary projects involving a broad array of biological issues.

He has contributed to more than 800 projects involving wildlife impact assessment, NEPA/CEQA documentation, biological constraints analysis, endangered species issues (including California and Federal Endangered Species Act consultations), permitting, and restoration. Steve has conducted surveys for a variety of wildlife taxa, including a number of threatened and endangered species, and contributes to the design of habitat restoration and monitoring plans. In his role as project manager and principal-in-charge for numerous projects, he has supervised data collection and analysis, report preparation, and agency and client coordination.

Project Examples

Principal-in-charge for **bird-safe design support for more than 40 development projects** in more than 10 cities throughout the San Francisco Bay area. This work has entailed preparation of avian collision risk assessments, sections of CEQA documents, assessments of project compliance with requirements of the lead agency, design recommendations (e.g., related to the selection of bird-safe glazing), and avian collision monitoring plans.

Senior wildlife ecology expert on the South Bay Salt Pond restoration project — the largest (~15,000-acre) restoration project of its kind in the western United States.

Served on the **Technical Advisory Committees/Expert Panels for the Santa Clara Valley Water District's Upper Penitencia Creek, One Water, Science Advisory Hub, San Tomas/Calabazas/Pond A8 Restoration, and Coyote Creek Native Ecosystem Enhancement Tool** efforts; selected to serve on these panels for his expertise in South Bay wildlife, restoration, and riparian ecology.

Led H. T. Harvey's work on the biological CEQA assessment and permitting for extensive/regional **facilities and habitat management programs for the Santa Clara Valley Water District, San Jose Water Company, County of San Mateo, and Midpeninsula Regional Open Space District**.

Contract manager/principal-in-charge for **Santa Clara Valley Water District's Biological Resources On-Call contract** (four successive contracts, with over 120 task orders, since 2009).

CITY OF MENLO PARK

STAFF REPORT

Planning Commission
Meeting Date: **7/24/2023**
Staff Report Number: **23-050-PC**

Public Hearing: **Consider and make a recommendation to the City Council on amendments to the City of Menlo Park General Plan Circulation Element and El Camino Real/Downtown Specific Plan to add an Alley designation under the Local Access street classification, and allow for the City Council to consider closing public streets within the Main Street and Local Access (Alley) street classifications to vehicular traffic**

Recommendation

Staff recommends that the Planning Commission consider and adopt the following resolutions:

- Adopt a resolution recommending that the City Council amend the Circulation Element of the General Plan to modify the street classifications in the General Plan Circulation Element to incorporate an Alley designation under the Local Access street classification, and allow for the City Council to consider street closures within the Main Street (i.e., Santa Cruz Avenue) and Local Access (Alley) (e.g. Ryans Lane) classifications (Attachment A); and
- Adopt a resolution recommending that the City Council amend the El Camino Real/Downtown Specific Plan (Specific Plan) to allow street closures on Santa Cruz Avenue in additional locations to the Central Plaza identified in the Specific Plan and allow for street closures on additional streets and alleys in the Specific Plan, provided the closures are consistent with the General Plan Circulation Element and would reinforce the Urban Design Framework and the guiding principles of the Specific Plan (Attachment B)

Policy Issues

The Planning Commission and ultimately the City Council will need to consider the merits of the proposed amendments to the General Plan Circulation Element and Specific Plan, including the goals and policies of the General Plan and the Urban Design Framework and guiding principles of the Specific Plan. The proposed amendments would provide the City Council with the ability to review and consider street closures along Main Street (i.e. Santa Cruz Avenue) and within public Alleys (Local Access “Alleys”) throughout the City, but anticipated to be within the downtown area (e.g. Ryans Lane). The street closures would support the City Council’s request to consider a permanent outdoor dining program that would permit outdoor dining in closed travel lanes as a replacement to the temporary outdoor use permits that were implemented during the COVID-19 pandemic. The Planning Commission and City Council should consider the proposed amendments for consistency with General Plan Goal-LU-5 (Strengthen Downtown and El Camino Real Corridor) and more specifically Policy LU-5.1 (El Camino Real/Downtown Specific Plan). The amendments should also be considered in relation to General Plan Goal CIRC-1 (Safe Transportation System) and more specifically Policies CIRC-1.6 (Emergency Response Routes) in relation to ensuring emergency response routes are maintained in the citywide circulation network with possible street closures, CIRC-1.7 (Bicycle

Safety), and CIRC-1.8 (Pedestrian Safety) and Programs CIRC-1.A (Pedestrian and Bicyclist Safety), CIRC-1.E (Emergency Response Routes Map), and CIRC-1.F (Coordination with Emergency Services). The proposed amendments to the Specific Plan should be considered for consistency with the guiding principles to enhance public space and generate vibrancy, as well as the Urban Design Framework for the Specific Plan that includes an "integrated corridor" and a "walking and connected community." The proposed amendments to the General Plan and Specific Plan would advance the City Council 2023-2024 fiscal year priority of "Activating Downtown/Economic Development."

Background

The City Council's actions to mitigate the economic impacts of COVID-19 on the local economy helped many businesses remain viable during the pandemic. The Council adopted a number of urgency ordinances since the start of the COVID-19 pandemic to implement street closures and outdoor dining programs to allow for businesses to operate in a safe manner. Below is a summary of the City Council's actions in the past three years:

- 2020 – Urgency Ordinances No. 1070, 1071, 1072 were adopted to allow staff to implement a temporary outdoor use permit (TOUP) program for outdoor dining and to close portions of Santa Cruz Avenue and a portion of Ryans Lane between Crane Street and Escondido Lane to vehicle travel.
- 2021 – Ordinance No. 1085 was adopted by the City Council to extend the TOUP program and street closure through January 2022.
- 2022 – The City Council approved an extension of the outdoor dining pilot program and street closures to remain on a month-to-month basis, set to expire with the COVID-19 State of Emergency Order (February 28, 2023).
- 2023 –
  - January 10, 2023, staff prepared a City Council informational item to share draft design standards for a longer-term outdoor dining program (referred to as the streetary program).
  - February 28, 2023, the City Council held a study session on a draft ordinance to amend the City of Menlo Park Municipal Code to add Chapter 13.10 (Streetaries Outdoor Dining Areas) to Title 13 (Streets, Sidewalks and Utilities) of the Municipal Code and amendments to sections 13.18.10 and 13.18.20 of Chapter 13.18 (Use of Public Right of Way) to enable the proposed streetary program, as well as draft design standards and fees associated with the program. During the study session, the City Council also expressed an interest in continuing the street closures for portions of Santa Cruz Avenue (between Curtis and Doyle Streets) in the eastbound direction and Ryans Lane at the intersection of Crane Street (specifically between Crane Street and Escondido Lane) and to allow for bicycle and pedestrian circulation while restricting vehicle access. More background information on the separate streetary program is available in the February 28, 2023 staff report (Attachment C). Staff is tentatively scheduled to present the streetary ordinance amendments to the City Council at their August 15, 2023 meeting.

To allow for the ongoing closure of a portion of Santa Cruz Avenue and/or Ryans Lane, the Circulation Element of the General Plan and Specific Plan need to be amended to allow the City Council to be able to consider temporary, long-term, or permanent closures of portions of these streets. The proposed amendments would also allow the City Council to consider additional street closures in the future, provided specific criteria are met.

Analysis

In response to the City Council's expressed interest in continuing the closure of the eastbound 600 block of Santa Cruz Avenue and a portion of Ryans Lane at the intersection of Crane Street (and more specifically to the west of Escondido Lane), staff prepared amendments to the Circulation Element of the General Plan and Downtown Specific Plan to provide this flexibility. The proposed amendments to the Circulation Element (Attachment A, Exhibit A) and the Specific Plan (Attachment B, Exhibit A) allow for partial or full street closures on a temporary, long-term, or permanent basis within the Main Street classification (e.g. Santa Cruz Avenue), and separately on public alleys that meet specific criteria (e.g. Ryans Lane).

General Plan Circulation Element amendments

The City's General Plan is a guiding document or roadmap for the City's future. The General Plan embraces and carries out through its goals, policies and programs, the community's vision for the future physical development of the city. The Circulation Element focuses on distinct issues and opportunities for the City related to pedestrian, bicycle, transit, and vehicle circulation. The City's mobility vision emphasizes walking, bicycling, and public transit.

The City's Circulation Element includes a street classifications table (Table 1) that identifies streets based on suitability for various travel modes and adjacent land uses with a goal of providing a complete streets framework. Table 1 and Figure 2 are included in Attachment D and a link to the complete General Plan Circulation Element is included in Attachment E. The proposed amendments to the Circulation Element of the General Plan would modify the definition of Main Street in Table 1 (Description of Street Classifications) as follows (additions in underline):

> "Provides access to all travel modes in support of Downtown, includes on-street parking. Service to pedestrian-oriented retail is of prime importance. Vehicle performance indicators may be lowered to improve the pedestrian experience. Bicycle priority may be lower where appropriate parallel bicycle corridors exist. <u>Allows for full or partial closures (temporary, long term, or permanent basis) to vehicles while potentially maintaining bicycle and pedestrian circulation. Street closures will be coordinated with the Menlo Park Police Department and Menlo Park Fire Protection District."</u>

The proposed amendment also adds the "Alley" designation to the Local Access street classification in Table 1 of the Circulation Element of the General Plan, under which Ryans Lane would be classified, and it would be defined as follows:

> "Low volume public street, not exceeding 20-feet in width, generally serving immediately adjacent properties and parking. Provides secondary access to abutting uses, primarily for deliveries, building services (e.g. trash and recycling pick up), and employees. Allows for full or partial closure to vehicles (temporary, long term, or permanent basis) while potentially maintaining bicycle and pedestrian circulation and appropriate secondary building access. Potential street closures would be coordinated with the Menlo Park Police Department and Menlo Park Fire Protection District."

These proposed amendments to the Circulation Element would allow for the City Council to consider by separate action at a future date whether to close portions of Santa Cruz Avenue (as the only street currently within the City designated as a "Main Street") and public alleys (Local Access "Alley" street classification), which are generally located in the downtown area of the city. These amendments would not approve street closures in Main Streets or Local Access (Alleys), but would give the City Council the ability to consider making the current street closures in the downtown area long-term or permanent and also consider additional street closures in the future through separate actions. The City Council would review future street closures in these areas for consistency with the amended General Plan Circulation Element and amended

El Camino Real/Downtown Specific Plan.

The proposed amendments to the General Plan Circulation Element would not substantially alter the City's circulation network nor would these amendments create additional development potential within the City. The proposed amendments are included as Exhibit A to Attachment A.

El Camino Real/Downtown Specific Plan amendments

The El Camino Real/Downtown Specific Plan established a framework for private and public improvements on El Camino Real, in the Caltrain station area, and in downtown Menlo Park. In addition to promoting private infill development, the plan includes circulation and connectivity improvements, including a strategy for the implementation of public space improvements. A key concept of the El Camino Real/Downtown Specific Plan is the Central Plaza located within Santa Cruz Avenue. The Central Plaza is intended to provide a public gathering space for the downtown.

The proposed amendments to the El Camino Real/Downtown Specific Plan include minor changes to allow the City Council to consider partial or full street closures on a temporary, long-term, or permanent basis on Santa Cruz Avenue and on other streets and alleys within the plan area, as well as a clarification that the number of on-street parking spaces listed in the Specific Plan may be subject to change based on actual design of public improvements. The proposed amendments are to Chapters C (Plan Principles, Framework and Program), Chapter D (Public Space), and Chapter F (Circulation). The complete El Camino Real/Downtown Specific Plan is included in the link in Attachment F. The proposed amendments would generally encompass the following with more specifics identified in Attachment B, Exhibit A.

- In Chapter C (Plan Principles, Framework and Program), incorporate text identifying that the City Council may also consider additional street closures (in addition to the Central Plaza concept on Santa Cruz Avenue and the pedestrian paseo on Chestnut Street), provided specific criteria are met.
- In Chapter D (Public Space), include text identifying that the City Council may also consider additional public improvements, such as street closures, beyond those currently listed (e.g. pedestrian, bicycle and vehicular connections).
- In Chapter F (Circulation), add text clarifying that the City Council may consider additional public improvements, including modifications to the vehicle, pedestrian, and bicycle circulation network, provided specific criteria are met. Also clarify that on-street parking reductions identified in the Specific Plan were estimates and may change based on public improvements. Attachment G includes the table with the existing and future downtown parking supply.

The proposed amendments are included as Exhibit A to Attachment B.

Correspondence

Staff has not received any items of correspondence on the proposed amendments to the General Plan Circulation Element and Specific Plan. The City did not receive any requests for consultation or other response from Native American Tribal Nations notified of the proposed amendments, per the requirements of Senate Bill 18.

Conclusion and next steps

The proposed amendments would enable the City Council to consider temporary, long-term, or permanent street closures that would continue to activate the downtown with outdoor dining options, help to promote the goals and policies of the General Plan Land Use and Circulation Elements and would also promote the

guiding principles and be consistent with the Urban Design Framework of the Specific Plan by providing outdoor dining options to generate vibrancy, enhance public space by creating areas for outdoor dining and outdoor gatherings with appropriate bicycle and pedestrian facilities, create “distinct and connected areas” through the street closures. The Planning Commission is a recommending body to the City Council on the proposed amendments. The City Council is tentatively scheduled to review the amendments in August 2023. The City Council may then consider, through separate actions, the approval of a longer term or permanent extension of the existing street and alley closures on Santa Cruz Avenue and Ryans Lane. The streetary program would be implemented by the adoption of an ordinance and approval of design standards for the streetaries, which are also tentatively scheduled for City Council’s review in August 2023.

Impact on City Resources

Staff and city attorney time spent on preparing the amendments to the General Plan Circulation Element and Specific Plan are not reimbursable and are being accommodated within the existing budgets of the planning division, city manager’s office, and city attorney. Additionally, the City’s contract with its economic development consultant, HdL Companies, includes a budget to support this effort.

Environmental Review

The City previously prepared and certified the ConnectMenlo Program Environmental Impact Report (“ConnectMenlo EIR”) in November 2016 and certified the Housing Element Update Subsequent EIR (“SEIR”) in January 2023. Additionally, the City previously prepared and certified the Program Environmental Impact Report for adoption of the El Camino Real/Downtown Specific Plan (“Program EIR”) in June 2012.

The City has prepared an Addendum to the ConnectMenlo Program EIR and subsequent EIR (SEIR) (Attachment H) and an Addendum to the El Camino Real/Downtown Specific Plan Program EIR (Attachment I) in compliance with the California Environmental Quality Act (CEQA) that examined potential environmental impacts of the proposed amendments to the General Plan and El Camino Real/Downtown Specific Plan, and found no substantial evidence to support requiring additional environmental review, in part given that the General Plan and El Camino Real/Downtown Specific Plan amendments would not increase the development potential identified in the plans or lead to any activity that might cause new or increased environmental effects, as discussed in more detail in the Addenda. Additionally, notifications of the proposed General Plan and El Camino Real/Downtown Specific Plan amendments were sent to California Native American tribes of the opportunity to conduct consultations on the proposed amendments, per the State of California Senate Bill 18 requirements, and there were no requests to consult on the proposed amendments.

The certified program EIRs together with each Addendum will be considered in deciding whether to approve each amendment.

Public Notice

Public notification consisted of publishing a notice in the local newspaper. Public notification was also achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Resolution Recommending the City Council amend the Circulation Element of the General Plan

Exhibits to Attachment A
Exhibit A: Amendments to the Circulation Element of the General Plan
Exhibit B: Addendum to the ConnectMenlo EIR (Staff Report Attachment G)

B. Resolution Recommending the City Council amend the El Camino Real/Downtown Specific Plan
Exhibits to Attachment B
Exhibit A: Amendments to the Specific Plan
Exhibit B: Addendum to the Specific Plan EIR (Staff Report Attachment H)
C. Hyperlink – February 28, 2023 City Council Staff Report: https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2023-meetings/agendas/20230228-city-council-agenda-packet.pdf
D. General Plan Circulation Element Excerpt – Figure 2 and Table 1
E. Hyperlink – General Plan Circulation Element: https://menlopark.gov/files/sharedassets/public/community-development/documents/general-plan/circulation-element-adopted-20161129.pdf
F. Hyperlink – El Camino Real/Downtown Specific Plan: https://menlopark.gov/files/sharedassets/public/community-development/documents/el-camino-real-downtown-specific-plan/el-camino-real-downtown-specific-plan-2014.pdf
G. El Camino Real/Downtown Specific Plan Excerpt – Existing and Future Parking Supply Table
H. Addendum to the ConnectMenlo certified Program EIR and the Housing Element Update certified Subsequent EIR for the General Plan
I. Addendum to the El Camino Real/Downtown Specific Plan certified Program EIR

Report prepared by:
Kirstin Hinds, Economic Development Consultant
Kyle Perata, Planning Manager

Report reviewed by:
Corinna Sandmeier, Principal Planner

PLANNING COMMISSION RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENTS TO THE CIRCULATION ELEMENT OF THE GENERAL PLAN TO CREATE A LOCAL ACCESS (ALLEY) STREET CLASSIFICATION AND TO ALLOW FOR STREET CLOSURES WITHIN MAIN STREET AND LOCAL ACESS (ALLEY) STREET CLASSIFICATIONS OF THE CIRCULATION ELEMENT, AND DETERMINE THAT NO SUBSTANTIAL CHANGES REQUIRING PREPARATION OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (EIR) WILL BE MADE AS A RESULT OF THE AMENDMENTS TO THE CIRCULATION ELEMENT OF THE GENERAL PLAN AS DOCUMENTED IN THE ADDENDUM TO THE PREVIOUSLY CERTIFIED CONNECTMENLO EIR AND THE HOUSING ELEMENT UPDATE SUBSEQUENT EIR

WHEREAS, the City of Menlo Park General Plan provides a comprehensive framework for land use and planning decisions, including city-wide circulation within the General Plan Circulation Element ("General Plan") last updated in November 2016; and

WHEREAS, in 2015, the City Council approved the Santa Cruz Street Café pilot program to allow merchants to convert street parking to parklets for outdoor uses; and

WHEREAS, during the Covid-19 pandemic, the City Council created the temporary outdoor use permit (TOUP) program and closed portions of Santa Cruz Avenue and Ryans Lane to facilitate expanded outdoor dining and outdoor sales for businesses impacted by the Covid-19 pandemic; and

WHEREAS, the TOUP program expired on February 28, 2023 and the City desires to create a permanent outdoor dining program; and

WHEREAS, the City Council held a study session on February 28, 2023 to discuss the proposed Streetaries Outdoor Dining (formerly TOUP) Program ("Streetaries") and existing temporary street closures on the eastbound 600-Block of Santa Cruz Avenue (between Curtis Street and Doyle Street) and a portion of Ryans Lane (between Crane Street and Chestnut Street); and

WHEREAS, on February 28, 2023, the City Council determined that the closure of streets to vehicular traffic within certain City rights-of-way provides economic vitality to the City and businesses, creates community gathering spaces, contributes to the enjoyment of public spaces, and increases opportunity for more enjoyable pedestrian travel in the City; and

WHEREAS, the City Council directed staff to research the steps and requirements to allow the City Council to consider making permanent the existing Santa Cruz Avenue and Ryans Lane street closures; and

WHEREAS, City staff determined that amendments to the City of Menlo Park General Plan are necessary to allow the City Council to consider temporary, long term, or permanent closures for a portion of Santa Cruz Avenue and Ryans Lane to vehicle traffic; and

WHEREAS, the amendments to the General Plan Circulation Element would include a new "Local Access (Alley)" classification within the "Local Access" classification and an amended "Main Street" classification allowing the City Council to consider whether to close streets designed as "Main Street" or "Local Access (Alley)" within the City's circulation network on a temporary, long-term, or permanent basis, provided the street closures are consistent with the goals and policies of the General Plan (Exhibit A); and

WHEREAS, the proposed amendments to the General Plan are internally consistent; and

WHERAS, the City, as the lead agency, pursuant to the CEQA Guidelines previously prepared and certified the ConnectMenlo Program Environmental Impact Report ("ConnectMenlo EIR") in November 2016 and certified the Housing Element Update Subsequent EIR ("SEIR") in January 2023; and

WHEREAS, the City prepared an Addendum to the ConnectMenlo EIR and related SEIR (Exhibit B) in compliance with CEQA that examined the environmental impacts of the proposed amendments to the General Plan, and found no substantial evidence to support requiring additional environmental review, in part given that the General Plan amendments would not increase the development potential identified in the General Plan or lead to any activity that might cause new or increased environmental effects, as discussed in more detail in the Addendum; and

WHEREAS, on April 15, 2023 the City sent notifications of the proposed General Plan amendments to California Native American tribes, identified by the Native American Heritage Commission, notifying the tribes of the opportunity to conduct consultations on the proposed amendments, per the requirements of California Senate Bill 18; and

WHEREAS, after the 90-day comment period, the City did not receive any requests for consultation on the proposed General Plan amendments; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, at a duly and properly noticed public hearing held on _____, 2023, the Planning Commission considered the Addendum to the ConnectMenlo EIR and SEIR as part of its consideration of the proposed amendments to the Circulation Element of the General Plan, prior to making a determination on its recommendation to the City Council; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to recommend that the City Council of the City of Menlo Park make findings that the proposed amendments to the Circulation Element of the General Plan ("Circulation Element Amendments") are in compliance with all applicable State regulations and the City General Plan, and adopt a resolution approving the proposed Circulation Element Amendments.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

Section 1: Recitals. The Planning Commission has considered the full record before it, which may include but is not limited to such things as the staff report, public testimony, ConnectMenlo

EIR and SEIR Addendum, and other materials and evidence submitted or provided, and the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. CEQA Findings. The Planning Commission of the City of Menlo Park does hereby make the following findings and recommendation:

1. The information and analysis contained in the Addendum reflects the City's independent judgment as to the proposed amendments to the Circulation Element of the General Plan.

2. There have not been any substantial changes in the amendments to the Based upon substantial evidence and as demonstrated by the analysis included in the Addendum, none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:

    a. There have not been any substantial changes in the amendments to the General Plan that require major revisions of the ConnectMenlo EIR and SEIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

    b. There have not been any substantial changes with respect to the circumstances under which the amendments to the General Plan is undertaken that require major revisions of the ConnectMenlo EIR and SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

    c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the ConnectMenlo EIR and SEIR was certified, that shows any of the following: (a) the amendments to the Circulation Element of the General Plan will have one or more significant effects not discussed in the ConnectMenlo EIR and SEIR; (b) significant effects previously examined will be substantially more severe than shown in the ConnectMenlo EIR and SEIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; or (d) mitigation measures or alternatives which are considerably different from those analyzed in the ConnectMenlo EIR and SEIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt the mitigation measure or alternative.

3. Based on the above findings, the Planning Commission determines that the previously-certified ConnectMenlo EIR and SEIR, together with the Addendum, are adequate to serve as the required environmental documentation for the General Plan amendments.

Section 3. Findings. The Planning Commission of the City of Menlo Park does hereby make the following findings and recommendation:

1. The amendments to the Circulation Element of the General Plan are necessary to allow the City Council flexibility to consider modifications to the City's circulation network, including the temporary, long-term, and permanent closure of streets classified as Main Street and Local Access (Alleys).

2. The amendments to the Circulation Element of the General Plan are consistent with the objectives, policies, general land uses and programs specified in the General Plan.

3. The Planning Commission has considered the Addendum prepared for the certified EIRs that document that the above described amendments would be consisted with the previously certified EIRs prepared for the General Plan.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY FURTHER RESOLVES AS FOLLOWS:

Section 1. Recommendation. The Planning Commission recommends that the City Council consider the Circulation Element Amendments together with the Addendum to the ConnectMenlo EIR and SEIR (Exhibit B) and adopt a resolution approving the amendments to the Circulation Element (Exhibit A).

SEVERABILITY

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

I, Corinna Sandmeier, Principal Planner and Planning Commission Liaison of the City of Menlo Park, do hereby certify that the above and foregoing Commission Resolution was duly and regularly passed and adopted at a meeting by said Commission on July__, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ____ day of July, 2023

_____

Corinna Sandmeier

Principal Planner and Planning Commission Liaison

City of Menlo Park

Exhibits

A. Amendments to the Circulation Element of the General Plan
B. Addendum to the ConnectMenlo EIR (Staff Report Attachment H)

Proposed General Plan Circulation Element Amendments

1. **Section 1.** Circulation Element, Table 1 (Description of Street Classifications), is hereby amended to modify the "Main Street" Classification on Page CIRC-7 as follows (Additions in underline, deletions in ~~strikethrough~~.):

Classification	Mode Priority	Description and Guidelines	Examples	FHWA Category
Main Street	Bicycle: (half circle) Pedestrian: (full circle) Transit: (half circle) Vehicle: (half circle)	*High intensity, pedestrian-oriented retail street.* Provides access to all travel modes in support of Downtown, includes on-street parking. Service to pedestrian-oriented retail is of prime importance. Vehicle performance indicators may be lowered to improve the pedestrian experience. Bicycle priority may be lower where appropriate parallel bicycle corridors exist. Allows for full or partial closures (temporary, long term, or permanent basis) to vehicles while potentially maintaining bicycle and pedestrian circulation. Street closures will be coordinated with the Menlo Park Police Department and Menlo Park Fire Protection District.	Santa Cruz Ave	Minor Aterial

2. **Section 2.** Circulation Element, is hereby amended to add a "Local Access (Alley)" classification in Table 1 (Description of Street Classifications) on Page CIRC-8 as follows (Additions in underline, deletions in ~~strikethrough~~.):

Classification	Mode Priority	Description and Guidelines	Examples	FHWA Category
Local Access (Alley)	Bicycle: (half circle) Pedestrian: (full circle) Transit: (empty circle) Vehicle: (half circle)	*Low volume public street not exceeding 20-feet in width, generally serving immediately adjacent properties and parking.* Provides secondary access to abutting uses, primarily for deliveries, building services	Ryans Lane	N/A

		(e.g. trash and recycling pick up), and employees. Allows for full or partial closure to vehicles (temporary, long term, or permanent basis) while potentially maintaining bicycle and pedestrian circulation and appropriate secondary building access. Street closures will be coordinated with the Menlo Park Police Department and Menlo Park Fire Protection District.		

PLANNING COMMISSION RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENTS TO THE EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN TO ALLOW FOR STREET CLOSURES WITHIN SANTA CRUZ AVENUE AND OTHER STREETS AND ALLEYS WITHIN THE PLAN AREA, AND DETERMINE THAT NO SUBSTANTIAL CHANGES REQUIRING PREPARATION OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (EIR) WILL BE MADE AS A RESULT OF THE AMENDMENTS TO THE EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN AS DOCUMENTED IN THE ADDENDUM TO THE PREVIOUSLY CERTIFIED EIR FOR THE EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN

WHEREAS, the City of Menlo Park adopted the El Camino Real/Downtown Specific Plan ("Specific Plan") in June 2012 to guide development in the downtown and El Camino Real corridors, including parameters for circulation, public space, and parking; and

WHEREAS, in 2015, the City Council approved the Santa Cruz Street Café pilot program to allow merchants to convert street parking to parklets for outdoor uses; and

WHEREAS, during the Covid-19 pandemic, the City Council created the temporary outdoor use permit (TOUP) program and closed portions of Santa Cruz Avenue and Ryans Lane to facilitate expanded outdoor dining and outdoor sales for businesses impacted by the Covid-19 pandemic; and

WHEREAS, the TOUP program expired on February 28, 2023 and the City desires to create a permanent outdoor dining program; and

WHEREAS, the City Council held a study session on February 28, 2023 to discuss the proposed Streetaries Outdoor Dining (formerly TOUP) Program ("Streetaries") and existing temporary street closures on the eastbound 600-Block of Santa Cruz Avenue (between Curtis Street and Doyle Street) and a portion of Ryans Lane (between Crane Street and Chestnut Street); and

WHEREAS, on February 28, 2023, the City Council determined that the closure of streets to vehicular traffic within certain City's rights-of-way provides economic vitality to the City and businesses, creates community gathering spaces, contributes to the enjoyment of public spaces, and increase opportunity for more enjoyable pedestrian travel in the City; and

WHEREAS, the City Council directed staff to research the steps and requirements to allow the City Council to consider making permanent the existing Santa Cruz Avenue and Ryans Lane street closures; and

WHEREAS, City staff determined that amendments to the City of Menlo Park Specific Plan are necessary to allow the City Council to consider temporary, long term, or permanent closures for a portion of Santa Cruz Avenue and Ryans Lane to vehicle traffic; and

WHEREAS, the amendments to the Specific Plan would allow the City Council to consider whether to close streets, on a temporary, long-term, or permanent basis, within the Downtown Specific Plan boundaries and to consider public space enhancements that are in line with the guiding principles and the urban design framework of the Specific Plan (Exhibit A); and

WHEREAS, the proposed amendments to the Specific Plan are internally consistent and consistent with the General Plan; and

WHEREAS, the City, as lead agency, pursuant to the California Environmental Quality Act and the CEQA Guidelines ("CEQA") had previously prepared and certified the Program Environmental Impact Report for adoption of the Specific Plan ("Program EIR") in June 2012; and

WHEREAS, the City prepared an Addendum to the Specific Plan Program EIR (Exhibit B) in compliance with CEQA that examined the environmental impacts of the proposed amendments to the Specific Plan, and found no substantial evidence to support requiring additional environmental review, in part given that the Specific Plan amendments would not increase the development potential identified in the Specific Plan or lead to any activity that might cause new or increased environmental effects, as discussed in more detail in the Addendums; and

WHEREAS, on April 15, 2023, the City sent notifications of the proposed Specific Plan amendments to California Native American tribes, identified by the Native American Heritage Commission, notifying the tribes of the opportunity to conduct consultations on the proposed amendments, per the requirements of California Senate Bill 18; and

WHEREAS, after the 90-day comment period, the City did not receive any requests for consultation on the proposed Specific Plan amendments; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, at a duly and properly noticed public hearing held on _____, 2023, the Planning Commission considered the Addendum to the Specific Plan EIR as part of its consideration of the proposed amendments to the Specific Plan, prior to making a determination on its recommendation to the City Council; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to recommend that the City Council of the City of Menlo Park make findings that the proposed amendments to the El Camino Real/Downtown Specific Plan ("Specific Plan Amendments") are in compliance with all applicable State regulations and the City General Plan, and adopt a resolution approving the proposed Specific Plan Amendments.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

Section 1: Recitals. The Planning Commission has considered the full record before it, which may include but is not limited to such things as the staff report, public testimony, EIR addendum, and other materials and evidence submitted or provided, and the Planning

Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. CEQA Findings. The Planning Commission of the City of Menlo Park does hereby make the following findings and recommendation:

1. There have not been any substantial changes in the amendments to the Specific Plan that require major revisions of the FEIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. The information and analysis contained in the Addendum reflects the City's independent judgment as to the proposed amendments to the El Camino Real/Downtown Specific Plan.

3. There have not been any substantial changes in the amendments to the Specific Plan that require major revisions of the FEIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; Based upon substantial evidence and as demonstrated by the analysis included in the Addendum, none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:

    a. There have not been any substantial changes in the amendments to the Specific Plan that require major revisions of the FEIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

    b. There have not been any substantial changes with respect to the circumstances under which the amendments to the Specific Plan is undertaken that require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

    c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Program EIR was certified, that shows any of the following: (a) the amendments to the Specific Plan will have one or more significant effects not discussed in the Program EIR; (b) significant effects previously examined will be substantially more severe than shown in the Program EIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; or (d) mitigation measures or alternatives which are considerably different from those analyzed in the Program EIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt the mitigation measure or alternative.

4. Based on the above findings, the Planning Commission determines that the previously certified Program EIR, together with the Addendum, are adequate to serve as the required environmental documentation for the Specific Plan amendments.

Section 3. Findings. The Planning Commission of the City of Menlo Park does hereby make the following findings and recommendation:

1. The amendments to the Specific Plan are necessary to allow the City Council flexibility to consider temporary, long term, and permanent street closures within the Downtown Specific Plan area.

2. The amendments to the Specific Plan are consistent with the objectives, policies, general land uses and programs specified in the General Plan and the El Camino Real/Downtown Specific Plan and would be consistent between each plan.

3. The Planning Commission has considered the Addendum prepared for the certified Program EIR that document that the above described amendments would be consisted with the previously certified EIR prepared for the Specific Plan.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY FURTHER RESOLVES AS FOLLOWS:

Section 1. Recommendation. The Planning Commission recommends that the City Council consider the Specific Plan Amendments and the Addendum to the Specific Plan Program EIR (Exhibit B) and adopt a resolution approving the amendments to the Specific Plan (Exhibit A).

SEVERABILITY

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

I, Corinna Sandmeier, Principal Planner and Planning Commission Liaison of the City of Menlo Park, do hereby certify that the above and foregoing Commission Resolution was duly and regularly passed and adopted at a meeting by said Commission on July__, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ____ day of July, 2023

_____

Corinna Sandmeier

Principal Planner and Planning Commission Liaison

City of Menlo Park

Exhibits

A. Amendments to the Specific Plan
B. Addendum to the Specific Plan EIR (Staff Report Attachment I)

Proposed Downtown Specific Plan Amendments

1. **Section 1.** Chapter C. (Plan Principles, Framework and Program), Section C.4 (Sub-Area Concepts), Subsection "Downtown," paragraph 2 on Page C16 is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~.):

Proposed improvements include the Santa Cruz Avenue Central Plaza and market place, linked by a pedestrian paseo on Chestnut Street. These enhancements create a sense of village center - a "place du village" - in the heart of downtown, which establishes a new destination and reinforces downtown's image and identity. At the center of Santa Cruz Avenue, the Santa Cruz Avenue Central Plaza accommodates vehicular circulation, although it may be closed temporarily for special events. The Menlo Park City Council may also consider additional street closures (including partial or full street closures on a temporary, long term, or permanent basis) on Santa Cruz Avenue to vehicle circulation to reinforce the Urban Design Framework and the guiding principles of the Specific Plan. Additional street closures should include appropriate bicycle and pedestrian circulation. The market place concept, which describes a range of options including a pavilion of small retail and food vendors, frames the Chestnut paseo and functions in conjunction with the Santa Cruz Avenue Central Plaza and the weekly Farmer's Market. It also complements the established grocers in the area. Careful design and programming of such a facility, along with requirements for trial implementation, will ensure that such an amenity complements, and does not compete with, the Farmer's Market and other food retailers downtown.

2. **Section 2.** Chapter D. (Public Space), Section D.1 (Overview), last paragraph on Page D2, is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~.):

This section also includes standards, general guidelines and sustainable practices for streetscape and public space improvements in the downtown, station area and along El Camino Real. For each improvement (e.g. Santa Cruz Avenue), the section provides a short overarching description of the improvement, the intent of the improvement, its character and specific elements, and applicable standards and guidelines. These descriptions, standards and guidelines are to be used by those making public improvements in the area, including public agencies and private property owners. In addition to the public space improvements identified in this section, the Menlo Park City Council can also consider additional improvements, such as street or alley closures (including partial or full street closures on a temporary, long term, or permanent basis), if the intent meets the key unifying concepts for public space in the project area or the City Council determines the improvements are consistent with the guiding principles of the plan.

3. **Section 3.** Chapter D. (Public Space), Section D.2 (Downtown), first paragraph on Page D8, is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~.):

The Specific Plan establishes a comprehensive network of public spaces downtown that enhance the civic and social life of the community and support downtown businesses. Because there is no existing civic plaza or vacant public land, the Specific Plan relies on existing public rights-of-way and public parking plazas to create much-needed civic and social spaces. The plan establishes a recognizable center in downtown, a central nexus of public spaces and locus of activity -- a Central Plaza -- at the intersection of Santa Cruz Avenue and Chestnut Street. This central area, accompanied by an improved streetscape and widened sidewalks on Santa Cruz Avenue, elevates the character of downtown's "main street." In combination with

enhanced pedestrian linkages, activity nodes and pocket parks, the improvements create a comprehensive, connected network of civic and social spaces. The Menlo Park City Council may also consider additional public space improvements (e.g. street closures) on Santa Cruz Avenue and other streets or alleys in the Specific Plan to further the guiding principles and Urban Design Framework of the plan.

4. **Section 4.** Chapter F. (Circulation), Section F.2 (Vehicular Circulation), Subsection "Improvements on Downtown Streets" on Page F4, is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~.):

The Specific Plan proposes improvements on Santa Cruz Avenue in the downtown area, in particular wider sidewalks and relocated parking spaces. It converts a portion of Chestnut Street south of Santa Cruz Avenue to pedestrian-only. The Specific Plan makes Oak Grove Avenue a bicycle-priority street with added bicycle lanes (discussed in section F4 "Bicycle Facilities"). The Specific Plan also provides the City Council opportunities to make additional public improvements, including modifications to the vehicle, pedestrian, and bicycle circulation network (e.g. full or partial street closures on a temporary, long-term, or permanent basis) that meet the key unifying concepts for public space and are consistent with the guiding principles of the plan.

5. **Section 5.** Chapter F. (Circulation), Section F.2 (Vehicular Circulation), Table F3 on Page F24, is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~.):

On-Street Spaces[8]

…

Notes:

[1] *2009-2010 Downtown Menlo Park Parking Study,* Wilbur Smith Associates.

[2] A new parking garage at Parking Plaza 1 would displace 204 existing spaces.

[3] Future parking supply for Parking Plaza 1 includes a 650-space parking garage + 45 surface spaces remaining.

[4] A new parking garage and pocket park at parking plaza 2 would displace 95 existing spaces.

[5] A new parking garage and pocket park at Parking Plaza 3 would displace 212 existing spaces.

[6] Although three parking garages are shown, the Specific Plan assumes that up to two parking garages will be built in downtown Menlo Park. The parking total reflects the range of parking spaces that could be provided if only two garages were built, rather than three.

[7] On street parking space could be affected with proposed future Class II / Minimum Class III improvements.

[8] On-street space reduction is an estimate and subject to change based on actual design of public improvements.

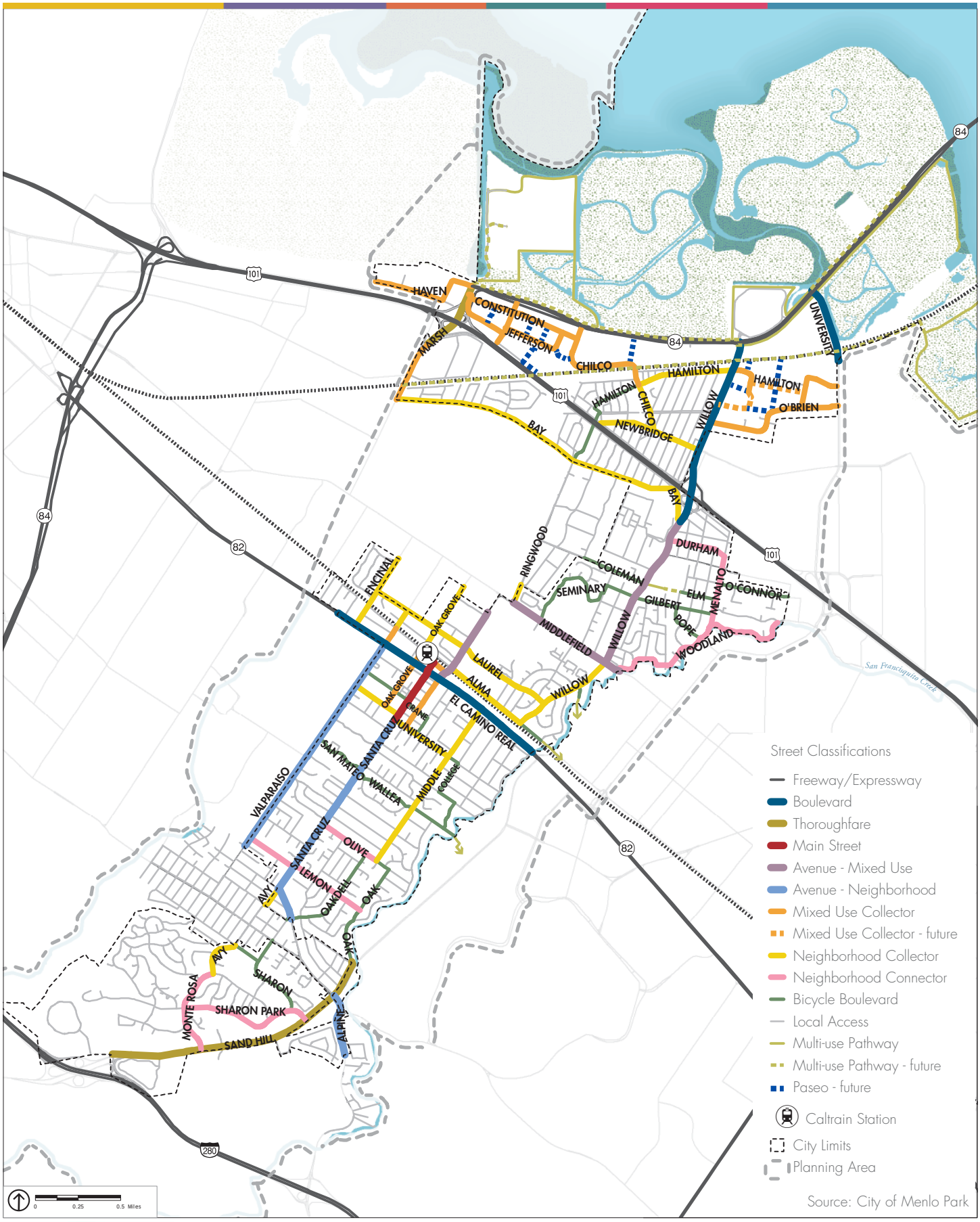


FIGURE 2: STREET CLASSIFICATIONS

TABLE 1 DESCRIPTION OF STREET CLASSIFICATIONS

Classification	Mode Priority	Description and Guidelines	Examples	FHWA Category
Freeway/ Expressway	Vehicle: ● Other modes: N/A	*Limited access, major regional freeways and expressways that are part of the state and regional network of highways and subject to state design standards*.	Bayfront Expressway	Expressway
Boulevard	Bicycle: ◕ Pedestrian: ● Transit: ● Vehicle: ●	*Major thoroughfare with higher frequency of transit service and mixed commercial and retail frontages*. Provides access and safe crossings for all travel modes along a regional transportation corridor. Emphasizes walking and transit and accommodates regional vehicle trips in order to discourage such trips on nearby local roadways, through collaborations with other cities and agencies. In areas of significant travel mode conflict, bicycle improvements may have lower priority if appropriate parallel corridors exist.	El Camino Real	Primary Arterial
Thoroughfare	Bicycle: ◑ Pedestrian: ◑ Transit: ◑ Vehicle: ●	*Major thoroughfare, limited mixed commercial frontages*. Provides access and safe crossings for all travel modes along a regional transportation corridor. Emphasizes regional vehicle trips in order to discourage such trips on nearby local roadways, through collaborations with other cities and agencies.	Marsh Road, Sand Hill Road	Primary Arterial
Main Street	Bicycle: ◑ Pedestrian: ● Transit: ◑ Vehicle: ◑	*High intensity, pedestrian-oriented retail street.* Provides access to all travel modes in support of Downtown, includes on-street parking. Service to pedestrian-oriented retail is of prime importance. Vehicle performance indicators may be lowered to improve the pedestrian experience. Bicycle priority may be lower where appropriate parallel bicycle corridors exist.	Santa Cruz Avenue	Minor Arterial
Avenue – Mixed Use	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ◕	*Streets with mixed residential and commercial frontages that serve as a main route for multiple modes.* Distributes trips to residential and commercial areas. Provides a balanced level of service for vehicles, transit, bicycles, and pedestrians, wherever possible. Bicycle priority is greater along identified bicycle corridors. Pedestrian improvements are comfortable to walk along, and provide safe crossings at designated locations.	Willow Road (south of Bay), Middlefield Road	Minor Arterial
● = High Priority ◑ = Medium Priority ○ = Low Priority				

D2

TABLE 1 DESCRIPTION OF STREET CLASSIFICATIONS (CONTINUED)

Classification	Mode Priority	Description and Guidelines	Examples	FHWA Category
Avenue – Neighborhood	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ◕	*Streets with residential frontages that serve as a main route for multiple modes.* Distributes trips to residential areas. Provides a balanced level of service for vehicles, transit, bicycles, and pedestrians, wherever possible. Bicycle priority is greater along identified bicycle corridors. Pedestrian improvements are comfortable to walk along, and provide safe crossings at designated locations.	Santa Cruz Avenue (south of University Drive), Valparaiso Avenue	Minor Arterial
Mixed-Use Collector	Bicycle: ● Pedestrian: ● Transit: ◑ Vehicle: ◑	*Mixed-use street that serves a significant destination.* Prioritizes walking and bicycling. Accommodates intra-city trips while also distributing local traffic to other streets and areas.	Chilco St (north of rail corridor), O'Brien Drive, Haven Avenue	Collector
Neighborhood Collector	Bicycle: ● Pedestrian: ● Transit: ◑ Vehicle: ◑	*Primarily residential street that serves a significant destination.* Prioritizes walking and bicycling. Accommodates intra-city trips while also distributing local traffic to other streets and areas. Accommodating vehicle traffic while ensuring a high quality of life for residents is a key design challenge.	Bay Road, Laurel Street, Hamilton Avenue	Collector
Neighborhood Connector	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◑	*Low-medium volume residential through street*. Primarily serves residential neighborhoods. Provides high quality conditions for walking and bicycling and distributes vehicle, pedestrian, and bicycle trips to and from other streets.	Monte Rose Avenue, Woodland Avenue	Local
Bicycle Boulevard	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◑	*Low volume residential street, serving mostly local traffic, connecting key bicycle facilities*. Provides access primarily to abutting uses. These streets should offer safe and inviting places to walk and bike.	San Mateo Drive, Hamilton Avenue	Local
Local Access	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◑	*Low volume residential street, serving mostly local traffic.* Provides access primarily to abutting uses. These streets should offer safe and inviting places to walk and bike.	San Mateo Drive	Local
Multi-Use Pathway	Bicycle: ● Pedestrian: ● Transit: N/A Vehicle: N/A	*Pedestrian and bicycle pathway.* Provides priority access to pedestrians and bicycles only, per Caltrans pathway minimum standards. Multi-use pathways feature high-quality crossings where they traverse major roadways.	Bay Trail	N/A

● = High Priority ◑ = Medium Priority ○ = Low Priority

Existing and Future Downtown Parking Supply				
Parking Location	**Existing Supply[1]**	**Specific Plan Change**	**Change in Spaces**	**Future Supply**
Parking Plazas				
Parking Plaza 1	249	Added Parking Garage [2]	446	695 [3]
Parking Plaza 2	95	Added Parking Garage and Pocket Park [4]	155	250
Parking Plaza 3	212	Added Parking Garage and Pocket Park [5]	438	650
Parking Plaza 4	105	Pedestrian Link	-19	86
Parking Plaza 5	150	Pedestrian Link	-16	134
Parking Plaza 6	136	Pedestrian Link, Market Place	-32	104
Parking Plaza 7	94	Pedestrian Link, Market Place	-36	58
Parking Plaza 8	145	Pedestrian Link	-7	138
Total	**1,186**		**929**	**2,115**
Total with 2 Parking Garages	**1,186**		**483 - 774**	**1669 - 1960 [6]**
On-Street Spaces				
Santa Cruz Avenue	116	Sidewalk Widening	-48	68
Chestnut Street North	26	Sidewalk Widening	-11	15
Chestnut Street South	17	Chestnut Paseo	-11	6
Oak Grove Avenue	80	Added Bike Lanes	-35	45
Other Streets	170	No Change	0	170
Total	**409**		**-105**	**304 [7]**
Downtown Core Area Total	**1,595**		**824**	**2,419**
Total with 2 Parking Garages	**1,595**		**378 - 669**	**1973 - 2264 [6]**

Notes:

[1] *2009-2010 Downtown Menlo Park Parking Study*, Wilbur Smith Associates.

[2] A new parking garage at Parking Plaza 1 would displace 204 existing spaces.

[3] Future parking supply for Parking Plaza 1 includes a 650-space parking garage + 45 surface spaces remaining.

[4] A new parking garage and pocket park at parking plaza 2 would displace 95 existing spaces.

[5] A new parking garage and pocket park at Parking Plaza 3 would displace 212 existing spaces.

[6] Although three parking garages are shown, the Specific Plan assumes that up to two parking garages will be built in downtown Menlo Park. The parking total reflects the range of parking spaces that could be provided if only two garages were built, rather than three.

[7] On street parking space could be affected with proposed future Class II / Minimum Class III improvements.

Table F3. *Existing and Future Downtown Parking Supply*

Addendum to ConnectMenlo General Plan Update Certified Final Environmental Impact Report and Housing Element Subsequent Environmental Impact Report

Lead Agency: City of Menlo Park

Telephone: (650) 330- 6702

Contact Person: Kyle Perata, Planning Manager

Project Title: General Plan Circulation Element Amendments

Project Location: City of Menlo Park, San Mateo County

ConnectMenlo General Plan Update

The City of Menlo Park (City) adopted an update to the Land Use and Circulation Elements of the General Plan in November 2016, referred to as ConnectMenlo (General Plan Update). The General Plan Update was the result of a multi-year comprehensive process with robust outreach. The General Plan Update focused land use changes in the Bayfront Area to foster a new mixed-use district that includes multi-family residential, mixed-use residential and commercial developments, office uses, and life sciences uses. The land use changes could result in net new development potential of up to 2.3 million square feet of non-residential uses, up to 4,500 residential units, and up to 400 hotel rooms. While land use changes were focused on the Bayfront Area, the associated Circulation Element Update was comprehensively updated city-wide. The General Plan serves as the City's comprehensive and long range guide to land use and infrastructure development in the City and includes goals, policies, and programs applicable to private and public development and improvements within the City.

ConnectMenlo General Plan Update Program Environmental Impact Report

On November 29, 2016, the City Council certified the ConnectMenlo Environmental Impact Report (Program EIR). According to the Program EIR, the General Plan does not propose specific private developments, but identified a total development potential throughout the entire city of approximately 4 million square feet of net new nonresidential development, up to 5,350 additional residential units, and up to 400 hotel rooms. The Bayfront Area includes the majority of that development potential with approximately 3.66 million square feet of non-residential development, 4,500 residential units (3,000 unrestricted residential units and 1,500 corporate-style residential units), and 400 hotel rooms. The General Plan Update includes public open space, bicycle and pedestrian improvements, and other circulation improvements. On January 31, 2023 the City Council

adopted the City of Menlo Park 6th Cycle Housing Element (Housing Element Update). The City Council certified a Subsequent EIR (SEIR) to the Program EIR that evaluated the increased housing development across the City to meet the City's 6th cycle regional housing needs allocation.

Proposed Project

At its meeting on February 28, 2023 the City Council held a study session on a draft ordinance to amend the City of Menlo Park Municipal Code to add Chapter 13.30 (Streetaries Outdoor Dining Areas) to Title 13 of the Municipal Code and Amendments to Sections 13.18.10 and 13.18.20 of Chapter 13.18 (Use of Public Right of Way) to enable the proposed streetary program. The City Council also reviewed and provided feedback on draft design standards and fees associated with the proposed streetary program. During the study session, the City Council also expressed an interest in making the temporary street closures for portions of Santa Cruz Avenue (between Curtis Street and Doyle Street) in the eastbound direction and Ryans Lane, between Crane Street and Escondido Lane, permanent. These closures currently restrict vehicle access. The conversion of the temporary street closures to permanent street closures would involve limited new construction as the temporary barriers are already in place. Additional street closures, as authorized by the proposed Circulation Element Amendments ("Amendments"), could require additional barricades, modifications to the existing outdoor dining parklets and streeteries, striping for bicycle/pedestrian movements, and additional wayfinding signage. The street closures would not involve substantial construction activities, ground disturbing activities, an increase in density (dwelling units), intensity (square footage), or building heights.

To allow for the proposed permanent closure of a portion of Santa Cruz Avenue and a portion of Ryans Lane and to allow for the City Council to more broadly consider additional street closures, Amendments to the General Plan Circulation Element attached hereto as Exhibit A and incorporated herein by this reference, are proposed. The proposed Amendments are generally as follows:

- Modify the text of the Main Street classification to allow for the City Council to consider partial or full street closures on a temporary, long term, or permanent basis.
- Add a Local Access Alley street classification to the Circulation Element that would also allow for the City Council to consider street closures of low volume local access public streets.

The City Council would consider potential street closures separately and each potential street closure would be considered for consistency with the General Plan Circulation Element Amendments.

These Amendments would allow the City Council discretion to review and determine whether to approve long-term or permanent closures of portions of Santa Cruz Avenue (in addition to the Central Plaza concept of the Specific Plan), and close public alleys (such as a portion of Ryans Lane) when it determines the alleys are not needed for

circulation purposes. The Planning Commission will review these Amendments to the General Plan Circulation Element and make a recommendation to the City Council, which can adopt the Amendments by resolution.

Potential Environmental Impacts

This is the first addendum to the certified Program EIR and certified SEIR prepared by the City. The Addendum evaluates whether the proposed General Plan Amendments require additional environmental review or can be considered for approval based on the certified Program EIR and certified SEIR prepared for the City's ConnectMenlo General Plan Update and Housing Element Update.

The proposed Amendments require only minor modifications to the Circulation Element which will allow the City Council to consider modifications to the City's circulation network (e.g. partial or full street closures) along Santa Cruz Avenue (classified as a Main Street) and Ryan's Lane (under proposed new Local Access "Alley" classification). The Amendments would be limited to circulation and would not allow any additional development potential (e.g. gross floor area, density) than was previously analyzed by the Program EIR and SEIR since no changes to the General Plan land use standards are proposed. The circulation Amendments would be limited to Santa Cruz Avenue (Main Street) and potentially all newly classified public Local Access (Alleys). The applicable alleys are located throughout the City; however, few of the existing Local Access streets meet the proposed Local Access (Alley) designation. Additionally, the Amendments will not increase the maximum allowable development capacity of the General Plan.

Amending the General Plan to allow the City Council to consider street closures could result in minor modifications to the City's circulation network. Santa Cruz Avenue is considered the City's "Main Street." However, within the downtown area parallel streets to the north and south of Santa Cruz Avenue (Oak Grove Avenue and Menlo Avenue) provide additional east-to-west connectivity through downtown, so that possible partial or full street closure of a portion of Santa Cruz Avenue, will not negatively affect the vehicle circulation network. The adjacent alternate routes can accommodate any minor increase in traffic, and no substantial increase in traffic noise or localized air pollution from intersection congestion on those roadways is expected that might affect commercial and residential uses along those streets. The alternate routes have been designed following "complete streets" policies supporting use by bicyclists, pedestrians, and vehicles. The potential limited increase in traffic would also not be expected to impact emergency responders (e.g. police and fire) response time. The potential closure of portions of Santa Cruz Avenue would not affect transit routes differently than the existing temporary closure, which SamTrans has been able to accommodate.

The proposed Local Access (Alley) street classification would also allow for the City Council to consider street closures of public alleys that meet the Local Access (Alley) classification criteria. Street closures on alleys could be allowed, subject to generally maintaining access to abutting properties for operations (e.g. deliveries, trash collection, etc.). Potential street closures within the Main Street or Local Access (Alley) street

classifications would be coordinated with the Menlo Park Police Department and Menlo Park Fire Protection District to ensure adequate access is maintained. Ryans Lane and the portion of Santa Cruz Avenue have been closed on a temporary basis since October 2020 and June 2020, respectively, and no negative effects have been observed or complained about, supporting these conclusions.

At the time of adoption of the General Plan Update and certification of the Program EIR, the transportation analysis considered level of service (LOS) in the impact analysis. The California Environmental Quality Act (CEQA) no longer utilizes LOS as the metric for identifying impacts in the transportation impact analysis and now uses vehicle miles traveled (VMT) as the metric for assessing impacts. The proposed Amendments to allow for street closures within the Main Street and Alley street classifications would not be expected to increase VMT, as use of the alternate routes to travel in and out or through the downtown will not add a measurable distance to the trip. Most street closures would be expected to be located in the downtown area of Menlo Park and most vehicle trips to downtown would be accommodated in the parking along other downtown streets or in parking plazas. While it is possible that any street closures could be designed to allow for partial vehicle circulation, this analysis assumes complete closure to vehicles.

The decision to amend the General Plan Circulation Element to allow for potential street closures within the Main Street (i.e. Santa Cruz Avenue) and Local Access (Alley) street classifications would not result in an increase in potential environmental effects related to transportation, circulation, or parking. The proposed Amendments are not expected to result in much if any demolition, ground disturbing, construction activities, or operation activities not contemplated in the General Plan Update and Housing Element Update and studied in the Program EIR and SEIR. No increase in potential environmental effects to air quality, biological resources, cultural resources (including tribal cultural resources), geology, soils, or seismicity, greenhouse gases emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, and public services and recreation, utilities and service systems would result from implementation of the proposed General Plan Circulation Element Amendments. Additionally, the City, in compliance with Senate Bill 18, notified Native American Tribal Nations, identified by the Native American Heritage Commission, of the proposed Amendments to allow for the tribes to consult with the City on the proposed Amendments. The City did not receive any requests for consultation.

The decision to amend the General Plan would not result in aesthetic impacts or land use and planning effects not contemplated in the Program EIR and SEIR. The proposed Amendments are consistent with the guiding principles of the General Plan and consistent with components of the General Plan studied in the certified Program EIR and the certified SEIR for the Housing Element Update.

Thus, the Program EIR and the SEIR examined essentially the same project that is now being considered by the City through the plan Amendments. As a result, the Amendments would have no new impacts or more severe impacts than previously discussed and analyzed in the certified Program EIR and certified SEIR.

Findings: The proposed changes to the Circulation Element of the General Plan are considered minor and will have little or no new environmental effect. No new or more severe impacts have been identified beyond those examined in the previously certified Program EIR and SEIR. CEQA Guidelines Section 15162 provides that no subsequent environmental review document is needed after an EIR has been certified for a project unless the City determines on the basis of factual evidence that one of the following has occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

There have been no substantial changes in the General Plan or its circumstances since certification of the Program EIR and the SEIR. Similarly, there is no substantial new information that could not have been known when the Program EIR and the SEIR were certified. Therefore, there are no grounds for requiring additional review under CEQA Guidelines section 15162 or for the City to undertake a subsequent EIR or negative declaration.

An addendum is the appropriate documentation for these Amendments because the changes are not substantial changes and do not require major revisions to the certified Program EIR or certified SEIR (CEQA Guidelines Section 15164). An addendum does not need to be circulated for public review. This addendum will be considered by the City

Council in conjunction with the Program EIR and SEIR when taking action on the proposed General Plan Amendments.

Third Addendum to
El Camino Real/Downtown Specific Plan
Certified Final Environmental Impact Report

Lead Agency: City of Menlo Park

Telephone: (650) 330- 6702

Contact Person: Kyle Perata, Planning Manager

Project Title: El Camino Real/Downtown Specific Plan Amendments

Project Location: City of Menlo Park, San Mateo County

El Camino Real/Downtown Specific Plan

The City of Menlo Park (City) developed the El Camino Real/Downtown Specific Plan (Specific Plan) to establish a framework for private and public improvements in the Specific Plan area (Figure 1). The Specific Plan addresses approximately 130 acres and focuses on the character and density of private infill development, the character and extent of enhanced public spaces, and circulation and connectivity improvements. The primary goal of the Specific Plan is to "enhance the community life, character and vitality through mixed use infill Projects sensitive to the small-town character of Menlo Park, an expanded public realm, and improved connections across El Camino Real." The Specific Plan includes objectives, policies, development standards, and design guidelines intended to guide new private development and public space and transportation improvements in the Specific Plan area.

Specific Plan Program Environmental Impact Report

On June 5, 2012, the City Council certified the Menlo Park El Camino Real and Downtown Specific Plan Program Environmental Impact Report (Program EIR). According to the Program EIR, the Specific Plan does not propose specific private developments, but establishes a maximum development capacity of 474,000 square feet of non-residential development (inclusive of retail, hotel, and commercial development), and 680 new residential units. The Specific Plan includes public open space and streetscape improvements throughout the plan area.

Proposed Project

On February 28, 2023, the City Council held a study session on a draft ordinance to amend the City of Menlo Park Municipal Code to add Chapter 13.30 (Streetaries Outdoor Dining Areas) to Title 13 of the Municipal Code and Amendments to Sections 13.18.10

and 13.18.20 of Chapter 13.18 (Use of Public Right of Way) to enable the proposed streetary program. The City Council also reviewed and provided feedback on draft design standards and fees associated with the proposed streetary program. During the Study Session, the City Council also expressed an interest in making the temporary street closures for portions of Santa Cruz Avenue (between Curtis Street and Doyle Street) in the eastbound direction and Ryans Lane, between Crane Street and Escondido Lane, permanent. These closures currently restrict vehicle access while allowing for bicycle and pedestrian circulation. The conversion of the temporary street closures to permanent street closures would involve limited new construction as the temporary barriers are already in place. Additional street closures, as authorized by the proposed Specific Plan Amendments could require additional barricades, modifications to the existing outdoor dining parklets and streetaries, striping for bicycle/pedestrian movements, and additional wayfinding signage. The street closures would not involve substantial construction activities, ground disturbing activities, or an increase in density (dwelling units), intensity (square footage), or building heights.

To allow for the proposed permanent closure of a portion of Santa Cruz Avenue and a portion of Ryans Lane and to allow for the City Council to more broadly consider additional street closures downtown (in addition to the Central Plaza concept of the Specific Plan), Amendments to the Specific Plan attached hereto as Exhibit A and incorporated herein by this reference are proposed. The proposed Amendments are generally as follows:

- In Chapter C (Plan Principles, Framework and Program), incorporate text identifying that the City Council may also consider additional street closures, provided specific criteria are met.
- In Chapter D (Public Space), include text identifying that the City Council may also consider additional public improvements (e.g. street closures).
- In Chapter F (Circulation), add text clarifying that the City Council may consider additional public improvements, including modifications to the vehicle, pedestrian, and bicycle circulation network, provided specific criteria are met. Also clarify that parking reductions identified in the Specific Plan were estimates and may change based on public improvements.

The Planning Commission will review these Amendments to the Specific Plan and make a recommendation to the City Council, which can adopt the Amendments by resolution.

Potential Environmental Impacts

This is the third addendum to the certified Program EIR prepared by the City. Previously the City adopted the first Addendum to the Program EIR to enable Specific Plan changes associated with the Guild Theatre, and adopted a second Amendment to enable changes associated with the Springline Mixed-Use Development project (1300 El Camino Real). Both of those projects included increases in allowed gross floor area and floor area ratio in the Specific Plan's respective sub-districts, while maintaining the total development cap within the Specific Plan Area. The City prepared addendums to the certified Program EIR for each of the previous Specific Plan amendments. This addendum evaluates whether the proposed Specific Plan Amendments require additional environmental review or can

be considered for approval based on the Program EIR prepared for the City's Specific Plan.

The proposed Amendments require only minor modifications to the Specific Plan which will allow the City Council to consider modifications to the City's circulation network to allow for temporary, long-term, or permanent street closures on Santa Cruz Avenue and other locations within the Specific Plan area (in addition to the Central Plaza and other street closures already identified in the Specific Plan). The Amendments are limited to circulation and public space and would not allow any additional development potential (e.g., gross floor area, density) than was previously analyzed by the Program EIR since no changes to the Specific Plan land use standards are proposed. The Amendments would be limited to the Specific Plan Area and focused on the Downtown sub-area. Amendments to the General Plan Circulation Element are proposed that will be considered separately by the City Council to ensure consistency between the Specific Plan and General Plan. Additionally, the Amendments will not increase the maximum allowable development capacity under the Specific Plan.

Amending the Specific Plan to allow the City Council to consider street closures could result in minor modifications to the City's downtown circulation network. Santa Cruz Avenue is considered the City's "Main Street." However, within the downtown area parallel streets to the north and south of Santa Cruz Avenue (Oak Grove Avenue and Menlo Avenue) provide additional east-to-west connectivity through downtown, so that possible partial or full street closure of a portion of Santa Cruz Avenue will not negatively affect the vehicle circulation network. The adjacent alternate routes can accommodate any minor increase in traffic, and no substantially increase in traffic noise or localized air pollution from intersection congestion on those roadways is expected that might affect commercial and residential uses along those streets. The alternate routes have been designed following "complete streets" policies supporting use by bicyclists, pedestrians, and vehicles. The potential limited increase in traffic would also not be expected to impact emergency responders (e.g. police and fire) response time. The potential closure of portions of Santa Cruz Avenue would not affect transit routes differently than the existing temporary closure, which SamTrans has been able to accommodate. The proposed Specific Plan text Amendments would also allow for the City Council to consider other street closures within the Specific Plan Area. Any potential street closures downtown would be allowed, subject to maintaining access to abutting properties for operations (e.g. deliveries, trash collection) and would be coordinated with the Menlo Park Police Department and Menlo Park Fire Protection District to ensure adequate emergency access is maintained. The closure of Ryans Lane would not restrict access to the neighboring businesses for deliveries, trash collection, etc., nor would the closure restrict vehicle access to the nearby public parking plaza. Ryans Lane is also not a critical emergency response route. Ryans Lane and the portion of Santa Cruz Avenue have been closed on a temporary basis since June 2020 and October 2020, respectively, and no negative effects have been observed or complained about, supporting these conclusions.

At the time of adoption of the Specific Plan and certification of the Program EIR, the transportation analysis considered level of service (LOS) in the impact analysis. The California Environmental Quality Act (CEQA) no longer utilizes LOS as the metric for identifying impacts in the transportation impact analysis and now uses vehicle miles traveled (VMT) as the metric for assessing impacts. The proposed Amendments to allow for permanent street closures would not be expected to increase VMT, as use of the alternate routes to travel in and out or through the downtown will not add a measurable distance to the trip. Most vehicle trips to downtown would be accommodated in the parking along other downtown streets or in parking plazas. While it is possible that street closures could be designed to allow for partial vehicle circulation, this analysis assumes complete closure to vehicles.

There would be no increase in potential environmental effects related to transportation, circulation, or parking. The proposed Amendments are not expected to result in much if any demolition, ground disturbing, construction activities, or other construction or operation activities not contemplated in the Specific Plan and studied by the Program EIR. No increase in potential environmental effects to air quality, biological resources, cultural resources (including tribal cultural resources), geology, soils, or seismicity, greenhouse gases and climate change, hazardous materials and hazards, hydrology and water quality, noise, population and housing, and public services and utilities would result from implementation of the proposed plan Amendments. Additionally, the City, in compliance with Senate Bill 18, notified Native American Tribal Nations identified by the Native American Heritage Commission, of the proposed Amendments to allow for the tribes to consult with the City on the proposed Amendments. The City did not receive any requests for consultation.

The decision to amend the Specific Plan would not result in aesthetic impacts or land use and planning effects not contemplated in the Program EIR. The proposed Amendments are consistent with the vision and guiding principles of the Specific Plan and consistent with components of the Specific Plan studied in the certified Program EIR.

Thus, the Program EIR examined essentially the same project that is now being considered by the City through the plan Amendments. As a result, the Amendments would have no new impacts or more severe impacts than previously discussed and analyzed in the certified EIR.

Findings: The proposed changes to the Specific Plan are considered minor and will have little or no new environmental effect. No new or more severe impacts have been identified beyond those examined in the previously certified Program EIR. CEQA Guidelines Section 15162 provides that no subsequent environmental review document is needed after an EIR has been certified for a project unless the City determines on the basis of factual evidence that one of the following has occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement

of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

There have been no substantial changes in the Specific Plan or its circumstances since certification of the Program EIR. Similarly, there is no substantial new information that could not have been known when the Program EIR was certified. Therefore, there are no grounds for requiring additional review under CEQA Guidelines section 15162 or for the City to undertake a subsequent EIR or negative declaration.

An addendum is the appropriate documentation for these Amendments because the changes are not substantial changes and do not require major revisions to the certified Program EIR (CEQA Guidelines Section 15164). An addendum does not need to be circulated for public review. This addendum will be considered by the City in conjunction with the Program EIR when taking action on the proposed Specific Plan Amendments.

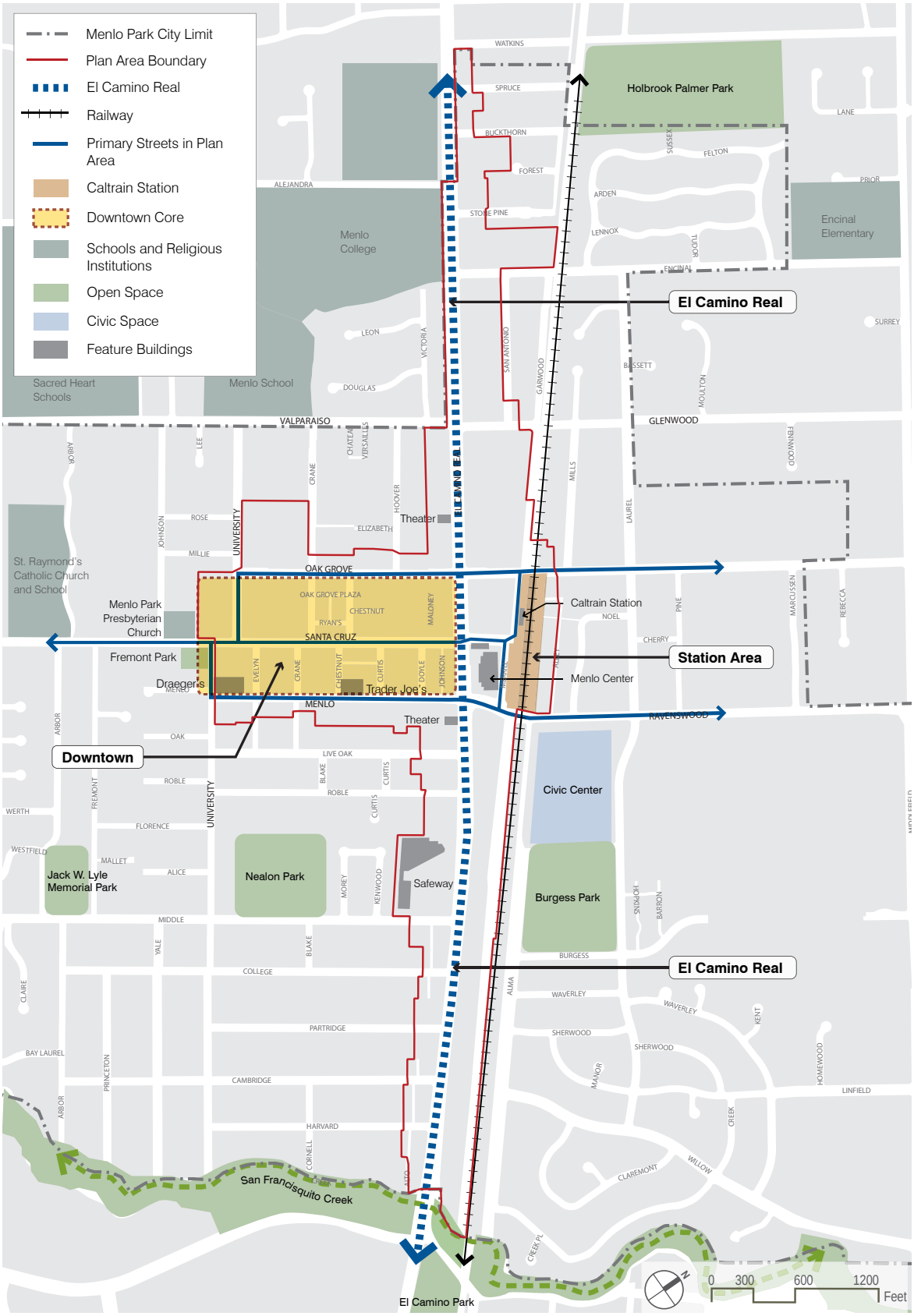


Figure B1. *Site Context*

STAFF REPORT

Planning Commission
Meeting Date: **7/24/2023**
Staff Report Number: **23-051-PC**

Informational Item: **Summary of Environmental Justice and Safety Elements feedback from June 20 joint Planning Commission/City Council study session and next steps**

Recommendation

The purpose of this informational item is to provide the Planning Commission and members of the public a summary of feedback received on the draft Environmental Justice (EJ) and Safety Elements of the City's General Plan at the June 20 joint Planning Commission/City Council study session. This informational item also provides a tentative schedule of next steps to refine and revise the draft documents for future review and consideration by the Planning Commission and City Council. No Planning Commission action is required at this time. A similar informational item was provided at the July 11 City Council meeting, and one clarification was made to the summary based on a public comment received during the meeting (as noted later in this report).

Policy Issues

The City is committed to advancing equity and addressing current and future environmental health risks in Menlo Park. The City's goals are consistent with Senate Bill (SB) 1000 (2016) which requires the adoption or review of an EJ Element (or environmental justice goals, policies and programs in other elements) upon the adoption or revision of two or more general plan elements. The City is developing its first EJ Element and concurrently updating the Safety Element for compliance with SB 379 (2015) and State-required topics such as climate change adaptation and resiliency, and increased attention to wildfire and evacuation routes.

As part of the Housing Element Update project, the City is also updating its Housing Element, which was reviewed at the June 27 City Council meeting. Following City Council direction, the project team submitted a revised document to the California Department of Housing and Community Development (HCD) on June 30. The three elements of the Housing Element Update consider the interrelation between a number of land use, housing, and environmental factors and policies.

Background

On June 20, the Planning Commission and City Council held a joint study session to receive an overview of the EJ and Safety Elements and provide guidance to the project team on next steps in the process of refining and revising the documents for a second study session in fall 2023. The June 20 staff report, which provides additional background information about the purpose of the EJ Element and components of the Safety Element update and project history, is included as Attachment A. The draft EJ Element and Safety Element are included as Attachments B and C, respectively.

Analysis

The City Council and Planning Commission asked clarifying questions and provided feedback on the matrix tool proposed to help prioritize the programs and topics to elevate as part of the prioritization process, in combination with the input received during the community engagement process. The City Council and Planning Commission commended the work conducted by Climate Resilient Communities (CRC), the City's primary outreach and engagement partner for the work on the EJ and Safety Elements.

Based on comments from members of the public, Planning Commissioners, and City Councilmembers at the June 20 joint study session, the project team identified the following major themes to help guide refinements and revisions to the draft EJ and Safety Elements. The project team will do its best to accommodate the changes when feasible, given the scope of the work, available resources and timeline.

- Modify certain statements related to environmental health risks and disadvantaged and/or underserved communities in staff reports and the draft elements.
  - Where it has been noted that the City is committed to advancing equity and addressing "potential" environmental health risks, it should be stated instead that "current and future" environmental health risks will be addressed.
  - Where communities have been described as "disadvantaged or underserved," they should instead be referred to as "disadvantaged and/or underserved."
- Make adjustments to the refinement framework matrix.
  - The prioritization of community feedback through the framework matrix should ensure residents' voices continue to drive the process. This may occur through the continued participation of CRC, who directly interacted with community members and enhanced draft policies and programs describing the community's environmental justice needs and interests.
  - The focus of community-desired programs should be refined so they have a similar "aperture," with larger, broad statements and narrowly focused, precise programs being brought into better alignment with each other.
  - Effort and cost should be placed in separate matrix columns because effort (capacity) and cost (funding) have different effects in addressing needs.
  - The Effort/Cost ranking category (or categories, if the two are separated) should be revised so that 1 represents that highest effort/cost and 3 represents the lowest effort/cost to align with the rating system of other factors in the matrix.
  - Provide specifics regarding who will lead each program and who will serve in supporting roles to help implement actions.
  - Note areas where desired policies and programs already intersect with the City's work.
- Continue to perform robust outreach and collaboration as part of the process, and implement best practices for outreach from the City's previous planning efforts where applicable.
- Think critically about funding needs and explore various funding sources at the local, state and federal levels for implementation of the programs.
  - Ensure that funding specified at the local level remains synchronized with the City budget.
  - Be as specific as possible with regard to funding sources and realistic timeframes for funding to be secured.
  - Consider hiring an experienced grant writer whose dedicated focus would be to identify funding opportunities and gather resources for program implementation.
- Consider actions with short-term results that can demonstrate progress to residents during the finalization of the EJ Element, and take opportunities to share successes with the community.

- For requested policies and programs where implementation is already underway, make note of achievements and share anticipated progress with the community.
- Among the key priorities identified during the study session were the enhancement of the city's tree canopy through new plantings in Belle Haven; stronger renter protections to make housing affordable, safe, and sanitary; continued preparation for extreme heat and storm events; and preparation of a community health assessment. Enhanced safety measures to protect pedestrians and cyclists from vehicular traffic were also identified at the June 20 joint study session and clarified during public comment on the informational item at the July 11 City Council meeting.
- Consider an annual community check-in to outline progress during the previous year and goals for the year ahead.

In addition to the themes above, the City Council and Planning Commission commented on Safety Element-related topics outside the scope of the Housing Element Update project, which was identified at the beginning of the process in 2021. The following themes are not included in the City's current efforts.

- Evaluate biosafety levels for life science facilities and consider implementing regulations to restrict their locations and operations.
  - The current project does not involve evaluation of the four biosafety levels (BSLs) for containment in biological and laboratory research, nor implementation of zoning regulations that would restrict facilities with certain BSLs from locating or operating in the community. However, a program could be included in the Safety Element to evaluate BSLs and associated zoning changes at a later date as part of the Safety Element implementation.
- Revisit the Noise Element and make modifications, as necessary, to reduce noise sources in the community.
  - Except in instances where updates are necessary for consistency with the EJ, Housing, and Safety Elements, changes to the Noise Element, such as modifying acceptable noise levels and considering methods to mitigate existing noise conditions, were not included in the scope of the project.
- Make changes to the Safety Element beyond regulatory requirements.
  - Since the previous Safety Element was adopted in 2013, there have been several regulatory updates, including SB 1241, SB 379, SB 1035, SB 99 and others (more fully described in Attachment A). The current scope of the Safety Element is to make updates necessary to bring it into compliance with recent legislation. Additional actions such as the identification of evacuation routes and evaluation and remediation of soft-story buildings in the city are not within the existing scope of the project.

In order to evaluate the themes above as part of the Housing Element Update project, the project team would need to analyze any additional time, costs, and funding resources that may be necessary to include the topics within the EJ and Safety Elements (and/or other General Plan elements as needed). The City Council did not provide this direction to staff at the June 20 meeting.

Next steps

The public comments and feedback received from the June 20 joint study session will inform the revision of the draft elements. Before a second study session, the project team will refine and prioritize the community feedback into policies and programs suitable for inclusion in the draft Elements through the framework matrix, as described in detail in the June 20 study session staff report (Attachment A) and modified by the comments outlined previously in this informational item.

The purpose of the second study session, tentatively targeted for fall 2023, is to present the revised draft elements, which would incorporate the community feedback, including recommended policies and programs and prioritization. The project team will seek guidance/confirmation from the Planning Commission and City Council that the revised elements are reflective of community and Commission and City Council feedback. Following the second study session, additional refinements, as needed, would be made to the elements. Subsequently, the Planning Commission would make a recommendation regarding adoption of the elements to the City Council, and the City Council would be the final decision-making body.

Impact on City Resources

As part of the fiscal year 2020-21 budget, the City Council appropriated nearly $1.5 million from the general fund to support the Housing Element Update (including preparation of the subsequent environmental impact report (SEIR)), which is a City Council priority. On March 14 the City Council approved an amendment to the professional services agreement with M-Group, the City's Housing Element Update project consultant, in the amount of $75,414, for an overall contract total of $1,547,466. The current scope and budget does not provide funding for CRC's continued involvement in the refinement of the documents and participation in the second EJ and Safety Elements study session or review of and assistance with the final document. The City Council and Planning Commission expressed appreciation for CRC's outreach and engagement efforts and a desire for their continued partnership with the City in this process. As a result, a future budget augment may be sought to ensure that CRC remains engaged in the process. In addition, the scope and budget does not provide funding for additional staffing or resources for the implementation of programs that would result from the EJ and Safety Elements. Funding for the programs would be reviewed separately and may require a budget amendment or allocation in future fiscal years.

Environmental Review

This informational item is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §15378 and §15061(b)(3) as it will not result in any direct or indirect physical change in the environment. As part of the Housing Element Update process (i.e., Housing Element and Safety Element updates and a new EJ Element, and associated changes), a SEIR was prepared. On Jan. 31, the City Council adopted Resolution No. 6808 certifying the SEIR and associated CEQA actions. On Feb. 1, a Notice of Determination (NOD) was filed.

Public Notice

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

Attachments

A. Hyperlink – June 20 joint Planning Commission/City Council study session staff report: menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2023-meetings/agendas/20230620-city-council-and-planning-commission-special-agenda-packet_w-pres.pdf#page=3
B. Hyperlink – Draft Environmental Justice Element – Published Dec. 12, 2022: menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/environmental-justice-element-20221212-public-review-draft.pdf
C. Hyperlink – Draft Safety Element – Published Dec. 12, 2022:

menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/safety-element-20221212-public-review-draft.pdf

Report prepared by:
Calvin Chan, Senior Planner
Tom Smith, Principal Planner

Report reviewed by:
Corinna Sandmeier, Principal Planner
Kyle Perata, Planning Manager