



REGULAR MEETING AGENDA

Date: 11/6/2023
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. General Plan Amendments, Zoning Ordinance Amendments, El Camino Real/Downtown Specific Plan Amendments, and Rezoning/City of Menlo Park Housing Element Update Project: The City of Menlo Park is proposing to amend the General Plan Land Use Element, Zoning Ordinance (Title 16 of the Menlo Park Municipal Code (“Municipal Code”), zoning map, and El Camino Real/Downtown Specific Plan in association with the implementation of the 2023-2031 6th Cycle Housing Element, adopted by the City Council on January 31, 2023. The proposed changes are intended to provide capacity to meet the City's Regional Housing Needs Allocation (RHNA) of 2,946 dwelling units and are generally summarized below. *Continued from the meeting of October 23, 2023. (Staff Report #23-064-PC)*

General Plan Land Use Element and map

Amendments for consistency with the proposed Zoning Ordinance amendments described below, including changes in land use designation for applicable Housing Element inventory sites and modifications to existing designations to reflect increased densities and floor area ratios (FAR).

Zoning Ordinance and map

- Update the Affordable Housing Overlay (AHO) to further promote affordable housing development. To implement Housing Element Program H4.D, amend Chapter 16.98 (Affordable Housing Overlay (“AHO”)) of the Municipal Code to work in combination with state density bonus law to allow up to approximately 100 dwelling units per acre, or more, for 100 percent affordable housing developments, and add the AHO to all 6th Cycle inventory sites (except Site #38, 320 Sheridan Drive, the former Flood School site) and all R-3 (Apartment District) zoned properties around downtown; and amend Chapter 16.97 (State Density Bonus

Law) of the Municipal Code to resolve any inconsistencies between the City's ordinance and current and future state density bonus law regulations;

- Allow residential development opportunities in existing commercial/retail zoning districts.
To implement Housing Element Program H4.I and allow mixed-use residential development opportunities primarily along Willow Road, Middlefield Road, Sharon Park Drive and Sand Hill Road, amend the Municipal Code to repeal Chapters 16.32 (C-1-A, Administrative and Professional District), 16.37 (C-2-S, Neighborhood Commercial District, Special), 16.39 (C-2-A, Neighborhood Shopping District, Restrictive), and 16.42 (C-4, General Commercial District) and replace Chapter 16.40 (C-2-B, Neighborhood Mixed Use District, Restrictive) with a C-MU (Commercial, Mixed Use) zoning district with a residential density of up to 30 dwelling units per acre and associated development standards; amend the zoning map to rezone C-1-A, C-2-S, C-2-A, C-2-B, C-4, and certain C-2 and P parcels (except for Site #11, 325 Sharon Park Drive) to C-MU; amend Chapters 16.30 (C-1, Administrative and Professional District, Restrictive), 16.32 (C-1-A, Administrative and Professional District), 16.36 (C-1-C, Administrative, Professional and Research District, Restrictive), 16.38 (C-2, Neighborhood Shopping District), and 16.43 (O, Office District) to allow a residential density of up to 30 dwelling units per acre and associated development standards;
- Increase residential densities in the R-3 (Apartment) zoning district around downtown.
To implement Housing Element Program H4.J, amend the R-3 zoning district development regulations to allow a residential density up to 30 dwelling units per acre for R-3 zoned properties around downtown and up to 20 dwelling units per acre for other R-3 sites with a lot area of 100,000 square feet or more; increase maximum building coverage in the R-3, R-3-A (Garden Apartment Residential), R-3-C (Apartment-Office District), R-4 (High Density Residential), and R-4-S (High Density Residential, Special) zones to 55 percent and adjust maximum paving and minimum open space (landscaping) percentages accordingly; and reduce parking space per unit requirements;
- Permit ministerial review for certain housing developments on inventory sites that were not developed during the previous Housing Element cycle.
To implement Housing Element Program H4.Q, amend the Municipal Code so that parcels in the Housing Element site inventory identified as Reuse Sites allow for ministerial review for housing developments that propose at least 20 percent of units affordable to lower-income households, in accordance with California Government Code §65583.2(i);
- Create a residential overlay to encourage residential development on underused or redeveloping sites.
To implement Housing Element Program H4.T, amend the Municipal Code to create a Residential Overlay for certain housing inventory sites that would allow residential development on properties with non-residential zoning; and
- Allow family daycare homes with up to 14 children as a permitted use in residential zoning districts.
To implement Housing Element Program H2.F, amend Sections 16.04.165 and 16.08.085 of the Municipal Code to allow large family daycare homes as a permitted use in a legal dwelling unit in any residential zoning district.

El Camino Real/Downtown Specific Plan

To implement Housing Element Program H4.L, amend the Specific Plan to:

- Remove references to a maximum of 680 residential units at full build-out;
- Increase the maximum base level density to at least 30 dwelling units per acre and the maximum bonus level density to up to 100 dwelling units per acre, with corresponding changes to FAR, height, and other development standards for the Specific Plan subdistricts, as applicable;
- Establish a minimum density of 20 dwelling units per acre for all subdistricts, as a requirement upon the addition of residential uses to a site;
- Remove the minimum parking requirements for residential uses on sites within one-half mile of transit as required by AB 2097; and
- Modify the use of the public parking plazas to allow the development of multifamily residential housing.

Environmental Review

The City, as the lead agency, pursuant to CEQA and 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 (SCH #2015062054) (“SEIR”) in January 2023. An addendum to the SEIR was prepared, and concludes that no supplemental or subsequent EIR is required for the proposed amendments because none of the circumstances requiring a supplemental EIR or subsequent EIR exist (CEQA Guidelines Section 15162).

G. Informational Items

G1. 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: November 13, 2023
- Regular Meeting: December 4, 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: 11/1/2023)



STAFF REPORT

Planning Commission

Meeting Date:

11/6/2023

Staff Report Number:

23-064-PC

Public Hearing:

Consider and make a recommendation to the City Council on proposed amendments to the City of Menlo Park General Plan Land Use Element, El Camino Real/Downtown Specific Plan, Zoning Ordinance, and zoning map to implement zoning-related programs in the adopted 2023-2031 Housing Element

Recommendation

Staff recommends that the Planning Commission review and adopt a resolution recommending the City Council amend the General Plan Land Use Element, El Camino Real/Downtown Specific Plan (“Specific Plan”), Zoning Ordinance and zoning map to implement the zoning-related programs in the 2023-2031 Housing Element. The draft Planning Commission resolution is included as Attachment A and the draft City Council resolutions and ordinances are included as Exhibits 1 through 9 to Attachment A.

Policy Issues

The Housing Element contains programs committing the City to implement zoning changes to increase permitted densities within certain zoning districts and on Housing Element inventory sites within a one-year timeframe from adoption of the Housing Element. The City must adopt these changes by Jan. 31, 2024 or be potentially subject to regulations that minimize local control related to housing developments, pursuant to state law.

The Planning Commission and ultimately the City Council will need to consider the merits of the proposed amendments to the General Plan Land Use Element, Specific Plan, Zoning Ordinance, and zoning map. The City Council will be the final decision-making body on the proposed General Plan, Specific Plan, and zoning amendments, and is tentatively anticipated to review the proposed actions at a Nov. 28, 2023 meeting.

Background

On Oct. 23, 2023, the Planning Commission held a public hearing to discuss proposed changes necessary to implement zoning-related programs in the Housing Element, and continued the meeting to Nov. 6 at the recommendation of staff. The Oct. 23 study session staff report (Attachment B) outlines the recommended modifications to the General Plan, Specific Plan, Zoning Ordinance, and zoning map. This report focuses on new information and/or significant changes since the Oct. 23 study session, and includes full draft text and map amendments (Exhibits 1 through 9 of Attachment A) based on feedback from the Oct. 23 meeting.

Analysis

The following sections briefly summarize zoning-related programs that the adopted Housing Element commits to implement by Jan. 31, 2024 and any significant changes to the proposed amendments since the Oct. 23 public hearing. At the Nov. 6 meeting, the Planning Commission should receive and close public comment, ask clarifying questions, and provide a recommendation to the City Council on the proposed amendments. In preparation for City Council review of the resolutions and ordinances, staff may continue to make non-substantive changes to the documents to standardize, further clarify, and/or correct any errors or formatting inconsistencies prior to Council action.

Program H4.D: Modify the AHO

Program H4.D commits to updating the AHO in the Zoning Ordinance (Chapter 16.98) to further incentivize the development of multifamily housing affordable to lower income households, and expanding the location of the AHO beyond the current Specific Plan and R-4-S zones to encompass nearly all Housing Element inventory sites and R-3 sites around downtown. The program also requires that the AHO be modified to work in combination with state density bonus law so that a development may apply both types of density bonuses, if desired. The proposed Zoning Ordinance text amendments are included as Exhibit 1 to Attachment A.

Program H4.I: Create new opportunities for mixed use development

Program H4.I establishes that the City will create new and/or increased opportunities for residential and/or mixed use developments with a density of up to 30 dwelling units per acre (du/ac) on sites that currently allow only nonresidential uses or lower density residential uses. The changes would create a new mixed use district, C-MU, and consolidate the C-1-A, C-2-A, C-2-B, C-2-S, C-4, and certain C-2 and P parcels, into the new C-MU district, which would allow residential and/or neighborhood-serving retail and commercial development typically on smaller parcels along Willow Road, Middlefield Road, and neighborhood collector streets. The changes would also modify the existing zoning regulations for the C-1, C-1-C, and C-2 zoning districts, and certain O district parcels, to allow residential and/or mixed use development generally on larger sites and/or in office parks typically along Sand Hill Road, and also within the area bounded by Marsh Road, the Dumbarton rail spur line, Bohannon Drive, and Scott Drive. Implementation of the program would require changes to the General Plan Land Use Element, Zoning Ordinance, and zoning map to ensure consistency between all of the documents. The proposed amendments are included as Exhibits 2 and 3 to Attachment A.

Staff evaluated Commissioner and public feedback following the Oct. 23 meeting and proposes the following additional changes, which have been included in the draft amendments:

Table 1: Summary of additional proposed changes for program H4.I

Reference number	Document section	Proposed modifications/notes
Zoning Ordinance amendments		
1	Exhibit 3 Exhibit A, 16.40.015	In the C-MU district, financial services and professional offices uses are proposed as administratively permitted uses instead of permitted uses. These uses are currently allowed as administratively permitted uses in the C-2-B zoning district. This change would prioritize retail, personal services, restaurants, and multifamily housing as the permitted uses for the new district, consistent with feedback from past Planning Commission and City Council meetings and public comments.

2	Exhibit 3 Exhibit A, 16.40.020	In the C-MU district, cafes and restaurants, financial services, or retail services with a drive-through would be allowed as conditional uses on the two sites currently zoned C-2-S at Willow Road and Hamilton Avenue in Belle Haven. The change is recommended based on correspondence from Signature Development Group to preserve future redevelopment opportunities for the sites associated with the Hamilton Avenue realignment and revitalization of the Belle Haven Shopping Center.
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Program H4.J: Increase residential density and maximize development proposals

Program H4.J is another strategy to modify zoning regulations and rezone sites to provide greater residential development potential citywide. The program would increase the maximum density for R-3 properties around downtown by allowing a density up to 30 du/ac on all lots, increase the maximum lot coverage in R-3 and R-4 zones above 50 percent, and allow parcels with over 10,000 square feet of lot area a density of up to 20 du/ac. The program would also rezone Housing Element inventory site #38 (320 Sheridan Drive) to accommodate multifamily residential development on land owned by the Ravenswood City School District. Implementation of the program would require changes to the General Plan Land Use Element, Zoning Ordinance, and zoning map to ensure consistency between all of the documents. The proposed amendments are included as Exhibits 4 and 5 to Attachment A.

Staff evaluated Commissioner and public feedback following the Oct. 23 meeting and proposes the following additional changes, which have been included in the draft amendments:

Table 2: Summary of additional proposed changes for program H4.J		
Reference number	Document section	Proposed modifications/notes
Zoning Ordinance amendments		
1	Exhibit 5, 16.20.030	Minimum bicycle parking of 1.5 spaces long-term per unit and 10% additional short-term for guests has been added to the development regulations for R-3 properties around downtown, which is consistent with the bicycle parking requirements of other districts.
2	Exhibit 5, 16.40.040 and 16.40.050	Based on feedback from Planning Commissioners, residential design standards and green and sustainable building provisions have been included for R-3 properties developing three or more units.

Program H4.L: Modify the El Camino Real/Downtown Specific Plan

Program H4.L seeks to increase housing production in the Specific Plan area by amending the Specific Plan to increase densities to up to 100 du/ac and modify development standards for all 10 subdistricts near the center of the city. The proposed changes to the Specific Plan would remove the residential cap of 680 units, set a minimum density of 20 du/ac for residential/mixed use development, allow City-owned parking lots to be utilized for future residential development, and make other related changes for consistency throughout the Specific Plan document. The proposed Specific Plan amendments are included as Exhibit 6 to Attachment A.

Program H4.Q: Reuse sites

Program H4.Q would allow five Housing Element inventory sites that were included in prior Housing Elements but did not develop with housing in the prior planning periods (“reuse sites”) to be processed ministerially, meaning they would not be subject to any discretionary review or hearings by the Planning

Commission or City Council, if they propose residential development with at least 20 percent of units affordable to lower income households. The provisions of this program are a requirement of state law. The proposed Zoning Ordinance text amendments are included as Exhibit 7 to Attachment A.

Program H4.T: Residential Overlay

The zoning changes described in this report would allow residential and/or mixed use development with a density of up to 30 du/ac or more to occur on nearly all sites in the Housing Element inventory. However, five sites are subject to unique circumstances, such as developments with CDP regulations that would not allow additional residential uses on the sites, or sites in nonresidential zoning districts like P-F (Public Facilities). Program H4.T commits to create a new Residential Overlay to allow and encourage new or additional residential development on the five Housing Element inventory sites without requiring removal of existing development and/or where the underlying zoning may otherwise not allow residential uses. The proposed Zoning Ordinance text amendments are included as Exhibit 8 to Attachment A.

Program H2.F: Childcare allowances

Housing Element program H2.F states that the City will update the Zoning Ordinance to allow large family day care homes by-right in all residential zoning districts, in conformance with state law. Currently, a small family day care home for the care and instruction of up to eight children is considered a home occupation and is a permitted use in any residential district. However, a large family day care home with up to 14 children currently requires a noticing process with the potential for a public hearing. The Zoning Ordinance amendments would treat both types of family day care homes as permitted uses in any residential district. The proposed Zoning Ordinance text amendments are included as Exhibit 9 to Attachment A.

Conclusion

Staff recommends the Planning Commission adopt the resolution (Attachment A) recommending the City Council amend the General Plan Land Use Element, Specific Plan, Zoning Ordinance and zoning map to implement the zoning-related programs in the 2023-2031 Housing Element. The proposed amendments would provide residential development opportunities throughout the community in the spirit of affirmatively furthering fair housing, promote a range of housing options at all affordability levels through new residential and mixed use developments, enhance vibrancy and promote activity in the downtown and along major corridors through the city, and implement the zoning programs in the Housing Element prior to the statutory deadline of Jan. 31, 2024.

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 SEIR), which is a City Council priority. On March 14, 2023, 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. For ongoing efforts related to the Housing Element Update project, an additional budget augment for a contract total of \$1,700,212 was approved by the City Council on Oct. 24, 2023 to ensure the continued involvement of project consultants in conducting public engagement and finalizing the documents and tasks necessary to complete the project.

Environmental Review

As part of the Housing Element Update process (i.e., Housing Element and Safety Element updates and a

new Environmental Justice Element, and associated changes including zoning), a subsequent environmental impact report (SEIR) was prepared. On January 31, 2023, the City Council adopted Resolution No. 6808 certifying the SEIR and associated CEQA actions. On February 1, 2023, a Notice of Determination (NOD) was filed.

An addendum to the SEIR (Attachment C) was prepared to reflect the City Council's direction to study increased densities, primarily in the Specific Plan area, above those studied in the SEIR. As noted in the Addendum, the proposed General Plan, Specific Plan, Zoning Ordinance, and zoning map amendments are covered by the previously-certified SEIR and no supplemental or subsequent EIR is required for the proposed amendments because none of the circumstances requiring a supplemental EIR or subsequent EIR exist (CEQA Guidelines Section 15162).

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. A public hearing notice for the Oct. 23 meeting was mailed to every property owner affected by one of the proposed zoning changes. A public hearing notice was also mailed to every property owner and occupant located within 300 feet of a potentially affected property. The mailed public hearing notice included an overview map of proposed zoning changes. The Housing Element Update project webpage (menlopark.gov/HousingElement) was updated to include a detailed summary of the proposed zoning changes as well as an overview map. A public hearing notice was published in The Examiner on Oct. 6. Notice was also provided via the City's weekly digest and social media channels. On October 23, 2023 the Planning Commission continued the public hearing to November 6, 2023.

Following the Planning Commission's decision to continue the Oct. 23 public hearing to a Nov. 6 public hearing, the Housing Element Update project webpage was revised in multiple locations to note the continued public hearing date. On Oct. 30, a Weekly Digest post was distributed to advertise and invite feedback on the proposed zoning changes at the Nov. 6 meeting. Notice was also provided via the City's social media channels.

Attachments

- A. Resolution recommending the City Council amend the General Plan, Specific Plan, Zoning Ordinance, and zoning map.

Exhibits to Attachment A

1. Amendment to the Affordable Housing Overlay, Chapter 16.98, of Title 16 of the Menlo Park Municipal Code
2. Amendments to the Land Use Element of the General Plan to create new opportunities for mixed-use development
3. Amendments repealing Chapters 16.32, 16.39, and 16.42; amending Chapters 16.30, 16.36, 16.38, 16.40, 16.43, and associated chapters of Title 16 of the Menlo Park Municipal Code for consistency; and rezoning C-1-A, C-2-S, C-2-A, C-2-B, C-4, and certain C-2 and P parcels to C-MU create new opportunities for mixed-use development
4. Amendments to the Land Use Element of the General Plan to increase residential density and maximize R-3 development proposals
5. Amendments to Chapters 16.20, 16.22, 16.23, 16.24, and 16.26 of Title 16 of the Menlo Park Municipal Code; and rezoning 320 Sheridan Drive from R-1-U to R-3 to increase residential density and maximize development proposals in the R-3 and R-4 districts
6. Amendments to the El Camino Real/Downtown Specific Plan

7. Amendment to Chapter 16.08 of Title 16 of the Menlo Park Municipal Code to allow by-right processing for certain housing developments
 8. Amendment to create Chapter 16.95 of Title 16 of the Menlo Park Municipal Code to establish a Residential Overlay
 9. Amendment to Chapters 16.04 and 16.08 of Title 16 of the Menlo Park Municipal Code to establish day care homes as a permitted use in any residential district
- B. Hyperlink – Oct. 23 Planning Commission staff report:
<https://menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/planning-commission/2023-meetings/agendas/20231023-planning-commission-agenda-packet.pdf>
- C. Addendum to the Housing Element Update SEIR

Report prepared by:
Tom Smith, Principal Planner

Report reviewed by:
Deanna Chow, Assistant Community Development Director
Mary Wagner, Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK RECOMMENDING THE CITY COUNCIL ADOPT RESOLUTIONS AND ORDINANCES AMENDING THE GENERAL PLAN LAND USE ELEMENT, EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN (“SPECIFIC PLAN”), TITLE 16 OF THE MENLO PARK MUNICIPAL CODE (“ZONING ORDINANCE”), AND ZONING MAP TO IMPLEMENT ZONING-RELATED PROGRAMS FROM THE 2023 TO 2031 HOUSING ELEMENT

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City’s General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, previously, on December 8, 2021, the City Council conducted a public meeting and reviewed and recommended potential land use strategies for the Housing Element, and from that meeting the strategies were developed into programs included in Chapter 8 of the adopted Housing Element; and

WHEREAS, the adopted Housing Element includes Program H4.D, Modify the Affordable Housing Overlay (“AHO”), to update the AHO to further incentivize development of affordable housing for extremely low, very low, and low income (“lower income”) households by amending chapter 16.98 of the Zoning Ordinance (Exhibit 1); and

WHEREAS, the adopted Housing Element includes Program H4.I, Create New Opportunities for Mixed-Use Development, to adopt General Plan Land Use Element and Zoning Ordinance amendments (and other related actions) to allow only residential uses and/or mixed-use developments with a density of up to 30 dwelling units per acre in existing non-residential zones (and a density of up to 60 dwelling units per acre in the C-2 district) (Exhibits 2 and 3); and

WHEREAS, the adopted Housing Element includes Program H4.J, Increase Residential Density and Maximize Development Proposals, which states that the City will update the General Plan Land Use Element and Zoning Ordinance to accommodate the City’s Regional Housing Needs Allocation (“RHNA”) and to increase development potential in the R-3 and R-4 zones (inclusive of the R-3-A, R-3-C, and R-4-S zoning districts) (Exhibits 4 and 5); and

WHEREAS, the adopted Housing Element includes Program H4.L, Modify El Camino Real/Downtown Specific Plan, with the objective of increasing housing opportunities in the Specific Plan area, thereby facilitating production of affordable housing and enhancing economic integration in high resource areas of the community (Exhibit 6); and

WHEREAS, Housing Element Program H4.Q, Reuse Sites, states that the City will modify the Zoning Ordinance so that parcels in the site inventory identified as reuse sites to provide capacity for lower income households allow for by-right processing (ministerial review) for housing developments that propose at least 20 percent of the units to be affordable to lower-income households, in accordance with Government Code §65583.2(c) (Exhibit 7); and

WHEREAS, Housing Element Program H4.T, Residential Overlay, establishes that the City will develop a Residential Overlay on certain sites to allow and encourage new or additional

residential development without requiring removal of the existing development and/or where the underlying zoning may otherwise not permit residential uses (Exhibit 8); and

WHEREAS, Housing Element Program H2.F, Childcare Allowances, states that the City will update the Zoning Ordinance to allow large family day care homes by-right in all residential zoning districts in conformance with state law (Exhibit 9); and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Specific Plan, Zoning Ordinance, and zoning map amendments necessary to implement the programs within the Housing Element; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023 to fully review, consider, and evaluate amendments to the General Plan Land Use Element, amendments to Title 16 of the Menlo Park Municipal Code, and subsequent zoning map amendments (“rezonings”) prior to recommending actions to the City Council; and

WHEREAS, after due consideration of the proposed amendments to Title 16 and the rezoning of certain properties, public comments, and the staff report, the Planning Commission recommended that the proposed amendments and rezoning of properties as identified herein is consistent with the General Plan and is appropriate.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MENLO PARK
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, 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. Recommendation. Having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, the Planning Commission recommends that the City Council vote to adopt a resolutions and ordinances amending the General Plan Land Use Element, Specific Plan, Title 16 of the Menlo Park Municipal Code, and zoning map as fully described in Exhibits 1 through 9 of this Resolution.

Section 3. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Planning Commission hereby declares that it would have recommended this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 4. Compliance with CEQA. The Planning Commission hereby finds and recommends that the action to adopt this Resolution was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update

project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

(a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The General Plan, Specific Plan, Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.

(b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.

(c) 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 previous SEIR was certified as complete, has been submitted to the City.

I, Deanna Chow, Assistant Community Development Director of the City 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 November 6, 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 November, 2023.

Deanna Chow
Assistant Community Development Director
City of Menlo Park

Exhibits

1. Amendment to the Affordable Housing Overlay, Chapter 16.98, of Title 16 of the Menlo Park Municipal Code
2. Amendments to the Land Use Element of the General Plan to create new opportunities for mixed-use development
3. Amendments repealing Chapters 16.32, 16.39, and 16.42; amending Chapters 16.30, 16.36,

16.38, 16.40, 16.43, and associated chapters of Title 16 of the Menlo Park Municipal Code for consistency; and rezoning C-1-A, C-2-S, C-2-A, C-2-B, C-4, and certain C-2 and P parcels to C-MU create new opportunities for mixed-use development

4. Amendments to the Land Use Element of the General Plan to increase residential density and maximize R-3 development proposals
5. Amendments to Chapters 16.20, 16.22, 16.23, 16.24, and 16.26 of Title 16 of the Menlo Park Municipal Code; and rezoning 320 Sheridan Drive from R-1-U to R-3 to increase residential density and maximize development proposals in the R-3 and R-4 districts
6. Amendments to the El Camino Real/Downtown Specific Plan
7. Amendment to Chapter 16.08 of Title 16 of the Menlo Park Municipal Code to allow by-right processing for certain housing developments
8. Amendment to create Chapter 16.95 of Title 16 of the Menlo Park Municipal Code to establish a Residential Overlay
9. Amendment to Chapters 16.04 and 16.08 of Title 16 of the Menlo Park Municipal Code to establish day care homes as a permitted use in any residential district

ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING CHAPTER 16.98 AFFORDABLE HOUSING OVERLAY TO TITLE
16 OF THE MENLO PARK MUNICIPAL CODE TO IMPLEMENT HOUSING
ELEMENT PROGRAM H4.D TO UPDATE THE AFFORDABLE HOUSING
OVERLAY**

WHEREAS, Chapter 16.98 Affordable Housing Overlay of Title 16 of the Menlo Park Municipal Code was originally established in 2013 to encourage the development of affordable housing for very low, low and moderate income households; and

WHEREAS, the City's Affordable Housing Overlay (AHO) was established to be an alternative to the State Density Bonus Law by providing incentives and flexibility in the development regulations in exchange for the provision of affordable housing units; and

WHEREAS, the Affordable Housing Overlay (AHO) is currently applied to all properties located within the El Camino Real/Downtown Specific Plan and those properties zoned R-4-S (AHO); and

WHEREAS, the City's Regional Housing Need Allocation (RHNA) for the 2023-2031 planning period is 2,946 units, including 740 very low income units, 426 low income units, 496 moderate income units and 1,284 above moderate income units; and

WHEREAS, the City is committed to meeting its RHNA and providing opportunities for a range of housing options at all income levels; and

WHEREAS, the City completed a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, Housing Element Program H4.D (Modify the Affordable Housing Overlay (AHO)), states that the City will update the AHO to further incentive the development of affordable housing to extremely low-, very low – and low-income households; and

WHEREAS, Housing Element Program H4.D states that the expand location of the AHO beyond the current areas to encompass the housing opportunity sites and R-3 properties around the Downtown area; and

WHEREAS, Housing Element Program H4.D states the update will clarify that density bonuses and other incentives provided for under the AHO are additive with and can be combined with State Density Bonus Law; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 to review and consider the proposed amendments to Sections 16.98 of Title 16 of the Menlo Park Municipal Code and adopted Planning Commission Resolution No. 2023-__ recommending that the City Council adopt the Zoning Ordinance amendment, whereat all interested person had the opportunity to appear and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

Section 1. Findings. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

Section 2. Repeal. Chapter 16.98 – Affordable Housing Overlay of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

Section 3. Add. Chapter 16.98 – Affordable Housing Overlay of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby added in its entirety.

Section 16.98.010	Purpose and Goal
Section 16.98.020	Definitions
Section 16.98.030	Applicability
Section 16.98.040	Affordable Housing Requirement
Section 16.98.050	Density Bonus
Section 16.98.060	Incentives and Fee Waivers
Section 16.98.070	Continued Affordability
Section 16.98.080	Other Provisions

Section 16.98.010 Purpose and Goal.

The purpose of the Affordable Housing Overlay (“AHO”) zone established by this Chapter is to encourage the development of affordable housing for low, very-low and extremely-low income households. The AHO serves to implement the Housing Element goal of providing new housing that addresses affordable housing needs in the City of Menlo Park by establishing development regulations for designated housing opportunity sites. The AHO is also intended to address those housing projects which provide a greater percentage of affordable housing units than required pursuant to Chapter 16.96 (Below Market Rate Housing Program). The AHO encourages the production of affordable housing by providing density bonuses and other incentives to developers that provide affordable housing as a part of development projects. To qualify, projects must restrict housing units to certain income levels as further described in the Chapter. The AHO may be applied by itself or in combination with State Density Bonus Law to density bonuses beyond those allowable under State Density Bonus Law.

Section 16.98.020 Definitions.

(a) “Affordable units” means residential dwelling units that are restricted to households that qualify as extremely low, very low, and low-income. For for-sale residential projects, moderate income also applies as an affordable unit.

(b) “Mixed use” means developments consisting of residential and nonresidential uses with at least two thirds of the square footage designated for residential use.

Section 16.98.030 Applicability.

The AHO and this Chapter apply to the Menlo Park El Camino Real and Downtown Specific Plan area, properties zoned R-4-S(AHO) (High Density Residential, Special - Affordable Housing Overlay), properties zoned R-3 (Apartment) and located around the El Camino

Real/Downtown Specific Plan Area as described in Chapter 16.30, and housing opportunity sites identified in the adopted Housing Element (2023-2031) as described in Appendix 7-1, Table 2, with the exception for site #38. Properties within the AHO may, but are not required to utilize the rules and regulations of this Chapter.

Section 16.98.040 Affordable Housing Requirement.

(a) To qualify for the density bonuses and incentives pursuant to this Chapter, a development project must:

- (1) Be a 100% residential or mixed-use project;
- (2) Provide five or more residential units;
- (3) Provide a minimum number of affordable units as follows:
 - (A) At least 20% of the total residential units in the development shall be restricted to extremely low, very low, and low-income households in rental developments;
 - (B) At least 20% of the total residential units in a development shall be restricted to extremely low, very low, low-income and moderate income households in for-sale and condominium developments;
 - (C) At least 25% of the total affordable units shall be restricted to very low and extremely low-income income households, or at least 15% of the total affordable units shall be restricted to extremely low-income households.

(b) The affordable units required pursuant to subsection 16.98.040(3), above, shall be calculated based on the total number of units in the development, excluding any units permitted pursuant a density bonus as set forth in section 16.98.050.

Section 16.98.050 Density Bonus.

Development projects meeting the criteria set forth in section 16.98.040 shall be eligible for a density bonus pursuant to this section.

(a) For 100% residential or mixed-use developments meeting the criteria of 16.98.040, a density bonus shall be granted and calculated pursuant to Table 1 of this chapter.

(b) AHO Density Bonus Not Combined with State Density Bonus. Where at least 20% of the total number of units, exclusive of any density bonus units, of a housing development are restricted as affordable units, the density bonus granted and calculated shall be pursuant to Table 1.

- (1) The percentage of affordable units shall be calculated as a percentage of the total number of units in a project, exclusive of any density bonus units. The density bonus is the sum of the applicable density bonus based on the percentage of affordable units in the applicable income category. In no instance shall the total density bonus exceed 60%, unless a project is 100% affordable. For a 100% affordable residential project, the project is allowed a maximum density bonus of 80% for the residential units.

(c) AHO Density Bonus Combined with State Density Bonus. Where at least 25% of the total units, exclusive of any density bonus units, of a housing development are restricted as affordable units, the density bonus granted and calculated pursuant to Table 1 may be combined with a density bonus granted pursuant to the State Density Bonus Law (Government Code section 65915 et seq.)

(1) When application of the AHO is combined with the provisions of State Density Bonus Law, the density bonus is additive. The percentage of affordable units shall be calculated as a percentage of the total number of units in a project, not including any density bonus units. The combined density bonus is the sum of the following: 1) the applicable density bonus based on the proposed project pursuant State Density Bonus Law and 2) one-quarter of the applicable density bonus provided by the AHO in Table 1. In no instance shall the total density bonus exceed 65%, unless a project is 100% affordable. For a 100% affordable residential project combining use of the AHO and State Density Bonus Law, the project is allowed a density of up to 150 dwelling units per acre.

(2) A Density Bonus may only be utilized to increase density of the residential uses of a development project and shall not be utilized to increase FAR, height, or any other density metric for non-residential uses within a development project.

Table 1: Density Bonus***

Percentage of Affordable Units in a Development	Very Low Income**	Low Income	Moderate Income*
5%	20.0%	0%	0%
6%	22.5%	0%	0%
7%	25.0%	0%	0%
8%	27.5%	0%	0%
9%	30.0%	0%	0%
10%	32.5%	20.0%	5.0%
11%	35.0%	21.5%	6.0%
12%	38.75%	23%	7.0%
13%	42.5%	24.5%	8.0%
14%	46.25%	26.0%	9.0%
15%	50.0%	37.0%	10.0%
16%	50.0%	37.0%	10.0%
17%	50.0%	37.0%	10.0%
18%	50.0%	37.0%	10.0%
19%	50.0%	37.0%	10.0%
20%	51.0%	39.0%	17.0%
21%	52.0%	41.0%	18.5%
22%	53.0%	43.0%	20.0%
23%	54.0%	45.0%	21.5%

24%	55.0%	47.0%	23.0%
25%	56.0%	49.0%	24.5%
26%	57.0%	51.0%	26.0%
27%	58.0%	53.0%	27.5%
28%	59.0%	55.0%	29.0%
29%	60.0%	57.0%	30.5%
30%	60.0%	60.0%	32.0%
31%	60.0%	60.0%	33.5%
32%	60.0%	60.0%	35.0%
33%	60.0%	60.0%	36.5%
34%	60.0%	60.0%	38.0%
35%	60.0%	60.0%	39.5%
36%	60.0%	60.0%	41.0%
37%	60.0%	60.0%	42.5%
38%	60.0%	60.0%	44.0%
39%	60.0%	60.0%	45.5%
40%	60.0%	60.0%	47.0%
41%	60.0%	60.0%	48.5%
42%	60.0%	60.0%	50.0%
43%	60.0%	60.0%	51.5%
44%	60.0%	60.0%	53.0%
100%	80.0%	80.0%	80.0%

*Applicable to only home ownership units

** Or any income category which an AMI that is less than very low income AMI

***All density bonus calculations resulting in fractions of less than .5 shall be rounded down to the next whole number. All density bonus calculations resulting in fractions of .5 and up are rounded up to the next whole number.

Section 16.98.060 Incentives and Fee Waivers.

In addition to granting a density bonus, the City shall grant one or more “incentives” to each project that qualifies for a density bonus pursuant to this Chapter. An applicant for a housing development that qualifies for a density bonus utilizing the AHO shall be entitled to each and only the following incentives:

(a) Floor Area Ratio. A project shall be permitted to increase the floor area ratio by an amount that proportionally corresponds to the increase in allowable density identified in section 16.98.050 above and an additional five percent or other increase reasonably sufficient to make development of very-low, low and moderate income multiple-bedroom units and family housing feasible.

(b) Stories/Height. A project shall be permitted to increase the height up to the maximum number of feet that are necessary to accommodate the increased density afforded by the density bonus. The applicant shall demonstrate to the satisfaction of the Community Development Director, or designee, that the height increase is necessary to accommodate the increased density afforded by the density bonus. For mixed use projects the height increase is only applicable to the residential component of the project.

(c) Parking. Unless modified herein, the parking requirements in the underlying zoning designation of the property shall apply. All fractional units shall be rounded up to the nearest whole number. The parking requirements in the AHO shall be modified for each affordable unit as follows:

(1) Number of spaces:

(A) Studio requires 0.5 parking spaces.

(B) A one-bedroom requires one parking space.

(C) A two-bedroom or larger unit requires 1.5 parking spaces.

(2) A senior citizen housing project as defined in Sections 51.3 and 51.12 of the Civil Code shall be required to provide no more than 0.5 parking spaces per dwelling unit.

(3) The spaces required for the affordable units need not be covered or located in a garage or carport.

(4) If two spaces are being provided for any one affordable dwelling unit, the spaces may be in tandem.

(5) Long-term bicycle parking may be allowed a reduction of 0.5 spaces per unit.

(d) Parcels that are adjacent to one another, share any portion of a property line, and are within the same underlying zoning district may calculate density, floor area ratio, building coverage, paving, landscaping and required parking across the parcels, provided that there is a recorded agreement among the owner(s) of the parcels transferring development rights between the parcels such that the maximum overall density of the combined parcels is not exceeded.

(e) Coverage. In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, any applicable maximum building coverage and/or allowable paving requirement shall be increased by five percent and the minimum open space/landscaping requirement reduced by 10 percent from the underlying zoning designation.

(f) Setbacks. In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, required setbacks shall be reduced to five feet, except when the parcel subject to the AHO abuts a parcel zoned single-family residential, in which case the setbacks identified in underlying zoning shall control.

(g) Open Space. In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, any common and/or private open space may be reduced by up to 50 percent from the underlying zoning.

(h) Processing Fees. Those projects that provide at least 50 percent of the units in a project for low-income households or 25 percent for very-low income households may be entitled to a fee waiver for all processing fees associated with the various applications for development, subject to demonstrating that the project would not be feasible without the waiver of processing fees.

(i) Other Fees. Those projects that provide at least 50 percent of the units in the project for low-income households or 25 percent for very-low income households may be entitled to a reduction in all other fees in an amount that corresponds to the increase in allowable density identified in section 16.98.050 above, with a maximum of 65% for a 100% affordable housing project, subject to demonstrating that the project would not be feasible without the waiver of certain impact fees. Any project requesting a reduction or waiver of the traffic impact fee, park dedication fee, building construction street impact fee, Menlo Park El Camino Real Downtown Specific Plan preparation fee, or other fee(s) in excess of that percentage reduction shall apply for the requested reduction or waiver, which shall be subject to a discretionary review and approval process. The City Council shall be the final decision maker regarding any such request.

(j) Incentives and fee waivers granted pursuant to this section shall not be combined with any incentives or fee waivers granted pursuant to the State Density Bonus Law (Government Code 65915 et seq.)

Section 16.98.070 Continued Affordability.

Prior to issuance of any building permit, the applicant shall execute an agreement with the City in a form acceptable to the City Attorney ensuring the continued affordability of the affordable units for a period of not less than 55 years and compliance with the City's Below Market Rate Housing Program Guidelines. This content may be part of a Below Market Housing Agreement.

Section 16.98.080 Additional Provisions.

Development Projects approved pursuant to this chapter shall adhere to the following provisions:

(a) Review of projects under this Chapter 16.98 shall occur concurrently with review of any other entitlements required for the project.

(b) The affordable units must be constructed concurrently with market-rate units and shall be integrated into the project and be comparable in construction quality and exterior design to any market rate units.

(c) The number of bedrooms in the affordable units shall be consistent with the mix of market rate units. Applicants may elect to include a higher percentage of units with more bedrooms.

(d) The affordable units shall also comply with the City's Below Market Rate Housing Program Guidelines.

Section 4. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 5. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

(a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.

(b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.

(c) 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 previous SEIR was certified as complete, has been submitted to the City.

Section 6. Publication; Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of ___, 2023.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jen Wolosin, Mayor

ATTEST:

Judi A. Herren, City Clerk

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO APPROVE AMENDMENTS TO THE LAND USE ELEMENT OF THE GENERAL PLAN TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.I, CREATE NEW OPPORTUNITIES FOR MIXED-USE DEVELOPMENT, AND DETERMINE THAT THE AMENDMENTS TO THE LAND USE ELEMENT OF THE GENERAL PLAN WERE CONSIDERED WITHIN THE HOUSING ELEMENT UPDATE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

WHEREAS, the City of Menlo Park General Plan provides a framework for land use and planning decisions, including the General Plan Land Use Element last comprehensively updated in November 2016; and

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, on December 8, 2021, the City Council conducted a public meeting and reviewed and recommended potential land use strategies for the Housing Element, and among those was a strategy to modify the city's retail/commercial zoning districts to allow for residential uses and other potential development standards to encourage the production of mixed-use developments; and

WHEREAS, on May 11, 2022, the City released a draft Housing Element containing policies and programs to help the City meet its Regional Housing Needs Allocation (RHNA), including programs to rezone properties and amend the Zoning Ordinance to encourage the development of new residential uses on identified nonresidential zoned sites; and

WHEREAS, on January 31, 2023, the City adopted the Housing Element, including Housing Element Policy H4.4, Mixed-Use Housing, to encourage well-designed residential mixed-use developments where residential use is appropriate to the setting, in proximity to transit and other services, within certain existing non-residential zoning districts; and

WHEREAS, the adopted Housing Element includes Policy H4.5, Redevelopment of Commercial Shopping Areas and Sites, to encourage housing development in conjunction with the redevelopment of commercial shopping areas and sites; and

WHEREAS, the adopted Housing Element includes Program H4.I, Create New Opportunities for Mixed-Use Development, to adopt Zoning Ordinance amendments (and other related actions) to allow only residential uses and/or mixed-use developments with a density of up to 30 dwelling units per acre in existing non-residential zones; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.I; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan

amendments necessary to implement the programs within the Housing Element, including Program H4.I; and

WHEREAS, City staff determined that amendments to the City of Menlo Park General Plan Land Use Element are necessary to implement Housing Element Program H4.I; and

WHEREAS, the amendments to the General Plan Land Use Element include changing the land use designation of parcels currently in the C-1-A (Administrative and Professional) zoning district from “Professional and Administrative Office” to “Retail/Commercial”, both under the broader “Commercial” land use designation (Exhibit A); removing zoning districts to be repealed from certain land use designations; adding parcels in the new C-MU (Neighborhood Mixed Use) zoning district to the “Retail/Commercial” land use designation; modifying the description of the “Professional and Administrative Office” land use designation to permit residential density up to 30 dwelling units per acre; and modifying the description of the “Office” land use designation to permit residential density up to 30 dwelling units per acre for all housing (Exhibit B); and

WHEREAS, the proposed amendments to the General Plan are internally consistent; and

WHEREAS, the City, as the lead agency, pursuant to CEQA and 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 (SCH #2015062054) (“SEIR”) in January 2023; and

WHEREAS, on August 23, 2021 the City sent notifications of the Housing Element Update SEIR and 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 October 23, 2023 that was continued to November 6, 2023, the Planning Commission considered the previously-certified SEIR as part of its consideration of the proposed amendments to the Land Use 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 to recommend that the City Council of the City of Menlo Park make findings that the proposed amendments to the Land Use Element of the General Plan are in compliance with all applicable State regulations and the City General Plan, and adopt a resolution approving the proposed Land Use Element Amendments; and

WHEREAS, at a duly and properly noticed public hearing held on ____, 2023, the City Council considered the previously-certified SEIR as part of its consideration of the Planning Commission’s recommendation on the proposed amendments to the Land Use Element of the General Plan, prior to making a determination on the proposed amendments.

NOW, THEREFORE, THE MENLO PARK CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1: Recitals. The City Council has considered the full record before it, which may include but is not limited to such items as the staff report, public testimony, SEIR, the Planning Commission's review and recommendation, and other materials and evidence submitted or provided, and the City Council finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. CEQA Findings. The City Council of the City of Menlo Park does hereby make the following findings:

1. There have not been any substantial changes in the amendments based upon substantial evidence and none of the conditions described in §§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 SEIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The Housing Element Update SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project; and
 - c. 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 previous SEIR was certified as complete, has been submitted to the City.
2. Based on the above findings, the City Council determines that the previously-certified SEIR is adequate to serve as the required environmental documentation for the General Plan amendments.

Section 3. Findings. The City Council of the City of Menlo Park does hereby make the following findings:

1. The amendments to the Land Use Element of the General Plan are necessary to allow the City Council to consider implementation of Housing Element Program H4.I to create new opportunities for mixed-use development in certain existing commercial zoning districts.
2. The amendments to the Land Use Element of the General Plan are consistent with the objectives, policies, general land uses and programs specified in the General Plan.
3. The amendments would be consistent with the previously-certified SEIR prepared for the Housing Element Update.

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 Housing Element Update, shall continue in full force and effect unless amended or modified by the City.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of ____, 2023.

Judi A. Herren, City Clerk

Exhibits

- A. General Plan Land Use Map Amendment: Professional and Administrative Office to Retail/Commercial
- B. Amendments to the Land Use Element of the General Plan

6th Cycle Housing Element Update General Plan Land Use Map Amendment



Legend

- Existing Commercial Districts
- Existing Professional and Administrative Offices
- Other Parcels
- City Limits
- City Limits

GENERAL PLAN LAND USE MAP AMENDMENT:
Professional and Administrative Offices to Retail/
Commercial.



Proposed General Plan Land Use Element Amendments

Section 1. Land Use Element, Table 1 (Land Use Designations and Zoning Districts), is hereby amended to modify the “Commercial” designations on Page LU-13 as follows (Additions in underline, deletions in ~~strikethrough~~.):

General Plan Land Use Designation	Applicable Zoning Districts	Acreage	Percentage of Non-Baylands Area
Commercial		254	7.2%
Retail/ Commercial	Neighborhood Shopping (C-2) Neighborhood Shopping, Restrictive (C-2-A) Neighborhood Mixed Use, Restrictive (C-2-B) Neighborhood Commercial, Special (C-2-S) <u>General Commercial (C-4)</u> <u>Neighborhood Mixed Use (C-MU)</u> Parking (P)	<u>4245</u>	1.2%
Professional and Administrative Offices	Administrative and Professional, Restrictive (C-1) Administrative and Professional (C-1-A) Administrative, Professional and Research, Restrictive (C-1-C) Apartment Office (R-3-C)**	212 <u>209</u>	6%

Section 2. Land Use Element, Table 1 (Land Use Designations and Zoning Districts), is hereby amended to modify the “Office” designation within the “Bayfront Area” land use designations on Page LU-13 as follows (Additions in underline, deletions in ~~strikethrough~~.):

General Plan Land Use Designation	Applicable Zoning Districts	Acreage	Percentage of Non-Baylands Area
Bayfront Area		511	14.5%
Office	Office (O) – Base/Bonus/Commercial/Hotel/Corp. Housing/ <u>Housing</u>		

Section 3. Land Use Element, page LU-15 subheading “Professional and Administrative Office,” is hereby amended as follows (Additions in underline, deletions in ~~strikethrough~~.):

Professional and Administrative Office. This designation provides for professional, executive, general, and administrative offices, banks, savings and loans, R&D facilities, convalescent homes, residential uses, public and quasi-public uses, and similar and

compatible uses. Residential density shall not exceed ~~18.5~~30 units per acre. The maximum FAR for non-residential uses shall be a maximum of 40 percent, as identified in the applicable zoning district.

Section 4. Land Use Element, page LU-16 subheading “Office,” is hereby amended as follows (Additions in underline, deletions in ~~striketrough~~):

Office. This designation provides for office and R&D uses, business-oriented community education and training facilities, supportive sales and personal services, corporate housing, and hotel uses. The designation also accommodates existing and new light-industrial uses that are not in conflict with existing or planned commercial or residential uses in the vicinity. Hotels are allowed as options in several locations. ~~Corporate~~ Housing density shall not exceed 30 units per acre. The maximum base FAR shall be 45 percent and the maximum bonus FAR with community amenities shall be 100 percent. Maximum FAR for ~~corporate~~-housing shall be ~~60~~90 percent, for retail and service uses shall be 25 percent, and for hotels shall be 175 percent.

ORDINANCE NO. XXXX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK REPEALING CHAPTERS 16.32 (C-1-A, ADMINISTRATIVE AND PROFESSIONAL DISTRICT), 16.37 (C-2-S, NEIGHBORHOOD COMMERCIAL DISTRICT, SPECIAL), 16.39 (C-2-A, NEIGHBORHOOD SHOPPING DISTRICT, RESTRICTIVE) AND 16.42 (C-4, GENERAL COMMERCIAL DISTRICT) OF TITLE 16 OF THE MENLO PARK MUNICIPAL CODE (“MUNICIPAL CODE”); AMENDING CHAPTERS 16.30 (C-1, ADMINISTRATIVE AND PROFESSIONAL DISTRICT, RESTRICTIVE), 16.36 (C-1-C, ADMINISTRATIVE, PROFESSIONAL AND RESEARCH DISTRICT, RESTRICTIVE), 16.38 (C-2, NEIGHBORHOOD SHOPPING DISTRICT), AND 16.43 (O, OFFICE DISTRICT) OF THE MUNICIPAL CODE, AND AMENDING AND RENAMING CHAPTER 16.40 (C-2-B, NEIGHBORHOOD MIXED USE DISTRICT, RESTRICTIVE) TO C-MU, NEIGHBORHOOD MIXED USE; AMENDING ASSOCIATED ZONING ORDINANCE CHAPTERS FOR CONSISTENCY WITH THE ZONING CHANGES; AND REZONING C-1-A, C-2-S, C-2-A, C-2-B, C-4, AND CERTAIN C-2 AND P PARCELS TO C-MU TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.I AND CREATE NEW OPPORTUNITIES FOR MIXED-USE DEVELOPMENT

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City’s General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, previously, on December 8, 2021, the City Council conducted a public meeting and reviewed and recommended potential land use strategies for the Housing Element, and among those was a strategy to modify the city’s retail/commercial zoning districts to allow for residential uses and other potential development standards to encourage the production of mixed-use developments; and

WHEREAS, the adopted Housing Element includes Policy H4.4, Mixed-Use Housing, to encourage well-designed residential mixed-use developments where residential use is appropriate to the setting, and proximate to transit and other services, within certain existing non-residential zoning districts; and

WHEREAS, the adopted Housing Element includes Policy H4.5, Redevelopment of Commercial Shopping Areas and Sites, to encourage housing development in conjunction with the redevelopment of commercial shopping areas and sites; and

WHEREAS, the adopted Housing Element includes Program H4.I, Create New Opportunities for Mixed-Use Development, to adopt Zoning Ordinance amendments (and other related actions) to allow only residential uses and/or mixed-use developments with a density of up to 30 dwelling units per acre in existing non-residential zones; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.I; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.I; and

WHEREAS, a strategy was identified to consolidate and rezone the properties in seven existing districts (C-1-A, C-2-S, C-2-A, C-2-B, C-4, and certain C-2 and P properties) identified in Exhibit A-2 into a single C-MU (Neighborhood Mixed Use) zoning district (Exhibit A), and the Zoning Ordinance text amendments and rezoning would allow the development of residential uses with a density of up to 30 dwelling units per acre and/or neighborhood-serving retail and commercial uses typically on smaller parcels along Willow Road, Middlefield Road, and neighborhood collector streets, consistent with Housing Element Program H4.I; and

WHEREAS, the rezoning of properties identified in Exhibit A-2 is consistent with the General Plan land use designation of Commercial; and

WHEREAS, a second approach was identified to amend the Zoning Ordinance to allow the development of residential uses with a density of up to 30 dwelling units per acre in four existing zoning districts (C-1, C-1-C, C-2, and on certain O parcels) generally on larger sites and/or in office parks typically along Sand Hill Road and within the area bounded by Marsh Road, Bohannon Drive, and Scott Drive, consistent with Housing Element Program H4.I and as identified in Exhibits B, C, D, and E; and

WHEREAS, the amendments to the various districts in the Zoning Ordinance to implement Program H4.I would also result in a need to amend Chapters 16.02 (General Provisions), 16.08 (Districts Established—General Regulations), 16.72 (Off-Street Parking), and 16.80 (Nonconforming Uses and Buildings) of the Municipal Code to ensure that new development complies with mitigation monitoring requirements from the Housing Element Update Subsequent Environmental Impact Report (SEIR), to regulate parking for residential uses, to exempt existing development from nonconformities that may directly result from zoning changes, and to ensure consistency throughout the Municipal Code as indicated in Exhibit F; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023 to review and consider amendments to the General Plan Land Use Element, amendments to Title 16 of the Menlo Park Municipal Code, and subsequent zoning map amendments (“rezonings”), and adopted Planning Commission Resolution No. 2023-___ recommending that the City Council adopt the amendments, where all interested persons had the opportunity to appear and comment; and

WHEREAS, after due consideration of the proposed amendments to Title 16 and the rezoning of certain properties, public comments, the Planning Commission’s recommendation, and the staff report, the City Council finds that the proposed amendments and rezoning of properties as identified herein is consistent with the General Plan and is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

Section 1. Findings. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

Section 2. Repeal. Chapter 16.32 – C-1-A Administrative and Professional District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

Section 3. Repeal. Chapter 16.37 – C-2-S Neighborhood Commercial District, Special of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

Section 4. Repeal. Chapter 16.39 – C-2-A Neighborhood Shopping District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

Section 5. Repeal. Chapter 16.42 – C-4 General Commercial District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

Section 6. Amendment. Chapter 16.40 – C-2-B Neighborhood Mixed Use District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby renamed C-MU Neighborhood Mixed Use and amended to read as indicated in Exhibit A.

Section 7. Zoning Map Amendment. The zoning map of the City of Menlo Park is hereby amended such that certain real properties as identified in Exhibit A-2 are rezoned to the C-MU (Neighborhood Mixed Use) zoning district;

Section 8. Amendment. Chapter 16.30 – C-1 Administrative and Professional District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as indicated in Exhibit B.

Section 9. Amendment. Chapter 16.36 – C-1-C Administrative, Professional and Research District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as indicated in Exhibit C.

Section 10. Amendment. Chapter 16.38 – C-2 Neighborhood Shopping District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as indicated in Exhibit D.

Section 11. Amendment. Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as indicated in Exhibit E.

Section 12. Amendments. Chapter 16.02 – General Provisions, Chapter 16.08 – Districts Established—General Regulations, Chapter 16.72 – Off-Street Parking, and Chapter 16.80 – Nonconforming Uses and Buildings of Title 16 – Zoning of the City of Menlo Park Municipal Code are hereby amended to read as indicated in Exhibit F.

Section 13. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 14. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because

none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

(a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.

(b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.

3) 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 previous SEIR was certified as complete, has been submitted to the City.

Section 15. Publication; Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of ___, 2023.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jen Wolosin, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibits

- A. Amendments to Chapter 16.40 – C-2-B Neighborhood Mixed Use District
- A-2. C-MU Rezoning Map

- B. Amendments to Chapter 16.30 – C-1 Administrative and Professional District, Restrictive
- C. Amendments to Chapter 16.36 – C-1-C Administrative, Professional and Research District, Restrictive
- D. Amendments to Chapter 16.38 – C-2 Neighborhood Shopping District
- E. Amendments to Chapter 16.43 O Office District
- F. Amendments to Chapters 16.02, 16.08, 16.72, and 16.80

Proposed Zoning Ordinance Text Amendments to Chapter 16.40 of Title 16 of the City of Menlo Park Municipal Code

Section 1. Chapter 16.40 – C-2-B Neighborhood Mixed Use District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby renamed and amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

Chapter 16.40

~~C-2-BC-MU~~ NEIGHBORHOOD MIXED USE DISTRICT, RESTRICTIVE

16.40.010 Permitted uses.

Permitted uses in the ~~C-2-BC-MU~~ district, all within a building and intended to serve the neighborhood and limited to the hours between eight (8) a.m. and eight (8) p.m., including loading and unloading of any kind, are as follows:

- (1) Retail services;
- (2) Personal services;
- (3) Cafes and restaurants, excluding ~~(A) fast food restaurants, (BA) drive-in~~through restaurants, ~~(CB)~~ restaurants serving beer, wine or alcoholic beverages, and ~~(DC)~~ restaurants providing live music or entertainment;
- ~~(4)~~ Multiple dwellings. (Ord. 1027 § 3 (part), 2016: Ord. 936 § 3 (part), 2005: Ord. 766 § 3 (part), 1988).

16.40.015 Administratively permitted uses.

Uses allowed in the ~~C-2-BC-MU~~ district, subject to obtaining an administrative permit, are as follows:

- (1) Financial services;
- (2) Professional offices;
- ~~(3) All of the specified uses in this chapter between the hours of eight (8) p.m. and eight (8) a.m., or when not intended to serve the neighborhood. (Ord. 1027 § 3 (part), 2016: Ord. 936 § 3 (part), 2005).~~
- (3) Outdoor seating;
- (4) Live music or entertainment.

16.40.020 Conditional uses.

Conditional uses allowed in the ~~C-2-BC-MU~~ district, subject to obtaining a use permit, are as follows:

- (1) Service stations, with or without car wash and/or mini-mart;

- (2) Automotive repair with service station;
- (3) Mortuaries;
- (4) Convalescent homes;
- ~~(5) Mini-warehouse storage;~~
- (5) Child day care center;
- (6) Cafes and restaurants serving beer, wine, or alcoholic beverages ~~and/or provides live music or entertainment;~~
- (7) Cafes and restaurants, financial services, or retail services uses with a drive-through, limited to one drive-through establishment for each of the following sites (a) and (b):
 - (a) San Mateo County Assessor's Parcel Number 055-395-090;
 - (b) San Mateo County Assessor's Parcel Number 055-398-270 or 055-398-280;
- ~~(78)~~ Public utilities in accordance with Chapter 16.76;
- ~~(89)~~ Special uses in accordance with Chapter 16.78. (Ord. 1027 § 3 (part), 2016; Ord. 936 § 3 (part), 2005; Ord. 850 § 7 (part), 1993; Ord. 766 § 3 (part), 1988).

16.40.030 Development regulations.

Development regulations in the ~~C-2-BC-MU~~ district are as follows:

- (1) Minimum district size: twenty-five thousand (25,000) square feet;
- (2) Minimum lot area: none, except that the cumulative lot area of all property within the ~~C-2-BC-MU~~ district shall be no less than twenty-five thousand (25,000) square feet;
- (3) Minimum lot dimensions: none;
- (4) Required minimum yards: front, ten (10) feet; side, none; corner side, ten (10) feet, rear, none; except when abutting a residential district where a twenty (20) foot yard shall be provided;
- (5) Land covered by all structures shall not exceed sixty percent (60%) of a building site;
- (6) Not less than ten percent (10%) of a building site shall be occupied by ~~appropriate~~ landscaping;
- (7) Height of structures shall not exceed thirty (30) feet. For a mixed residential and nonresidential development, the maximum building height shall not exceed forty (40) feet;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission;
- (9) Nonresidential uses are a required component of any development in the C-MU district, except for sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing

Element for very low and low income households, which are subject to the provisions of Section 16.08.105;

(~~9~~10) The floor area ratio for nonresidential uses shall not exceed forty percent (40%), except that fifty percent (50%) may be allowed with use permit approval and a minimum lot size of twenty thousand (20,000) square feet;

(~~40~~11) The maximum density is thirty (30) dwelling units per acre (du/ac)-is ~~thirty (30) du/ac~~;

(~~44~~12) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;

(~~42~~13) In a mixed residential and commercial development, the combined maximum floor area ratio shall not exceed one hundred ten percent (110%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (~~9~~10) and (~~44~~12) of this section;

(14) In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (12), the combined maximum floor area ratio is one hundred-forty percent (140%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (10) and (12) of this section;

(~~43~~15) Development in the C-2-BC-MU district shall meet the following parking requirements:

- (a) Parking shall not be located in any required yard adjacent to a street.

Land Use	Minimum Spaces (Per Unit or 1,000 Sq. Ft.)	Maximum Spaces (Per Unit or 1,000 Sq. Ft.)	Minimum Bicycle Parking ¹
Residential units	1 per unit	1.5 per unit	1.5 long-term ² per unit; 10% additional short-term ² for guests
Office	2	3	1 per 5,000 sq.ft. of gross floor area Minimum 2 spaces for office and research development: 80% for long-term ² and 20% for short-term ² For all other commercial uses: 20% for long-term ² and 80% for short-term ²
Research and development	1.5	2.5	
Retail	2.5	3.3	
Financial services	2	3.3	
Eating and drinking establishment	2.5	3.3	
Personal services	2	3.3	
Private recreation	2	3.3	
Child care center	2	3.3	
Other	At transportation manager discretion	At transportation manager discretion	

1 See the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

2 Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

(b) The electric vehicle charging spaces requirements in Section 16.72.010 apply. (Ord. 1050 § 7, 2018; Ord. 1027 § 3 (part), 2016; Ord. 766 § 3 (part), 1988).

(c) Parking facilities may be shared at the discretion of the city's transportation manager if multiple uses cooperatively establish and operate the facilities, if these uses generate parking demands primarily during different hours than the remaining uses, and if a sufficient number of spaces are provided to meet the maximum cumulative parking demand of the participating uses at any time. An individual development proposal may incorporate a shared parking study to account for the mixture of uses, either on site or within a reasonable distance. The shared parking supply would be subject to review and approval based on the proposed uses, specific design and site conditions. Project applicants may also be allowed to meet the minimum parking requirements through the use of nearby off-site facilities at the discretion of the transportation manager.

16.40.040 Residential design standards.

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Building Setbacks and Projections within Setbacks.

(A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.

(B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.

(C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

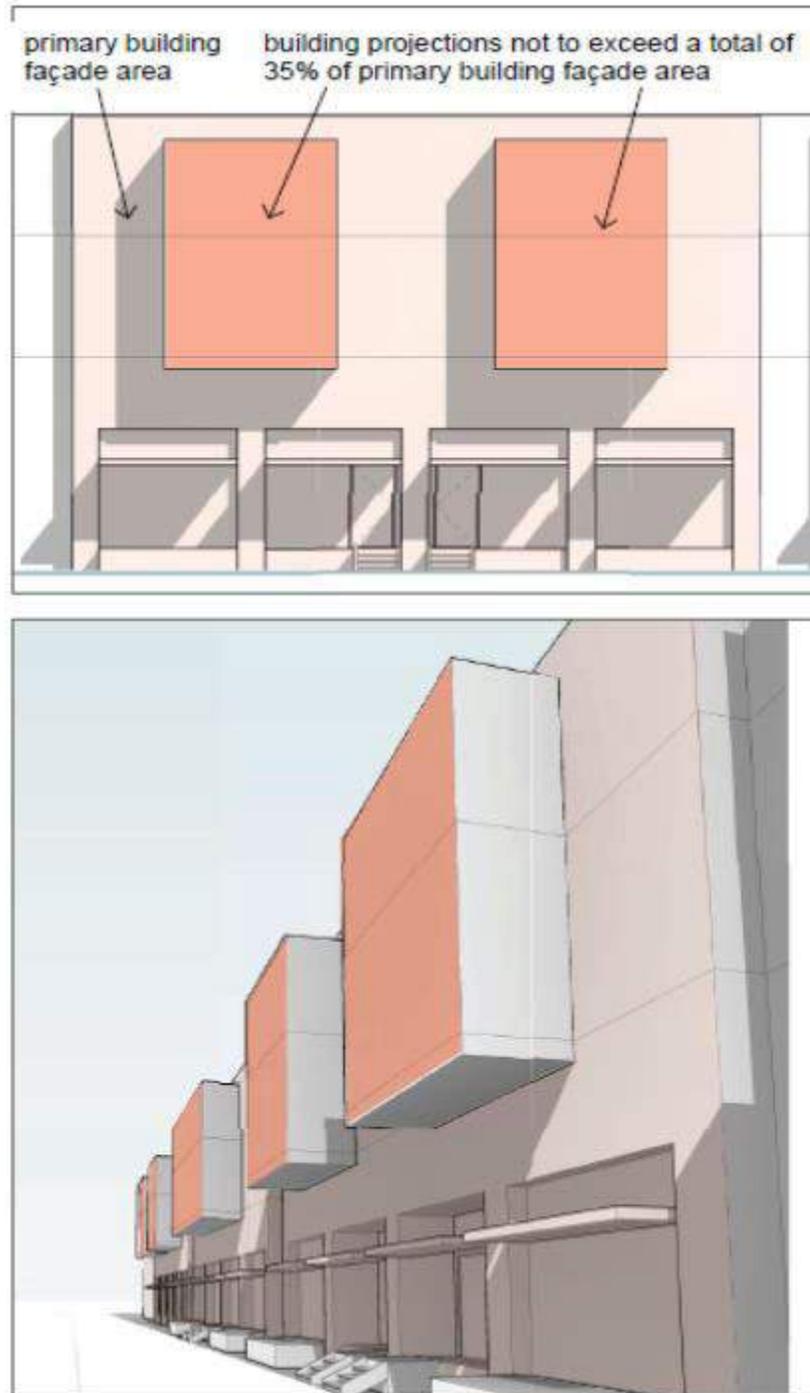


Figure 1

(2) Facade Modulation and Treatment.

(A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be

a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

(B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.

(C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.

(3) Building Profile.

(A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.

(C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.40.040(1). (See Figure 2.)

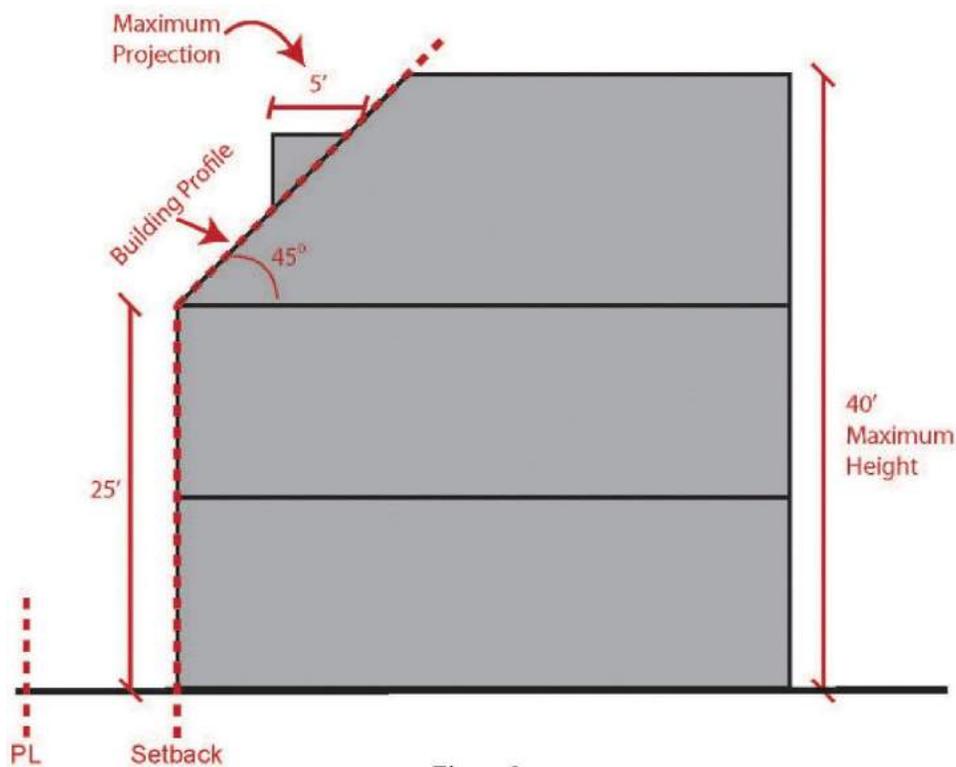


Figure 2

(D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.

(E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.

(4) Height.

(A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.

(B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.

(C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.

(5) Exterior Materials.

(A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.

(B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.

(C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.

(D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.

(6) Building Design.

(A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.

(C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.

(F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

(7) Open Space.

(A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.

(B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:

(i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).

(ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

(A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.

(B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.

(C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.

(E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.

(F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

(A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.

(B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

16.40.050 Residential green and sustainable building.

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

(A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.40.050(1)(B).

(2) Energy.

(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

(i) On-site energy generation;

(ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;

(iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;

(iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Tables 16.40.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

TABLE 16.40.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size³	25,001 sq. ft. and above of conditioned area, volume or size³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.40.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.40.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.40.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.40.050(2)(B), additions and alterations of

that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

3 If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation

measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (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 shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.

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

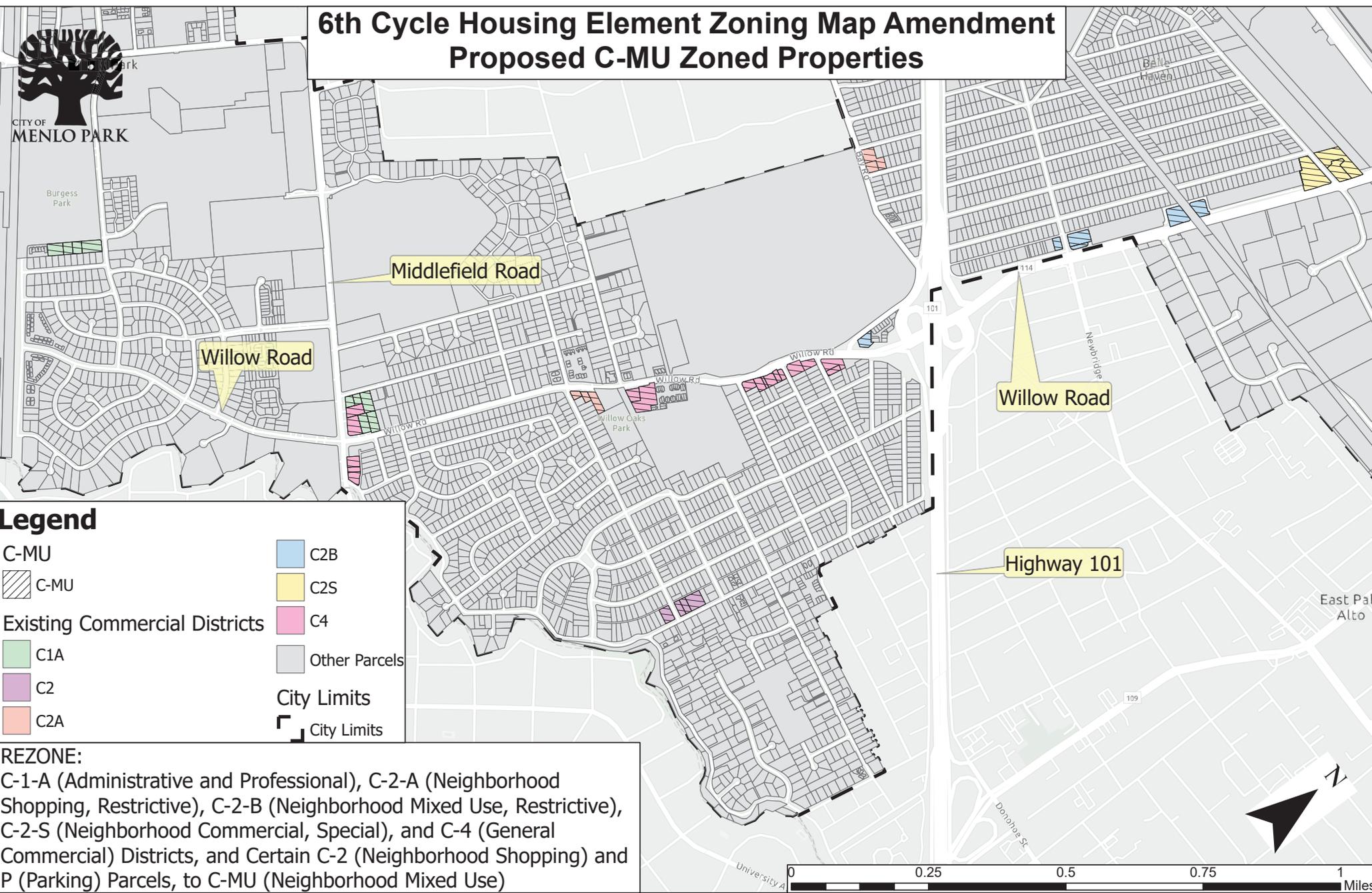
(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

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

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

6th Cycle Housing Element Zoning Map Amendment Proposed C-MU Zoned Properties



Legend

- C-MU C2B
- C-MU C2S
- Existing Commercial Districts C4
- C1A Other Parcels
- C2 City Limits
- C2A City Limits

REZONE:
 C-1-A (Administrative and Professional), C-2-A (Neighborhood Shopping, Restrictive), C-2-B (Neighborhood Mixed Use, Restrictive), C-2-S (Neighborhood Commercial, Special), and C-4 (General Commercial) Districts, and Certain C-2 (Neighborhood Shopping) and P (Parking) Parcels, to C-MU (Neighborhood Mixed Use)



Proposed Zoning Ordinance Text Amendments to Chapter 16.30 of Title 16 of the City of Menlo Park Municipal Code

Section 1. Chapter 16.30 – C-1 Administrative and Professional District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.30.010 Permitted uses.

There are no permitted uses in the C-1 district. (Prior code § 30.412(A)).

16.30.020 Conditional uses.

Conditional uses allowed in the C-1 district, subject to obtaining a use permit are as follows:

- (1) Professional, executive and administrative offices;
- (2) Research facilities;
- (3) Multiple dwellings;
- ~~(34)~~ Public utilities in accordance with Chapter 16.76;
- ~~(45)~~ Special uses in accordance with Chapter 16.78. (Ord. 850 § 4, 1993; Prior code § 30.412(B)).

16.30.030 Development regulations.

Development regulations in the C-1 district are as follows:

- (1) Minimum lot area: two (2) acres;
- (2) Minimum lot dimensions: one hundred fifty (150) feet width and depth;
- (3) Required minimum yards: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side;
- (4) For a nonresidential development, land covered by all structures shall not exceed forty percent (40%) of a building site. For a one hundred percent (100%) residential development, land covered by all structures shall not exceed fifty percent (50%) of a building site. For a development with mixed nonresidential and residential uses, land covered by all structures shall not exceed fifty-five percent (55%) of a building site;
- (5) For a development with mixed nonresidential and residential uses or a one hundred percent (100%) residential development, not less than twenty-five percent (25%) of a building site shall be occupied by open space as defined in Section 16.04.500, including landscaping;
- ~~(56)~~ Height of nonresidential structures shall not exceed thirty-five (35) feet. Height of mixed nonresidential and residential structures or residential structures shall not exceed forty (40) feet;
- ~~(67)~~ In the case of conditional uses, additional regulations may be required by the planning commission;

(8) Development on sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households is subject to the provisions of Section 16.08.105;

(79) For a nonresidential development, the floor area ratio shall not exceed thirty percent (30%);

(10) The maximum density is thirty (30) dwelling units per acre (du/ac);

(11) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio shall be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;

(12) In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (11), the combined maximum floor area ratio is one hundred-twenty percent (120%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (9) and (11) of this section (Ord. 863 § 4, 1994; Ord. 739 § 2 (part), 1986; Prior code § 30.412(C)).

16.30.040 Residential design standards.

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Building Setbacks and Projections within Setbacks.

(A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.

(B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.

(C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

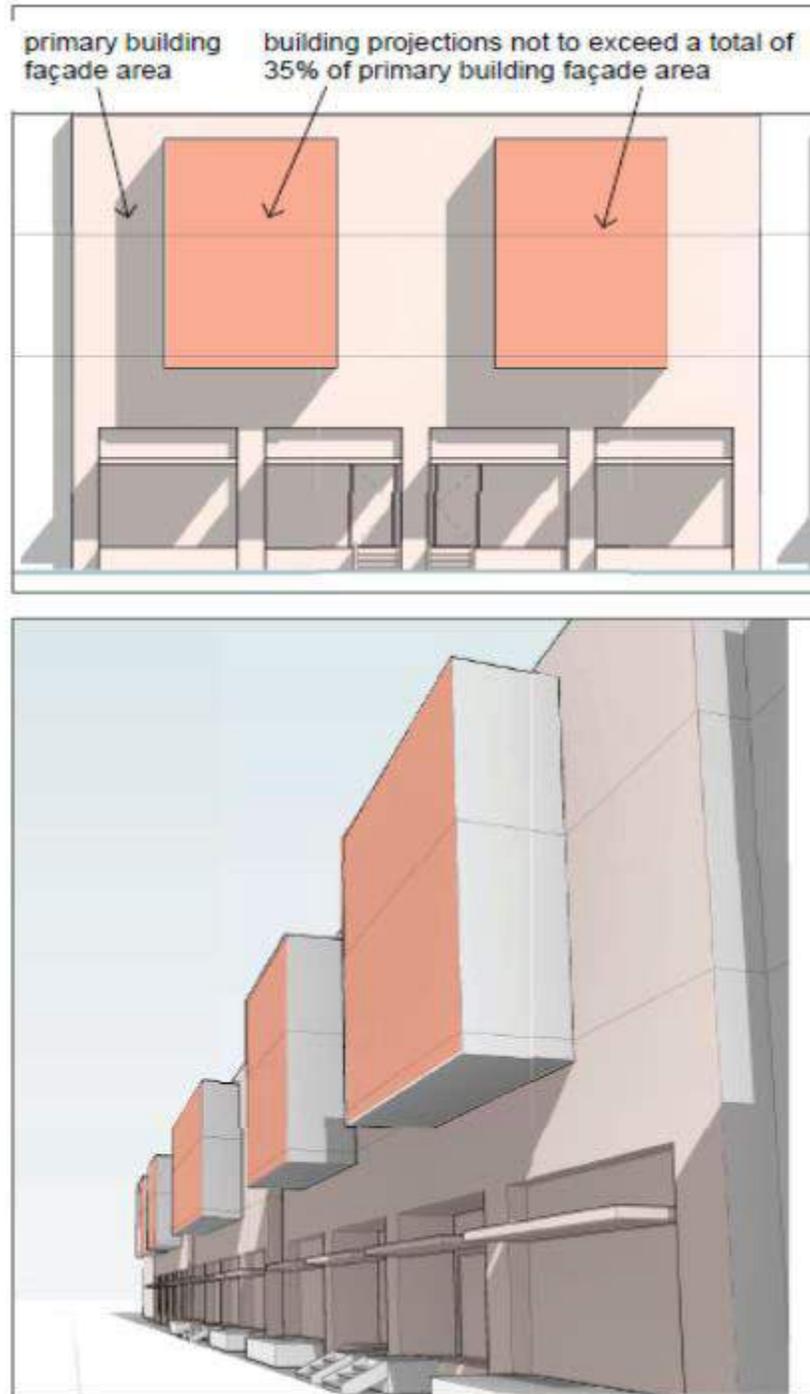


Figure 1

(2) Facade Modulation and Treatment.

(A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

(B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.

(C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.

(3) Building Profile.

(A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.

(C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.30.040(1). (See Figure 2.)

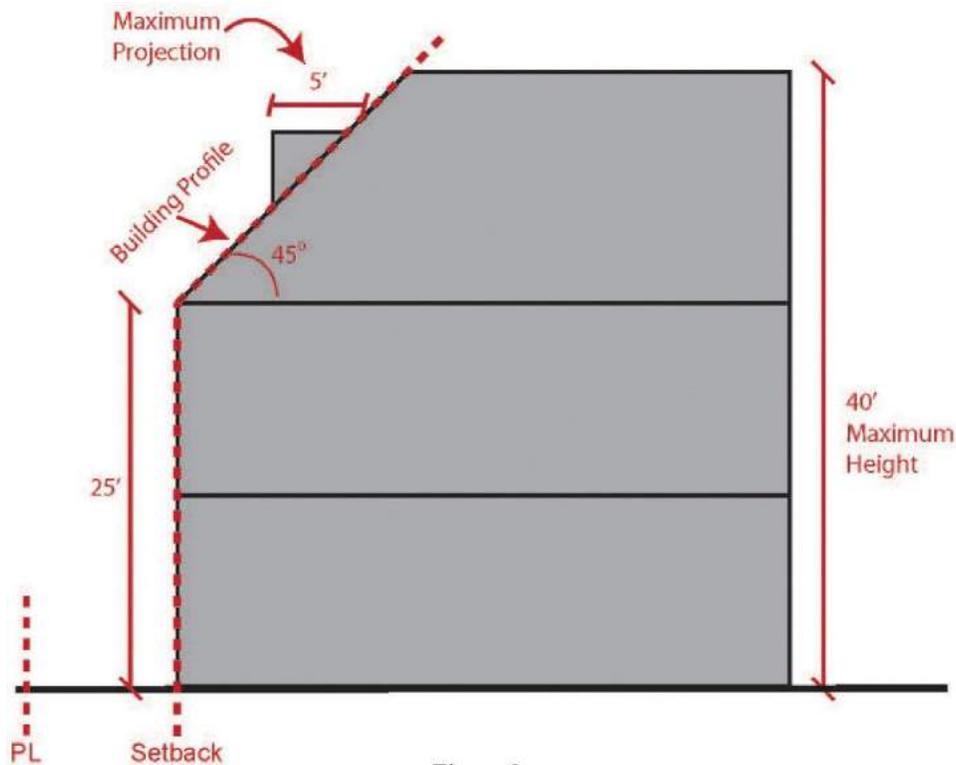


Figure 2

(D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.

(E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.

(4) Height.

(A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.

(B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.

(C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.

(5) Exterior Materials.

(A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.

(B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.

(C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.

(D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.

(6) Building Design.

(A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.

(C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.

(F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

(7) Open Space.

(A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.

(B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:

(i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).

(ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

(A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.

(B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.

(C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.

(E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.

(F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

(A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.

(B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

16.30.050 Residential green and sustainable building.

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

(A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.30.050(1)(B).

(2) Energy.

(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

(i) On-site energy generation;

(ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;

(iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;

(iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Table 16.30.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

TABLE 16.30.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size³	25,001 sq. ft. and above of conditioned area, volume or size³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.30.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.30.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.30.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.30.050(2)(B), additions and alterations of

that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

3 If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation

measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (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 shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) 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, freestanding (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 green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

Proposed Zoning Ordinance Text Amendments to Chapter 16.36 of Title 16 of the City of Menlo Park Municipal Code

Section 1. Chapter 16.36 – C-1-C Administrative, Professional and Research District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.36.010 Permitted uses.

There are no permitted uses in the C-1-C district. (Prior code § 30.415(A)).

16.36.020 Conditional uses.

Conditional uses allowed in the ~~C-1-C~~GC-1-C district, subject to obtaining a use permit, are as follows:

- (1) Professional, administrative, and executive offices;
- (2) Research and development facilities;
- (3) Multiple dwellings;
- ~~(34)~~ Convalescent homes;
- ~~(45)~~ Public utilities in accordance with Chapter 16.76;
- ~~(56)~~ Special uses in accordance with Chapter 16.78. (Ord. 850 § 6 (part), 1993; Prior code § 30.415(B)).

16.36.030 Development regulations.

Development regulations in the C-1-C district are as follows:

- (1) Minimum lot area: three (3) acres;
- (2) Minimum lot dimensions: two hundred (200) feet width and depth;
- (3) Required minimum yards for nonresidential structures: seventy-five (75) feet front; seventy-five (75) feet rear when abutting a residential district, otherwise forty (40) feet; interior side thirty (30) feet; corner side seventy-five (75) feet;
- (4) Required minimum yards for mixed nonresidential and residential structures or residential structures: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side;
- (45) For a nonresidential development, land covered by all structures shall not exceed twenty percent (20%) of a building site; For a one hundred percent (100%) residential development, land covered by all structures shall not exceed fifty percent (50%) of a building site. For a development with mixed nonresidential and residential uses, land covered by all structures shall not exceed fifty-five percent (55%) of a building site;

(56) For a nonresidential development, not less than thirty percent (30%) of a building site shall be occupied by appropriate landscaping. For a development with mixed nonresidential and residential uses or a one hundred percent (100%) residential development, not less than twenty-five percent (25%) of a building site shall be occupied by open space as defined in Section 16.04.500, including landscaping;

(67) Height of nonresidential structures shall not exceed thirty-five (35) feet;. Height of mixed nonresidential and residential structures or residential structures shall not exceed forty (40) feet;

(78) In the case of conditional uses, additional regulations may be required by the planning commission;

(9) Development on sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households is subject to the provisions of Section 16.08.105;

(810) The floor area ratio for a nonresidential development shall not exceed twenty-five percent (25%);

(11) The maximum density is thirty (30) dwelling units per acre (du/ac);

(12) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio shall be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;

(13) In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (12), the combined maximum floor area ratio is one hundred-fifteen percent (115%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (10) and (12) of this section (Ord. 739 § 2 (part), 1986; Prior code § 30.415(C)).

16.36.040 Residential design standards.

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Building Setbacks and Projections within Setbacks.

(A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.

(B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.

(C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed

fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

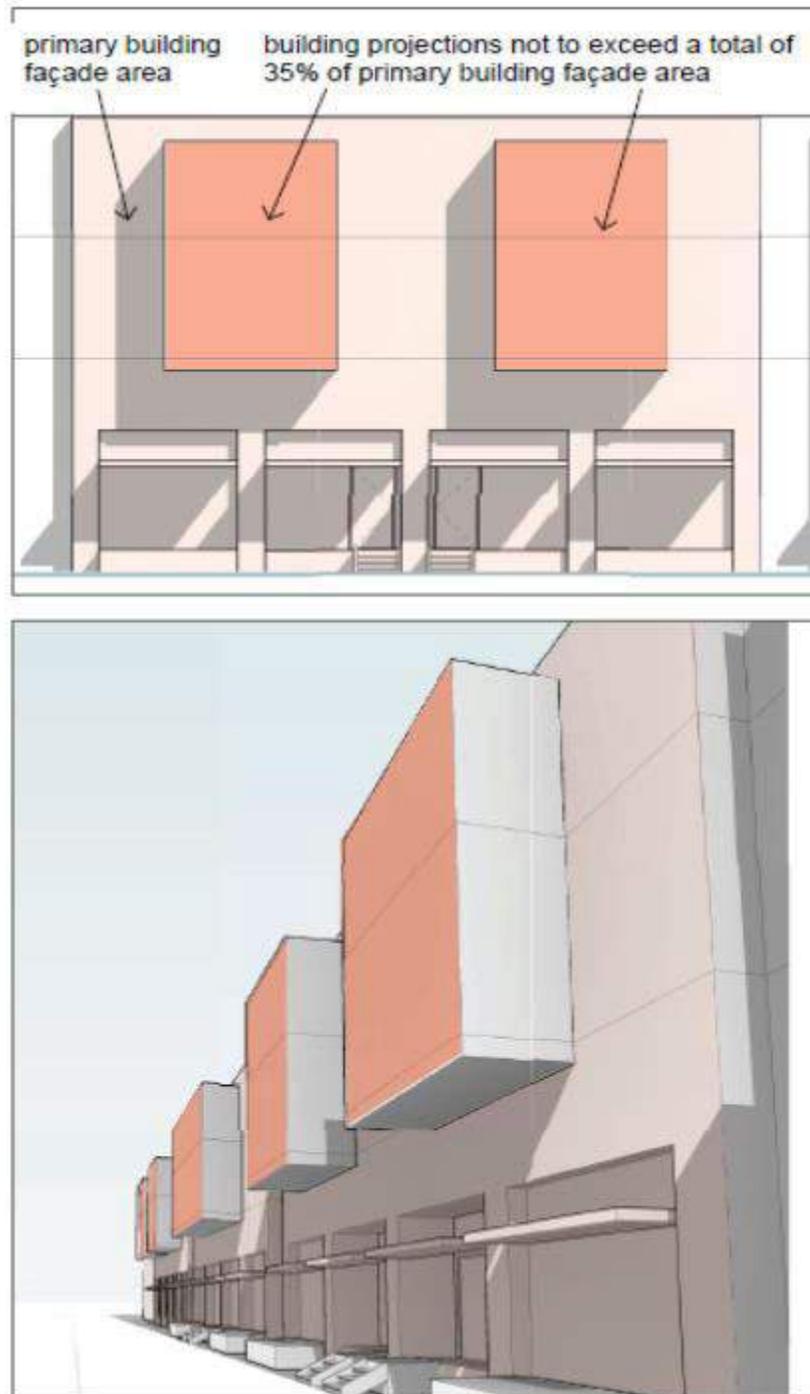


Figure 1

(2) Facade Modulation and Treatment.

(A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

(B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.

(C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.

(3) Building Profile.

(A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.

(C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.36.040(1). (See Figure 2.)

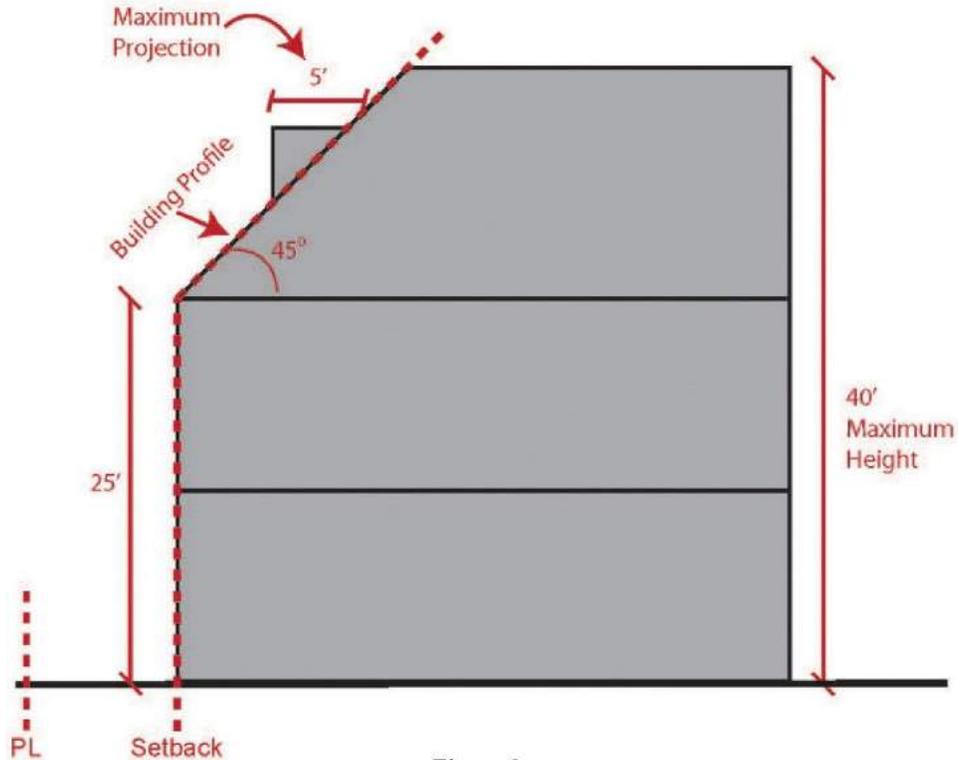


Figure 2

(D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.

(E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.

(4) Height.

(A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.

(B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.

(C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.

(5) Exterior Materials.

(A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.

(B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.

(C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.

(D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.

(6) Building Design.

(A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.

(C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.

(F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

(7) Open Space.

(A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.

(B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:

(i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).

(ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

(A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.

(B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.

(C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.

(E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.

(F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

(A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.

(B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

16.30.050 Residential green and sustainable building.

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

(A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.36.050(1)(B).

(2) Energy.

(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

(i) On-site energy generation;

(ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;

(iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;

(iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

a. Maximum on-site generation potential.

b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).

c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Table 16.36.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

TABLE 16.36.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size³	25,001 sq. ft. and above of conditioned area, volume or size³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.36.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.36.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.36.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.36.050(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

3 If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with

all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (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 shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) 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, freestanding (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 green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

Proposed Zoning Ordinance Text Amendments to Chapter 16.38 of Title 16 of the City of Menlo Park Municipal Code

Section 1. Chapter 16.38 – C-2 Neighborhood Shopping District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.38.010 Permitted uses.

Permitted uses in the C-2 district, all within buildings, intended primarily to serve the immediate neighborhood, are as follows:

- (1) Retail services such as food, drugs, apparel, hardware, variety, restaurant;
- (2) Financial services such as bank, realty;
- (3) Professional services such as medical, dental, legal;
- (4) Personal services such as barber, beauty, launderette, dry cleaning, shoe repair. (Prior code § 30.416(A)).

16.38.020 Conditional Uses.

Conditional uses allowed in the C-2 district, subject to obtaining a use permit, are as follows:

- (1) Multiple dwellings, consistent with Section 16.38.050:
- ~~(2)~~ Service stations;
- ~~(23)~~ Special outside events such as sales and displays;
- ~~(34)~~ Public utilities in accordance with Chapter 16.76;
- ~~(45)~~ Special uses in accordance with Chapter 16.78. (Ord. 850 § 7 (part), 1993; Ord. 643(b), 1979; Prior code § 30.416(B)).

16.38.030 Development regulations, general.

Development regulations that apply to any development in the C-2 district are as follows:

- (1) Minimum lot area: three (3) acres;
- (2) Minimum lot dimensions: two hundred (200) feet width and depth;
- (3) Required minimum yards: fifteen (15) feet front; twenty (20) feet rear; twenty (20) feet side;

16.38.040 Development regulations, nonresidential.

Additional development regulations for a nonresidential development in the C-2 district are as follows:

(41) Land cover by all structures shall not exceed fifty percent (50%) of a building site;

(52) Not less than ten percent (10%) of a building site shall be occupied by appropriate landscaping;

(63) Height of nonresidential structures shall not exceed fifteen (15) feet within seventy-five (75) feet of any residential district, otherwise thirty (30) feet;

(74) In the case of conditional uses, additional regulations may be required by the planning commission;

(85) The floor area ratio shall not exceed forty percent (40%). (Ord. 739 § 2 (part), 1986; Prior code § 30.416(C)).

16.38.050 Development regulations, residential mixed use.

An entire site may be developed with multiple dwellings within separate or mixed nonresidential and residential structures. For a mixed nonresidential and residential development, additional development regulations are as follows:

(1) Land cover by all structures shall not exceed sixty percent (60%) of a building site;

(2) Upon comprehensive redevelopment of a property, not less than twenty-five percent (25%) of a building site shall be occupied by open space as defined in Section 16.04.500, inclusive of common open space and private open space required per Section 16.38.060(7);

(3) Height of mixed nonresidential and residential structures or residential structures shall not exceed sixty (60) feet;

(4) An equivalent amount of nonresidential gross floor area that existed in the previous development on the site shall be maintained for nonresidential uses, unless a different amount is allowed through a use permit from the planning commission;

(4) In the case of conditional uses, additional regulations may be required by the planning commission;

(5) Development on any of the sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households is subject to the provisions of Section 16.08.105;

(6) The maximum density is sixty (60) dwelling units per acre (du/ac);

(7) The floor area ratio for multiple dwelling units shall increase on an even gradient up to one hundred fifty percent (150%) for sixty (60) du/ac. The maximum floor area ratio shall be allowed when the maximum number of dwelling units is proposed, even if less than sixty (60) du/ac;

(8) In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (6), the combined maximum floor area ratio is one hundred ninety percent (190%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per Section 16.38.040(5) and subsection (6) of this section.

16.38.060 Residential design standards.

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Building Setbacks and Projections within Setbacks.

(A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.

(B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.

(C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

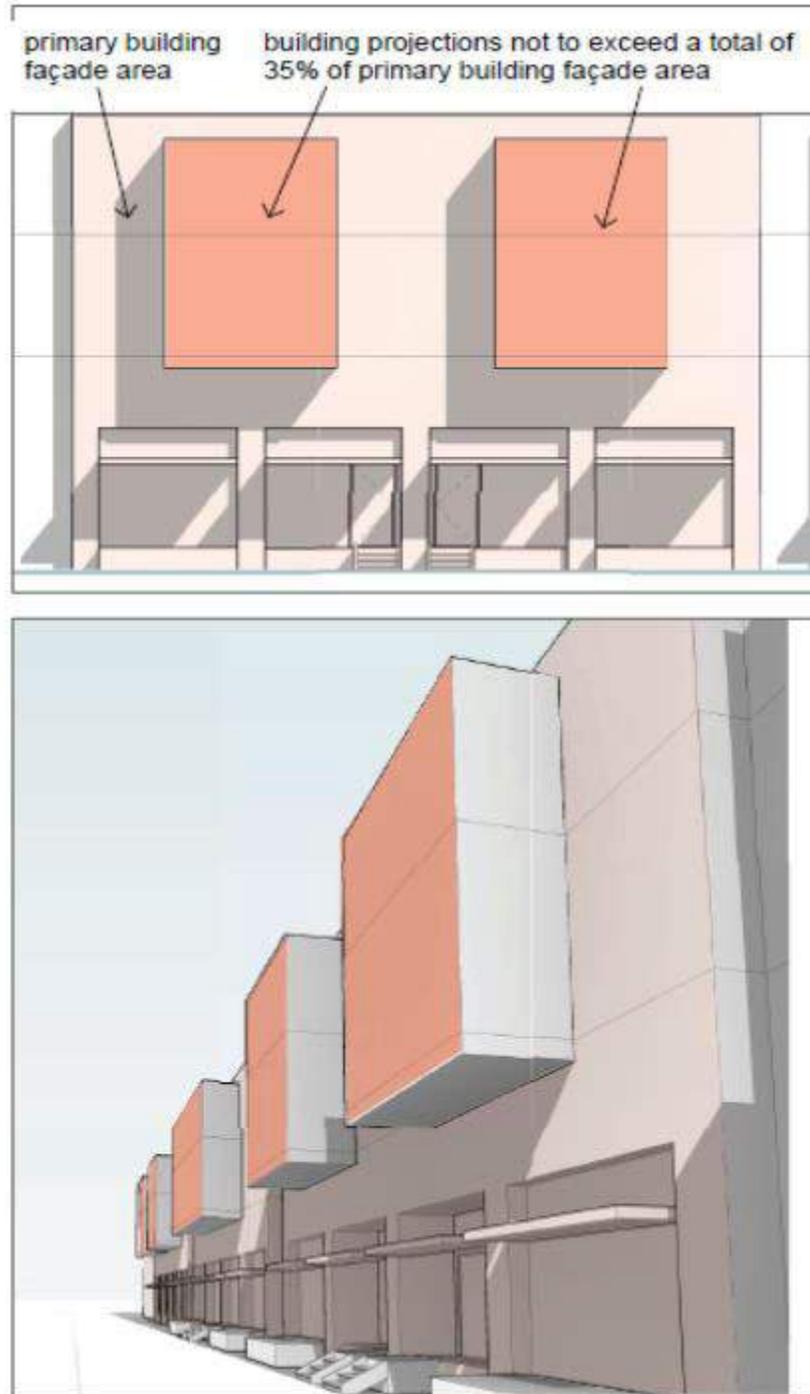


Figure 1

(2) Facade Modulation and Treatment.

(A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

(B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.

(C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.

(3) Building Profile.

(A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.

(C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.38.060(1). (See Figure 2.)

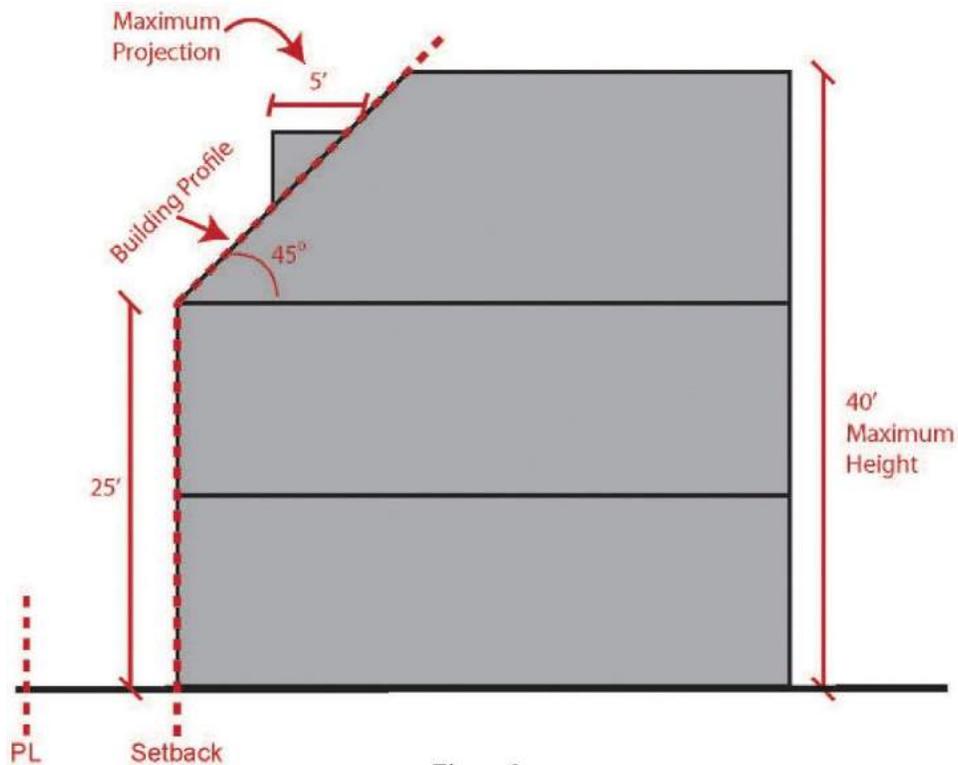


Figure 2

(D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.

(E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.

(4) Height.

(A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.

(B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.

(C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.

(5) Exterior Materials.

(A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.

(B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.

(C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.

(D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.

(6) Building Design.

(A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.

(C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.

(F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

(7) Open Space.

(A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.

(B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:

(i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).

(ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

(A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.

(B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.

(C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.

(E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.

(F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

(A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.

(B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

16.38.070 Residential green and sustainable building.

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

(A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.38.070(1)(B).

(2) Energy.

(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

(i) On-site energy generation;

(ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;

(iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;

(iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Tables 16.38.070(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

TABLE 16.38.070(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size³	25,001 sq. ft. and above of conditioned area, volume or size³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.38.070(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.38.070(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.38.070(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.38.070(2)(B), additions and alterations of

that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

3 If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation

measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (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 shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) 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, freestanding (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 green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

Proposed Zoning Ordinance Text Amendments to Chapter 16.43 of Title 16 of the City of Menlo Park Municipal Code

Section 1. Section 16.43.010 – Purpose of Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.43.010 Purpose.

The purpose and intent of the office district is to:

- (1) Accommodate large-scale administrative and professional office development;
- (2) Allow retail and service uses at administrative and professional office sites and nearby;
- (3) Provide opportunities for quality employment and development of emerging technology, entrepreneurship, and innovation;
- (4) Facilitate the creation of a "live/work/play" environment with goods, ~~and services,~~ and housing that support adjacent neighborhoods and the employment base;
- (5) Accommodate light industrial and research and development uses that do not pose hazards to or disrupt adjacent businesses or neighborhoods. (Ord. 1024 § 3 (part), 2016).

Section 2. Section 16.43.040 – Conditional uses of Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.43.040 Conditional uses.

Conditional uses allowed in the office district, subject to obtaining a use permit per Chapter 16.82, are as follows:

- (1) Administrative and professional offices and accessory uses, greater than two hundred fifty thousand (250,000) square feet of gross floor area;
- (2) Hotel, in a location not specifically shown on the adopted city of Menlo Park zoning map;
- (3) Eating establishments, including alcohol, and/or establishments that are portable;
- (4) Drinking establishments, including beer, wine and alcohol. For purposes of this chapter, a drinking establishment is a business serving beverages for consumption on the premises as a primary use;
- (5) Retail sales establishments, including the sale of beer, wine and alcohol;
- (6) Movie theater;

- (7) Automobile dealership, provided that all vehicles for sale or being serviced are contained entirely in enclosed buildings;
- (8) Recreational facilities, privately operated, greater than twenty thousand (20,000) square feet of gross floor area;
- (9) Special uses, in accordance with Chapter 16.78;
- (10) Uses identified in Sections 16.43.020, 16.43.030, and 16.43.040 proposing bonus level development, in accordance with Section 16.43.060;
- (11) Corporate housing, in a location identified as O-CH on the adopted city of Menlo Park zoning map, in accordance with Section 16.43.080, or housing in accordance with Section 16.43.085;
- (12) Public utilities, in accordance with Chapter 16.76. (Ord. 1024 § 3 (part), 2016).

Section 3. Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to add a new Section 16.43.085 – Housing to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.43.085 Housing.

Housing may be allowed within the area bounded by Marsh Road, the Dumbarton spur railway line, Bohannon Drive, and Scott Drive, identified as O district on the adopted city of Menlo Park zoning map may include housing, subject to obtaining a use permit per Chapter 16.82 and the requirements of this section. Development on any of the sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households is subject to the provisions of Section 16.08.105. Unless otherwise stated in this section, housing is subject to the office district standards at the base level.

- (1) Density. Maximum thirty (30) dwelling units per acre.
- (2) Floor Area Ratio. The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) dwelling units per acre (du/ac). The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac.
 - (A) In a mixed use development including residential uses, the combined maximum floor area ratio shall not exceed one hundred percent (135%) (plus 10% commercial). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed in Section 16.43.050 and Section 16.43.085(2).
- (3) Height. Maximum height of forty (40) feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a ten (10) foot height increase.
- (4) Modulation.

(A) A minimum of one (1) recess of fifteen (15) feet wide by ten (10) feet deep per two hundred (200) feet of facade length is required on a building's facade from the ground level to the top of the building to provide visual variety, reduce large building volumes, and provide spaces for entryways and publicly accessible spaces.

(B) In addition, a minimum recess of five (5) feet wide by five (5) feet deep is required every fifty (50) feet of facade length, or building projections spaced no more than fifty (50) feet apart with a minimum of three (3) foot depth and five (5) foot width may satisfy this requirement.

(C) Parking is not allowed in these recesses.

(5) Open Space. Residential developments must provide a minimum amount of open space equal to twenty-five percent (25%) of the total lot area and shall have common and private open spaces.

(A) One hundred (100) square feet of open space per unit shall be created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet;

(B) Depending on the number of dwelling units, common open space shall be provided to meet the following criteria:

(i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum);

(ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) square feet total, minimum);

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) square feet total, minimum).

(6) Connections. Entrances to housing must connect to on-site pedestrian/bicycle pathways and to the public right-of-way to provide safe and easy nonvehicular means of travel.

Section 4. Section 16.43.090 – Parking standards of Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

Development in the office district shall meet the following parking requirements:

Land Use	Minimum Spaces (Per 1,000 Sq. Ft.)	Maximum Spaces (Per 1,000 Sq. Ft.)	Minimum Bicycle Parking¹
Office	2	3	

Land Use	Minimum Spaces (Per 1,000 Sq. Ft.)	Maximum Spaces (Per 1,000 Sq. Ft.)	Minimum Bicycle Parking¹
Light industrial, research and development	1.5	2.5	1 per 5,000 sq. ft. of gross floor area; minimum 2 spaces For office and research development: 80% for long-term ² and 20% for short-term ² For all other commercial uses: 20% for long-term ² and 80% for short-term ²
Retail	2.5	3.3	
Banks and financial institutions	2	3.3	
Eating and drinking establishments	2.5	3.3	
Personal services	2	3.3	
Private recreation	2	3.3	
Child care center	2	3.3	
Hotel	0.75 spaces per guest room	1.1 spaces per guest room	
<u>Residential units</u>	<u>1 per unit</u>	<u>1.5 per unit</u>	<u>1.5 long-term² per unit; 10% additional short-term² for guests</u>
Public parking lot or structure			1 space per 20 vehicle spaces
Other	At transportation manager's discretion	At transportation manager's discretion	At transportation manager's discretion

¹ See Section 16.43.130(7) and the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

² Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

Proposed Zoning Ordinance Text Amendments to Chapters 16.02, 16.08, 16.72, and 16.80 of Title 16 of the City of Menlo Park Municipal Code

Section 1. Section 16.02.070 – Mitigation monitoring of Chapter 16.02 – General Provisions of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.02.070 Mitigation monitoring.

All development, as applicable, including ministerially reviewed development seeking a building permit, shall comply with the Mitigation Monitoring and Report Program (MMRP) established through Resolution No. 6356, associated with the environmental impact report prepared for the ConnectMenlo General Plan and M-2 Area Zoning Update, adopted on the 29th day of November 2016, and the MMRP established through Resolution No. 6808, associated with the subsequent environmental impact report prepared for the Housing Element Update project, adopted on the 31st day of January 2023.

Section 2. Section 16.08.010 – Districts established—Designated of Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.08.010 Districts established—Designated.

There are established several districts into which the city is divided and which are designated as follows:

R-E	Residential Estate District
R-E-S	Residential Estate Suburban District
R-1-S	Single Family Suburban Residential District
R-1-S(FG)	Single Family Suburban Residential District (Felton Gables)
R-1-U	Single Family Urban Residential District
R-2	Low Density Apartment District
R-3	Apartment District
R-3-A	Garden Apartment Residential District
R-3-C	Apartment—Office District
R-4	High Density Residential District
R-4-S	High Density Residential District, Special
R-L-U	Retirement Living Units District
C-1	Administrative and Professional District, Restrictive

C-1-A	Administrative and Professional District
C-1-C	Administrative, Professional and Research District, Restrictive
C-2-S	Neighborhood Commercial District, Special
C-2	Neighborhood Shopping District
C-2-A	Neighborhood Shopping District, Restrictive
C-2- <u>BMU</u>	Neighborhood Commercial District, Restrictive
C-4	General Commercial District
<u>LS</u>	<u>Life Sciences</u>
M-2	General Industrial District
M-3	Commercial Business Park
<u>O</u>	<u>Office</u>
OSC	Open Space and Conservation District
P-F	Public Facilities District
<u>R-MU</u>	<u>Residential Mixed Use</u>
FP	Flood Plain District
P	Parking District
H	Historic Site District
X	Conditional Development District
AAGP	Allied Arts Guild Preservation District
SP- ECR/D	El Camino Real/Downtown Specific Plan
AHO	Affordable Housing Overlay

(Ord. 999 §§ 3, 4, 2013; Ord. 979 § 2, 2012; Ord. 969 § 1, 2010; Ord. 919 § 1, 2003; Ord. 903 § 2, 2001; Ord. 869 § 2, 1995; Amended during 3/93 supplement; Ord. 766 § 1, 1988; Ord. 555 (part), 1973; Prior code § 30.301).

Section 3. Section 16.08.060 – Increase in building height in C-3, C-4 and M-2 districts of Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.08.060 Increase in building height in ~~C-3, C-4~~ and M-2 districts.

Subject to obtaining a conditional development permit as provided in this title, any building in ~~at the C-3, C-4, or M-2~~ at the district may be erected to a height exceeding that specified for such districts; provided:

~~(1) In C-3 districts, the minimum building site shall be twenty thousand (20,000) square feet.~~

~~(2) In C-4 and M-2 districts, the minimum building site shall be one (1) acre.~~

(3) Off-street parking, as required in this title, shall be provided on or adjacent to the building site. (Prior code § 30.505).

Section 4. Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to add a new Section 16.08.105 – 2023 to 2031 6th Cycle Housing Element opportunity sites to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

Section 16.08.105 2023 to 2031 6th Cycle Housing Element opportunity sites

Opportunity sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households are subject to the following provisions:

(1) In mixed nonresidential and residential developments, residential uses shall be a minimum fifty percent (50%) of the total floor area ratio of the mixed use development;

(2) One hundred percent (100%) residential development is allowed for the amount of developable acreage identified in Appendix 7-1, Table B of the Housing Element;

(3) For housing developments in which at least twenty (20) percent of the units are affordable to extremely low, very low, and/or low income households, owner-occupied and rental multifamily residential development shall be ministerially reviewed, without discretionary review or hearing.

Section 5. Section 16.72.030 Professional district uses of Chapter 16.72 – Off-Street Parking of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.72.030 Professional district uses.

Professional district uses are as follows:

~~(1) C-1 and C-1-A districts nonresidential uses:~~ One (1) space per two hundred (200) square feet of gross floor area, not in any required yard abutting a street;

(2) C-1-C district nonresidential uses: One (1) space per two hundred fifty (250) square feet of gross floor area, not in any required yard abutting a street and not in the exterior one-half (1/2) of any required yard or loading area. (Ord. 979 § 8 (part), 2012: Ord. 897 § 2, 2000: Prior code § 30.520(B));

(3) C-1 and C-1-C districts residential uses: one (1) space per dwelling unit minimum, one and one-half (1 1/2) spaces per dwelling unit maximum.

Section 6. Section 16.72.040 C-2, C-2-A, and C-4 district uses of Chapter 16.72 – Off-Street Parking of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

16.72.040 C-2, ~~C-2-A~~, and C-4 district uses.

C-2, ~~C-2-A~~, and C-4 district uses are as follows:

(1) Nonresidential uses: ~~s~~Six (6) spaces per one thousand (1,000) square feet of gross floor area, not in any required yard or loading area;

(2) Residential uses: One (1) space per dwelling unit minimum, one and one-half (1 1/2) spaces per dwelling unit maximum. (Ord. 1027 § 4, 2016; Ord. 979 § 8 (part), 2012; Ord. 769-A § 1, 1988; Ord. 579 Art. II, 1975: Prior code § 30.520(C)).

Section 7. Chapter 16.80 – Nonconforming Uses and Buildings of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to add a new Section 16.80.140 – Exemption from the C-MU district to read as follows (additions in underline, deletions in ~~striketrough~~ text):

Section 16.80.140 – Exemption from the C-MU district

(a) Properties within the C-MU district that are regulated by a use permit or conditional development permit (CDP) as of January ____, 2024 shall continue to be regulated by said permit(s). Such permit(s) shall lapse upon comprehensive redevelopment of the property, or property owners may apply to modify or cancel said permit(s) in accordance with the requirements of this title.

(b) No building exempt under subsection (a) of this section shall be subject to amortization by reason of a building that is nonconforming due to the development standards of the C-MU district, as specified in subsection (a) of this section.

(c) Any building exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building or office use is destroyed by fire, explosion, or other catastrophe, but such restoration shall comply with:

(1) The building codes in effect at the time of restoration; and

(2) The requirements of Section 16.80.040 with respect to nonconformities other than a nonconformity created as a result of the development standards of the C-MU district specified in subsection (a) of this section.

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO APPROVE AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.J, INCREASE RESIDENTIAL DENSITY AND MAXIMIZE DEVELOPMENT PROPOSALS, AND AMEND THE GENERAL PLAN LAND USE DESIGNATION OF THE FORMER FLOOD SCHOOL PARCEL AT 320 SHERIDAN DRIVE (APN 055-303-110) FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND DETERMINE THAT THE AMENDMENTS TO THE LAND USE ELEMENT OF THE GENERAL PLAN AND LAND USE AMENDMENT FOR THE PARCEL AT 320 SHERIDAN DRIVE WERE CONSIDERED WITHIN THE HOUSING ELEMENT UPDATE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

WHEREAS, the City of Menlo Park General Plan provides a comprehensive framework for land use and planning decisions, including the General Plan Land Use Element last comprehensively updated in November 2016; and

WHEREAS, in 2021, the City began a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, the City Council held a study session on June 6, 2022 to provide feedback on the Housing Element Site Inventory and directed staff to include the former Flood School parcel at 320 Sheridan Drive (APN 055-303-110) as an opportunity site and to provide an increase in residential development density to a maximum of 20 dwelling units per acre; and

WHEREAS, the General Plan land use designation of the parcel at 320 Sheridan Drive (APN 055-303-110), identified in Exhibit A, is modified to Medium Density Residential for consistency with the R-3 (Apartment) zoning district; and

WHEREAS, the adopted Housing Element included Policy H4.2, Housing to Address Local Housing Needs, to encourage the City to strive to provide opportunities for new housing development to meet the City's share of its Regional Housing Needs Allocation (RHNA) and to provide an adequate supply and variety of housing opportunities to meet the needs of Menlo Park's workforce and special needs populations; and

WHEREAS, the adopted Housing Element included Policy H4.3, Variety of Housing Choices, to encourage the City to strive to achieve a mix of housing types, densities, affordability levels, and designs distributed throughout the city; and

WHEREAS, the adopted Housing Element included Program H4.J, Increase Residential Density and Maximize Development Proposals, which directs the City to explore increased residential densities for R-3 properties of a certain size outside of downtown; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.J; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.J; and

WHEREAS, amendment to the City of Menlo Park General Plan Land Use Element is necessary to implement Housing Element Program H4.J; and

WHEREAS, the amendment to the General Plan Land Use Element would include modifying the description of “Medium Density Residential” to permit a maximum of 20 dwelling units per acre for all applicable zoning districts outside of the designated areas around the El Camino Real/Downtown Specific Plan boundary (Exhibit B); and

WHEREAS, the proposed amendments to the General Plan are internally consistent; and

WHEREAS, the City, as the lead agency, pursuant to CEQA and 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 (SCH #2015062054) (“SEIR”) in January 2023; and

WHEREAS, on August 23, 2021 the City sent notifications of the Housing Element Update SEIR and 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 October 23, 2023 that was continued to November 6, 2023, the Planning Commission considered the previously-certified SEIR as part of its consideration of the proposed amendments to 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 to recommend that the City Council of the City of Menlo Park make findings that the proposed amendments to the General Plan are in compliance with all applicable State regulations and the City General Plan, and adopt a resolution approving the proposed General Plan amendments; and

WHEREAS, at a duly and properly noticed public hearing held on ____, 2023, the City Council considered the previously-certified SEIR as part of its consideration of the Planning Commission’s recommendation on the proposed amendments to the General Plan, prior to making a determination on the proposed amendments.

NOW, THEREFORE, THE MENLO PARK CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1: Recitals. The City Council has considered the full record before it, which may include but is not limited to such items as the staff report, public testimony, SEIR, the Planning Commission's review and recommendation, and other materials and evidence submitted or provided, and the City Council finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. CEQA Findings. The City Council of the City of Menlo Park does hereby make the following findings:

1. There have not been any substantial changes in the amendments based upon substantial evidence and none of the conditions described in §15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:
 - a. No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The changes proposed to the General Plan do not create any additional environmental impacts;
 - b. No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The Housing Element Update SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project; and
 - c. 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 previous SEIR was certified as complete, has been submitted to the City.

Based on the above findings, the City Council determines that the previously-certified SEIR is adequate to serve as the required environmental documentation for the General Plan amendments.

Section 3. Findings. The City Council of the City of Menlo Park does hereby make the following findings:

1. The land use designation of the parcel at 320 Sheridan Drive (APN 055-303-110) is amended from Low Density Residential to Medium Density Residential.
2. The description of "Medium Density Residential" is amended to permit a maximum of 20 dwelling units per acre for all applicable zoning districts outside of the designated areas around the El Camino Real/Downtown Specific Plan boundary.
3. The amendment to the Land Use Element of the General Plan is necessary to allow the City Council to consider implementation of Housing Element Program H4.J to increase residential density and maximize development proposals.
4. The amendment to the Land Use Element of the General Plan is consistent with the objectives, policies, general land uses and programs specified in the General Plan.
5. The amendments would be consistent with the previously-certified SEIR prepared for the Housing Element Update.

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, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Exhibits

- A. Map of Land Use Amendment
- B. Amendment to the General Plan Land Use Element



6th Cycle Housing Element Land Use Amendment Proposed Medium Density Residential Properties



Amendment to the General Plan Land Use Element

Section 1. Land Use Element, page LU-14 subheading “Medium Density Residential” is hereby amended as follows (Additions in underline, deletions in ~~striketrough~~):

Medium Density Residential. This designation provides for single family detached and attached homes, duplexes, multi-family apartments condominiums, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of ~~48.5~~ 20.0 units per acre as identified in the applicable zoning district, and up to 30 units per acre in designated areas around the El Camino Real/Downtown Specific Plan boundary. FAR shall be in the range of 40 to 75 percent, as identified in the applicable zoning district.

ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTERS 16.20 (R-3), 16.22 (R-4), 16.23 (R-4-S), 16.24 (R-3-A), AND 16.26 (R-3-C) OF TITLE 16 OF THE MENLO PARK MUNICIPAL CODE AND AMENDING THE MENLO PARK ZONING MAP TO REZONE THE FORMER FLOOD SCHOOL PARCEL AT 320 SHERIDAN DRIVE (APN 055-303-110) FROM THE R-1-U ZONING DISTRICT TO THE R-3 ZONING DISTRICT TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.J, INCREASE RESIDENTIAL DEVELOPMENT DENSITY AND MAXIMIZE DEVELOPMENT PROPOSALS, AND DETERMINE THAT THE AMENDMENTS TO THE MUNICIPAL CODE AND ZONING MAP WERE CONSIDERED WITHIN THE HOUSING ELEMENT UPDATE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

WHEREAS, Chapters 16.20, 16.22, 16.23, 16.24 and 16.26 of Title 16 of the Menlo Park Municipal Code establish development regulations for higher density housing permitted in the City of Menlo Park; and

WHEREAS, in 2021, the City began a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, Housing Element Policy H4.2, Housing to Address Local Housing Needs, establishes that the City will strive to provide opportunities for new housing development to meet the City's share of its Regional Housing Needs Allocation (RHNA) and to provide an adequate supply and variety of housing opportunities to meet the needs of Menlo Park's workforce and special needs populations; and

WHEREAS, Housing Element Policy H4.3, Variety of Housing Choices, establishes that the City will strive to achieve a mix of housing types, densities, affordability levels, and designs distributed throughout the city; and

WHEREAS, Housing Element Program H4.J, Increase Residential Density and Maximize Development Proposals, states that the City will update the Zoning Ordinance to accommodate the City's RHNA and to increase development potential in the R-3 and R-4 zones (inclusive of the R-3-A, R-3-C, and R-4-S zoning districts); and

WHEREAS, the City Council held a study session on June 6, 2022 to provide feedback on the Housing Element Site Inventory and directed staff to include the former Flood School parcel at 320 Sheridan Drive (APN 055-303-110) as an opportunity site and to provide an increase in residential development density to a maximum of 20 dwelling units per acre; and

WHEREAS, the site at 320 Sheridan Drive (APN 055-303-110), identified in Exhibit A, is Site #38 within the Housing Element Site Inventory and is currently zoned R-1-U and rezoning the site to R-3 will increase potential for higher residential development density; and

WHEREAS, the Planning Commission held a study session on August 14, 2023 to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown

Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.J; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.J; and

WHEREAS, amendments to the City of Menlo Park Municipal Code and zoning map are necessary to implement Housing Element Program H4.J; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023, to review and consider the proposed amendments to Chapters 16.20, 16.22, 16.23, 16.24 and 16.26 of Title 16 of the Menlo Park Municipal Code and rezoning the former Flood School site at 320 Sheridan Drive (APN 055-303-110) from the R-1-U zoning district to the R-3 zoning district and adopted Planning Commission Resolution No. 2023-__ recommending that the City Council adopt the Zoning Ordinance amendment, whereat all interested persons had the opportunity to appear and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

Section 1. Findings. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

Section 2. Amendment. Chapter 16.20 – R-3 Apartment District, of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strike through~~ text):

Chapter 16.20

R-3 APARTMENT DISTRICT

Sections:

- 16.20.010 Permitted uses.
- 16.20.020 Conditional uses.
- 16.20.030 Development regulations.
- 16.20.040 Mitigation monitoring.

16.20.010 Permitted uses.

The following uses are permitted in the R-3 (apartment) district:

- (1) Single-family dwellings;
- (2) Duplexes;
- (3) Three (3) or more units on lots around the El Camino Real/Downtown Specific Plan Area; ten thousand (10,000) square feet or more;
- (4) Accessory buildings;

(5) Accessory structures. (Ord. 1006 § 12, 2014; Ord. 995 § 2 (part), 2013; Ord. 555 Art. 1 (part), 1974; Prior code § 30.407 (A)).

16.20.020 Conditional uses.

Conditional uses allowed in the R-3 district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Three (3) or more dwelling units on lots outside of the area around the El Camino Real/Downtown Specific Plan Area; ~~ten thousand (10,000) square feet or more;~~
- (2) Public utilities in accordance with Chapter 16.76;
- (3) Private schools and churches in accordance with Chapter 16.78;
- (4) Child day care centers in accordance with Chapter 16.78;
- (5) Home occupations in accordance with Section 16.04.340;
- (6) Foster homes;
- (7) Boardinghouses;
- (8) Convalescent homes;
- (9) Senior day care facilities. (Ord. 995 § 2 (part), 2013; Ord. 850 § 3 (part), 1993; Ord. 591 § 2, 1976; Ord. 555 Art. 1 (part), 1974; Prior code § 30.407 (B)).

16.20.030 Development regulations.

Development regulations are as follows in the R-3 district:

Table 1

		All R-3 Zoned Properties Except for Lots 10,000 Sq. Ft. or More in the Area Around the El Camino Real/Downtown Specific Plan Area	All R-3 Zoned Properties Lot Area of 10,000 Sq. Ft. or More for Property Around the El Camino Real/Downtown Specific Plan Area¹	
Minimum Lot Area		7,000 sq. ft.	10,000 sq. ft. 7,000 sq. ft.	
Minimum Lot Dimensions		70 ft. wide by 100 ft. deep (lots < 10,000 sq. ft. in area) 80 ft. wide by 100 ft. deep (lots ≥ 10,000 sf. ft. in area)	80 ft. wide by 100 ft. deep	
Land Area Required Per Dwelling Unit		See Table 2 below	Minimum	3,333 sq. ft.
			Maximum	1,452 sq. ft.
Minimum Yards	Front	15% of lot width; min. 20 ft.	20 ft.	
	Interior Side	10 ft.	10 ft.	
	Corner Side	15 ft.	15 ft.	
	Rear	15% of lot width; min. 15 ft.	15 ft.	
	Distance between Main Buildings on Same Lot	1/2 sum of the height of the buildings, 20 ft. min.	N/A	

		All R-3 Zoned Properties Except for Lots 10,000 Sq. Ft. or More in the Area Around the El Camino Real/Downtown Specific Plan Area	All R-3 Zoned Properties Lot Area of 10,000 Sq. Ft. or More for Property Around the El Camino Real/Downtown Specific Plan Area ¹	
	Distance between Main Buildings Located on One Property and Adjacent Property	20 ft.	N/A	
	Maximum Floor Area Ratio	45%	Floor area ratio shall decrease on an even gradient from 75% for 30 du/ac to 35% for 13.1 du/ac	
	Maximum Building Coverage	30% 55%	40% 55%	
	Maximum Driveways and Open Parking Areas (Paving) ²	20%	35% 20%	
	Minimum Open Space (Landscaping) ³	50% 25%	25% 25%	
	Height	35 ft.	13.1 du/ac	35 ft.
			20 du/ac or greater	40 ft.
	Building Profile	None	Starting at a height of 28 feet, a 45-degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property or public park.	
	Parking	No minimum parking requirements on development projects located within a half-mile radius of a major transit stop as required by AB 2097		
		2 spaces per unit, one of which must be covered, and not located in a required front or side yard	2 or more bedrooms per unit	1.5 2 spaces
			Up to 1 bedroom per unit	1.0 1.5 spaces
			Each unit must have at least one covered space. Parking spaces cannot be located in the required front yard	
			Minimum Bicycle Parking: 1.5 long-term ⁴ per unit; 10 % additional short-term ⁴ for guests	

¹ For the purposes of this section, the area around the Downtown/El Camino Real is defined in three distinct areas as follows, and is only applicable to properties zoned R-3; ~~that are 10,000 sq. ft. or more:~~

Area 1: Area bounded by University Avenue, Valparaiso Avenue, El Camino Real and Oak Grove Avenue.

Area 2: Area bounded by Arbor Road, Santa Cruz Avenue, El Camino Real and Middle Avenue.

Area 3: Area generally bounded by San Antonio Street and Alma Street, Encinal Avenue, Marcussen Drive and Ravenswood Avenue.

² Permeable pavers may count as 50 percent towards the paving requirement, ~~except for on lots 10,000 sq. ft. or more located around the El Camino Real/Downtown Specific Plan Area.~~

³ Minimum Open Space (Landscaping) may include both ground level improvements and other private or shared open space features (e.g., private decks and balconies, shared rooftop) which may satisfy up to 12.5% of the overall Minimum Open Space (Landscaping) requirement.

⁴ Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

Table 2

TOTAL LOT AREA	LAND AREA REQUIRED PER DWELLING UNIT
7,000—19,999 sq. ft.	3,333 sq. ft.
20,000—29,999 sq. ft.	3,100 sq. ft.
30,000—39,999 sq. ft.	2,900 sq. ft.
40,000—59,999 sq. ft.	2,700 sq. ft.
60,000—69,999 sq. ft.	2,600 sq. ft.
70,000—79,999 sq. ft.	2,500 sq. ft.
80,000—89,999 sq. ft.	2,400 sq. ft.
90,000—99,999 sq. ft. or more	2,350 sq. ft.
100,000 sq. ft. or more	2,178 sq. ft.

- (1) Notwithstanding the provisions of Table 1 herein, any given lot in excess of five thousand (5,000) square feet in area shall be permitted a minimum of two (2) units;
- (2) Any development containing twenty (20) or more units, or encompassing one (1) acre or more, may be expected to include a quantity of moderate and/or low cost units, ranging from five percent (5%) to twenty percent (20%) of the total units, depending on the specific development;
- (3) In the case of conditional uses, additional regulations may be required by the planning commission. (Ord. 995 § 2 (part), 2013; Ord. 786 § 4, 1988; Ord. 555 Art. 1 (part), 1974; Prior code § 40.507(C)).

16.20.040 Residential design standards.

Construction of any new building incorporating residential uses with three (3) or more units, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Building Setbacks and Projections within Setbacks.

(A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.

(B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.

(C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

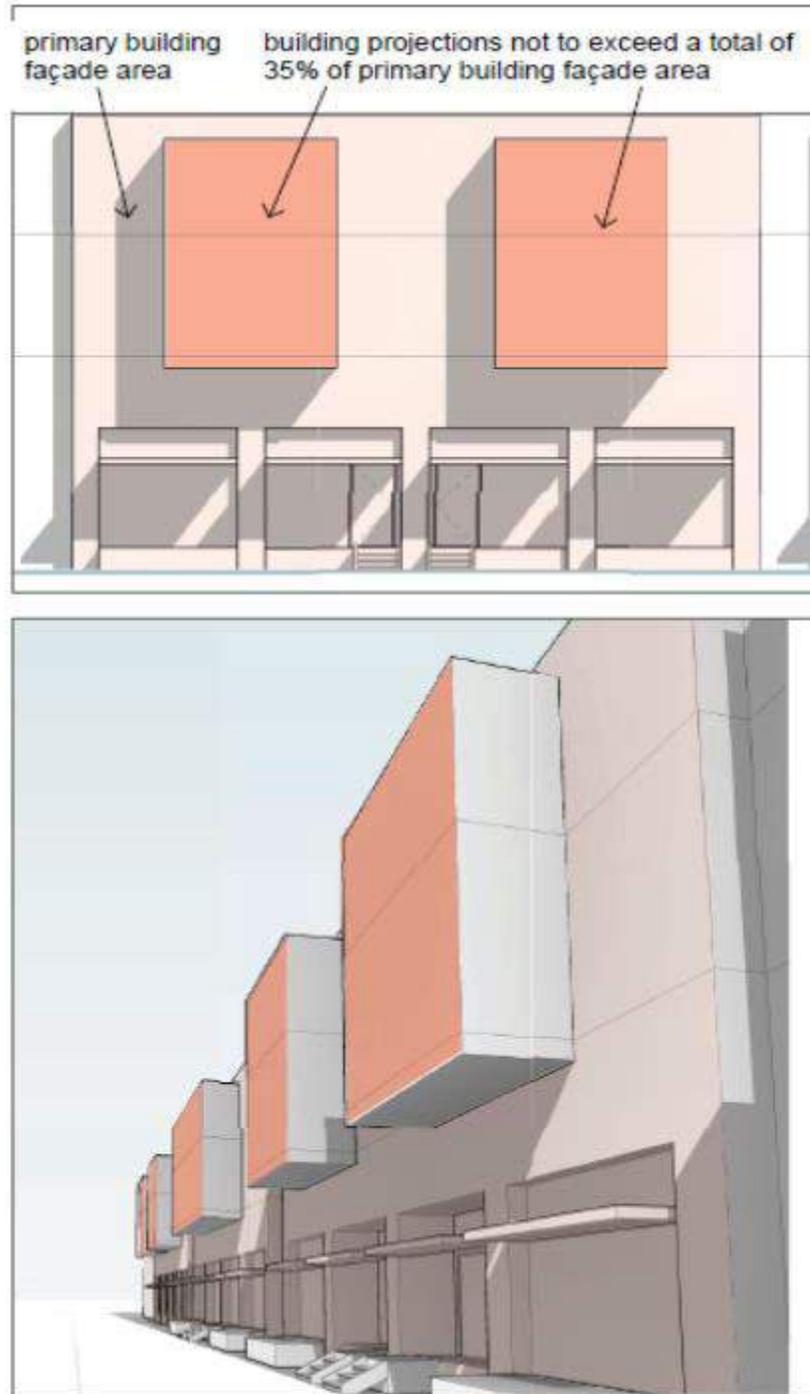


Figure 1

(2) Facade Modulation and Treatment.

(A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

(B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.

(C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.

(3) Building Profile.

(A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.

(C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.20.040(1). (See Figure 2.)

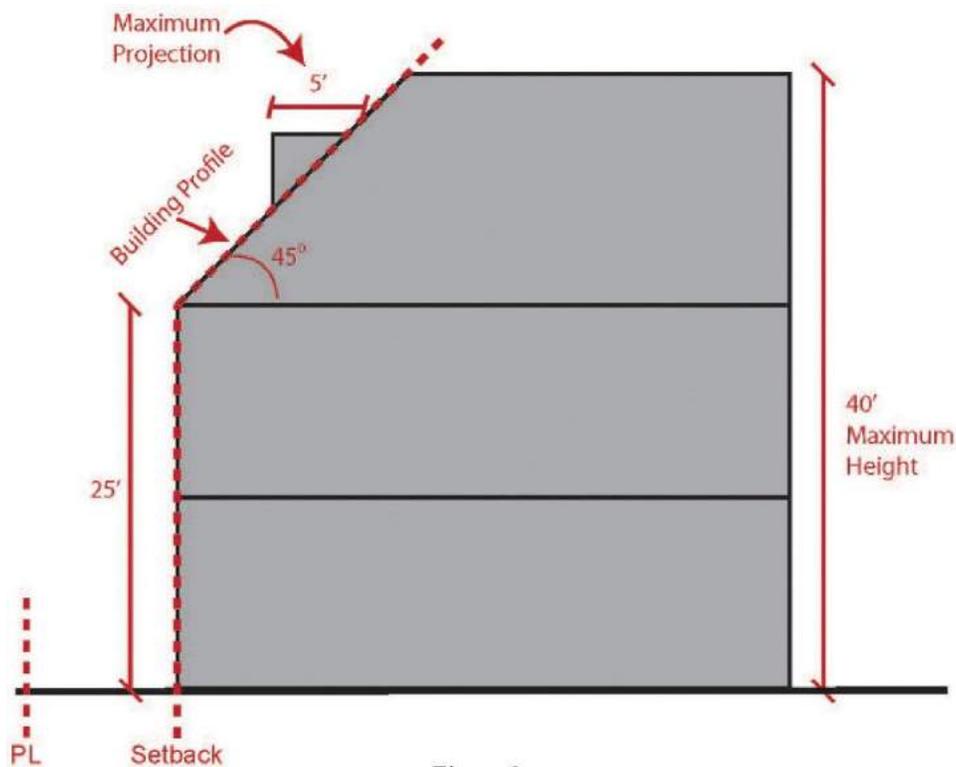


Figure 2

(D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.

(E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.

(4) Height.

(A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.

(B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.

(C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.

(5) Exterior Materials.

(A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.

(B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.

(C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.

(D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.

(6) Building Design.

(A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.

(C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.

(F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

(7) Open Space.

(A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.

(B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:

(i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).

(ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

(A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.

(B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.

(C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.

(E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.

(F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

(A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.

(B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

16.20.050 Residential green and sustainable building.

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses with three (3) or more units, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

(A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.20.050(1)(B).

(2) Energy.

(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

(i) On-site energy generation;

(ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;

(iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;

(iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Tables 16.20.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

TABLE 16.20.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size³	25,001 sq. ft. and above of conditioned area, volume or size³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.20.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.20.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.20.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.20.050(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development

director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

3 If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (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 shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) 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, freestanding (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 green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

16.20.060 Mitigation monitoring.

All development ~~zoned R-3 on lots ten thousand (10,000) square feet or more and~~ located within the identified areas around the El Camino Real/Downtown Specific Plan

area shall comply, at a minimum, with the Mitigation Monitoring and Report Programs (MMRP) established through ~~Resolution No. 6149 associated with the Housing Element Update, General Plan Consistency Update, and Zoning Ordinance Amendments Environmental Assessment prepared for the Housing Element adopted on May 21, 2013. (Ord. 995 § 2 (part), 2013).~~ the ConnectMenlo Program Environmental Impact Report (“ConnectMenlo EIR”) certified in November 2016 and the Housing Element Update Subsequent EIR (SCH #2015062054) (“SEIR”) certified in January 2023.

Section 3. Amendment. Chapter 16.22 – R-4 High Density Residential District, Section 16.22.040 – Development regulations, Subsection 16.22.040(4), of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

(4) Land cover by all structures shall not exceed ~~forty~~ fifty-five percent (~~40%~~ 55%);

Section 4. Amendment. Chapter 16.23 – R-4-S High Density Residential District, Special, Section 16.23.050 – Development regulations, of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.23.050 Development regulations.

Development regulations are as follows in the R-4-S district:

		Regulation ¹	Notes
Minimum Lot Area		20,000 sf	
Minimum Lot Width		100 ft.	See Section 16.04.430 for definition.
Minimum Lot Depth		100 ft.	See Section 16.04.420 for definition.
Density	Minimum	20 du/ac	Densities may be increased with application of the State Density Bonus Law or Affordable Housing Overlay, if applicable
	Maximum	30 du/ac	
Minimum Yards	Front	10 ft.	See Section 16.04.720 for definition.
	Interior Side	10 ft., except may be reduced to 5 ft. abutting a private access easement	See Section 16.04.740 for definition.
	Corner Side	10 ft.	
	Rear	10 ft.	See Section 16.04.730 for definition.
Maximum Floor Area Ratio		Increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac	See Sections 16.04.315 and 16.04.325 for definitions.
Maximum Building Coverage		40% <u>55%</u>	See Section 16.04.120 for definition.
Minimum Open Space (Landscaping)		25%	See Section 16.04.500 for definition.
Height	Maximum Building Height	40 ft.	See Section 16.04.330 for definition of height of structure.
Building Profile		Starting at a height of 25 feet, a 45-degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.	

		Regulation ¹	Notes
Parking	Vehicular	2 spaces for units w/2 or more bedrooms; 1.5 spaces for 1 bedroom unit; 1 space per studio. Spaces cannot be located in required front yard setbacks or in tandem.	
	Electric Vehicle	The electric vehicle charging spaces requirements in Section 16.72.010 apply.	
	Bicycle	Long term—1 space per unit where a private garage (per unit) is not provided Short term (visitor)—1 space per every 10 units	

¹ A development regulation, except for floor area ratio and density, may be modified subject to a use permit established in Chapter 16.82. (Ord. 1050 § 6, 2018; Ord. 992 § 3 (part), 2013).

Section 5. Amendment. Chapter 16.24 – R-3-A Garden Apartment Residential District, Section 16.24.030 – Development regulations, Subsection 16.24.030(5), of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

(5) Land cover by all structures shall not exceed ~~thirty~~ fifty-five percent (~~30%~~ 55%) of building site;

Section 6. Amendment. Chapter 16.26 – R-3-C Apartment—Office District, Section 16.26.010– Uses generally, of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

Permitted uses, conditional uses and development regulations are as specified in the R-3 district; provided that offices may be permitted subject to obtaining a use permit therefor, and further provided the ~~C-1-A~~ C-MU regulations shall be conformed to. ~~It is the intention in this district to permit apartments and offices but not on the same property or in the same building. (Ord. 555 Art. IV, 1974; Prior code § 30.410).~~

Section 7. Zoning Map Amendment. The zoning map of the City of Menlo Park is hereby amended such that the former Flood School parcel at 320 Sheridan Drive (APN 055-303-110) as identified in Exhibit A is rezoned from R-1-U (Single Family Urban Residential) to the R-3 (Apartment) zoning district.

Section 8. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 9. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

(a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.

(b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.

(c) 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 previous SEIR was certified as complete, has been submitted to the City.

Section 10. Publication; Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of ___, 2023.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jen Wolosin, Mayor

ATTEST:

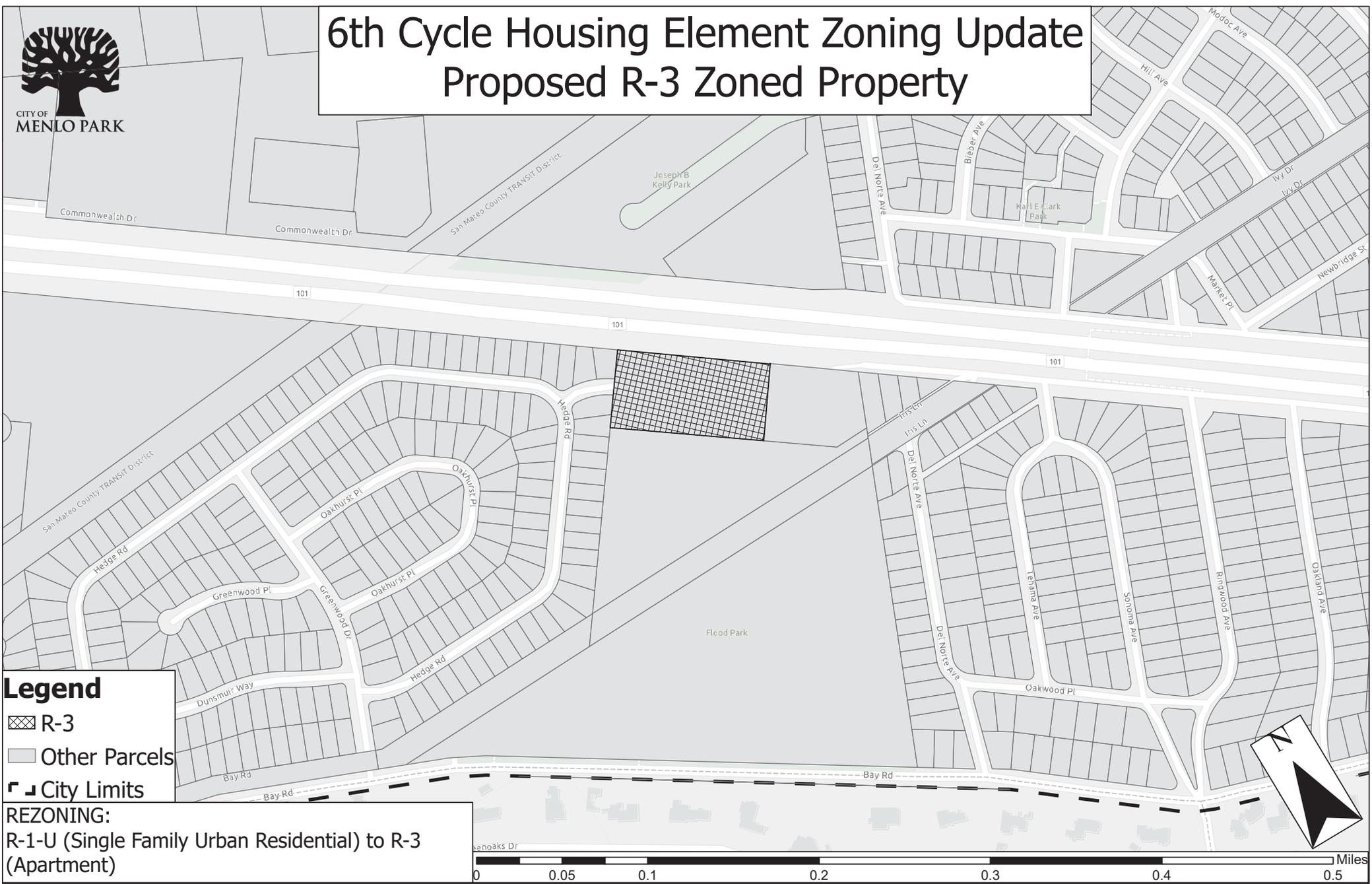
Judi A. Herren, City Clerk

Exhibit

A. Map of Zoning Change



6th Cycle Housing Element Zoning Update Proposed R-3 Zoned Property



Legend

- R-3
- Other Parcels
- City Limits

REZONING:
R-1-U (Single Family Urban Residential) to R-3
(Apartment)

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO APPROVE AMENDMENTS TO THE EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.L, MODIFY EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN, AND DETERMINE THAT THE AMENDMENTS TO THE EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN WERE CONSIDERED WITHIN THE HOUSING ELEMENT UPDATE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

WHEREAS, the City of Menlo Park General Plan provides a framework for land use and planning decisions; and

WHEREAS, the Menlo Park El Camino Real/Downtown Specific Plan, adopted on July 12, 2012, establishes a framework for private and public improvements on El Camino Real, in the Caltrain station area, and in downtown Menlo Park; and

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, on December 8, 2021, the City Council conducted a public meeting and reviewed and recommended potential land use strategies for the Housing Element, and among those was a strategy to modify the El Camino Real/Downtown Specific Plan to increase opportunities for housing and vibrancy through a mix of residential and non-residential uses; and

WHEREAS, on May 11, 2022, the City released a draft Housing Element containing policies and programs to help the City meet its Regional Housing Needs Allocation (RHNA), including programs to modify the El Camino Real/Downtown Specific Plan area to encourage the development of a mix of residential and non-residential uses; and

WHEREAS, on January 31, 2023, the City adopted the Housing Element, including Housing Element Policy H4.4, Mixed-Use Housing, to encourage well-designed residential mixed-use developments where residential use is appropriate to the setting, in proximity to transit and other services, within certain existing non-residential zoning districts; and

WHEREAS, the adopted Housing Element includes Policy H4.6, Retention and Expansion of Multifamily Sites at Medium and Higher Density, to strive to protect and expand the supply and availability of multifamily and mixed-use infill housing sites for housing, maximizing multifamily uses on properties; and

WHEREAS, the adopted Housing Element includes Program H4.L, Modify El Camino Real/Downtown Specific Plan, with the objective of increasing housing opportunities in the area, thereby facilitating production of affordable housing and enhancing economic integration in high resource areas of the community; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.L; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.L; and

WHEREAS, amendments to the El Camino Real/Downtown Specific Plan are necessary to implement Housing Element Program H4.L; and

WHEREAS, the amendments to the El Camino Real/Downtown Specific Plan include, but are not limited to, eliminating the housing cap in the Specific Plan area, increasing the maximum base level density to at least 30 dwelling units per acre across all zoning districts, increasing the maximum public benefit bonus level densities to encourage more housing, establishing a minimum density of 20 dwelling units per acre for all zoning districts upon the addition of residential uses on a site, and increasing maximum building heights corresponding to increased density, and other amendments noted within Exhibit A; and

WHEREAS, the proposed amendments to the El Camino Real/Downtown Specific Plan are internally consistent; and

WHEREAS, the City, as the lead agency, pursuant to CEQA and 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 (SCH #2015062054) ("SEIR") in January 2023; and

WHEREAS, on August 23, 2021 the City sent notifications of the Housing Element Update SEIR and 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 El Camino Real/Downtown 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 October 23, 2023 that was continued to November 6, 2023, the Planning Commission considered the previously-certified SEIR as part of its consideration of the proposed amendments to the El Camino Real/Downtown 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 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 are in compliance with all applicable State regulations and the City General Plan, and adopt a resolution approving the proposed El Camino Real/Downtown Specific Plan amendments; and

WHEREAS, at a duly and properly noticed public hearing held on ____, 2023, the City Council considered the previously-certified SEIR as part of its consideration of the Planning

Commission's recommendation on the proposed amendments to the El Camino Real/Downtown Specific Plan, prior to making a determination on the proposed amendments.

NOW, THEREFORE, THE MENLO PARK CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1: Recitals. The City Council has considered the full record before it, which may include but is not limited to such items as the staff report, public testimony, SEIR, the Planning Commission's review and recommendation, and other materials and evidence submitted or provided, and the City Council finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. CEQA Findings. The City Council of the City of Menlo Park does hereby make the following findings:

1. There have not been any substantial changes in the amendments based upon substantial evidence and none of the conditions described in §15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:
 - a. No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The changes proposed to the El Camino Real/Downtown Specific Plan do not create any additional environmental impacts;
 - b. No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The Housing Element Update SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project; and
 - c. 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 previous SEIR was certified as complete, has been submitted to the City.
2. Based on the above findings, the City Council determines that the previously-certified SEIR is adequate to serve as the required environmental documentation for the El Camino Real/Downtown Specific Plan amendments.

Section 3. Findings. The City Council of the City of Menlo Park does hereby make the following findings:

1. The amendments to the El Camino Real/Downtown Specific Plan are necessary to allow the City Council to consider implementation of Housing Element Program H4.L to increase housing opportunities in El Camino Real/Downtown Specific Plan Area, thereby facilitating production of affordable housing and enhancing economic integration in high resource areas of the community.
2. The amendments to the El Camino Real/Downtown Specific Plan are consistent with the objectives, policies, general land uses and programs specified in the General Plan.
3. The amendments would be consistent with the previously-certified SEIR prepared for the Housing Element Update.

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 Housing Element Update, shall continue in full force and effect unless amended or modified by the City.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Exhibit

A. Amendments to the El Camino Real/Downtown Specific Plan

Amendments to the El Camino Real/Downtown Specific Plan

1. **Section 1.** Chapter B. (Plan Context), Section B.3 (Opportunities and Constraints), Subsection “Improve and ‘Leverage’ Existing Public Parking Plazas” on Page B12, is hereby amended to read as follows (Additions in underline, deletions in ~~striketrough~~):

The downtown parking plazas provide needed parking for downtown stores and services. However, their current configuration is inefficient, with narrow drive aisles and sub-standard spaces in some cases. The city-owned parking plazas provide opportunities for ~~possible limited~~ infill development including ~~modest~~ new retail/restaurant uses, residential uses, with an emphasis on affordable housing, public open space, and structured parking, enhancing the vitality and vibrancy of downtown. Such changes can enhance downtown character without reducing the inventory of available parking spaces. The opportunities listed will enhance foot traffic through increased patronage and support of local retail businesses downtown, in turn leading to increased sales. The parking plazas also provide opportunities for improved parking management, such as by relocating longer-term parking to garages and improving short-term parking opportunities elsewhere.

2. **Section 2.** Chapter C. (Plan Principles, Framework, and Program), Section C.4 (Sub-Area Concepts), Subsection “Downtown” first and second paragraphs on Page C16, are hereby amended to read as follows (Additions in underline, deletions in ~~striketrough~~):

The Urban Design Framework establishes a more vibrant and active downtown through enhanced pedestrian pathways, active gathering spaces and new mixed-use infill development, including residential uses. ~~The concept for downtown emphasizes the existing small town character, ensuring a variety of public spaces and smaller scale buildings complementary to the existing character of the area.~~ The downtown concept emphasizes a mix of uses, ensuring places for people to shop, dine, work, live, and recreate, ~~celebrates Santa Cruz Avenue, enhances its character and functionality, and positions it for a successful future through wider, more comfortable sidewalks and a refreshed streetscape.~~ Figures C4 and C5 illustrate the concept for enhancements to downtown.

The concept for downtown continues to provide convenient shared parking at public parking plazas. To accommodate public space enhancements and residential uses, and support downtown businesses, proposed ~~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 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.

3. **Section 3.** Chapter C. (Plan Principles, Framework, and Program), Section C.6 (Illustrative Plan and Development Program), the bulleted list on Page C20, is hereby amended to read as follows (Additions in underline, deletions in ~~striketrough~~):

As envisioned in the Illustrative Plan (Fig. C6, next page), the full build-out of the project area over time could result in the following net new development:

• Residential	680 Units
• Retail Space	91,800 Square Feet
• Commercial Space	240,820 Square Feet
• Hotel	380 Rooms
• Parking Spaces (net new public + private)	3,670 Spaces
• Resident Population	1,537 New Residents
• Employment	1,357 New Jobs

4. **Section 4.** Chapter D. (Public Space), Section D.2 (Downtown) on Page D8, is hereby amended to read as follows (Additions in underline, deletions in ~~strike through~~):

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. Illustrated in Figures D6 and D7, the public space improvements in downtown consist of:

- Santa Cruz Avenue Sidewalks;
- Santa Cruz Avenue Central Plaza;
- Chestnut Paseo;
- Market Place;
- South Parking Plazas Pedestrian Link;
- Flex Space/Parking and Housing (Parking Plazas ~~5 and 6~~);
- Crane Street and Chestnut Street/Oak Grove
- Avenue Pocket Parks; and
- Other Street/Alley Improvements.

Note: Beneath Figure D6 (Downtown Public Space Plan with Major Public Space Improvements) and Figure D7 (Concept Plan of Key Public Spaces Downtown), the following footnote is added:

The eight city-owned surface parking lots (Parking Plazas #1-8) would allow multifamily residential development. These sites are the subject of Housing Element Program H4.G (Prioritize Affordable Housing on City-Owned Parking Lots Downtown).

5. **Section 5.** Chapter E. (Land Use and Building Character), Section E.2.1 (Land Use Designations), Subsection “El Camino Real Mixed Use” on Page E2, is hereby amended to read as follows (Additions in underline, deletions in ~~strike through~~):

The El Camino Real Mixed Use designation allows for a variety of retail, office, residential and public and semipublic uses. ~~Building character in this land use designation relates to adjacent neighborhoods, with~~ The maximum building heights of two to three vary from about four to five stories in most locations and up to, except for buildings of up to three to four about six stories

~~(with provision of public benefit. The highest intensities are in the Downtown and Station Area.)~~ on part of northeast El Camino Real, and buildings of up to four to five stories permitted on the southeast end of El Camino Real. The allowed development intensities vary with the lowest intensity on the far northern end of El Camino Real, moderate intensities on the southwest end and highest intensities on the southeast end of El Camino Real, where parcels are separated from adjacent uses by El Camino Real (to the west) and the railroad right-of-way (to the east).

6. **Section 6.** Chapter E. (Land Use and Building Character), Section E.2.1 (Land Use Designations), Subsection “El Camino Real Mixed Use/Residential” on Page E4, is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~):

The El Camino Real Mixed Use/Residential designation emphasizes residential use in close proximity (approximately 1/2 mile) to the station area and downtown, in order to support area businesses, transit use and overall downtown vibrancy. This designation also allows for a variety of retail, office and public and semipublic uses. The maximum building heights vary from ~~two to three~~ about four to five stories in most locations and up to ~~three to four~~ about six stories (with provision of public benefit) ~~on part of northeast El Camino Real and four to five stories, and the highest intensities,~~ on the east side of El Camino Real south of Ravenswood Avenue.

7. **Section 7.** Chapter E. (Land Use and Building Character), Section E.2.1 (Land Use Designations), Subsection “Downtown/Station Area Retail/Mixed Use” on Page E4, is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~):

The Downtown/Station Area Retail/Mixed Use designation focuses on uses that enhance downtown vibrancy by building upon existing community-serving retail and personal services in the downtown area. While emphasizing retail for ground-floor uses, the designation allows for a mix of uses, including office and residential uses, enhancing downtown vibrancy through an increased customer base for restaurants and retail businesses. It also allows for theaters (commercial recreation), hotels and some public and semipublic uses. This designation covers the current public parking plazas, which could accommodate residential and other ~~limited~~ non-parking uses (see Section E.2.3).

To complement the size of existing downtown business establishments and building character, the size of some types of businesses are limited (see Section E.2.3), and allowable building heights are ~~two to three~~ up to about five stories for all but the area in closest proximity to the train station, where heights of ~~either three to four or four to five~~ up to about seven stories are allowed. ~~Allowed intensities in the downtown core are generally consistent with historic levels while higher intensities are allowed in the train station area.~~

8. **Section 8.** Chapter E. (Land Use and Building Character), Section E.2.1 (Land Use Designations), Subsection “Downtown Adjacent (Office/Residential)” on Page E4, is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~):

Allowing for office, limited personal services and residential uses, the Downtown Adjacent Office/Residential designation complements but does not compete with retail uses in the downtown area. The category permits offices and personal services (with certain size limitations), residential uses and public and semipublic uses. It excludes retail and hotel uses. The allowable building height is ~~two to three~~ up to about four stories, which complements buildings in downtown and adjacent neighborhoods.

9. **Section 9.** Chapter E. (Land Use and Building Character), Section E.2.3 (Special Land Use Topics), Subsection “Non-Parking Improvements on Downtown Parking Plazas” on Page E11, is hereby amended to read as follows (Additions in underline, deletions in ~~strikethrough~~):

The Specific Plan calls for enhanced public spaces and increased development intensities to increase downtown vibrancy, foot traffic and transit use. The plan considers the public parking plazas as opportunities for public open space, and limited retail (see market place concept above), in conjunction with new parking structures that satisfy parking demand in downtown Menlo Park for both visitors and employees. In all cases, parking in support of businesses must be ~~the City’s top priority when considering how, when and if to~~ evaluated when considering to implement changes to public parking plazas. Evaluation can include study for potential consolidation of parking in certain locations to allow for the development of new uses besides parking in other locations.

The Specific Plan allows for ~~limited~~ non-parking uses on parking plazas, in particular, open space improvements, such as small pocket parks, and the market place concept, and residential uses. Except as specifically provided in the Specific Plan, the downtown parking plazas shall remain in parking use. The majority of the parking plazas are publicly-owned. A few portions of the parking plazas are privately-owned, and would require cooperation with, and approval of, the private owners to change the use of those parcels. If the community decides it is in the city’s best interest to enhance the parking plaza parcels with open space improvements, and/or a permanent market, and/or housing, place concept, it is important that the City have a parking strategy in place to ensure an adequate parking supply.

10. **Section 10.** Chapter E. (Land Use and Building Character), Section E.3 (Development Standards and Guidelines), Figure E2 (Development Intensity / Density) on Page E14, is hereby repealed and replaced with an amended figure of the same title as shown on the following page. Figure E2 includes information regarding maximum density (dwelling units per acre (du/ac)) and floor area ratio (FAR) for residential or mixed use projects at base level and public benefit bonus level development. Non-residential FAR and Step-Up FAR information is shown in Table E2.

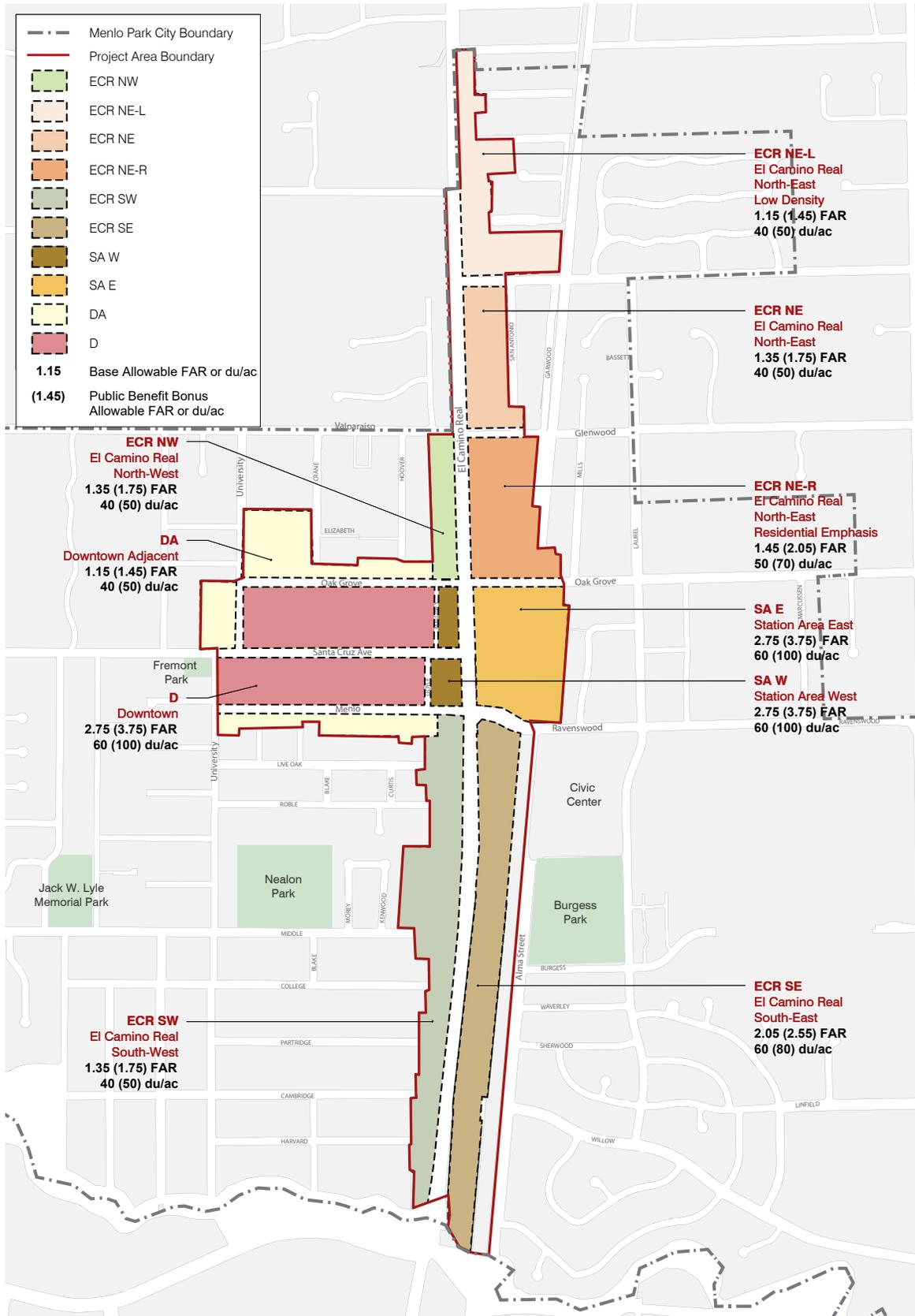


Figure E2. Development Intensity / Density

Note: Figure E2 includes information regarding maximum density (dwelling units per acre (du/ac)) and floor area ratio (FAR) for residential or mixed-use projects at base level and public benefit bonus level development. Non-residential FAR and Step-Up FAR information is shown in Table E2.

11. **Section 11.** Chapter E. (Land Use and Building Character), Section E.3 (Development Standards and Guidelines), Table E2 (Development Standards by Zoning Districts) on Page E15, is hereby repealed and replaced with an amended table of the same title as shown on the following page. Table E2 includes information regarding maximum development intensity (e.g., density and floor area ratio) and building heights (e.g., overall building height, façade height, and building profile sides) for non-residential, residential, and mixed-use developments. Table E2 also notes the minimum residential density established: Any development in the Specific Plan area that includes residential uses shall have a minimum density of 20 dwelling units per acre. Additions to existing residential development do not need to meet this minimum density requirement.

DEVELOPMENT STANDARDS BY ZONING DISTRICTS												
	AREA	LAND USE	DEVELOPMENT INTENSITY				BUILDING HEIGHTS					
			DENSITY	NON-RESIDENTIAL FAR	RESIDENTIAL OR MIXED USE FAR	STEP-UP FAR	RESIDENTIAL OR MIXED USE BUILDING HEIGHT	RESIDENTIAL OR MIXED USE BUILDING FAÇADE HEIGHT	NON-RESIDENTIAL BUILDING HEIGHT	NON-RESIDENTIAL BUILDING FAÇADE HEIGHT	45° BUILDING PROFILE SIDES	
BASE STANDARDS	D	Downtown	Retail/Mixed-Use (MSO)	60	2.00	2.75	3.15*	60'-64)**	40'	38'	30'	Public
	DA	Downtown Adjacent	Office/Residential	40	0.85	1.15	1.55*	50'-54)**	30'	38'	30'	All
	ECR NE	El Camino Real North-East	Mixed-Use	40	1.10	1.35	1.75*	50'-54)**	40'	38'	38'	Public-Rear
	ECR NE-L	El Camino Real North-East Low Density	Mixed-Use	40	0.75	1.15	1.55*	50'-54)**	30'	38'	30'	All
	ECR NE-R	El Camino Real North-East Residential Emphasis	Mixed-Use/Residential	50	1.10	1.45	1.85*	50'-54)**	40'	38'	38'	Public-Rear
	ECR NW	El Camino Real North-West	Mixed-Use/Residential	40	1.10	1.35	1.75*	50'-54)**	40'	38'	38'	Public-Rear
	SA E	Station Area East	Retail/Mixed-Use (MSO)	60	1.35	2.75	3.15*	60'-64'/48' Alma Street**	40'	60'/48' Alma Street	38'	Public
	SA W	Station Area West	Retail/Mixed-Use (MSO)	60	2.00	2.75	3.15*	60'-64)**	40'	38'	38'	Public
	ECR SE	El Camino Real South-East	Mixed-Use/Residential	60	1.25	2.05	2.45*	60'-64)**	40'	60'	38'	Public
	ECR SW	El Camino Real South-West	Mixed-Use/Residential	40	1.10	1.35	1.75*	50'-54)**	30'	38'	30'	All
PUBLIC BENEFIT BONUS STANDARDS	D	Downtown	Retail/Mixed-Use (MSO)	100	2.25	3.75	4.50*	81'-85)**	40'	38'	30'	Public (Stepbacks over 60 du/ac)**
	DA	Downtown Adjacent	Office/Residential	50	1.00	1.45	1.85*	50'-54)**	40'	38'	30'	All
	ECR NE	El Camino Real North-East	Mixed-Use	50	1.50	1.75	2.05*	50'-54)**	40'	38'	38'	Public-Rear
	ECR NE-L	El Camino Real North-East Low Density	Mixed-Use	50	1.10	1.45	1.85*	50'-54)**	40'	38'	30'	All
	ECR NE-R	El Camino Real North-East Residential Emphasis	Mixed-Use/Residential	70	1.50	2.05	2.45*	60'-64)**	40'	38'	38'	Public-Rear
	ECR NW	El Camino Real North-West	Mixed-Use/Residential	50	1.50	1.75	2.05*	50'-54)**	40'	38'	38'	Public-Rear
	SA E	Station Area East	Retail/Mixed-Use (MSO)	100	1.75	3.75	4.50*	81'-85'/48' Alma Street**	40'	60'/48' Alma Street	38'	Public-Rear (Stepbacks over 60 du/ac)**
	SA W	Station Area West	Retail/Mixed-Use (MSO)	100	2.25	3.75	4.50*	81'-85)**	40'	38'	38'	Public (Stepbacks over 60 du/ac)**
	ECR SE	El Camino Real South-East	Mixed-Use/Residential	80	1.75	2.55	2.95*	60'-64'/71'-75' (Over 60 du/ac)**	40'	60'	38'	Public (Stepbacks over 60 du/ac)**
	ECR SW	El Camino Real South-West	Mixed-Use/Residential	50	1.50	1.75	2.05*	50'-54)**	40'	38'	30'	All
NOTES	*	Step-Up FAR requires at least 50% of the overall building FAR to be residential use with no more than 65% residential FAR in the D, SA E, and SA W zoning districts. In all zoning districts, developments must have an average net residential unit size of at least 1,000 square feet, a maximum individual unit size of 2,000 square feet, and either A) 50% of units with 2+ bedrooms and 10% with 3+ bedrooms, or B) all for sale units.										
	**	In the D, SA E, SA W zoning districts, maximum heights for projects with residential uses would be 50' (54' with pitch roofs 3:12 or greater) for density of 20 to 40 du/ac; 60' (64' with pitch roofs 3:12 or greater) for density over 40 du/ac to 60 du/ac; 71' (75' with pitch roofs 3:12 or greater) for density over 60 du/ac to 80 du/ac; and 81' (85' with pitch roofs 3:12 or greater) for density over 80 du/ac. In the DA, ECR NE, ECR NE-L, ECR NE-R, ECR NW, and ECR SW zoning districts, maximum heights for projects with residential uses would be 40' (44' with pitch roofs 3:12 or greater) for density of 20 to 30 du/ac; 50' (54' with pitch roofs 3:12 or greater) for density over 30 du/ac to 50 du/ac; and 60' (64' with pitch roofs 3:12 or greater) for densities over 50 du/ac.										
	***	Where density exceeds 60 du/ac, stepbacks are required in-lieu of building profile at required building sides as follows: Stepback 1 (10' back from primary façade at/below maximum façade height); and Stepback 2 (10' back at building wall at 60' above grade or at uppermost level if lower than 60').										
	1	MSO = Main Street Retail Frontage Overlay along Santa Cruz Avenue. Property fronting Santa Cruz Avenue shall be required to have a minimum 1.0 FAR of commercial use. Note, ground floor uses shall be retail, restaurant, etc. per Table E1 of the Specific Plan).										
	2	Minimum residential floor area ratio (FAR): Minimum ratio of residential square footage of the gross floor area of all buildings on the lot to the square footage of the lot shall increase on an even gradient from 53% for 20 du/ac to 264% for 100 du/ac.										
	3	Minimum Residential Density (20 du/ac): Any development in the Specific Plan area that includes residential uses shall have a minimum density of 20 du/ac. Additions to existing residential development do not need to meet this minimum density requirement.										
4	Non-Residential FAR: Most zoning districts limit office use to one-half of FAR but allow other non-office non-residential uses to the allowed FAR.											
5	Maximum FAR for offices and medical offices shall be based on the base or public benefit bonus FAR in all subdistricts per the Specific Plan regulations (i.e., 1/2 or 1/3 of the base or public benefit bonus FAR). These maximums shall not be increased with use of the Step-Up base or Step-up public benefit bonus provisions.											

12. **Section 12.** Chapter E. (Land Use and Building Character), Section E.3.2 (Height), beginning on Page E18 and ending on Page E20, is hereby amended as follows (Additions in underline, deletions in ~~strikethrough~~):

Based on community input, the Specific Plan allows for buildings with higher heights, up to a maximum of 85 feet (at the public benefit bonus level), in the Downtown and in close proximity to the Caltrain station. Heights reduce to generally a maximum of 54 feet in all other areas except areas adjacent to the Station Area on the east side of El Camino Real where heights could be up to 64 feet in the El Camino Real North-East Residential Emphasis zoning district and up to 75 feet in the El Camino Real South-East zoning district (at the public benefit bonus level). ~~up to 38 feet tall in most locations, 48 feet nearer downtown and the station area and up to 60 feet in selected locations, principally in the station area and along the eastern side of El Camino Real south of Ravenswood Avenue.~~ Figure E3 illustrates allowable maximum building heights and maximum façade heights in the Specific Plan area.

~~A 38-foot height limit can accommodate a two-story commercial or commercial/mixed-use building (e.g., office above ground floor retail) or a three-story residential or residential/mixed-use building (e.g., residential above ground floor retail). The need for taller interior heights in commercial buildings effectively reduces the number of stories that can be accommodated. The 38-foot height limit is generally consistent with the 35-foot height limit currently found in many of the neighborhoods adjacent to the Specific Plan area.~~

~~A 48-foot height limit can accommodate a three-story commercial or commercial/mixed-use building, or a four-story residential or residential/mixed-use building. In areas north of the station area on the east side of El Camino Real, the 48-foot height limit (i.e., the height above 38 feet/typically an additional story) is associated with a Public Benefit Bonus.~~

~~A 60-foot height limit can accommodate a four-story commercial or commercial/mixed-use building, or a five-story residential or residential/mixed-use building. In general, higher intensity development and taller buildings can enhance downtown vibrancy, support transit use, increase housing supply and make redevelopment of underutilized lots more attractive. The 48-foot and 60-foot height limits are similar to some existing buildings within the Specific Plan area, including Menlo Center at 46 feet tall and the building at 800 El Camino Real at 56 feet tall.~~

In addition to overall building heights, the Specific Plan includes standards for maximum façade heights along public rights-of-way, sidewalks and other public spaces and sensitive areas. In general, a façade height requirement applies to facades facing public rights-of-way and all public spaces. ~~Additionally in the districts where proposed building height limit is appreciably taller than the surrounding buildings, and the development abuts a smaller-scale residential fabric outside the Specific Plan Study, façade height limit is required on all sides, except the interior side. These specifically are the districts ECR-NE-L, ECR-SW, SA-E and ECR-SE.~~ The limits on façade heights help to attenuate the visual effects of taller buildings.

~~At the three community workshops in 2009, the community generally accepted taller buildings, as noted, with the strong proviso that building massing is modulated. Standards~~

and guidelines presented in Section E.3.4 “Massing and Modulation” help to effectively address massing, incorporating a modulated and articulated taller building volume with adjacent open space.

13. **Section 13.** Chapter E. (Land Use and Building Character), Section E.3.2 (Height), Figure E3 (Maximum Building Height and Maximum Façade Height) on Page E19, is hereby repealed and replaced with an amended figure of the same title as shown on the following page. Figure E3 includes information regarding building height and façade height for residential or mixed-use projects at base level and public benefit bonus level development. Non-residential building height and façade height information is shown in Table E2.

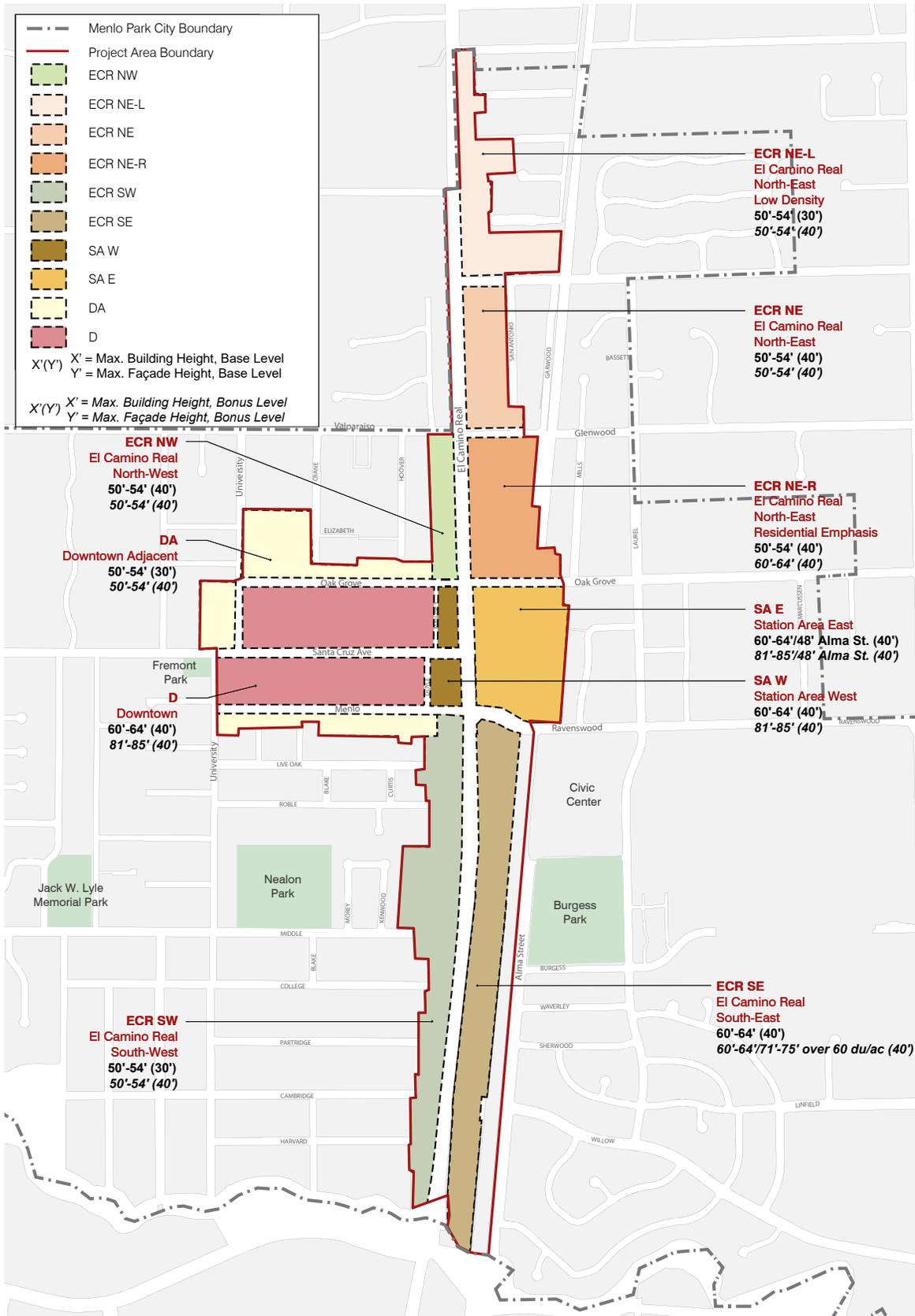


Figure E3. Maximum Building Height and Maximum Façade Height

Note: Figure E3 includes information regarding maximum building height and façade height for residential or mixed-use projects at base level and public benefit bonus level development. Non-residential building height and façade height information is shown in Table E2.

14. **Section 14.** Chapter E. (Land Use and Building Character), Section E.3.4.4 (Upper Story Façade Length) on Page E29, is hereby amended as follows (Additions in underline, deletions in ~~strikethrough~~.):

To further break down the massing of large buildings, the Specific Plan limits the size of a building’s upper stories, in particular those stories above the established ~~38-foot~~ 40-foot façade height. Illustrated in Figure E10, the Specific Plan achieves this break down of massing by limiting the façade length of upper stories facing public rights-of-ways and public open spaces.

Standard

E.3.4.4.01 Building stories above the ~~38-foot~~ 40-foot façade height shall have a maximum allowable façade length of 175 feet along a public right-of-way or public open space.

- 15. **Section 15.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E17 (Mixed Use Residential Projects in El Camino Real North-East – Low Density (ECR NE-L) District) on Page E47, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
- 16. **Section 16.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E18 (Mixed Use Commercial Projects in El Camino Real North-East – Low Density (ECR NE-L) District) on Page E48, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
- 17. **Section 17.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E6 (Development Standards for El Camino Real North-East – Low Density (ECR NE-L) District) on Page E49, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
- 18. **Section 18.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E20 (Mixed Use Residential Projects in El Camino Real North-East (ECR NE) District) on Page E52, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
- 19. **Section 19.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E21 (Mixed Use Commercial Projects in El Camino Real North-East (ECR NE) District) on Page E53, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
- 20. **Section 20.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E7 (Development Standards for El Camino Real North-East (ECR NE District) on Page E54, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.

21. **Section 21.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E23 (Mixed Use Residential Projects in El Camino Real North-East – Residential Emphasis (ECR NE-R) District) on Page E57, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
22. **Section 22.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E24 (Mixed Use Commercial Projects in El Camino Real North-East – Residential Emphasis (ECR NE-R) District) on Page E58, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
23. **Section 23.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E8 (Development Standards for El Camino Real North-East – Residential Emphasis (ECR NE-R District) on Page E59, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
24. **Section 24.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E26 (Mixed Use Residential Projects in El Camino Real South-East (ECR SE) District) on Page E62, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
25. **Section 25.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E27 (Mixed Use Commercial Projects in El Camino Real South-East (ECR SE) District) on Page E63, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
26. **Section 26.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E9 (Development Standards for El Camino Real South-East (ECR SE District) on Page E64, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
27. **Section 27.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E28 (Mixed Use Residential Projects in El Camino Real North-West (ECR NW) District) on Page E67, is hereby amended by modification of the maximum building height label to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
28. **Section 28.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E29 (Mixed Use Commercial Projects in El Camino Real North-West (ECR NW) District) on Page E68, is hereby amended by modification of the maximum building height label to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
29. **Section 29.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E10 (Development Standards for El Camino Real North-West (ECR NW District) on Page E69, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.

30. **Section 30.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E31 (Mixed Use Residential Projects in El Camino Real South-West (ECR SW) District) on Page E72, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
31. **Section 31.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E32 (Mixed Use Commercial Projects in El Camino Real South-West (ECR SW) District) on Page E73, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
32. **Section 32.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E11 (Development Standards for El Camino Real South-West (ECR SW District) on Page E74, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
33. **Section 33.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E33 (Mixed Use Residential Projects in Station Area East (SA E) District) on Page E77, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
34. **Section 34.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E34 (Mixed Use Commercial Projects in Station Area East (SA E) District) on Page E78, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
35. **Section 35.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E35 (Mixed Use Residential Projects in Station Area East (SA E) District – Alma Street East) on Page E79, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
36. **Section 36.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E12 (Development Standards for Station Area East (SA E) District) on Page E80, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
37. **Section 37.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E36 (Mixed Use Residential Projects in Station Area West (SA W) District) on Page E83, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
38. **Section 38.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E37 (Mixed Use Commercial Projects in Station Area West (SA W) District) on Page E84, is hereby amended by modification of the maximum building height and façade height

labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.

39. **Section 39.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E13 (Development Standards for Station Area West (SA W) District) on Page E85, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
40. **Section 40.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E38 (Mixed Use Residential Projects in Downtown (D) District) on Page E88, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
41. **Section 41.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E39 (Mixed Use Commercial Projects in Downtown (D) District) on Page E89, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
42. **Section 42.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E40 (Parking Garage Project in Downtown (D) District) on Page E90, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
43. **Section 43.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E14 (Development Standards for Downtown (D) District) on Page E91, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
44. **Section 44.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E42 (Mixed Use Residential Projects in Downtown Adjacent (DA) District) on Page E94, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
45. **Section 45.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Figure E43 (Mixed Use Commercial Projects in Downtown Adjacent (DA) District) on Page E95, is hereby amended by modification of the maximum building height and façade height labels to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
46. **Section 46.** Chapter E. (Land Use and Building Character), Section E.4 (Zoning Districts), Table E15 (Development Standards for Downtown Adjacent (DA) District) on Page E96, is hereby amended to reflect the standards listed in amended Table E2 (Development Standards by Zoning Districts) on Page E15.
47. **Section 47.** Chapter F. (Circulation), Section F.7 (Parking), preceding the first paragraph on Page F17, is hereby amended as follows (Additions in underline, deletions in ~~strikethrough~~):

Note: Pursuant to Assembly Bill 2097 (2022), there are no minimum parking requirements on development projects located within a half-mile radius of a major transit stop.

48. **Section 48.** Chapter F. (Circulation), Section F.8 (Parking Standards), preceding the first paragraph on Page F18, is hereby amended as follows (Additions in underline, deletions in ~~strikethrough~~):

Note: Pursuant to Assembly Bill 2097 (2022), there are no minimum parking requirements on development projects located within a half-mile radius of a major transit stop.

49. **Section 49.** Chapter F. (Circulation), Section F.8 (Parking Standards), Table F2 (Parking Rates) on Page F19, is hereby amended to add Note 10, with superscript "10" added to the "Parking Rates" table titling (Additions in underline, deletions in ~~strikethrough~~):

10 Note: Pursuant to Assembly Bill 2097 (2022), there are no minimum parking requirements on development projects located within a half-mile radius of a major transit stop.

50. **Section 50.** Chapter G. (Implementation), Section G.3 (Key Actions to Implement the Specific Plan), Subsection "Maximum Allowable Development" on Page G16, is hereby amended as follows (Additions in underline, deletions in ~~strikethrough~~):

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

- ~~Residential uses: 680 units; and~~
- Non-residential uses, including retail, office and hotel: 474,000 Square Feet.

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

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

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

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

~~apply for an amendment to the Specific Plan and complete the necessary environmental review.~~

51. **Section 51.** Chapter G. (Implementation), Section G.4 (Financing Methods for Public Improvements), Subsection "Private Use of Publicly-Owned Properties" on Page G25, is hereby amended as follows (Additions in underline, deletions in ~~strikethrough~~):

The Specific Plan permits ~~very~~ limited private use of current parking plaza properties, specifically for the market place and residential uses, subject to availability of replacement parking (i.e., in a parking garage elsewhere) and developer interest. Revenues from such private uses, ~~while likely not significant due to the limited scope of such uses,~~ could be used to help fund public improvements and/or other community benefits. A portion of the market place site is currently under private ownership, so development of the market place on that portion would require negotiation with that owner and/or City acquisition of the parcel.

52. **Section 52.** Chapter G. (Implementation), Section G.5 (Phasing of Public Improvements), the fourth paragraph on Page G26, is hereby amended as follows (Additions in underline, deletions in ~~strikethrough~~):

The Specific Plan also recommends that the City construct one of the two potential parking garages in the short term. The city should further evaluate the parking plazas, ~~what parking garage to construct first,~~ considering such factors as parking space needs, available budget, other city goals and priorities, the redevelopment of surrounding properties, and community and business sentiment. ~~Constructing a parking garage on parking plaza 3 in the short term, for instance, would increase parking in that location by 438 spaces. This would allow for additional public space improvements, plus new private development using the shared parking facilities.~~

In addition, following extensive community outreach and engagement, the 2023-2031 Housing Element identified the opportunity for Menlo Park to leverage the value of City-owned land in the downtown core, providing affordable housing as well as increasing the vibrancy of downtown. There are eight surface parking lots (Parking Plazas #1-8) suitable for multifamily development. These eight parking lots are owned by the City (note: Parking Plazas #4 and #6 include some portions of privately-owned land for parking) and the subject of Housing Element Program H4.G (Prioritize Affordable Housing on City-Owned Parking Lots Downtown).

ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING CHAPTER 16.08 OF TITLE 16 OF THE MENLO PARK MUNICIPAL
CODE TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.Q AND PERMIT
RESIDENTIAL USES BY-RIGHT (MINISTERIAL REVIEW) FOR LOWER
INCOME HOUSING INVENTORY SITES FROM PREVIOUS HOUSING
ELEMENT CYCLES THAT HAVE NOT REDEVELOPED, PROVIDED A
HOUSING DEVELOPMENT WOULD INCLUDE A MINIMUM OF TWENTY
PERCENT OF UNITS AFFORDABLE TO LOWER INCOME HOUSEHOLDS**

WHEREAS, Chapter 16.08 of Title 16 of the Menlo Park Municipal Code describes various general regulations related to the application of zoning and land use in the City of Menlo Park; and

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, California Government Code §65583.2(c) states that neither nonvacant sites identified in a prior Housing Element nor vacant sites that have been included in two or more consecutive planning periods may be deemed adequate to meet a city's housing need for lower income households in the current Housing Element planning period unless the site is zoned to accommodate a minimum density of 30 dwelling units per acre and the site is subject to a program in the Housing Element requiring rezoning to allow residential uses by right for housing developments in which at least 20 percent of the units are affordable to lower income households; and

WHEREAS, the City's 2023 to 2031 Housing Element includes five parcels (Exhibit A) as opportunity sites for lower income households that were previously within the site inventory from a prior Housing Element planning period, but have not yet developed with housing; and

WHEREAS, the five parcels are zoned to accommodate a minimum density of 30 dwelling units per acre; and

WHEREAS, Housing Element Policy H4.1, Housing Opportunity Sites, provides that the City will identify housing opportunity areas and sites where a special effort will be made to provide affordable housing consistent with other General Plan policies that would help the city meet its Regional Housing Needs Allocation (RHNA) for lower-income households, among other potential characteristics; and

WHEREAS, Housing Element Policy H4.8, Incentives for Affordable Housing Development, establishes that the City will explore incentives for qualified housing developments, such as expanding the ministerial review process, fee waivers or fee reductions, and/or reduced parking requirements, to help achieve housing goals while ensuring that potential impacts are considered and mitigated; and

WHEREAS, Housing Element Program H4.Q, Reuse Sites, states that the City will modify the Zoning Ordinance so that parcels in the site inventory identified as reuse sites allow for by-right processing (ministerial review) for housing developments that propose at least 20 percent of the

units to be affordable to lower-income households, in accordance with Government Code §65583.2(c); and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.Q; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.Q; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023, to review and consider the proposed amendments to Chapter 16.08 of Title 16 of the Menlo Park Municipal Code and adopted Planning Commission Resolution No. 2023-___ recommending that the City Council adopt the Zoning Ordinance amendment, where all interested person had the opportunity to appear and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

Section 1. Findings. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

Section 2. Amendment. Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

16.08.075 Housing Element lower income site inventory reuse sites.

Residential developments shall be processed ministerially, without discretionary review or hearing, if at least twenty (20) percent of the units are affordable to extremely low, very low, and/or low income households. Reuse sites are identified by the following San Mateo County assessor's parcel number (APN) as of the date of the adoption of the ordinance codified in this chapter: 061412440, 071102130, 061422350, 071288560, and 071333200. All regulations of the underlying zoning district and zoning ordinance shall apply. No part of this section shall be read to oppose or otherwise interfere with state housing law.

Section 3. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 4. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because

none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

(a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.

(b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.

(c) 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 previous SEIR was certified as complete, has been submitted to the City.

Section 5. Publication; Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of ___, 2023.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jen Wolosin, Mayor

ATTEST:

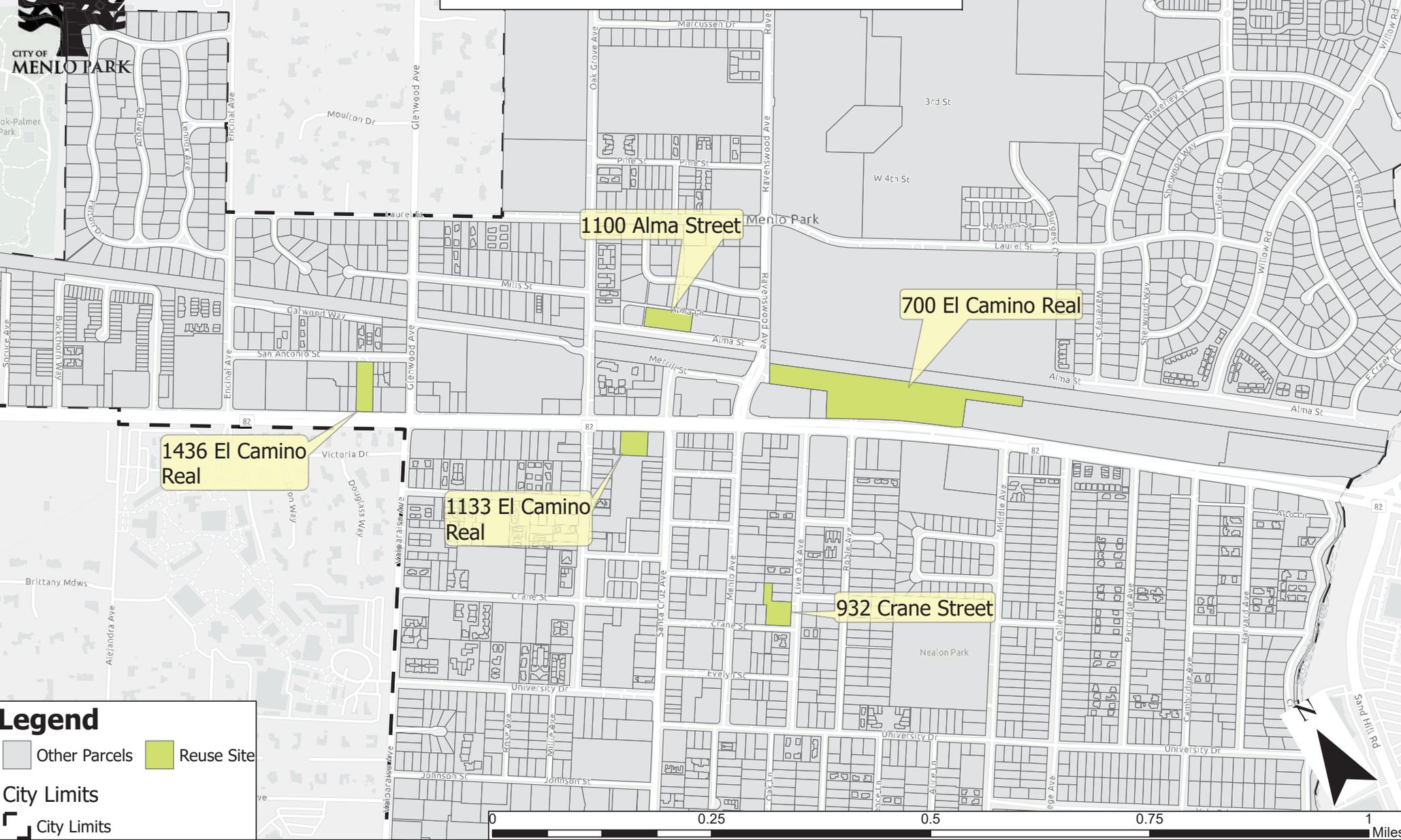
Judi A. Herren, City Clerk

Exhibits

A. Map of Reuse Sites



Housing Element Site Inventory Reuse Sites



ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING TITLE 16 OF THE MENLO PARK MUNICIPAL CODE TO ADD
CHAPTER 16.95 TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.T AND
ESTABLISH A RESIDENTIAL OVERLAY TO ALLOW RESIDENTIAL
DEVELOPMENT ON CERTAIN PARCELS WHERE NEW OR ADDITIONAL
RESIDENTIAL DEVELOPMENT MAY OTHERWISE NOT BE FEASIBLE**

WHEREAS, Title 16 of the Menlo Park Municipal Code establishes zoning districts and provides regulations and standards related to the application of zoning and land use in the City of Menlo Park; and

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, Housing Element Policy H4.3, Variety of Housing Choices, states that the City will strive to achieve a mix of housing types, densities, affordability levels and designs distributed throughout the city, including non-traditional and innovative housing approaches on the financing, design, and construction of different types of housing that meet local housing needs; and

WHEREAS, Housing Element Policy H4.6, Retention and Expansion of Multifamily Sites at Medium and Higher Density, seeks to protect and expand the supply and availability of multifamily and mixed use infill housing sites; and

WHEREAS, Housing Element Program H4.T, Residential Overlay, establishes that the City will develop a Residential Overlay on certain sites to allow and encourage new or additional residential development without requiring removal of the existing development and/or where the underlying zoning may otherwise not permit residential uses; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.T; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.T; and

WHEREAS, the regulations and standards of the Residential Overlay identified in Exhibit A would allow and encourage new or additional residential development on certain parcels (Exhibit B), up to a certain acreage, without requiring removal of the existing development and/or where the underlying zoning may otherwise not permit residential uses, consistent with Housing Element Program H4.T; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023, to review and consider the proposed amendment to

add Chapter 16.95 to Title 16 of the Menlo Park Municipal Code and adopted Planning Commission Resolution No. 2023-__ recommending that the City Council adopt the Zoning Ordinance amendment, where all interested persons had the opportunity to appear and comment; and

WHEREAS, after due consideration of the proposed amendment to Title 16, public comments, the Planning Commission's recommendation, and the staff report, the City Council finds that the proposed amendment as identified herein is consistent with the General Plan and is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

Section 1. Findings. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

Section 2. Amendment. Chapter 16.95 – Residential Overlay is hereby added to Title 16 – Zoning of the City of Menlo Park Municipal Code to read as indicated in Exhibit A.

Section 3. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 4. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

(a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.

(b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.

(c) 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 previous SEIR was certified as complete, has been submitted to the City.

Section 5. Publication; Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of ___, 2023.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jen Wolosin, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibits

- A. Amendments to Add Chapter 16.95 – Residential Overlay
- B. Map of Residential Overlay Sites

Proposed Zoning Ordinance Text Amendments to Add Chapter 16.95 (Residential Overlay) to Title 16 of the City of Menlo Park Municipal Code

Section 1. Chapter 16.95 – Residential Overlay is hereby added to Title 16 – Zoning of the City of Menlo Park Municipal Code:

**Chapter 16.95
RESIDENTIAL OVERLAY**

16.95.010 Purpose.

The purpose of the Residential Overlay zone is to allow and encourage new or additional residential development on certain parcels, up to a certain acreage, without requiring removal of existing development and/or where the underlying zoning may otherwise not permit residential uses.

The Residential Overlay zone can be combined with the Affordable Housing Overlay zone (Chapter 16.98).

16.95.015 Applicability.

This chapter shall apply to the following parcels identified in Table 16.95.015(A) by Assessor Parcel Number (APN), street address, and the acreage allowed for residential uses:

Table 16.95.015(A)

APN	Street Address	Residential Development Allowed (acres)
074-283-070	2200 Sand Hill Road	2.0
062-390-700	345 Middlefield Road	5.0 ¹
062-421-070	345 Middlefield Road	
074-281-120	350 Sharon Park Drive	1.0
074-282-070	600 Sharon Park Drive	1.0

¹ The site includes two adjacent parcels in the same zoning district comprising one development.

The Residential Overlay is intended to complement existing uses on the parcel. Complete redevelopment may occur and take advantage of the Residential Overlay pursuant to this chapter.

16.95.020 Permitted Uses.

Permitted uses in the Residential Overlay are as follows:

- (1) Multiple dwellings;
- (2) Accessory buildings and/or accessory structures associated with multifamily residential development.

16.95.030 Development regulations.

Development regulations in the Residential Overlay are as follows:

- (1) For the parcels identified in Section 16.95.015, residential development is permitted on a portion of the parcel, limited to the acreage shown in Table 16.95.015(A). The residential acreage may be located anywhere on the parcel.
- (2) If any of the parcels are subdivided prior to use for residential development, the residential development permitted on the resulting parcels shall be proportional to the subdivision (i.e., if a parcel allowing two (2) acres of residential development is split into two (2) parcels representing seventy-five percent (75%) and twenty-five percent (25%) of the original parcel area, the residential development potential would be split as one and one half (1 1/2 acres) and one half acre (1/2 acre), respectively).
- (3) If parcels 062-390-700 and 062-421-070 are redeveloped independently with two (2) separate developments, the residential development potential shall be separated with three (3) acres permitted on parcel 062-390-700 and two (2) acres permitted on parcel 062-421-070. Any other subdivision of the parcels shall result in division of the residential development potential as provided in Section 16.95.030(2).
- (4) Minimum Area. Residential development may be located in any location of the parcel with minimum dimensions of at least eighty (80) feet width, one hundred (100) feet depth.
- (5) Setbacks. Residential development shall be located at least 10 feet from all property lines and at least 20 feet from any existing buildings on the property.
- (6) Building Coverage. A residential building may cover up to fifty-five percent (55%) percent of the developable area identified in Table 16.95.015(A). The non-buildable area may be used for parking, circulation, open space, and/or landscaping for the residential development.
- (7) Height. Height of residential structures on sites with two (2) acres or less of developable acreage in Table 16.95.015(A) shall not exceed forty (40) feet. Height of residential structures on sites with more than two (2) acres of developable acreage in Table 16.95.015(a) shall not exceed fifty (50) feet.
- (8) Density. The maximum density for sites with two (2) acres or less of developable acreage in Table 16.95.015(A) is thirty (30) dwelling units per acre (du/ac). The maximum density for sites with more than two (2) acres of developable acreage in Table 16.95.015(A) is forty (40) du/ac.
- (9) Floor Area Ratio. The floor area ratio for multiple dwelling units shall increase on an even gradient up to one hundred twenty percent (120%) for forty (40) du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed.
- (10) Parking. One (1) space per dwelling unit minimum, one and one half (1 1/2) spaces per dwelling unit maximum.
 - (A) Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities, if these uses generate parking demands primarily during different hours than the remaining uses, and if a sufficient number of spaces are provided to meet the maximum cumulative parking demand of the participating uses at any time. An

individual development proposal may incorporate a shared parking study to account for the mixture of uses, either on site or within a reasonable distance. Project applicants may also be allowed to meet the minimum parking requirements through the use of nearby off-site facilities. The shared parking supply and off-site parking would be subject to review and approval as part of the development review process based on the proposed uses, specific design and site conditions.

16.95.040 Residential design standards.

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Building Setbacks and Projections within Setbacks.

- (A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.
- (B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.
- (C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

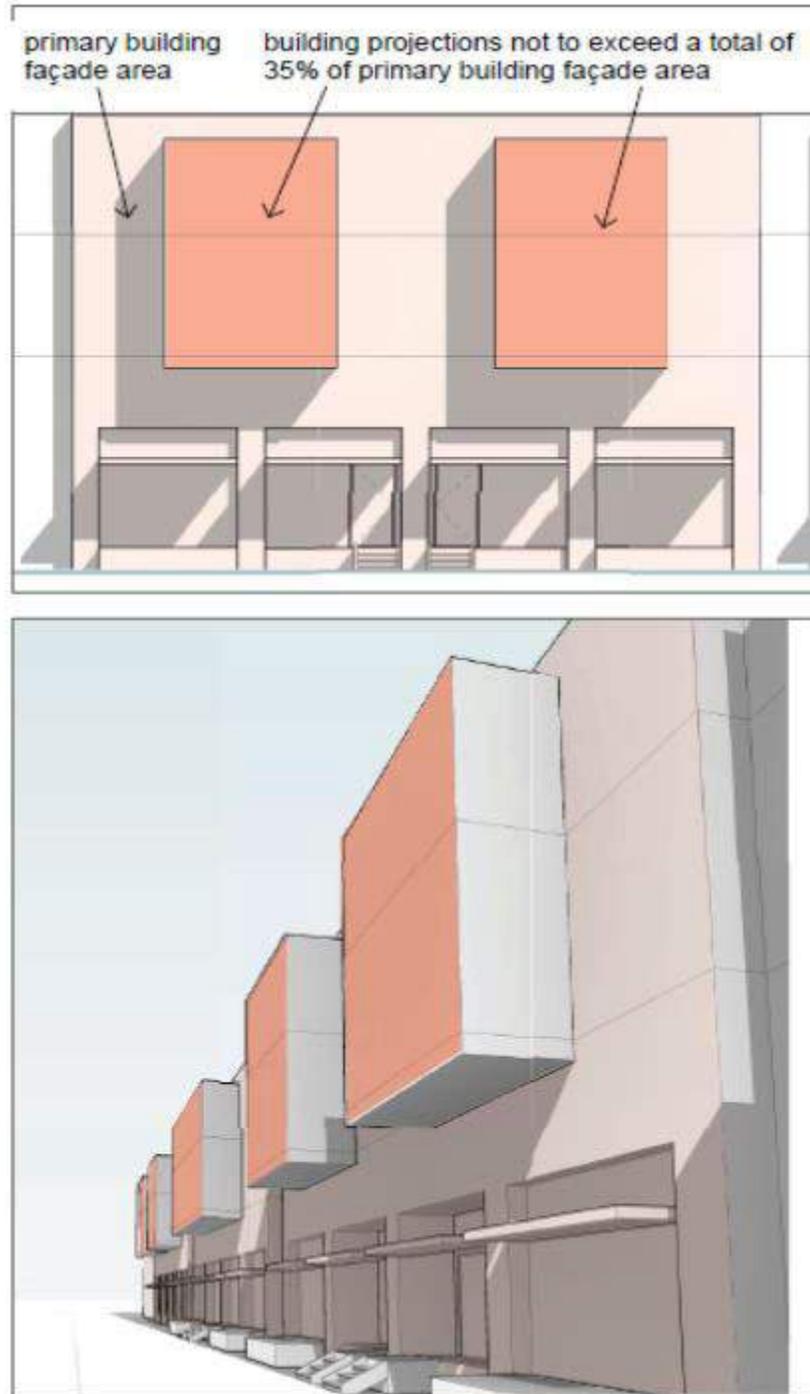


Figure 1

(2) Facade Modulation and Treatment.

(A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

(B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.

(C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.

(3) Building Profile.

(A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.

(C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.40.040(1). (See Figure 2.)

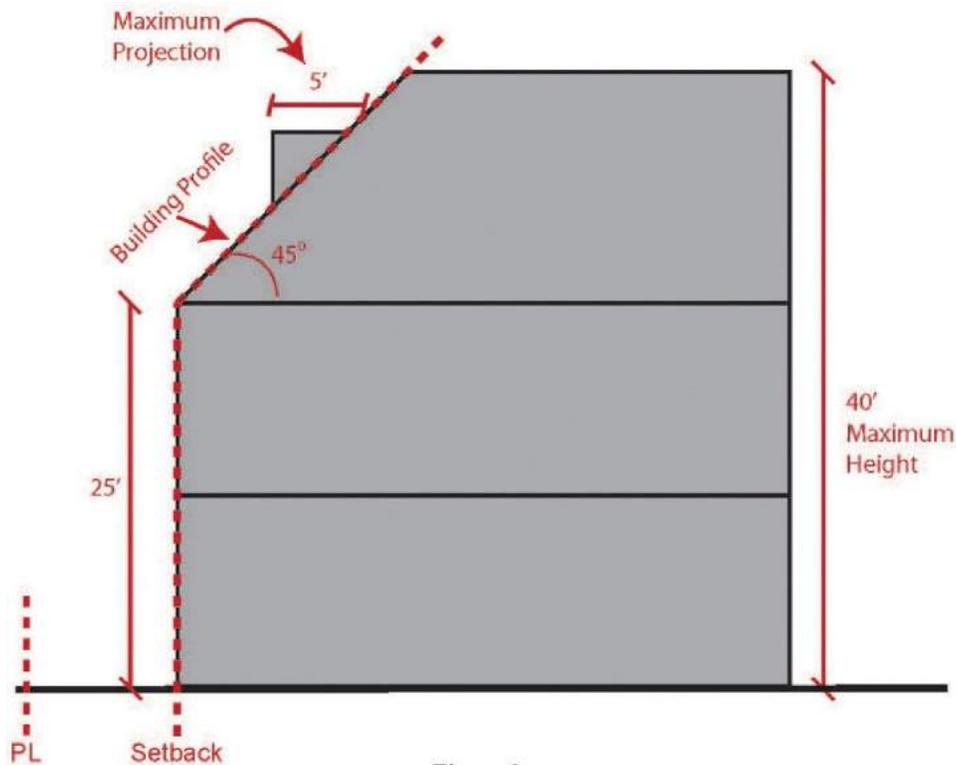


Figure 2

(D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.

(E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize the same materials and colors as the remainder of the building.

(4) Height.

(A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.

(B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.

(C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.

(5) Exterior Materials.

(A) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.

(B) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.

(C) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.

(6) Building Design.

(A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.

(C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.

(F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

(7) Open Space.

(A) A minimum of twenty-five percent (25%) of any landscaping removed for residential development shall be replaced either on the residential development parcel or elsewhere on the original parcel. The replacement landscaping may be counted toward the required common open space for a development.

(B) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.

(C) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:

(i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).

(ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

(A) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.

(B) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(C) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.

(D) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.

(E) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

(A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.

(B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

16.95.050 Residential green and sustainable building.

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

(A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.40.050(1)(B).

(2) Energy.

(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

(i) On-site energy generation;

(ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;

(iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;

(iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Tables 16.95.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

TABLE 16.95.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.95.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code ² and meet Section 16.95.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.95.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.95.050(2)(B), additions and alterations of

that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

3 If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation

measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (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 shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.

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

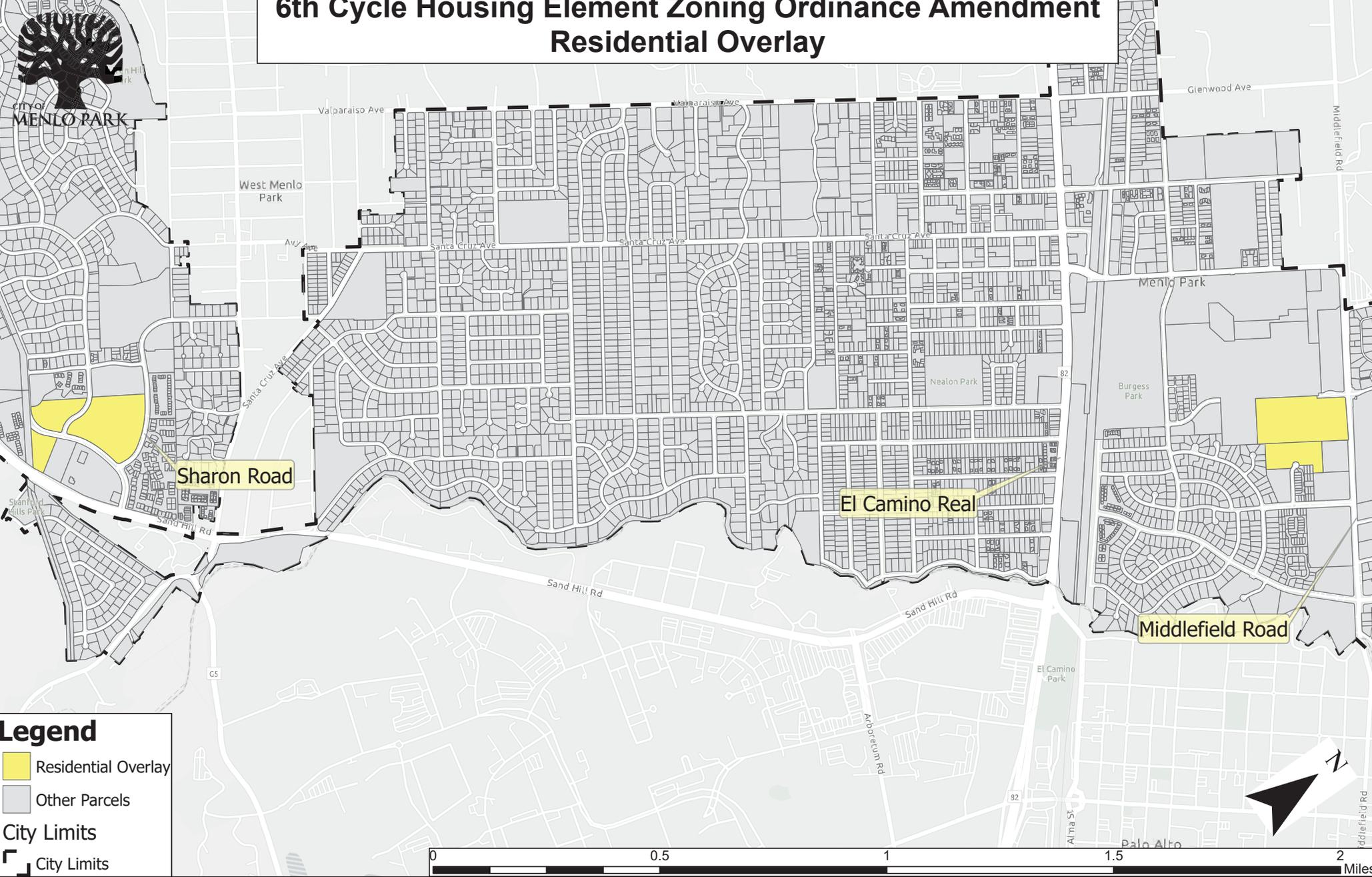
(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

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

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

6th Cycle Housing Element Zoning Ordinance Amendment Residential Overlay



Legend

- Residential Overlay
- Other Parcels

City Limits

- City Limits

ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING CHAPTERS 16.04 AND 16.08 OF TITLE 16 OF THE MENLO PARK
MUNICIPAL CODE TO IMPLEMENT HOUSING ELEMENT PROGRAM H2.F
AND ESTABLISH LARGE FAMILY DAY CARE HOMES AS A PERMITTED USE
IN A LEGAL DWELLING UNIT IN ANY RESIDENTIAL DISTRICT**

WHEREAS, Sections 16.04.164, 16.04.165, and 16.08.085 of Title 16 of the Menlo Park Municipal Code define and regulate how child care facilities based out of private residences (“child day care homes” or “family day care homes”), are permitted in the City of Menlo Park; and

WHEREAS, a large family day care home for the care or instruction of up to 14 children is currently subject to noticing requirements and the potential for a public hearing, and requires a permit with approval from the Community Development Director; and

WHEREAS, the City’s requirements for large family day care homes are not in conformance with California Health and Safety Code Section 1597.45, which requires that large family day care homes be allowed as a permitted use within any residential zoning district; and

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City’s General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, Housing Element Policy H2.6, School District and City Service Maintenance, establishes that the City will work with school districts and child care providers to maintain quality service as demand increases; and

WHEREAS, Housing Element Program H2.F, Childcare Allowances, states that the City will update the Zoning Ordinance to allow large family day care homes by-right in all residential zoning districts in conformance with state law; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H2.F; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H2.F; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023, to review and consider the proposed amendments to Sections 16.04.164, 16.04.165, and 16.08.085 of Title 16 of the Menlo Park Municipal Code and adopted Planning Commission Resolution No. 2023-__ recommending that the City Council adopt the Zoning Ordinance amendments, whereat all interested persons had the opportunity to appear and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

Section 1. Findings. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

Section 2. Amendment. Chapter 16.04 – Definitions of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

16.04.164 Child day care center. “Child day care center” means any child care facility other than a large ~~child~~ family day care home or small ~~child~~ family day care home as defined by Section 16.04.165. (Ord. 1030 § 2, 2017).

16.04.165 Child Family day care home. “~~Child~~ Family day care home” means both a “small ~~child~~ family day care home” and a “large ~~child~~ family day care home” as further defined herein. A “small ~~child~~ family day care home” means a ~~private single family~~ residence licensed by the appropriate state or county agency for the day care or instruction of no more than six (6) children, or up to eight (8) children without an additional adult attendant, if all of the following conditions are met: (1) at least one (1) child is enrolled in and attending a kindergarten or elementary school and a second child is at least six (6) years of age; (2) no more than two (2) infants are cared for during any time when more than six (6) children are cared for; (3) the licensee notifies each parent that the facility is caring for two (2) additional school-age children and that there may be up to seven (7) or eight (8) children in the home at one (1) time; and (4) the licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented. A “large ~~child~~ family day care home” means a ~~private single family~~ residence licensed by the appropriate state or county agency for the day care or instruction of no more than twelve (12) children, or up to and including fourteen (14) children, if all of the following conditions are met: (1) at least one (1) child is enrolled in and attending a kindergarten or elementary school and a second child is at least six (6) years of age; (2) no more than three (3) infants are cared for during any time when more than twelve (12) children are cared for; (3) the licensee notifies each parent that the facility is caring for two (2) additional school-age children and that there may be up to thirteen (13) or fourteen (14) children in the home at one (1) time; and (4) the licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented. (Ord. 1030 § 3, 2017; Ord. 546 § 1(1), 1973).

Section 3. Amendment. Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

16.08.085 Child Family day care homes.

(a) A ~~small child~~ family day care home, as ~~the same is defined in this title~~ Section 16.04.165, may be a home occupation and as such is a permitted use in a legal dwelling unit in any residential district.

~~(b) — A large child family day care home, as the same is defined in this title, may be a home occupation and as such is a permitted use in a legal dwelling unit in any residential district. requires a permit. A person who desires to obtain a permit for a large child day care home ("applicant") must follow the process described below in order to use their home as a large child day care home:~~

~~(1) — The city must provide notice of the proposed use to adjoining property owners within a one hundred (100) foot radius of the exterior parcel boundaries of the large child day care home. Notice shall be given not less than ten (10) calendar days prior to the date on which the decision will be made on the application.~~

~~(2) — A public hearing is required if one (1) is requested by the applicant or any other affected party.~~

~~(3) — If a public hearing is not required, the community development director, or his/her designee, shall approve a permit for a large child day care home if the property on which the proposed large child day care home is located and applicant comply with all of the following conditions and standards:~~

~~(A) — The applicant must possess a current and valid large family child care home license from the state of California, Department of Social Services. The city's permit shall not become effective until such time as the state license is obtained. If said license is suspended or revoked by the state for any reason, the city's permit for a large child day care home shall immediately be suspended or revoked to the same extent.~~

~~(B) — The applicant must reside at the property and the use must be clearly incidental and secondary to the use of the property for residential purposes.~~

~~(C) — The property is not bordered on more than one (1) side by a child day care home or child day care center.~~

~~(D) — The property is not located adjacent to a business that uses, sells or stores significant amounts of hazardous materials or creates high noise levels or fumes.~~

~~(E) — Residences with sole access from major arterial and/or collector streets must provide an off-street drop-off/pick-up area. The residential driveway may be used as the drop-off/pick-up area, provided such use does not cause a backup of vehicles on the street.~~

~~(F) — The large child day care home operation shall not result in cars blocking neighbors' driveways or backing up traffic on the street.~~

~~(G) — Provisions have been made to provide, at a minimum, one (1) off-street parking space per employee of driving age not living at the residence. The residential driveway is acceptable if the parking space will~~

~~not conflict with any required child drop-off/pick-up area and does not block the public sidewalk or right-of-way.~~

~~(H) — The applicant must comply with all applicable regulations of the fire marshal regarding health and safety requirements.~~

~~(I) — Any permanently installed playground apparatus (swings, jungle gym, etc.) shall conform to setback requirements for accessory structures in that particular residential zoning district.~~

~~(J) — Outdoor playtime shall be limited to the hours from nine (9) a.m. to seven (7) p.m.~~

~~(K) — Outdoor play areas shall be set back at least five (5) feet from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along the boundaries with residential uses.~~

~~(L) — A minimum of seventy-five (75) square feet of outdoor space for each child over two (2) years old that is not located in any required front or street side yard. This area must be either owned or leased by the applicant and cannot be shared with any other property owners unless written permission is granted by the other property owners. This requirement may be waived if the applicant can demonstrate that there is a public park, school or other public area open within five hundred (500) feet of the child day care home.~~

~~(M) — Hours of operation shall be limited to the hours of six (6) a.m. to seven (7) p.m., Monday through Friday. Additional hours may be allowed subject to approval of a use permit.~~

~~(N) — The community development director or designee may consider and specify other reasonable conditions that relate to parking, traffic, noise, and spacing and concentrations of large child day care homes that might otherwise have an adverse effect on adjacent properties.~~

~~(4) — If a public hearing is requested, the community development director or his or her designee shall give notice to residents and property owners within three hundred (300) feet of the proposed large child day care home and shall conduct a public hearing. The decision of the community development director or his or her designee shall be limited to and based on the criteria set forth in subsection (b)(3) of this section.~~

~~(5) — The applicant or other affected person may appeal the decision of the community development director or his or her designee to the planning commission within fifteen (15) days from the date of the notice of decision in accordance with Chapter 16.86, Appeals; provided, that the criteria for upholding or denying decision of the community development director or his or her designee shall be limited to and based on the criteria set forth in subsection (b)(3) of this section. (Ord. 1030 § 4, 2017; Ord. 546 § 1(3), 1973).~~

Section 4. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 5. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

(a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.

(b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.

(c) 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 previous SEIR was certified as complete, has been submitted to the City.

Section 6. Publication; Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of ___, 2023.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the ___ day of ___, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jen Wolosin, Mayor

ATTEST:

Judi A. Herren, City Clerk

CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Addendum to the Program Subsequent Environmental Impact Report

Prepared for
City of Menlo Park

November 2023



CITY OF MENLO PARK HOUSING ELEMENT UPDATE

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November 2023

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Introduction

In 2016, the City of Menlo Park (City) updated its General Plan, including the Land Use and Circulation Elements (referred to as *ConnectMenlo*) and certified a Program Environmental Impact Report for the General Plan update (*ConnectMenlo* EIR) (State Clearinghouse No. 20150622054). On January 31, 2023, the City of Menlo Park City Council adopted an updated 2023-2031 6th Cycle Housing Element to its General Plan and certified a Subsequent Environmental Impact Report (SEIR) which incorporated and relied on the previously certified *ConnectMenlo* EIR. The SEIR assessed the environmental effects of further updates to the City's General Plan; notably, adoption of an update to the General Plan Housing Element in accordance with the requirements of State law. The SEIR also supported adoption of an update to the General Plan Safety Element and a new Environmental Justice Element and was written to support later adoption of amendments to the City's General Plan Land Use Element, El Camino Real/Downtown Specific Plan, Zoning Ordinance, and Zoning Map intended to implement the 2023-2031 6th Cycle Housing Element.

Since the SEIR's certification, the City has determined that further enhancements to the adopted 2023 Housing Element Update (HEU) are needed to provide additional housing opportunities in the city and to further the City's commitment to the provision of affordable housing through amendments to the City's General Plan Land Use Element, El Camino Real/Downtown Specific Plan, Zoning Ordinance, and Zoning Map. This Addendum assesses whether the proposed revisions to the 2023 HEU would create any new or substantially greater significant environmental impacts than those that were assessed in the SEIR.

The SEIR analyzed whether implementation of the goals, policies, programs, zoning changes, and housing strategies contained within the 2023 HEU would result in significant impacts to the environment. The SEIR imposed mitigation measures to reduce the significant impacts that were identified. This Addendum finds that the proposed enhancements to the 2023 HEU would not result in any new or substantially greater significant impacts than those that were identified and assessed in the SEIR and the *ConnectMenlo* EIR. This Addendum also reaffirms that the SEIR's mitigation measures, which would reduce significant impacts, would continue to be implemented as part of the revised HEU. Consequently, in accordance with the California Environmental Quality Act ("CEQA") Guidelines Sections 15162 and 15164, a subsequent EIR is not required for the proposed amendments to the City's General Plan Land Use Element, El Camino Real/Downtown Specific Plan, Zoning Ordinance, and Zoning Map and the City Council may adopt this Addendum in fulfillment of its obligations under CEQA.

CEQA Requirements for an EIR Addendum

As described in State CEQA Guidelines Section 15164, a lead agency shall prepare an addendum to a previously adopted EIR if some changes or additions are necessary but none of the conditions identified in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred. The following identifies the standards set forth in State CEQA Guidelines

Section 15162, for which the preparation of a subsequent EIR or negative declaration would be required:

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.

Thus, if the revised 2023 HEU would not result in any of the circumstances listed in Section 15162 (i.e., no new or substantially greater significant impacts), an Addendum to the SEIR would be appropriate and no subsequent EIR would be required. As demonstrated in the analysis herein, this assessment concludes that an Addendum to the SEIR is appropriate.

Certified SEIR

The City of Menlo Park certified an SEIR for the 2023 HEU (State Clearinghouse No. 20150622054) on January 31, 2023.¹ The SEIR concluded that, at a program level, the impacts of future development and policies included in the HEU would all be reduced to less-than-significant levels, except for:

Air Quality Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-

¹ The Draft and Final SEIRs can be viewed at the following location: <https://menlopark.gov/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/Housing-Element/2023-2031-Housing-Element-Update>.

attainment under an applicable federal or state ambient air quality standard (*Significant and Unavoidable Impact, with Mitigation*).

Cultural Resources Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Cultural Resources Impact CR-4: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, could result in a significant cumulative impact with respect to historic architectural resources (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-1: Implementation of the HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

No feasible mitigation measures were identified for these impacts that could reduce impacts to less-than-significant levels. Therefore, the City Council approved a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 when certifying the SEIR to explain why the HEU was being approved, despite significant and unavoidable impacts.

Revised HEU

Introduction

2023 Housing Element Update

State law requires every city and county in California to have an adopted comprehensive long-range general plan with specific contents in order to provide a vision for the jurisdiction's future. The general plan is an overarching policy document that informs local decisions about land use and development.

The City began the process to update its Housing Element in 2020. The City maintains an ongoing commitment to providing meaningful community engagement and has been using social

media, posters and flyers, a website, in-person engagement, one-on-one interviews and listening sessions, surveys, and meetings to share information and gather insights for the update of the Housing Element. The HEU was adopted on January 31, 2023 and included several principal provisions, as summarized below.

Housing Goals, Policies and Programs

The adopted 2023 HEU includes updated goals, policies, and programs to address the maintenance, preservation, improvement, and development of housing and to affirmatively further fair housing in the City. The updates to the goals, policies, and programs in the HEU were informed by a review of the implementation and effectiveness of the previous Housing Element (adopted in 2015), as well as updated information on demographic and economic trends, existing housing and market conditions, and special housing needs experienced by disabled persons, elderly households, large family households, single female-headed households, and homeless persons. The HEU's goals, policies, and programs were also crafted to address an updated assessment of non-governmental and governmental constraints to the development, conservation, and rehabilitation of housing in the City, and to affirmatively further fair housing.

Housing Sites Inventory

The 2023 HEU identified specific sites appropriate for development of housing (in particular affordable units), and the City would rezone those sites, as necessary, to meet the requirements of State law. The final housing opportunity sites inventory was refined based on additional community input and analysis. The SEIR evaluated potential environmental effects of adding up to 4,000 new residential units in the City within the HEU's eight-year planning period through 2031 via a variety of strategies in addition to possible pipeline projects and accessory dwelling units.

Housing Sites Inventory Strategies

While pipeline projects (i.e., projects for which a development application has been received or are otherwise reasonably foreseeable) are generally located on the north side of US-101, the 2023 HEU identified additional housing sites that were geographically dispersed throughout the City, primarily located in City Council Districts 2, 3, 4, and 5—generally, the areas south of US-101. The sites were identified as being available for multifamily housing through a combination of rezoning, increased densities, and/or updates to the Zoning Ordinance based on the following general strategies:

- **“Re-use” of sites from the City’s previous Housing Element.** The Housing Sites Inventory would reuse selected sites from the 5th Cycle Housing Element (2025-2023) with densities to allow at least 30 dwelling units per acre (du/ac) and possibly more. Consistent with State law, sites that were “re-used” would either be up-zoned (increasing allowable residential density) or would be zoned to allow by-right (ministerial review) development for projects that include at least 20 percent affordable units (units affordable to low and very low-income households).
- **Increase the permitted densities within the El Camino Real/Downtown Specific Plan area and modify associated development standards.** The 2023 HEU's Housing Sites Inventory included sites in the El Camino Real/Downtown Specific Plan area. The HEU allowed at least 30 dwelling units per acre (du/ac) as the base level density, and potentially

increased the maximum bonus level density to 80 dwelling units per acre depending on the location within the Specific Plan area. Under the HEU, bonus level development would require a developer to provide a public benefit in exchange for higher density development potential. The intent of this strategy was also to remove the existing residential cap of 680 units permitted in the Specific Plan area and to modify development standards such as height and/or parking ratios to allow greater development potential on parcels.

- **Modify the Affordable Housing Overlay.** The 2023 HEU provided that Specific Plan area and sites in the Housing Sites Inventory would be rezoned to include the Affordable Housing Overlay (AHO) provided in Menlo Park Municipal Code Chapter 16.98. The HEU called on the City to amend the Code to allow for densities up to 100 du/ac for 100 percent affordable housing developments (meaning 100 percent of units would be available to low and very low-income residents). This strategy also included provisions for increased residential densities for mixed-income developments (market-rate units and affordable units combined) where the percentage of affordable housing exceeds the City’s Below Market Rate requirement as provided in Menlo Park Municipal Code Chapter 16.96.
- **Modify Retail/Commercial Zoning Districts.** The Housing Sites Inventory included some sites in the C-1, C-1-A, C-1-C, C-2, C-2-A, C-2-B, C-2-S, C-4, and P zoning districts and required the City to modify Code provisions regarding retail/commercial zoning districts to allow for residential uses that would allow 30 du/ac and include other potential modifications to the development standards to encourage the production of mixed-use developments (residential and non-residential uses combined).
- **Remove the minimum lot size for R-3 zoned properties located around downtown.** The Housing Sites Inventory included some R-3 zoned sites around downtown and required the City to modify applicable Code provisions to remove the 10,000 square-foot minimum lot size, which would allow all sites in the R-3 area around downtown a residential density of up to 30 du/ac.

Proposed Revisions to the 2023 HEU

This Addendum assesses the effects of adopting several enhancements to the 2023 HEU as currently adopted and assessed in the SEIR. The City is considering additional Specific Plan and zoning modifications for increased densities as part of revising the 2023 HEU, as requested by the City Council. The general changes that would be implemented for the Housing Element-related Specific Plan and zoning updates, as summarized in the housing strategies discussed above, would be:

- Increase the permitted densities in the El Camino Real/Downtown Specific Plan area from current maximum base densities of up to 50 du/ac and bonus densities of up to 60 du/ac to maximum base densities of up to 60 du/ac and bonus densities of up to 100 du/ac or more, with corresponding increases in floor area ratio (FAR) and height.
- Modify the Affordable Housing Overlay to allow more than 100 du/ac for 100 percent affordable housing developments (meaning 100 percent of units would be available to residents at the low-income and lower affordability levels) when used in combination with state density bonus law, and a potential increase in densities for mixed-income developments where the percentage of affordable housing exceeds the City’s Below Market Rate (BMR) housing requirement.

In addition, the City is considering modifying the zoning of the Sharon Heights Shopping Center (located at 325 Sharon Park Drive) to allow a height increase from the existing 30 feet maximum to an up to 80 feet maximum, with a potential corresponding increase in density from a maximum of 30 du/ac to up to 100 du/ac or more.

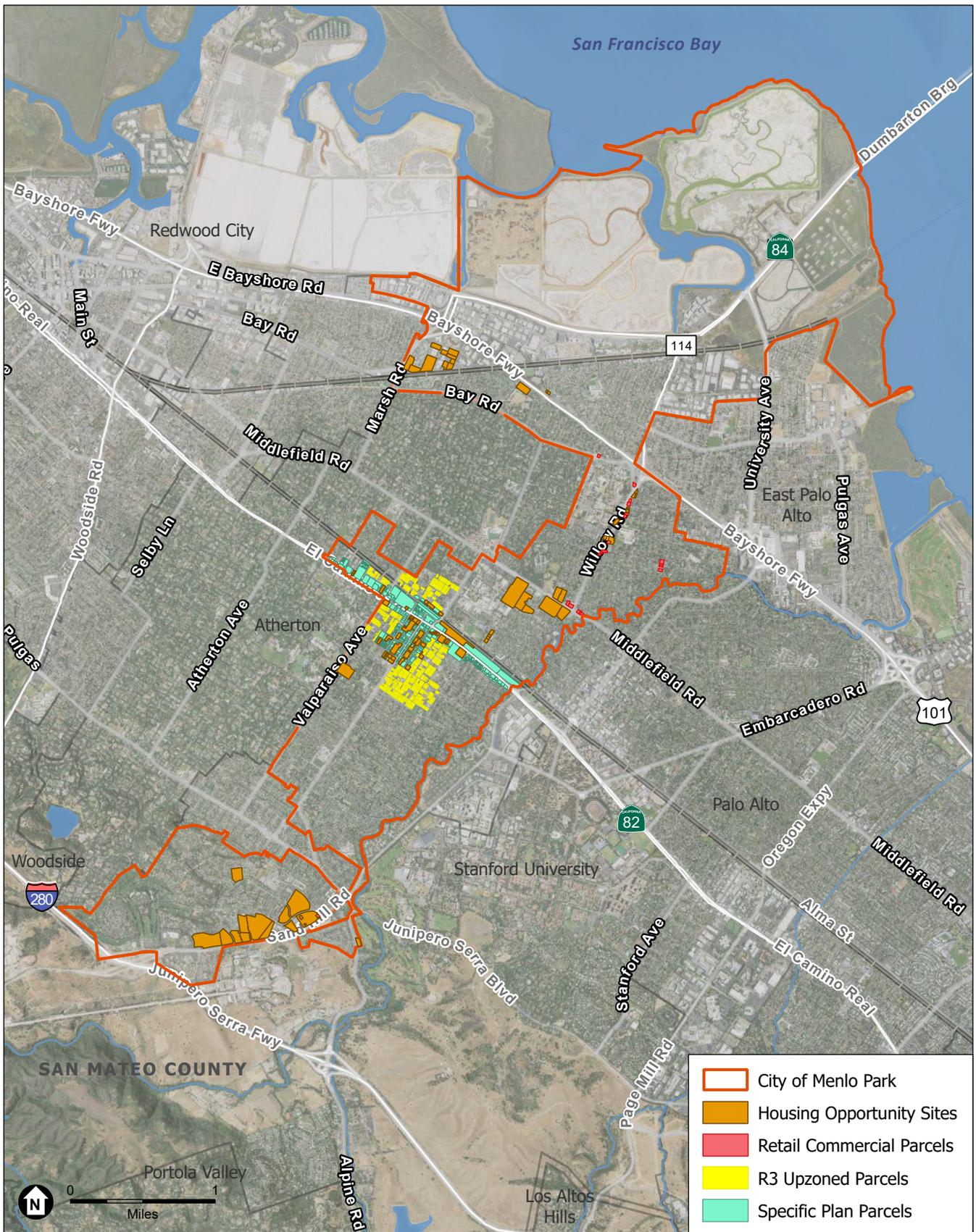
Collectively, these Specific Plan and zoning changes would result in a potential net increase of 862 dwelling units through 2031, with a portion of the increase (142 units) in City Council District 5, which includes Sharon Heights, and 720 units elsewhere in the City. **Figure 1** shows the locations of the various opportunity sites and land use strategy sites identified in the HEU. **Table 1** provides additional detail concerning the potential changes to unit counts by transportation analysis zone (TAZ). In three TAZs, the revised number of units decreased compared to the original unit count due to the removal of certain inventory sites based on City Council direction and reduced expectations for housing development in those TAZs.

Impact Analysis

As described above, the revised housing sites inventory and land use strategies are expected to result in potential production of approximately 862 additional units above the 4,499 units² evaluated in the SEIR, for a total of 5,361 units. The analysis in this Addendum addresses whether these changes to the HEU and/or new circumstances relevant to the project would, as compared to the previously certified SEIR, result in a new significant impact or significant impacts that are substantially more severe than the significant impacts previously disclosed. The Addendum also considers if there is new information of substantial importance showing that the revised project would have one or more significant effects not previously discussed. Finally, the Addendum considers whether any previously examined significant effects would be substantially more severe than the significant effects identified in the SEIR, necessitating preparation of a subsequent EIR or negative declaration.

This Addendum evaluates each topic addressed in the SEIR. The SEIR determined that there would be no impact to agricultural, forestry, and mineral resources potentially resulting from the HEU. In accordance with CEQA Guidelines Section 15128, the SEIR included a brief discussion indicating the reasons why these topics were not discussed in detail (SEIR Section 4.18). Accordingly, this Addendum does not include impact analysis sections for agricultural, forestry, and mineral resources since there would be no change that would necessitate preparation of these analyses.

² As shown in Table 3-5 of the SEIR, the 2023 HEU as evaluated in the SEIR would provide for 4,000 additional units, 85 ADU's, and 414 pending project units, for a total of 4,499 units.



SOURCE: Esri, 2022; M-Group, 2022; ESA, 2022

Menlo Park Housing Element Update SEIR Addendum

Figure 1
Housing Opportunity and Land Use Strategy Sites

TABLE 1: PROPOSED UNIT COUNT CHANGES BY TAZ

TAZ	Original Unit Count	Revised Unit Count	Change
3001	75	111	36
3003	283	422	139
3004	8	13	5
3006	100	90	-10
3007	0	0	0
3009	28	0	-28
3016	11	18	7
3019	76	76	0
3020	0	0	0
3021	41	51	10
3022	21	21	0
3023	160	200	40
3024	185	310	125
3025	313	518	205
3026	199	199	0
3027	371	421	50
3028	60	73	13
3029	54	54	0
3030	83	96	13
3031	60	82	22
3033	41	62	21
3034	0	0	0
3035	22	37	15
3036	0	0	0
3037	177	245	68
3038	0	0	0
3039	11	17	6
3040	18	18	0
3041	56	67	11
3044	49	72	23
3046	155	230	75
3048	780	810	30
3049	3	3	0
3050	18	18	0
3051	133	193	60
3056	30	45	15
3057	74	81	7
3058	38	56	18
3060	25	25	0
3061	85	85	0
3062	427	280	-147
3063	10	10	0
3064	8	17	9
3065	0	0	0
3066	0	0	0
3074	0	0	0
3080	99	123	24
TOTAL	4,387	5,249	862

Aesthetics

In the same manner as the 2016 *ConnectMenlo* EIR, the SEIR determined that aesthetic impacts from the 2023 HEU would be less than significant. This finding was supported by the absence of designated scenic vistas, scenic resources, and State Scenic Highways in the vicinity of the housing development sites. Further, the housing development sites would all be located in areas that are already fully urbanized, and future development associated with the 2023 HEU would be consistent with the already-urbanized setting. In addition, the SEIR found that potential future development in the City would be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with existing design standards outlined in the Zoning Ordinance and identified in the El Camino Real/Downtown Specific Plan. In addition, the SEIR identified General Plan goals and policies (see Section 4.1.3 of the SEIR) that require local planning and development decisions to consider impacts to aesthetic resources, including scenic vistas.

With respect to potential impacts from new sources of substantial light and glare, the SEIR found that numerous General Plan policies and development regulations are already in place to avoid significant impacts from light and glare. These include general best management practices that require lighting that is context sensitive in style and intensity required under the California Green Building Standards Code of the California Code of Regulations, Title 24, Part 11. The SEIR found that new development in the City would also be required to comply with General Plan policies that ensure new land uses do not generate excessive light levels that would spill on to adjacent sensitive receptors and reduce light and glare spillover from future development to surrounding land uses. For example, Policy LU-2.3 requires that the City allow mixed-use projects with residential units if the project design addresses potential compatibility issues such as light spillover. Policy LU-4.3 requires the City to limit parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses and promote high-quality architectural design and effective transportation options. Policy LU-6.8 requires the City to encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy, which would buffer new development with landscaping and trees. Policy OSC-1.15 requires the protection of Heritage Trees, including during construction activities, through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code). The preservation of mature trees with substantial tree canopies would diffuse the overall amount of light generated by new development and glare generated by windows of multistory buildings in the areas of Menlo Park with mature trees. Accordingly, the SEIR determined that impacts related to adverse light and glare would be less than significant, and no mitigation would be required.

The revisions to the HEU being assessed in this Addendum would not change these findings. The sites under consideration for higher density development are the same as those evaluated in the SEIR, so the same conclusions as to the absence of scenic resources and the existing urbanized development context remain the same. While the greater development densities under consideration for certain areas could increase building heights, the same General Plan policies and development regulations would still apply to any development in the City and would effectively address the potential for adverse aesthetic effects. Therefore, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related

to aesthetics than previously disclosed in the *ConnectMenlo* EIR or the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects related to aesthetics not previously discussed in the two previous EIRs. For these reasons, impacts related to aesthetics from the proposed HEU revisions would not require the preparation of a subsequent negative declaration or EIR.

Air Quality

In the same manner as the 2016 *ConnectMenlo* EIR, the 2023 SEIR determined that the 2023 HEU would not conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan, which is the currently applicable air quality plan for the project area. This finding was based on the HEU's required compliance with applicable Clean Air Plan regulations related to transportation, energy, building construction and operation, and water conservation. These same requirements would apply to the revised HEU. The SEIR concluded that the HEU would generally result in dense multifamily housing with many units being located close to transit and/or bicycle/pedestrian facilities and would support the primary goals of the Clean Air Plan through continued implementation of numerous existing regulations that have been established for new developments throughout the City of Menlo Park. These same conclusions are applicable to the revised HEU and would remain unchanged from the conclusions reached in the SEIR.

The SEIR found that the 2023 HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the region is in non-attainment. The SEIR determined that the HEU's effects related to growth in vehicle miles traveled (VMT) in relation to population growth would be positive, and that the HEU's operation effects would also be positive based on the HEU's higher residential densities and subsequent reductions in VMT and most operational emissions. However, the SEIR also determined that criteria pollutant emissions during construction could exceed applicable thresholds, particularly for larger projects. The SEIR therefore conservatively determined that the HEU's effects could be significant and unavoidable, even with mitigation. These same findings would apply to the revised HEU. The HEU's air quality benefits related to VMT reductions and favorable operational effects would still occur. However, criteria emissions exceedances during construction could still occur at similar levels documented in the SEIR.

With respect to exposure of sensitive receptors to pollution concentrations, both the 2016 *ConnectMenlo* EIR and the SEIR found that impacts in this regard would be less than significant. This is a function of the housing opportunity sites locations and their lack of proximity to sources of toxic air contaminants (TACs) such as high-volume roadways and other sources. To conservatively address any worst-case scenarios that could arise during a project's construction, the SEIR prescribed mitigations for future HEU residential projects that could be potentially located near sensitive receptors and exceed applicable standards. The SEIR determined that implementation of these measures would effectively reduce TAC emissions from off-road, diesel construction equipment, and that the impact would be less than significant with mitigation. These same mitigations would also apply to the revised HEU, and the impact would accordingly be less than significant, the same as that found in the SEIR.

Both the 2016 *ConnectMenlo* EIR and the SEIR found that the HEU would not result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people. This is a function of the fact that the residential uses associated with the HEU would not include uses such as wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants that are known to create substantial odor sources. Since the revised HEU would also not include these types of odor-producing uses, this same finding would also apply to the revised HEU, the same as that found in the SEIR.

In summary, the air quality impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. While the increase in potential new units could result in additional construction, the incremental increase in emissions would not materially change the impact conclusions or mitigations in the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to air quality than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to air quality from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Biological Resources

The SEIR found that impacts to biological resources would be less than significant. This is largely a function of the urbanized nature of the HEU's housing opportunity sites and the general lack of sensitive resources thereon. However, the SEIR conservatively carried over the mitigations from the 2016 *ConnectMenlo* EIR that prescribed biological resources assessments of individual residential projects and listed required protocols and processes for avoiding significant effects to biological resources such as sensitive species, riparian communities, sensitive natural communities, wildlife corridors, native nursery sites, and wetlands that could be present on individual sites. The revised HEU would not introduce any new sites that have not already been evaluated in the SEIR, so it can therefore be determined that these same findings would still be applicable and that the revised HEU's impacts would be less than significant with mitigation, the same as that found in the SEIR.

The *ConnectMenlo* EIR and the SEIR both determined that there would be no conflict with local policies and ordinances protecting biological resources. Both EIRs noted that with adherence to General Plan goals and policies in the Land Use Element, Open Space/Conservation Element, the Noise and Safety Element, the City's Tree Preservation Ordinance, and Municipal Code Chapters 12.44, Water-Efficient Landscaping and 13.4, Heritage Trees, no conflicts with local plans and policies would occur, resulting in a less than significant impact. As above, the revised HEU would not introduce any new sites that have not already been evaluated in the SEIR, so it can

therefore be determined that these same findings would still be applicable and that the revised HEU's impacts would be less than significant with mitigation, the same as that found in the SEIR.

In summary, the biological resources impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to biological resources than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to biological resources from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Cultural Resources

Historical Resources

The 2016 *ConnectMenlo* EIR evaluated potential impacts to historical resources including historic buildings. It determined that although General Plan polices were in place to identify and protect historic buildings, there was still a potential for future development to cause a significant impact on historical resources. Mitigation Measure CULT-1 was prescribed, which required evaluation and recordation of buildings more than 50 years old and required that the character-defining features of buildings deemed eligible for the California Register of Historical Resources be preserved. The measure essentially precludes demolition of eligible structures, which the City concluded was unlikely to present a substantial constraint on development in the Bayfront Area (the area north of US-101 that was the focus of *ConnectMenlo*) since the area was determined to contain no such structures. However, as determined in the SEIR, development under the HEU would have the potential to result in more severe impacts since it covers the entire City of Menlo Park, whereas the *ConnectMenlo* EIR was restricted to the Bayfront Area. As described in the SEIR, of the 74 potential housing opportunity sites, one includes a National Register-listed property³, 10 are vacant (no buildings are present), and 24 have buildings that are historic-era that have not yet been evaluated. It is also likely that there are additional historic resources outside of the housing opportunity sites, but within the boundary of the City. Furthermore, in the future additional sites and buildings may qualify for consideration (i.e., 45 years old or older) as historic resources at the time they are proposed for redevelopment.

The SEIR prescribed mitigation to address this potentially significant impact. The measures required evaluations of age-eligible buildings, identification of character-defining features, and recordation of identified historic resources prior to demolition or alteration. Ultimately, however,

³ As indicated in Section 4.4.2 of the SEIR, the NRHP-listed property is the Menlo Park Department of Veterans Affairs Medical Center complex at 795 Willow Road. Proposals have been advanced to place housing on undeveloped portions of the site, or in parking areas. No direct impacts to listed structures are proposed at the site.

the SEIR found that even with implementation of these requirements, historic resources could still be lost, which would result in a significant and unavoidable impact.

Since the revised HEU concerns the same sites as those evaluated in the SEIR, this same finding is therefore also applicable to the revised HEU. That is, the loss of identified historic resources resulting from residential development under the revised HEU would have a significant and unavoidable impact, even with mitigation. This finding is identical to that found in the SEIR.

Archaeological Resources

The 2016 *ConnectMenlo* EIR determined that impacts to archaeological resources would be less than significant, with mitigation. This finding was based on the lack of known archaeological resources in the Bayfront Area, which was a focus of the *ConnectMenlo* project, together with standard compliance regulations concerning the treatment of previously unknown archaeological resources if discovered during project construction. The *ConnectMenlo* EIR prescribed mitigations to ensure compliance with these requirements and thus determined that the project's effects would be less than significant, with mitigation.

The SEIR noted that the 2016 mitigation measures did not conform with current best practices with respect to inadvertent discovery of archaeological resources and human remains. The measures were therefore updated to conform to the most current standards, and included requirements related to cultural resources investigations, subsequent treatment protocols, and the treatment of resources and human remains if found during construction. The SEIR ultimately determined that the HEU's impacts would be less than significant, with mitigation.

Since the revised HEU concerns the same sites as those evaluated in the SEIR, this same finding is therefore also applicable to the revised HEU. That is, the impacts to archaeological resources and human remains from residential development under the revised HEU would be less than significant, with mitigation. This finding is identical to that found in the SEIR.

Conclusion

In summary, the cultural resources impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to cultural resources than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to cultural resources from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Energy

Preparation of the 2016 *ConnectMenlo* EIR predated the inclusion of energy as a topic in Appendix G of the CEQA Guidelines. While some elements of energy use were evaluated in Section 4.14, *Utilities and Service Systems*, of that EIR, the issues discussed were considerably different from those now listed under the revised Appendix G checklist. Therefore, the SEIR did not evaluate the HEU's impacts against those evaluated in the *ConnectMenlo* EIR. Rather, the SEIR evaluated the HEU's effects as measured against the thresholds defined in the Appendix G checklist in effect at the time of the SEIR's preparation. That analysis found that the HEU's impacts with respect to wasteful, inefficient, or unnecessary consumption of energy resources and conflicts with state and local plans for renewable energy or energy efficiency would be less than significant. This finding was based on compliance with applicable local and State policies and regulations, such as those related to energy-efficient construction equipment, building codes, and household appliances. The SEIR also found that the HEU's favorable effects related to VMT would further reduce the HEU's energy impacts. Finally, the SEIR also noted that the HEU would also be required to comply with greenhouse gas emissions mitigations (see the analysis of that topic below), which would ensure that all future projects proposed for development under the HEU would be consistent with the BAAQMD's updated GHG thresholds and would further reduce use of gasoline and diesel fuels during operation.

These same findings would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply, as would compliance with prescribed GHG mitigations. The energy impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to energy use than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to energy from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Geology, Soils, and Seismicity

Both the 2016 *ConnectMenlo* EIR and the SEIR determined that required compliance with numerous existing laws, regulations, and General Plan policies that govern the required geotechnical testing of geotechnical conditions at building sites and the development of geotechnical recommendations to address seismic shaking and seismic-induced ground failures would ensure structures are designed to withstand seismic shaking and seismic-induced ground failures. Accordingly, both EIRs determined that project implementation would result in less-than-significant impacts with respect to the seismic shaking and seismic-induced ground failures. These same requirements and findings would also apply to implementation of the revised HEU.

Similarly, the *ConnectMenlo* EIR and the SEIR both determined that required compliance with numerous existing laws, regulations, and General Plan policies that govern construction activities and the design of erosion prevention measures would prevent substantial soil erosion or the loss of topsoil. Accordingly, both EIRs determined that project implementation would result in less-than-significant impacts with respect to substantial soil erosion or the loss of topsoil. These same findings apply to implementation of the revised HEU.

Both the *ConnectMenlo* EIR and the SEIR also determined that compliance with existing laws, regulations, and standard design and engineering protocols would effectively address potential effects related to unstable geologic units, unstable soils, expansive soils, landslides, lateral spreading, subsidence (i.e., settlement), liquefaction, and collapse. These same findings apply to implementation of the revised HEU.

The *ConnectMenlo* EIR and the SEIR also evaluated project effects on paleontological resources, and both EIRs found that the impact would be less than significant. The analysis in both documents pointed to existing regulations that address impacts to these resources, and also prescribed mitigations to address inadvertent finding of paleontological resources during construction. The prescribed measure would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist. The paleontologist would be qualified to determine the significance of the find and would prepare and implement an excavation plan to preserve the paleontological resource, if significant. Both EIRs determined that implementation of the prescribed measure would reduce the significance of the impact to a Less than Significant Impact, with Mitigation. This same finding would apply to implementation of the revised HEU.

Each of the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The geology and soils impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to geology and soils than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to geology and soils from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Greenhouse Gas Emissions

The 2016 *ConnectMenlo* EIR determined that the proposed General Plan Update would result in a substantial increase in GHG emissions from existing conditions by the proposed General Plan horizon year 2040 and would not achieve the 2040 efficiency target, based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels pursuant to Executive Order (EO) S-03-05.

The EIR determined that additional state and federal actions would be necessary to ensure that state and federally regulated sources (i.e., sources outside the City's jurisdictional control) take similar aggressive measures to ensure the deep cuts needed to achieve the 2050 target. The *ConnectMenlo* EIR identified mitigation measures requiring the City to update its Climate Action Plan prior to January 1, 2020 to address the GHG reduction goals and set targets to comply with EO B-30-15 and EO S-03-05 for GHG sectors that the City has direct or indirect jurisdictional control over. The City adopted an updated 2030 Climate Action Plan in July 2020.

The SEIR determined that GHG emissions from housing development allowed under the HEU and development of associated infrastructure to support that development would result in both direct and indirect emissions from construction and operational activities. Direct GHG emissions would be generated during construction including emissions from the combustion of fuel (e.g., gasoline and diesel) in construction equipment and vehicles. Indirect GHG emissions during construction would be generated from electricity used to power any electric construction equipment, lighting at construction sites and for conveyance of water used for dust suppression activities. Upon completion of construction, housing projects would generate direct GHG emissions from area sources (such as landscaping equipment), on-road motor vehicle trips, and natural gas usage in homes. While the City's Reach Codes prohibit natural gas in all new construction for space and water heating, the code allows certain exceptions for cooking appliances and fireplaces in residences. Indirect operational GHG emissions would be generated from the increase in electricity use associated with building energy use along with water and wastewater treatment and conveyance. The SEIR's evaluation of GHG impacts used the Bay Area Air Quality Management District's (BAAQMD) updated GHG thresholds to address the two main direct sources of GHG emissions in land use development projects: building energy use and motor vehicle trips.

The SEIR's analysis described the City's Reach Code requirements that essentially preclude the use of natural gas in future residential projects. The SEIR noted that since the Reach Codes provide for exceptions to this rule, any project proposing natural gas usage (relying on the Reach Code exception) could result in a CEQA finding of a significant unavoidable impact (inconsistency with BAAQMD prohibition), which would therefore require that an EIR be prepared for the project. The City would then be required to establish a finding of overriding considerations to support project approval.

The SEIR discussed requirements to avoid wasteful, inefficient, or unnecessary electrical usage, such as those contained within Title 24 energy efficiency standards, CALGreen Tier 2 standards, and the inherent location of many of the HEU sites in areas with access to transit which would also ensure that electricity usage associated with building energy use and transportation would not be wasteful, inefficient, or unnecessary. The SEIR also pointed to the HEU's consistency with the SB 743 VMT Reduction Target of 15 percent below the regional average.

The SEIR then determined that, with mitigation, implementation of the HEU would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The SEIR evaluated the HEU's consistency with the CARB 2017 Scoping Plan, SB 32, EO S-3-05, Plan Bay Area, and Menlo Park's Climate Action Plan. The SEIR

conservatively prescribed mitigation to ensure that all future HEU projects would be consistent with BAAQMD's updated GHG significance thresholds. Compliance with these thresholds would mean that these projects would not generate GHG emissions that would conflict with the State's GHG reduction goals or plans and policies in place to achieve these goals.

Each of the findings described above would also apply to the revised HEU. The same compliance with established policies, regulatory requirements, and mitigations would still apply. The GHG impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to GHG emissions than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to GHG emissions from the revised HEU would not require the preparation of a subsequent negative declaration or EIR.

Hazards and Hazardous Materials

Both the 2016 *ConnectMenlo* EIR and the SEIR determined that required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the routine use or accidental release of hazardous materials. Both EIRs also determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. These same findings would apply to implementation of the revised HEU.

The SEIR evaluated each of the HEU's housing opportunity sites in relation to areas of known hazardous materials contamination. The SEIR noted that there are known hazardous materials release sites on or adjacent to potential housing opportunity and land use strategy sites. These hazardous materials release sites could contain contaminated soil and/or groundwater as a result of previous land uses. During construction, potential to encounter previously unknown contaminated soil would be present, and, if dewatering is needed, groundwater. Under such a scenario, construction workers, the public, and the environment could be exposed to hazardous materials and the impact could be potentially significant. As with the above discussions, the SEIR noted that there are numerous regulations covering the transportation, use, storage, and disposal of hazardous materials during construction activities. The required compliance with these regulations would reduce exposure to hazardous materials. As was also done in the *ConnectMenlo* EIR, the SEIR prescribed mitigations to further ensure that contaminated materials are properly handled and that any development on sites near known release sites would be

required to implement an Environmental Site Management Plan and a Vapor Intrusion Assessment. Per standard regulatory requirements, development would not be allowed to occur until a No Further Action Required determination was made by applicable regulatory agencies. Thus, significant impacts related to hazardous materials would be avoided and the impact would be less than significant. This same finding would apply to implementation of the revised HEU.

Finally, the SEIR evaluated the HEU's impacts on emergency response and emergency evacuation, finding again that existing City codes and other requirements would lessen the HEU's effects on emergency response and evacuation, particularly during construction. This same finding would apply to implementation of the revised HEU.

The revisions to the HEU being assessed in this Addendum would not change these findings. The sites under consideration for higher density development are the same as those evaluated in the SEIR, so the same conclusions related to hazardous materials and emergency evacuation and response remain the same. Therefore, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to hazards and hazardous materials than previously disclosed in the *ConnectMenlo* EIR or the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects related to hazards and hazardous materials not previously discussed in the two previous EIRs. For these reasons, impacts from the proposed HEU revisions would not require the preparation of a subsequent EIR or negative declaration.

Hydrology and Water Quality

Hydrological and water quality related impacts were evaluated in both the 2016 *ConnectMenlo* EIR and the SEIR. Both EIRs found that impacts would be less than significant, with the findings principally based on compliance with established regulations, best management project, and development standards. For instance, construction projects that result in one or more acres of ground disturbance, or less than one acre but would be part of a larger plan of development or sale, would be required to obtain coverage under the NPDES Construction General Permit. Preparation of a SWPPP, along with its implementation during construction, is required to comply with the NPDES Construction General Permit. Moreover, development projects would be subject to controls and requirements described in the Menlo Park Municipal Code. Specifically, development projects would be required to submit a grading and drainage plan and an erosion and sediment control plan and implement best management practices (BMPs) to control stormwater runoff during construction. If subsurface excavation would require dewatering of groundwater, coverage under the construction dewatering general permit or waste discharge requirements would also be required. Additional requirements related to project operation would also be in effect, such stormwater management requirements and Low Impact Development design measures for stormwater capture and pretreatment. These requirements would reduce impacts to less than significant levels, and these same requirements would also apply to the revised HEU. It thus follows that the revised HEU would result in the same less than significant effects.

The *ConnectMenlo* EIR concluded that implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that a net deficit in aquifer volume or a lowering of the local groundwater table level would

occur. Although the *ConnectMenlo* EIR was drafted before the Sustainable Groundwater Management Act went into effect, the requirements for groundwater sustainability planning are not applicable for the San Mateo Plain subbasin, which is a very low priority groundwater subbasin. These findings were also found in the SEIR, and therefore also apply to the revised HEU.

The SEIR evaluated effects related to flood zones, tsunami hazard areas, and dam inundation zones and determined that impacts would be less than significant would not risk release of pollutants due to project inundation and determined that impacts would be less than significant because none of the housing opportunity sites are located in those hazard areas. Since the revised HEU does not propose any new housing opportunity or land use strategy sites that differ from those assessed in the SEIR, the SEIR's previous findings would also be applicable to the revised HEU.

In summary, each of the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The hydrology and water quality impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to hydrology and water quality than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to hydrology and water quality from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Land Use and Planning

Both the 2016 *ConnectMenlo* EIR and the SEIR found that neither project would physically divide an established community. The *ConnectMenlo* EIR and the SEIR listed a number of General Plan policies related to future development, and determined that existing and proposed goals, policies, programs, and zoning regulations would provide the long-term planning framework for orderly development of the City. Both EIRs determined that future development would generally retain the existing roadway patterns and could include circulation improvements such as new streets, paseos, access points, sidewalks and bike paths that would improve circulation. The analysis noted that these improvements would not include any new major roadways or other physical features through parcels designated for residential use or other communities that would create new barriers in the City. Therefore, both EIRs found that the projects would not divide an existing established community. These same findings apply to implementation of the revised HEU. Development of new housing units under the revised HEU would promote coordinated land use patterns within the City, and would conform to the City's revised zoning allowances, in response to the City's Regional Housing Needs Allocation (RHNA) and State law, which requires the City to identify sufficient housing sites to accommodate the City's RHNA.

As with the development assessed in the *ConnectMenlo* EIR and the SEIR, development under the revised HEU would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed. Like the HEU analyzed in the SEIR, the revised HEU does not propose any roadways, such as freeways, that would divide the City or isolate individual neighborhoods within it. In addition, future development would occur per the requirements established under Title 16 of Menlo Park's Municipal Code, and as part of the City's project approval process, would be required to comply with existing regulations and General Plan policies. Based upon each of these considerations, implementation of the revised HEU would not physically divide an established community, and the impact would therefore be less than significant. This is the same determination as that found in the SEIR.

The *ConnectMenlo* EIR and the SEIR also found that the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Both EIRs noted that the analysis addressed future development consistency with the General Plan and how each project was consistent with other applicable land use plans, policies, and regulations that focus on land use and planning. As with the General Plan and zoning updates discussed in the *ConnectMenlo* EIR, the proposed updates associated with the HEU are intended to ensure consistency between the General Plan and Zoning Ordinance. Because the General Plan is the overriding planning document for the City, and because the HEU includes amending the General Plan and Zoning Ordinance to increase consistency, consistency impacts in this regard would be less than significant.

To ensure consistency with the General Plan, the SEIR prescribed mitigation to require that consistency with the General Plan be demonstrated for each residential project that could be advanced under the HEU. The mitigation required that prior to individual project approval, as part of the project application process, future development in Menlo Park be required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards. A future project would be consistent with the General Plan and Zoning standards if, considering all its aspects, it would further the goals, policies, and programs of the General Plan and supporting Zoning standards and not obstruct their attainment. These same requirements would apply to the revised HEU.

Each of the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The land use and planning impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to land use and planning than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these

reasons, impacts related to land use and planning from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Noise and Vibration

The 2016 *ConnectMenlo* EIR found that the project would have a substantial adverse effect with respect to future projects in Menlo Park resulting in construction-related noise that could exceed noise limits required under the City's regulations, which considered commercial and industrial development and the possibility of impact pile driving. To address this potential impact, the *ConnectMenlo* EIR identified Mitigation Measure NOISE-1c to require project applicants to minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval and/or enforcement of the City's Noise Ordinance. Specifically, the mitigation measure required a mechanism by which the owner/developer would be responsible for requiring contractors to implement a menu of measures to limit construction-related noise.

The SEIR found that the above impacts could be effectively mitigated through refined mitigation. These would include restrictions on construction hours (already required under the City's Noise Ordinance), demonstration of construction noise abatement measures, installation of sound barriers if needed, maintenance of construction equipment, and other requirements. The SEIR ultimately found that construction noise impacts of subsequent projects would be reduced to less than significant with mitigation by incorporating best construction noise management practices as outlined in the prescribed mitigation. These same requirements would also apply to the revised HEU.

The SEIR also found that operational noise impacts would be less than significant. This finding was based on the low levels of noise associated with residential development, and compliance with City requirements for maximum noise levels for roof-mounted equipment such as HVAC systems. Specifically, such mechanical equipment (air conditioning equipment, ventilation fans, vents, ducting, or similar equipment) is prohibited from generating a noise level in excess of 50 dBA at a distance of 50 feet from such equipment. In addition, such equipment is required to be screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment, except for the SP-ECR/D district which has unique screening requirements. Based on these requirements, the SEIR found that operational noise impacts would be less than significant. These same requirements would apply to the revised HEU, and it thus follows that the revised HEU's effects would also be similar.

The SEIR then assessed groundborne vibration effects from the HEU's implementation and also determined that those impacts would be less than significant. The analysis found that construction activities at distances of 25 feet or further from the nearest existing buildings would be well below the threshold of 0.25 PPV to avoid structural damage to historic and older buildings. Based on established building setbacks and other requirements, the low likelihood of use of heavy equipment most likely to produce excessive levels of vibration, and other requirements, groundborne vibration impacts would be less than significant. For these reasons, project-related construction and operational groundborne vibration impacts would be less than significant. These same findings would also apply to the revised HEU.

The SEIR also evaluated impacts associated with increased roadway noise that could result from implementation of the HEU. Modeling was conducted to determine the likely effects of increased automobile traffic brought about by development of residential projects made possible by the HEU. The analysis found that increases in noise levels would range from 0.1 dBA to 0.9 dBA. The SEIR noted that the smallest increase in loudness perceptible by the human ear is 3 dBA and increases of 5 dBA or greater are clearly perceptible. The HEU's increase in traffic noise levels would be well below those amounts. It was therefore determined that adoption of the HEU would have a less than significant impact with respect to operational roadway noise.

The SEIR also evaluated noise effects from airport operations. The SIR noted that a small portion of Menlo Park falls within two miles of Palo Alto Airport, but that no portion of the City is covered by the airport's influence area, nor is it within the airport's 55 dB noise contour. All other airports are located 4 or more miles away from the City. As such, there would be no noise impacts from airport operations. This same finding would also apply to the revised HEU.

In summary, each of the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The noise and vibration impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to noise and vibration impacts than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to noise and vibration impacts from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Population and Housing

Both the 2016 *ConnectMenlo* EIR and the SEIR determined that impacts from substantial unplanned population growth, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) would be less than significant. In both EIRs, it was determined that additional development in the City would occur in a manner that would be consistent with the City's General Plan, as amended. For the HEU, it was also noted that development of new housing units would be conducted in response to the City's RHNA allocation, which is in itself a plan to meet the housing needs of the area's current and future planned population. Ultimately, development of new housing units under the HEU would promote coordinated land use patterns within the City, and would conform to the City's revised zoning allowances, in response to the ABAG's RHNA allocation and State law, which requires the City to identify sufficient housing sites to accommodate the City's RHNA allocation. By definition, such development would be "planned" rather than unplanned and would

conform to the City's zoning code and General Plan as amended, as well as the ABAG RHNA Plan. This same finding would also apply to the revised HEU.

The SEIR also determined that the HEU would not displace substantial numbers of people or housing that would necessitate construction of replacement housing elsewhere. The SEIR noted that much of the developable area of the City is already developed, and nearly all the parcels identified for upzoning as part of the HEU are already developed with some sort of use, typically office or commercial. However, the City's General Plan contains a number of policies to limit the conversion of existing residential areas to non-residential uses. Policy LU-2.7, for example, limits the loss in the number of residential units or conversion of existing residential units to nonresidential uses. Policy H4.1 requires City planning efforts to identify opportunity sites and areas where a special effort will be made to provide affordable housing consistent with other General Plan policies. The policy identified specific characteristics that housing opportunity sites must possess, and these characteristics were incorporated into the sites identified as part of the HEU. Policy H4.8 directs the City to retain and expand multi-family and higher density sites, and to avoid rezoning multi-family residential land for other uses or to lower densities without re-designating equivalent land for multi-family development. Policy H-4.12 directs the City to distribute higher density residential developments throughout the City, particularly near public transit and major transportation corridors in the City.

The SEIR determined that the HEU would support each of these policies, in that the HEU would not redesignate or rezone an existing residential area to a nonresidential use. In general, just the opposite would occur, since the HEU would generally upzone existing sites to accommodate more housing. Therefore, there would be no conversion of housing uses to non-housing uses and residential displacements would not occur. Ultimately, the number of housing units in the City would increase and would help to address the region's housing needs. As such, the effect would generally be beneficial in nature, and the impact would be less than significant. This same finding would also apply to the revised HEU.

In summary, each of the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The population and housing impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to population and housing impacts than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to population and housing impacts from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Public Services and Recreation

The 2016 *ConnectMenlo* EIR and the SEIR both found that the project would not result in the need for new or physically altered fire protection, police, school, recreational, or library facilities, the construction of which could cause significant environmental impacts. While both EIRs acknowledged that both projects would introduce new residents and employees over the life of the projects, and that those increases would likely result in heightened demand for public service facilities, both EIRs concluded that compliance with existing regulations, payment of impact fees and taxes, incremental development of the new units over time across a wide area of the city, compliance with environmental requirements, and the likelihood that some developments would include open spaces and recreational facilities of their own, would ensure that the overall impact would be less than significant. These same findings would also apply to the revised HEU. The public services and recreation impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to public services and recreation impacts than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to public services and recreation impacts from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Transportation

The 2016 *ConnectMenlo* EIR found that the development potential under *ConnectMenlo* would generate new transit riders, bicyclists, and pedestrians, and that implementation of *ConnectMenlo* and other existing City standards and regulations would include goals, policies, and programs that provide for an integrated network of bicycle and pedestrian facilities as well as for the needs of transit users. Further, the EIR found that future development would be concentrated on sites either already developed and/or in close proximity to existing development, and would be served by existing transit, bicycle, and pedestrian infrastructure. However, since much of the anticipated development under the *ConnectMenlo* project would occur in the Bayfront Area, including properties located north of US-101 that are not adequately connected to the pedestrian and bicycle circulation network locally or south of US-101, and properties bordering existing streets such as Constitution Drive that lack continuous sidewalks, the *ConnectMenlo* EIR found that implementation of *ConnectMenlo* would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system. Mitigation Measure TRANS-6a was provided to update the City's Transportation Impact Fee (TIF) program to secure a funding mechanism for future pedestrian and bicycle improvements to mitigate impacts from future projects (based on the current standards at the time the *ConnectMenlo* EIR was certified) but did not reduce the impact to less than significant levels because the nexus study (pursuant to AB 1600) had not yet

been prepared, the City could not guarantee improvements, and no additional mitigation measures were feasible and available. For these reasons, the EIR concluded that implementation of *ConnectMenlo* would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system and the impact was considered significant and unavoidable.

Subsequently, the City's TIF program was updated and approved by the City Council. The City's Transportation Master Plan has also been updated, and the City Council approved the updated plan on November 17, 2020. However, the identified bicycle and pedestrian improvements would not be fully funded by the TIF. The SEIR therefore determined that the *ConnectMenlo* impact would remain. The SEIR determined that while most of the HEU's units would be located south of US-101, the units included in the HEU north of US-101 (in the Bayfront area) would contribute to the identified impact that was caused by the proposed development in the Bayfront area. Therefore, the SEIR determined that the HEU's impact on bicycle and pedestrian facilities would also be significant and unavoidable. This same finding would also apply to the revised HEU.

With respect to transit impacts, the *ConnectMenlo* EIR found that implementation of *ConnectMenlo* would generate a substantial increase in transit riders that could not be adequately serviced by existing public transit services, and the implementation of *ConnectMenlo* would generate demand for transit services at sites more than one-quarter mile from existing public transit routes. Mitigation Measure TRANS-6b was provided to update the City's existing Shuttle Fee program to guarantee funding for operations of City sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then-current City standards. Implementation of Mitigation Measure TRANS-6b was found to reduce the impacts but not to a less than significant level. As the nexus study (pursuant to AB 1600) had not yet been prepared, the City could not guarantee improvements, and no additional mitigation measures were feasible and available. For these reasons, the impacts to transit were considered significant and unavoidable. However, the State's current guidance regarding implementation of SB 743 indicates that increased transit demand is no longer considered an adverse effect under CEQA. As such, a finding of a less than significant impact was determined for the HEU in the SEIR, and this same finding would also apply to the revised HEU.

The *ConnectMenlo* EIR found that implementation of *ConnectMenlo* would result in increased peak hour traffic delay at intersections on Bayfront Expressway, University Avenue, and Willow Road that could decrease the performance of transit service and increase the cost of transit operations. Mitigation Measure TRANS-6c was provided to potentially result in the provision of transit service on the Dumbarton Corridor to mitigate the impact. However, because provision of Dumbarton transit service would require approval of other public agencies and would not be under the jurisdiction of the City of Menlo Park, implementation of this mitigation could not be guaranteed. No additional mitigation measures were found to be feasible and available. For these reasons, the impacts to transit were considered significant and unavoidable. However, with the transition to using VMT rather than LOS, vehicle delay is no longer considered an adverse effect under CEQA, which instead considers whether transit routes would be blocked, or whether there would be safety issues or conflicts with applicable plans. While the HEU proposed development potential above and beyond *ConnectMenlo* without any increase in transit service, the development would not physically block transit routes, create an obvious safety issue, or conflict with an

applicable transit plan and therefore the SEIR found that the HEU's impact on transit facilities would also be less than significant. This same finding would also apply to the revised HEU.

With respect to impacts related to VMT, the 2016 *ConnectMenlo* EIR preceded implementation of SB 743 and therefore a finding relative to VMT was not made. The SEIR evaluated VMT within the context of current State guidelines and determined that higher densities proposed under the HEU and their general proximity to quality transit facilities would have a beneficial effect to VMT and that VMT could generally be expected to meet applicable targets. However, the SEIR determined that future individual development projects allowed by the HEU that are subject to additional review and do not screen out of a VMT analysis would require a separate, project-specific VMT analysis. This analysis, which would be based on characteristics of the proposed project and its location, could result in exceedances of the VMT criteria of 15 percent below the regional average VMT per capita, particularly for housing sites that have limited access to transit. For this reason, the impact of the HEU was conservatively considered Potentially Significant, requiring mitigation. The SEIR prescribed mitigation that requires individual multifamily housing development proposals that do not screen out from VMT impact analysis to provide a quantitative VMT analysis using the methods outlined by the City's most recent VMT guidelines. Projects found to result in a significant impact would be required to implement travel demand management measures and/or physical measures (i.e., improving multimodal transportation network, improving street connectivity) to reduce VMT. The measure provided a list of potential VMT reduction measures. Ultimately, the SEIR determined that the prescribed VMT reduction measures would lessen an individual project's VMT impacts, but that the effectiveness of the measures in reducing an individual project's VMT impact to a less than significant level could not be determined until the specific characteristics of the project are known. As such, the SEIR concluded that the impact for projects that would not screen out from VMT impact analysis would conservatively remain significant and unavoidable with mitigation. This same finding would also apply to the revised HEU.

The SEIR also investigated the HEU's impacts on circulation design standards and emergency access to development sites. For both impacts, the SEIR determined that subsequent projects under the HEU, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are already developed where impacts related to incompatible traffic related land uses would not be likely to occur. Therefore, the SEIR determined that the HEU would result in a less than significant impact related to transportation hazards. A similar finding was found for emergency access. The SEIR determined that *ConnectMenlo* and other City standards and regulations include policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain

response plans that include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on the above considerations, the SEIR determined that adequate emergency access would be provided to new development sites, and the impact would be less than significant. This same finding would also apply to the revised HEU.

In summary, each of the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The transportation impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to transportation impacts than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to transportation impacts from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Tribal Cultural Resources

The 2026 *ConnectMenlo* EIR did not identify any archaeological resources within the City but did identify Native American remains in the study area. The *ConnectMenlo* EIR found that it was ‘highly improbable’ that archaeological deposits dating to the pre-contact or historic era exist on the locations that were identified for future development, which was focused on the Bayfront portion of the City. The *ConnectMenlo* EIR stated that General Plan goals and policies and compliance with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits in the study area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. However, the *ConnectMenlo* EIR did note that there was the potential for unrecorded archaeological resources to be significantly impacted.

For the SEIR’s analysis, a records search of the housing opportunity sites and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources within both of these areas. Given the long history of pre-contact and historic-age human occupation, the City is considered sensitive for the presence of subsurface pre-contact Native American cultural resources and human remains. Additionally, there may be previously unknown buried archaeological resources and/or tribal cultural resources that have not been recorded. No tribal cultural resources have been identified during tribal consultation. However, the Native American Heritage Commission (NAHC) Sacred Lands File search had a positive result for sacred lands within the HEU housing opportunity sites and land use strategy sites.

The SEIR noted that recent revisions to the Public Resources Code and the Government Code by AB 52 and AB 168 (SB 35) require local governments to consult with tribes during the review process for CEQA and for housing development projects that would otherwise be exempt from CEQA under changes made to the Government Code by SB 35.

The *ConnectMenlo* EIR found that there was a potential for the project to significantly impact tribal cultural resources and determined that implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4 would mitigate potential impacts to a less than significant level. As stated previously in this Addendum under the discussion for cultural resources, *ConnectMenlo* EIR Mitigation Measures CULT-2a and CULT-2b do not conform to current best practices with respect to inadvertent discovery. Therefore, the SEIR prescribed that the *ConnectMenlo* Mitigation Measures CULT-2a and CULT-2b be replaced with Mitigation Measures CR-2a and CR-2b to address potential impacts to archaeological resources. Mitigation Measure CULT-4 from the *ConnectMenlo* EIR was determined to be sufficient to address potential impacts to human remains and was therefore adopted as part of the SEIR as Mitigation Measure CR-3.

While no tribal cultural resources were identified within the housing opportunity sites and land use strategy sites as a result of tribal consultation, the SEIR noted that there is the potential for previously unknown archaeological resources or human remains that are also tribal cultural resources to be impacted by the residential development and this impact would be potentially significant. Implementation of the above mitigation measures would reduce these potential impacts to less than significant levels. These same mitigations and findings would apply to the revised HEU, and the impact of the revised HEU would therefore be the same as that found in the SEIR.

In summary, the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The tribal cultural resources impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to tribal cultural resources impacts than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to tribal cultural resources impacts from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Utilities and Service Systems

The 2016 *ConnectMenlo* EIR found that impacts related to the construction or relocation of utilities were less than significant as it was expected that the City would implement General Plan programs that require expansion of conservation programs and future development to employ green building best practices. The SEIR determined that these same findings would apply to implementation of the HEU, and the same findings would also apply to the revised HEU.

A Water Supply Assessment was prepared for the two water purveyors that would serve the HEU housing opportunity and land use strategy sites. The analysis determined that while water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the San Francisco Public Utility Commission's various projects, programs, and plans and further addressed through implementation of the water shortage contingency plans (WSCPs) by Menlo Park Municipal Water (MPMW) and Cal Water's Bear Gulch District. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies. While results of the water supply projects, programs, and plans and demand reductions could not be quantified, the SEIR determined that it was reasonable to expect that many of the projects, programs, and plans would be successful and additional water supplies and demand reductions could be obtained. For these reasons, the SEIR determined that implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, demand management measures (DMMs) and implementation of the WSCPs by MPMW and Cal Water's Bear Gulch District would further reduce demand to meet the water supply shortage. While the increase in potential new units could result in additional water demand, the incremental increase in demand would not materially change the impact conclusions or mitigations in the SEIR, and the impact would remain less than significant.

Wastewater impacts associated with the HEU were also evaluated in the SEIR. The analysis determined that more than adequate wastewater treatment capacity was available to service the HEU, and that wastewater flows associated with the HEU would represent a very small percentage of the total daily wastewater capacities of the local treatment facilities. A similar determination was made in relation to solid waste disposal, as it was found that adequate landfill capacity was available to serve the additional solid waste produced by the HEU's new residential units. These same findings would also apply to the revised HEU; wastewater treatment and landfill disposal capacity is adequate to handle incremental increases from additional units.

In summary, the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The utilities and service systems impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to utilities and service systems impacts than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to utilities and service systems impacts from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Wildfire

The 2016 *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The EIR found that the project would not include potential land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operations Plan. The EIR further found that the Land Use and Circulation Elements, which were adopted as part of the *ConnectMenlo* project, and the existing Open Space/Conservation, Noise and Safety Elements contained general goals, policies, and programs that would require local planning and development decisions to consider impacts to the environment related to an adopted emergency response plan. The 2023 SEIR determined that these same findings would apply to implementation of the HEU. The same findings would also apply to the revised HEU.

Though utilizing criteria that have since been replaced by updates to the CEQA Guidelines Appendix G Checklist, the *ConnectMenlo* EIR found that the project would have a less-than-significant impact with respect to exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The SEIR determined that these same findings would apply to implementation of the HEU.

The City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires. Menlo Park does not contain designated areas of moderate, high, or very high Fire Hazard Severity.

The SEIR found that future development under the HEU, as part of the City's project approval process, would be required to comply with existing regulations as described in Section 4.17.3, *Regulatory Framework*. Specifically, all developments would be constructed pursuant to applicable building codes and the California Building Code and the Menlo Park Fire Protection District (MPFPD) Fire Prevention Code. Per standard procedure, project applications for development in Menlo Park are plan-checked by the MPFPD for compliance with the code, and those requirements would apply to any future development. In addition, MPFPD conducts a weed-abatement program throughout its jurisdiction to minimize fire risk on empty or unmaintained parcels.

Also, the SEIR noted that General Plan policies have been adopted to minimize impacts from wildfire. Specifically, Policy S1.1 permits development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated. Policy S1.5 requires that all new habitable structures incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards. Policy S1.13 requires new residential structures to incorporate fire resistant design and strategies such as the use of fire-resistant materials and landscaping, and to create defensible space.

Based upon these considerations, the SEIR determined that implementation of the HEU would have a less than significant impact with respect to enhanced wildfire risk. The same findings would also apply to the revised HEU.

The SEIR also evaluated the effects of the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities that could exacerbate fire risk or that could result in temporary or ongoing impacts to the environment. The SEIR determined that impacts in this regard would be less than significant since the installation of such facilities would not be required to implement the HEU. The same findings would also apply to the revised HEU.

In summary, the findings described above would also apply to the revised HEU. The same compliance with established policies and regulatory requirements would still apply. The wildfire related impacts associated with the revised HEU would not differ substantially from those that have already been disclosed in the *ConnectMenlo* EIR and the SEIR. Consequently, the proposed HEU revisions would not result in a new significant impact or substantially more severe impacts related to wildfire than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the proposed HEU revisions would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than the significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 proposed HEU revisions. For these reasons, impacts related to wildfire from the revised HEU would not require the preparation of a subsequent EIR or negative declaration.

Conclusion

The proposed revisions to the 2023 HEU would not result in any additional or more severe impacts than those evaluated in the SEIR. Consequently, the proposed revisions would not result in a new significant impact or substantially more severe impacts than previously disclosed in the SEIR. In addition, there is no new information of substantial importance showing that the revised HEU would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the SEIR. Nor is there new information of substantial importance showing that 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 revised HEU. For these reasons, the proposed project would not require the preparation of a subsequent negative declaration or EIR.

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