

4.1 Aesthetics

This section of the environmental impact report (EIR) evaluates the potential changes to the existing visual characteristics of the project site and vicinity that could result from implementation of the proposed 123 Independence Drive Residential Project (project; proposed project). The analysis focuses on potential impacts on existing visual conditions, including scenic views, scenic resources, and lighting associated with the proposed project.

As discussed in Chapter 2, Introduction, and Chapter 4, Environmental Analysis, two Notices of Preparation (NOPs) were circulated for this EIR, one in January and February 2021, and one in September and October 2021. None of the written or verbal comments received in response to the NOPs address aesthetics. Both NOPs and the comments received in response to them are provided in Appendix A of this EIR.

The primary sources reviewed to prepare this section include the ConnectMenlo General Plan Update (City of Menlo Park 2016a), the ConnectMenlo General Plan Update EIR (City of Menlo Park 2016b), and the City of Menlo Park Municipal Code (City of Menlo Park 2021).

4.1.1 Environmental Setting

The project site is located on the northwest side of the intersection at Independence Drive and Chrysler Drive in Menlo Park. The site is bounded on the north side by Constitution Drive and Marsh Road is 560 feet northwest of the parcels.

Existing Development

The approximately 8.15-acre site is currently developed with five existing single-story office and industrial buildings totaling approximately 103,983 square feet of building space. The buildings were all built between 1961 and 1968. Representative photographs of the existing development on site are shown in Figures 4.1-1a and 4.1-1b, Site Photos. The westernmost building on Independence Drive, 119 Independence Drive, is approximately 16 feet in height and 12,996 square feet. To the west, the building at 123 and 125 Independence Drive is approximately 20 feet in height and approximately 12,335 square feet. The building at 127 Independence Drive is approximately 19 feet in height and approximately 13,822 square feet. To the west of 127 Independence Drive, at the corner of Independence Drive and Chrysler Drive, is 1205 Chrysler Drive. The building at this address is approximately 17 feet in height and approximately 39,302 square feet. Finally, 130 Constitution Drive is located to the north of 127 Independence Drive. This building is approximately 25 feet in height and approximately 25,528 square feet.

Landscaping

The project site contains several decorative landscape areas along each parcel's frontage on the adjacent public street and around building perimeters. Typical views of these areas are shown in photos 2 and 3 in Figure 4.1-1a. A total of 47,859 square feet of landscaping exists on the project site, including 85 existing trees. Of these trees, 56 are non-heritage trees and 29 are protected heritage trees (Appendix D4), as defined within Menlo Park Municipal Code Chapter 13.24, Heritage Trees (City of Menlo Park 2021 and Appendix D3). The interior of the site is almost exclusively hardscape, consisting of 307,326 square feet of impervious surfaces, including parking lots, streets, and walkways (Appendix G2).

Lighting and Utility Lines

There are three public light poles at the boundaries of the existing project site, one each on Independence Drive, Chrysler Drive, and Constitution Drive, and a fourth pole setback several feet from the public right-of-way lighting the parking lot entrance/exit on Independence Drive near Chrysler Drive. Additional lighting is provided around building entrances and perimeters and in landscaped areas.

There are existing overhead telecommunications and Pacific Gas and Electric Company power lines that run through the middle of the project site, starting at Chrysler Drive and running northwest within an existing public easement. A typical view of these lines is provided in Photo 1 of Figure 4.1-1a. When viewing the site from Independence Drive and Constitution Drive, the lines are located at the rear of those properties.

Scenic Vistas and Corridors

The City of Menlo Park (City) has not designated any scenic vistas or corridors within the project vicinity; however, as discussed in the ConnectMenlo EIR, views of the Santa Cruz Mountain Range, views to the San Francisco Bay (Bay), and views of the foothills and San Francisquito Creek are considered to be scenic vistas (City of Menlo Park 2016b). The ConnectMenlo EIR also identified that developed parcels in the Bayfront Area, such as those proposed by the project, are not considered public Bay-viewing destination points and found that the existing level of development throughout the Bayfront Area generally limits the opportunity for views of scenic vistas from street-level public viewing areas.

Adjacent to the project site, views to the north along Chrysler Drive include a long-range view of a slight topographic rise and trees that are immediately north of State Route 84, which is also known as the Bayfront Expressway. There are no views directly of the Bay, but this topographic rise and trees represent the natural landscape adjacent to the edge of the Bay. Along the project site's northern boundary, most views northward from Constitution Drive are blocked by multi-story buildings on the north side of the street. However, views similar to those from Chrysler Drive are available between buildings, such as the view across the parking lot driveway approximately one block west of Chrysler Drive, at 135 Constitution Drive. Northward views along Independence Drive are blocked by existing development and do not include any features associated with the Bay.

4.1.2 Regulatory Framework

Federal Regulations

There are no federal regulations pertaining to visual quality or aesthetics relevant to the project.

State Regulations

State Scenic Highway Program

The California Department of Transportation manages the State Scenic Highway Program detailed in Streets and Highways Code Section 260. A highway may be designated as scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. There are no highways or roads in the vicinity of the project site that are eligible for inclusion in the State Scenic Highway Program (Caltrans 2022). A segment of Interstate 280

(I-280), which is designated as a State Scenic Highway, is adjacent to the western City boundary. This segment of I-280 is approximately 4.8 miles southwest of the project site.

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations (CCR), commonly referred to as the “California Building Code” (CBC). The CBC is located in Part 2 of Title 24. The CBC is updated every 3 years. The current code is the 2019 California Building Code; however, the 2022 California Building Code was adopted in December 2021 and will be effective January 1, 2023. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The 2019 CBC has been adopted for use by the City of Menlo Park, according to Section 12.04.010 of the Menlo Park Municipal Code.

Plans for construction of proposed commercial and residential buildings are reviewed by City of Menlo Park planners and building officials for compliance with the CBC.

Regional and Local Regulations

Menlo Park General Plan

The City of Menlo Park General Plan includes goals, policies, and programs relevant to the aesthetic factors potentially affected by the proposed project. The Menlo Park General Plan includes the following policies relevant to aesthetics, light, and glare (City of Menlo Park 2016a).

Goal LU-1: Promote the orderly development of Menlo Park and its surrounding area.

Policy LU-1.1: Land Use Patterns. Cooperate with the appropriate agencies to help assure a coordinated land use pattern in Menlo Park and the surrounding area.

Policy LU-2.2: Open Space. Require accessible, attractive open space that is well maintained and uses sustainable practices and materials in all new multiple dwelling and mixed-use development.

Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities

Policy LU-6.2: Open Space in New Development. Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.

Policy LU-6.8: Landscaping in Development. Encourage extensive and appropriate landscaping in public and private development to maintain the City’s tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.

Goal OSC-1: Maintain, protect and enhance open space and natural resources.

Policy OSC-1.11: Sustainable Landscape Practices. Encourage the enhancement of boulevards, plazas and other urban open spaces in high-density and mixed-use residential developments, commercial and industrial areas with landscaping practices that minimize water usage.

Policy OSC-1.13: Yard and Open Space Requirements in New Development. Ensure that required yard and open spaces are provided for as part of new multi-family residential, mixed-use, commercial and industrial development.

Policy OSC-1.15: Heritage Trees. Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code).

Menlo Park Municipal Code

The City of Menlo Park Municipal Code includes specific requirements for parking lot landscaping and lighting. The portions of the City's Municipal Code relevant to consideration of the potential aesthetic impacts of the proposed project are summarized below (City of Menlo Park 2021).

Chapter 13.24 Heritage Trees

This chapter provides requirements and criteria for removal and replacement of heritage trees, with the intent of "promoting the preservation and development of a healthy, diverse tree canopy in Menlo Park, which is highly valued by the community and is vital to the character and health of the city."

This chapter defines Heritage Trees as follows:

- (A) All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade.
- (B) An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade.
- (C) A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council.

As discussed further in Section 4.3, Biological Resources, the project is proposed under the Housing Crisis Act of 2019, which provides that the standards and regulations to which the project is subject are those that were adopted at the time that a complete Preliminary Application was submitted. Thus, this project is subject to the City's Heritage Tree Ordinance as it existed when the Preliminary Application was submitted on February 26, 2020. Under the Heritage Tree Ordinance amendment No. 928 adopted in 2004 (provided in Appendix D3), removal of any heritage tree must be authorized by the City through issuance of a Heritage Tree Removal permit and heritage trees that are removed must be replaced on site at a 1:1 ratio. It further provides that such permits may only be issued for land development projects when "the heritage tree interferes with proposed development, repair, alteration or improvement of a site or the heritage tree is causing/contributing to structural damage to a habitable building (excluding amenities, such as walkways, patios, pools and fire pits); and there is no financially feasible and reasonable design alternative that would permit preservation of the heritage tree while achieving the applicant's reasonable development objectives or reasonable economic enjoyment of the property using the methodology established in the administrative guidelines."

Chapter 16.45 R-MU Residential Mixed Use District

Chapter 16.45 regulates land uses within the Residential Mixed Use (R-MU) zone district. It identifies permitted and conditionally permitted uses, development standards (such as maximum building height and lot coverage), provisions for bonus level development, parking standards, transportation demand management requirements, street improvements, design standards, and requirements for green and sustainable building. Specific to the consideration of potential aesthetic impacts from the proposed project, the following standards are applicable:

- Setbacks from property lines adjacent to public street frontages may range between 0 and 25 feet.
- Setbacks from interior and rear property lines must be at least 10 feet.
- Residential density may range between 20 and 30 dwelling units per acre (du/ac) under base level development and may increase to between 30 and 100 du/ac under bonus level development provided that a percentage of total dwelling units are affordable.
- The maximum residential floor area ratio (FAR) for bonus level development at the proposed 53 du/ac is 134.37 percent.
- Building heights, mass, and scale:
 - For bonus level development on properties subject to sea level rise may range between 52.5 and 70 feet, increasing to a maximum of 85 feet on Constitution Drive and Independence Drive. Rooftop mechanical equipment may extend an additional 14 feet in height beyond the applicable maximum, and elevator towers and associated equipment may extend an additional 20 feet in height beyond the applicable maximum.
 - Along the street frontage for the portion of the building within the minimum setback distance, the maximum building height for bonus level development on properties subject to sea level rise shall be 45 feet
- A minimum of 25 percent of the total lot area must be in open space, which may include common open space and private open space, with at least 25 percent of the total required open space being accessible to the public.
- Overhead electric distribution lines of less than sixty (60) kilovolts and communication lines shall be placed underground along the property frontage.
- Building Relationship to the Street
 - a minimum of 40 percent of the ground floor building frontage must be located within the build-to area, which is the area of the lot between the minimum and maximum setback lines
 - a minimum of 40 percent of the area between the property line and the face of the building shall be devoted to ground cover and vegetation
 - a maximum of 35 percent of the street frontage may be used for surface parking, which must be setback at least 20 feet from the property line
- Lighting within paseos
 - Must be designed to a pedestrian-scale,
 - Light fixtures must be placed no more than 40 feet apart and at least 20 feet away from trees,

- Parking areas must be well-lit for safety, and
- Lighting fixtures and sources must be energy efficient.

Chapter 16.68.020 Architectural Control

Chapter 16.68.020 requires that when an application is made for a building permit for the construction, alteration or remodeling of any building other than a single-family dwelling, duplex and accessory building, or for any structure, dwelling or duplex on land designated as a historic landmark site, it shall be accompanied by architectural drawings. These drawings would be reviewed by the planning commission, architectural committee, or community development director. The following findings must be made for approval:

1. That the general appearance of the structures is in keeping with character of the neighborhood;
2. That the development will not be detrimental to the harmonious and orderly growth of the city;
3. That the development will not impair the desirability of investment or occupation in the neighborhood;
4. That the development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking; and
5. That the development is consistent with any applicable specific plan.

4.1.3 Thresholds of Significance

The significance criteria used to evaluate the proposed project's impacts to aesthetics are based on the recommendations provided in Appendix G of the California Environmental Quality Act (CEQA) Guidelines. In accordance with Appendix G of the CEQA Guidelines, the project would have a significant impact on aesthetics if it would do any of the following (14 CCR 15000 et seq.):

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.
3. Conflict with applicable zoning and other regulations governing scenic quality.
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
5. Make a cumulatively considerable contribution to a significant cumulative impact related to aesthetics.

4.1.4 Impacts and Mitigation Measures

Methodology

The value attached to changes in visual character is largely subjective. In determining whether the project would result in a significant environmental impact related to aesthetics, the analysis in this section evaluates whether the project would result in a "substantial adverse effect," as defined below, based on the thresholds of significance listed in Section 4.1.3 and the regulations and policies summarized in Section 4.1.2.

The descriptions of the project site and the surrounding area provided above are derived from a site visit and photographs (Figures 4.1-1a and 4.1-1b as well as images in the project plan set in Appendix B). The Menlo Park

General Plan was reviewed to determine what visual elements have been deemed valuable by the community. The impact analysis focuses on the manner in which development could alter the visual elements or features that exist in or near the project area and whether the project design complies with the Menlo Park Municipal Code provisions related to scenic quality.

This analysis assumes that development of the project site would comply with the City's General Plan goals and policies, improvement standards, and design standards; therefore, such policies and standards are not specifically identified as mitigation. Where specific design details are not available from which to verify compliance with City standards, the impact analysis notes the specific standards that would be applicable and identifies the mechanisms by which compliance with those standards would be verified by City staff prior to issuance of building permits.

Project Impacts

Impact 4.1-1 Would the project have a substantial adverse effect on a scenic vista?

As described above in Section 4.1.1, the City has not designated any scenic vistas or corridors within the project vicinity. According to the ConnectMenlo EIR, views of the Santa Cruz Mountain Range and foothills, the Bay, and San Francisquito Creek are considered to be scenic vistas (City of Menlo Park 2016b). However, there are no views from the Bayfront Area to the Santa Cruz Mountain Range and foothills to the south or of San Francisquito Creek to the west. The ConnectMenlo EIR also found that the existing level of development throughout the Bayfront Area, where the project is located, generally limits the opportunity for views of scenic vistas from street-level public viewing areas.

As described in Section 4.1.1, Environmental Setting, developed parcels in the Bayfront Area are not considered public Bay-viewing points, and there are no views from the Bayfront Area to the Santa Cruz Mountain Range and foothills to the south or of San Francisquito Creek to the west. Views in the project area include a long-range view north along Chrysler Drive of a slight topographic rise and trees that are adjacent to the edge of the Bay. Along the project site's northern boundary, most views northward from Constitution Drive are blocked by multi-story office buildings on the north side of the street. Northward views along Independence Drive are also blocked by existing development and do not include any features associated with the Bay. Because there are no scenic vistas in the area, the presence of equipment, construction workers, and materials during construction and the replacement of the existing one and two story buildings at the site with the proposed three and five story buildings would result in **no impacts** associated with scenic vistas.

Mitigation Measures

No mitigation measures are required.

Impact 4.1-2 Would the project substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

There are no eligible or officially designated state scenic highways in the immediate project area. The closest designated state scenic highway, the segment of I-280 from the Town of Portola Valley to the City of San Bruno, is approximately 4.8 miles southwest of the project site (Caltrans 2022). The project would not be visible from I-280 due to its distance and intervening urban development and vegetation. Because the project site is not visible from the designated scenic segment of I-280, the project would have **no impact** on scenic resources within a state scenic highway.

While this impact specifically addresses scenic resources within view of a state scenic highway, the potential for the project to affect other scenic resources is considered here for informational purposes. The approximately 8.15-acre site is currently developed with five existing single-story office and industrial buildings totaling approximately 103,983 square feet of building space. There is ornamental landscaping around the perimeter of the site and the perimeter of existing buildings, with a total of 47,859 square feet of existing landscaping, including 85 trees. Representative photographs of the existing development provided in Figures 4.1-1a and 4.1-1b demonstrate that the project site is urbanized and does not provide significant scenic resources or values. All of the existing landscaping and trees would be removed as part of project development and replaced with new landscaping and trees. The proposed project would include approximately 23,577 square feet of landscaped areas along street frontages and approximately 15,518 square feet of common green spaces between townhomes, and proposes planting 353 new trees, as shown in Figure 3-9, Tree Planting Plan.

Mitigation Measures

No mitigation measures are required.

Impact 4.1-3 Would the project conflict with applicable zoning and other regulations governing scenic quality?

Construction of the project is anticipated to occur over an approximately 50-month timeline and would include demolition, grading, tree removal, landscape installation, installation of below-grade infrastructure for public services and utilities, and construction of the proposed apartment building and parking garage, townhouses, publicly-accessible open space, on-site pedestrian and vehicle circulation improvements, and landscaping. Construction vehicles, equipment, and personnel would be a regular presence on site and on nearby streets through the duration of construction. Construction activities would gradually change the aesthetics of the site through tree removal, grading, installation of new surfaces and landscaping, and construction of new structures, fencing and lighting. However, construction activities and effects would be temporary and would not result in any conflicts with regulations governing scenic quality.

As described in Section 3.2 of the Project Description, the project site is within the City's Residential Mixed-Use Bonus (R-MU-B) zoning district. Thus, development of the project site is subject to the requirements of the Menlo Park Municipal Code Chapter 16.45, R-MU Residential Mixed-Use District. All of the three streets on which the project site fronts are designated as Mixed Use Collectors in the Menlo Park General Plan Circulation Element, Figure 2, Street Classifications. Further, the project proposes bonus-level development in exchange for provision of community amenities, and the site is subject to sea level rise.

As stated in Municipal Code Section 16.45.050, the base maximum building height is 40 feet which is increased to 85 feet along the project site frontages on Constitution Drive and Independence Drive when bonus-level development is proposed in exchange for providing community amenities, and the height limit for the project site is further increased to 95 feet because the site is in an area subject to sea level rise. The apartment building would be located along Constitution Drive while the townhouse buildings would be located along Independence Drive and Chrysler Drive. Roof heights for the project's proposed townhouse buildings would reach approximately 44 feet, while the apartment building roof would be approximately 70 feet at the top of the ridge and approximately 67 feet around the perimeter, with rooftop elevator overruns reaching 73 feet and penthouse stairways reaching 75 feet, as shown in Figure 4.1-2, Site Sections, which shows the same image as Appendix B Sheet A102. Thus, the building would not exceed the 95-foot height maximum standard for buildings located on Constitution Drive per the R-MU zoning district bonus-level development provision and sea level rise provision. The average height of project

buildings would be 58 feet, which would comply with the City’s required maximum average of 62.5 feet for bonus level development on sites subject to sea level rise.

The project would also comply with the City’s zoning standards related to setbacks (25-foot maximum streetside and 10 foot minimum interior and rear per Municipal Code Section 16.45.050) as shown in Appendix B Sheets A101 and A401. Between the ground floor level and the fourth floor, the apartment building would be setback from Constitution Drive by between 11 feet 4 inches and 17 feet 7 inches. The fifth floor and roofline of the apartment building would be stepped back from the building façade of the fourth floor by between 10 feet 7 inches and 12 feet as shown in Image 1, Constitution Stepback Wall Section, on Appendix B Sheet A321 and Image 2, Constitution Drive, on Appendix B Sheet A401. The townhome buildings would be setback from Independence Drive by 12 feet and from Chrysler Drive by between 13 feet and 14 feet 2 inches.

The project would meet the zoning ordinance requirement to provide open space on at least 25 percent of the lot area. The project proposes a total of approximately 135,385 square feet of open space, which is 38 percent of the total lot area. This would include 26,154 square feet of public open space within the paseo and park, 25,580 square feet of publicly accessible open space within landscape zones, 23,577 square feet of publicly accessible open space along street frontages, approximately 38,878 square feet of common area landscaping and green spaces, and 21,196 square feet of private open space within balconies, decks, and patios as shown on Figure 3-7 and Appendix B Sheet A103.

As previously described under Section 4.1.2, Regulatory Setting, residential density under the R-MU zoning district may range between 20 and 30 dwelling units per acre (du/ac) under base level development and may increase to between 30 and 100 du/ac under bonus level development provided that a percentage of total dwelling units are affordable. As discussed in Chapter 2, “Project Description,” the proposed project includes development of 432 dwelling units over approximately 8.15 acres (an estimated 53 du/ac), 15 percent of which (48 units) would be designated for Below Market Rate (i.e., affordable housing).

As indicated in Chapter 2, Project Description, building footprints would total approximately 151,554 square feet (Appendix G2), with a total of approximately 679,485 square feet of building space, including the apartment parking structure consisting of approximately 151,626 square feet, the townhouse garages consisting of approximately 50,897 square feet, and townhouse decks consisting of approximately 9,143 square feet (Appendix B). Of this total, approximately 476,962 square feet would be counted toward the project’s floor area ratio, resulting in a floor area ratio of 134 percent, which is consistent with R-MU zoning district standards.

Table 4.1-1 identifies additional requirements under Municipal Code Section 16.45.120 applicable to the analysis of the proposed project’s effects related to scenic quality and the EIR figures and Appendix B plan set sheets on which compliance with those requirements is demonstrated.

Table 4.1-1. Project Consistency with Municipal Code Section 16.45.120

Zoning Section	Regulation	Proposed Project Details and Sheets
16.45.120 (1) Relationship to the Street	Build-To Area – at least 60 percent of the building façade along the street frontage must be located less than the maximum setback distance from the street.	All buildings: At least 60 percent of building frontage is located between the minimum and maximum setback lines (Appendix B Sheets A101 and L6.01).
	Frontage landscaping – a minimum of 25 percent of the setback area shall be landscaped and half of the frontage	All buildings: Frontage landscape zones extend along most of Constitution Drive, Chrysler Drive, and Independence Drive (Appendix B

Table 4.1-1. Project Consistency with Municipal Code Section 16.45.120

Zoning Section	Regulation	Proposed Project Details and Sheets
	landscaping shall provide for on-site stormwater infiltration.	Sheets A101, A103, L6.01, C4.0, and C4.1) and meet minimum frontage landscaping requirements.
	Frontage uses – setback areas parallel to the street and not used for landscaping must provide pedestrian circulation, other publicly accessible open space, access to parking, and/or bicycle parking	All buildings: Setback areas along public streets include landscaping and pedestrian and vehicle circulation improvements (Appendix B Sheets A101 and A103).
	Surface parking may be located along street frontage with minimum surface parking setback	All buildings: No surface parking along street frontage is proposed (Appendix B Sheet A101).
16.45.120 (2) Building Mass and Scale	Base height – a building may have a maximum height of 55 feet before a minimum horizontal setback distance must be met (none of the proposed buildings would be placed at the minimum setback from street)	Apartment building: Top of fourth floor is at approximately 55 feet, fifth floor includes at least 10-foot setback (Appendix B Sheets A321 and A401). Townhome buildings: Townhomes heights would generally be between 40 and 44 feet but in some places would reach as much as approximately 50 feet thus no setback is required (Appendix B Sheets A501, through A504).
	Minimum setback – a least 75 percent of the building façade above the base height and along a public street shall be stepped back (horizontally) at least 10 feet	Apartment building: Fifth floor and roofline are stepped back at least 10 feet along 75 percent of the building façade on the upper stories (Appendix B Sheet 401). Townhome buildings: Not applicable because townhomes do not meet the maximum base height and thus no setback is required.
	Building projections – building projections (e.g., balconies and bay windows) above the ground floor and within the setback area may be a maximum depth of 6 feet	Apartment building: All building projections above ground floor are within 6 feet from required setback (Appendix B Sheet A401). Townhome buildings: Not applicable because townhomes do not meet the maximum base height and thus no setback is required.
	Major building modulations – there must be at least one recess that is 15 feet wide and 10 feet deep and extends between the ground floor and the top of the building’s base height for every 200 feet of façade length	Apartment building: At least one major building recess is provided every 200 feet along the Constitution Drive façade, the west elevation, and the south elevation (Appendix B Sheet A402). Townhome buildings: This applies only to Building 7, which is the only building with a façade length of at least 200 feet. One major building recess is provided (Appendix B Sheet A701).
	Minor building modulation – there must be at least one recess that is 5 feet wide	All buildings: At least one building recess is provided every 50 feet along all building façades fronting on public streets and the

Table 4.1-1. Project Consistency with Municipal Code Section 16.45.120

Zoning Section	Regulation	Proposed Project Details and Sheets
	and 5 feet deep for every 50 feet of façade length	proposed paseo (Appendix B Sheets A403 and A702).
16.45.120(3) Ground Floor Exterior	Building entrances – there must be at least one building entrance every 100 feet of building length along a public street or paseo	All buildings: At least one entrance is provided every 100 feet along all building façades fronting on public streets and the proposed paseo (Appendix B Sheets A404, A703, and L6.01).
	Ground floor transparency – at least 30 percent of the ground floor façade shall provide visual transparency (e.g., clear glass windows and doors)	All buildings: Visual transparency is provided for at least 30 percent of the ground floor facades (Appendix B Sheets A405 and A704).
	Minimum ground floor height along street frontage – the distance between the ground-level finished floor and the second-level finished floor along street frontages must be at least 10 feet	Apartment building: Ground floor height is 12 feet (Figure 4.1-3, Street Frontage Elevations, and Appendix B Sheets A102, A304, A305, A310, and A321). Townhome buildings: Ground floor height is 10 feet (Appendix B Sheets A102, A601, A602, A603, A604, A605, A621, A622, A623, and A704).
	Garage entrances – garage entrances facing a street frontage shall be a maximum of 12 feet wide for a one-way access and a maximum of 24 feet wide for a two-way access	Apartment building: The parking garage ramp is 24 feet wide. In addition, a 12-foot wide building recess is proposed adjacent to the ramp which widens the visual open space (Appendix B Sheets A201 and A404). Townhome buildings: Not applicable because no garages face public street frontages.
	Awnings, signs and canopies that project horizontally from the building façade may be a maximum depth of 7 feet and must maintain a vertical clearance from the finished grade to the bottom of the projection of at least 8 feet.	Apartment building: awnings and canopies are typically either 2 feet or 3 feet in depth; the awning at the leasing office and above the parking garage entrance is 5 feet in depth and more than 8 feet above grade (Appendix B Sheet A407). Townhome buildings: awnings and canopies are typically either 1 foot or 2 feet in depth (Appendix B Sheet A706).
16.45.120(4) Open Space	At least 25 percent of the site shall be open space, with at least 25 percent of the required amount of open space being publicly accessible, which must be at the ground floor or podium level, include site furnishings, art, or landscaping, be at least partially visible from a public right-of-way, and have a direct accessible pedestrian connection to a public right-of-way or easement	Full site: Landscaping would be provided on 38 percent of the project site. The project is required to provide 22,188 square feet of publicly accessible open space and proposes to provide 75,311 square feet, (a 11,945 square-foot park, a 14,209 square-foot paseo, 25,580 square feet within landscape zones and 23,577 square feet within street frontages) (Appendix B Sheet A103).
	Each residential unit shall have either 100 square feet of common open space, or 80 square feet of private open space with a	Full site: The project includes private balconies, decks, and patios with minimum dimensions of 6 feet on any side for each

Table 4.1-1. Project Consistency with Municipal Code Section 16.45.120

Zoning Section	Regulation	Proposed Project Details and Sheets
	<p>minimum dimension of 6 feet on any side, or a combination of common and private open space where common open space is provided at a ratio equal to 1.25 square feet for each square foot of private open space that is not provided</p>	<p>residential unit. The project also includes common open space on each parcel. The total private and common open space on each parcel meets or exceeds the minimum required amount of common and private open space (Appendix B Sheet A103).</p>
	<p>The project proposes more than 101 units, thus it shall include at least one common open space area with a minimum of 1,600 square feet</p>	<p>Full site: The project includes a 11,945 square-foot park and a 14,209 square-foot paseo, for a total of 26,154 square feet of public open space. (Appendix B Sheet A103).</p>
	<p>Open space shall:</p> <ul style="list-style-type: none"> i. Interface with adjacent buildings via direct connections through doors, windows, and entryways; ii. Be integrated as part of building modulation and articulation to enhance building facade and should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses; iii. Incorporate landscaping design that includes: <ul style="list-style-type: none"> a. Sustainable stormwater features; b. A minimum landscaping bed no less than three (3) feet in length or width and five (5) feet in depth for infiltration planting; c. Native species able to grow to their maximum size without shearing 	<p>Full site: The proposed buildings provide direct access to proposed public, common, and private open space areas, the open space areas are integrated with building modulation and articulation, and the design of the open space areas can accommodate a range of active and passive uses (Appendix B Sheets A101, A103, L2.01, L2.11, L2.21, L2.41, L6.01, C4.0, and C4.1).</p>
<p>16.45.120(5) Paseos</p>	<p>Paseos must be publicly accessible via a public access easement and count as publicly accessible open space, but remain private property</p>	<p>Full site: the proposed paseo would be publicly accessible. The paseo and public open space would be placed on a separate lot, Lot 1 (Appendix B Sheet A100) and a public access easement would be recorded at the time of recordation of the final map.</p>
	<p>Paseos must have a minimum width of 20 feet, with the hardscape pathway within the paseo being between 10 and 14 feet wide and shall be connected to building entrances with hardscaped pathways. Pathways may be used for emergency vehicle access use and allowed a maximum paved width exemption to accommodate standards of the Menlo</p>	<p>Full site: the proposed paseo width varies along with building modulation and ranges from approximately 33 feet to 20 feet. The paseo would include an emergency vehicle access. The hardscaped pathway would be 10 feet wide (Appendix B Sheets A101, A103, A104, L7.01).</p>

Table 4.1-1. Project Consistency with Municipal Code Section 16.45.120

Zoning Section	Regulation	Proposed Project Details and Sheets
	Park Fire Protection District with prior approval by transportation manager	
	Furnishing zones within a paseo must be a minimum of 5 feet wide by 20 feet long and must be provided at a minimum interval of 100 feet and shall include seating and pedestrian-scaled lighting	Full site: the proposed paseo includes furnishing zones meeting these size requirements and providing seating and lighting (Appendix B Sheets L2.11, L2.21, L7.01, and L9.01).
	Adjacent buildings shall be setback at least 5 feet from the edge of the paseo, with at least 50 percent of that setback areas landscaped and 50 percent of that landscaped area providing on-site stormwater infiltration	Full site: buildings adjacent to the proposed paseo are setback at least 5 feet from the paseo with landscaping including stormwater infiltration placed within the setback area (Appendix B Sheets L2.11, L2.21, L7.01, C4.0, and C4.1).
	Paseos shall contain trees with a maximum mature height of 40 feet and canopy diameter of 25 feet planted at maximum intervals of 40 feet	Full site: the proposed paseo includes trees meeting these size and spacing requirements (Appendix B Sheets L2.11, L2.21, L4.00, L4.01, and L7.01).
	At least 20 percent of the paseo must be landscaped and on-site infiltration of stormwater runoff must be provided	Landscaping is provided along all portions of the paseo covering 20 percent of the paseo. Stormwater infiltration is provided for 50.4 percent of the landscaped area (Appendix B Sheets L2.11, L4.00, L7.01, C4.0, and C4.1).
	One light fixture shall be placed every 40 feet and shall be at least 20 feet from trees	Full site: the proposed paseo includes lighting placed 40 feet apart and at least 20 feet from tree trunks (Appendix B Sheets L2.11, L2.21, L7.01, and L9.01).
16.45.120(6) Building Design	Main building entrances shall face the street or a publicly accessible courtyard. Building and/or frontage landscaping shall bring the human scale to the edges of the street. Retail building frontage shall be parallel to the street	Apartment building: main entrances to the apartment building are proposed along Constitution Drive and facing the open space near the center of the site (Appendix B Sheets A101, A321, L2.01, and L2.41) Townhome buildings: townhome buildings located along public street frontages have main entrances that face the public street. Townhome buildings interior to the site have main entrances that face common open spaces and courtyards (Appendix B Sheets A101, A621, A622, A623, L2.01, L2.11, and L2.41).
	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; Projects shall include dedicated, screened, and easily accessible space for recycling, compost, and solid waste storage and collection;	Full site: utilities as well as facilities for recycling, compost, and solid waste are integrated into the building and site design and screened. Facilities for recycling, compost, and solid waste are easily accessible; materials and colors for screening and storage enclosures are compatible with the overall project materials and colors (Appendix B Sheets A104, A110 through A115, A200)

Table 4.1-1. Project Consistency with Municipal Code Section 16.45.120

Zoning Section	Regulation	Proposed Project Details and Sheets
	<p>Trash and storage shall be enclosed and attractively screened from public view; and</p> <p>Materials and colors of utility, trash, and storage enclosures shall match or be compatible with the primary building</p>	<p>through A205, A301, A302, A801, A802, L2.51, and TR1.0 through TR4.0).</p>
	<p>Building materials shall be durable and high quality to ensure adaptability and reuse over time. Glass paneling and windows shall be used to invite outdoor views and introduce natural light into interior spaces. Stucco shall not be used on more than fifty percent (50 percent) of the building facade. When stucco is used, it must be smooth troweled</p>	<p>Apartment building: Building materials include cement plaster, fiber cement panels, and vinyl windows. Use of stucco is less than 50 percent of the building façade and would be smooth (Appendix B Sheets A301 through A305, A406, and A801).</p> <p>Townhome buildings: Building materials include cement plaster, fiber cement siding, metal seamed roof, and asphalt shingle roof tiles. Use of stucco is less than 50 percent of the building façade and would be smooth (Appendix B Sheet A705 and A802).</p>
	<p>Roofline - roof lines and eaves adjacent to street-facing facade shall vary across a building, including a four-foot minimum height modulation to break visual monotony and create a visually interesting skyline as seen from public street;</p> <p>Rooftop elements, including stair and elevator towers, shall be concealed in a manner that incorporates building color and architectural and structural design; and</p> <p>Roof-mounted equipment shall meet the requirements of Section 16.08.095, which requires that equipment be screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment, and all sounds emitted by such equipment shall not exceed 50 decibels at a distance of 50 feet</p>	<p>Apartment building: Roof line varies across the building, including a 4-foot minimum height modulation; rooftop elements are concealed and roof-mounted equipment is shielded from view by mechanical screens and rooftop parapets or on dedicated decks for the outdoor units at the second and third floors of the affordable townhomes. As discussed in Section 4.11, Noise, the rooftop equipment would generate noise levels of approximately 39.6 dBA L_{eq} at a distance of 50 feet. (Appendix B Sheets A206 and A407).</p> <p>Townhome buildings: Roofline varies across each building, including minimum 4-foot height modulations. Rooftop equipment would be placed generally near the center of the roof area and would be screened from view. As discussed in Section 4.11, the rooftop equipment would generate noise levels of approximately 39.6 dBA L_{eq} at a distance of 50 feet. (Appendix B Sheets A501 through A504 and A706).</p>
(7) Access and Parking	<p>Shared entrances to parking for nonresidential and residential uses shall be used where possible</p> <p>Service access and loading docks shall be located on local or interior access streets and to the rear of buildings, and shall not be located along a publicly accessible open space</p> <p>Aboveground garages shall be screened</p>	<p><i>Not applicable</i> – no non-residential uses; no service access and loading docks, no aboveground garages not attached to townhome buildings.</p>

Table 4.1-1. Project Consistency with Municipal Code Section 16.45.120

Zoning Section	Regulation	Proposed Project Details and Sheets
	<p>Garage and surface parking access shall be screened or set behind buildings located along a publicly accessible open space and paseos</p>	<p>Apartment building: garage entrance is located on Constitution Drive (Appendix B Sheet A101).</p> <p>Townhome buildings: small areas of surface parking are located interior to the site (Appendix B Sheets A101 and A104).</p>
	<p>Surface parking lots shall be buffered from adjacent buildings by a minimum 6 feet of paved pathway or landscaped area</p>	<p>Apartment building: Not applicable, no surface parking.</p> <p>Townhome buildings: small areas of surface parking are located interior to the site at least 6 feet from adjacent buildings and separated from those buildings by paved pathways or landscaping (Appendix B Sheets A101 and A104).</p>
	<p>Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation, including a 20 foot deep landscaped area along sidewalks, as measured from the property line or public access easement adjacent to the street or paseos</p> <p>The portion of this area not devoted to driveways shall be landscaped. Trees shall be planted at a ratio of 1 per 400 square feet of required setback area for surface parking.</p> <p>Surface parking lots shall be planted with at least 1 tree with a minimum size of a 24 inch box for every 8 parking spaces</p>	<p>Apartment building: Not applicable, no surface parking.</p> <p>Townhome buildings: small areas of surface parking are located interior to the site and would be landscaped (Appendix B Sheets A101, A104, L2.01, L4.00, and L4.01).</p>
	<p>Surface parking can be located along a paseo for a maximum of 40 percent of a paseo's length</p>	<p>Full site: No surface parking is located along the proposed paseo.</p>
	<p>Short-term bicycle parking shall be located within 50 feet of lobby or main entrance. Long-term bicycle parking facilities shall protect against theft and inclement weather, and consist of a fully enclosed, weather-resistant locker with key locking mechanism or an interior locked room or enclosure. Long-term parking shall be provided in locations that are convenient and functional for cyclists. Bicycle parking shall be:</p> <p>Consistent with the latest edition of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guide;</p>	<p>Full site: Short-term bicycle parking is located throughout the project site. Long-term bicycle parking is located in the apartment building parking garage (Appendix B Sheets A101, A200, A201, A210, and L3.01).</p>

Table 4.1-1. Project Consistency with Municipal Code Section 16.45.120

Zoning Section	Regulation	Proposed Project Details and Sheets
	Designed to accommodate standard 6 foot bicycles; Paved or hardscaped; Accessed by an aisle in the front or rear of parked bicycles of at least 5 feet; At least 5 feet from vehicle parking spaces; At least 30 inches of clearance in all directions from any obstruction; Lit with no less than 1 foot candle of illumination at ground level; Space-efficient bicycle parking such as double-decker lift-assist and vertical bicycle racks are also permitted.	
	Pedestrian access shall be provided, with a minimum hardscape width of 6 feet, from sidewalks to all building entries, parking areas, and publicly accessible open spaces, and shall be clearly marked with signage directing pedestrians to common destinations	Full site: pedestrian access is provided to all building entries, parking areas, and publicly accessible open spaces (Appendix B Sheets A101, A104, A201, and L2.01).
	Entries to parking areas and other important destinations shall be clearly identified for all travel modes with such wayfinding features as marked crossings, lighting, and clear signage.	Full site: Entries to each lot and throughout the project site are clearly identified (Appendix B Sheets A101 and A104).

The proposed project would also be required to comply with the City’s existing architectural control process in accordance with Chapter 16.68.020 of the City’s Municipal Code. Adherence to this process would ensure the project would be designed to fit the character of the existing neighborhood. The proposed project would comply with applicable zoning regulations related to scenic quality and would have a **less-than-significant** impact.

Mitigation Measures

No mitigation measures are required.

Impact 4.1-4 Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The proposed project is in an urban area with significant daytime and nighttime lighting. The proposed project requires lighting to provide proper site visibility, guide movement at and around the project site, provide security, emphasize signage, and enhance architectural and landscape features. Outdoor lighting sources create the greatest potential for light and glare impacts on adjacent properties. Direct glare is caused by a light source such as a light fixture or the sun. Sources of glare can also be surfaces that, after being illuminated by direct lighting or

other indirect sources, have measurable luminance and, in turn, become light sources themselves. Potential sources of light and glare at nighttime would be lights and structural building features made of glass, metallic, painted surfaces, and vehicles accessing the site. Light would be emitted from the proposed buildings and surface parking lot during non-daylight hours. Demolition and construction under the project would occur during daylight hours; nighttime construction and use of nighttime lights during the 50-month construction period would not occur.

There are three existing public light poles at the boundaries of the project site—one each on Independence Drive, Chrysler Drive, and Constitution Drive—and one light pole set back several feet from the public right-of-way lighting the parking lot entrance/exit on Independence Drive near Chrysler Drive. Additional lighting is proposed as part of the project around building entrances and perimeters and in landscaped areas. Landscape lighting includes recessed LED wall lights, LED pole lights, bollard lights of various heights, and park area lights. Landscape and building lighting would have full or partial cut-off shades to reduce light pollution and glare.

Appendix B Sheets PM-1 through PM-5 include a photometrics plan that identifies the existing lighting levels along public streets adjacent to the project site. These plan sheets indicate that light levels along Independence Drive, Constitution Drive, and Chrysler Drive are 1.86 average foot-candles, 1.73 average foot-candles, and 0.24 average foot-candles, respectively. Appendix B, Sheet L9.01 includes a landscape lighting plan that identifies new proposed lighting fixtures and their locations within the project site. Most new lighting closest to the boundary of the project site would consist of LED pole lights to illuminate main pathways between buildings. No new lighting is proposed directly adjacent to Independence Drive, Constitution Drive, or Chrysler Drive. Therefore, the project would not substantially increase existing lighting levels along public streets adjacent to the project site.

The project would be required to comply with General Plan policies that ensure new land uses do not generate excessive spill over light levels; Policy LU-2.3 of the General Plan requires that new residential development address light spillover. Project site lighting is required to comply with the City's Lighting Design Standards (Municipal Code Section 16.45.120), which require that lighting be designed to a pedestrian scale, that light fixtures be placed no more than 40 feet apart, that parking areas be well lit for safety, and that lighting fixtures and sources be energy efficient. Furthermore, the project would also be required to obtain approval through the City's architectural control process outlined in Chapter 16.68.020 of the City's Municipal Code. Through this process, the City would review proposed project lighting and building materials to ensure they would not generate substantial light spillover or glare and this impact would remain **less than significant**.

Mitigation Measures

No mitigation measures are required.

Cumulative Impacts

This analysis of potential cumulative impacts to aesthetics considers the effects of buildout under the City's General Plan, specifically within the Bayfront Area, as described in Section 4.0 Environmental Analysis. This geographic area is appropriate for consideration of cumulative impacts to aesthetics because the area in which the aesthetic impacts of a particular project can be observed is limited to viewsheds that include that project location. This analysis defines the cumulative scenario as buildout of the General Plan; because projects within the Bayfront Area would be subject to the City's aesthetic regulations, policies, and development standards, it is not necessary to consider the list of reasonably foreseeable projects to evaluate potential cumulative aesthetic impacts.

Impact 4.1-5 Would the project make a cumulatively considerable contribution to a significant cumulative impact related to scenic vistas, scenic resources, or the existing visual character of the area, including the introduction of light and glare?

The analysis in the ConnectMenlo EIR recognizes that developed parcels in the Bayfront Area, such as those proposed by the project, are not considered public Bay-viewing destination points and found that the existing level of development throughout the Bayfront Area generally limits the opportunity for views of scenic vistas from street-level public viewing areas. Additionally, the analysis in the ConnectMenlo EIR found that compliance with development regulations and design standards contained in the Municipal Code, such as requiring connectivity through street and paseo requirements, building mass and scale (including upper-story stepbacks), public and private open space, screening of utilities, trash, and storage areas, and control of light spillover, would ensure a consistent and high-quality design throughout the Bayfront Area that would not result in any significant cumulative impacts to scenic views, scenic resources, visual character and compatibility with surrounding land uses, or light and glare. Thus, there would be no significant cumulative impacts to which the project would contribute. Further, as discussed in Impacts 4.1-3 and 4.1-4, the project would be consistent with the City's development regulations and design standards and thus would not combine with other existing project and foreseeable future projects to create a new significant cumulative impact related to aesthetics.

Mitigation Measures

No mitigation measures are required.

4.1.5 References Cited

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Photo 1: Photo of the approximate center of the project site. Facing southwest.



Photo 2: Landscaped ornamental vegetation on the northern boundary of the project site, along Constitution Drive. Facing east.



Photo 3: Landscaped ornamental vegetation on the southern boundary of the project site, along Independence Drive. Facing east.



Photo 4: Buildings and parking areas along southern boundary of the project site. Facing west.

PHOTO 1: PROVIDED BY THE PROJECT OWNER. PHOTO 2: PROVIDED BY THE PROJECT OWNER. PHOTO 3: PROVIDED BY THE PROJECT OWNER. PHOTO 4: PROVIDED BY THE PROJECT OWNER.

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Photo 5: Existing building on the project site. Facing northwest.



Photo 6: Trees and building along the southern boundary of the project site. Facing northwest.



Photo 7: Building and parking area adjacent to the project site. Facing southwest.



Photo 8: Existing parking, driveways, and fence structures surrounding existing buildings of the project site. Facing south.

PHOTO 5: PROVIDED BY THE CLIENT; PHOTO 6: PROVIDED BY THE CLIENT; PHOTO 7: PROVIDED BY THE CLIENT; PHOTO 8: PROVIDED BY THE CLIENT

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SOURCE: T Square Studios 2022

FIGURE 4.1-2
Site Sections

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CONSTITUTION DRIVE COMPOSITE ELEVATION



CHRYSLER DRIVE COMPOSITE ELEVATION



INDEPENDENCE DRIVE COMPOSITE ELEVATION
(EAST OF PASEO)



INDEPENDENCE DRIVE COMPOSITE ELEVATION
(WEST OF PASEO)

SOURCE: T Square Studios 2022

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