



CITY COUNCIL SPECIAL MEETING AGENDA

Wednesday, October 29, 2014 at 6:00 PM
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

Mayor Mueller will appear via telephone from the following location:
Bo'ao Asia Forum Hotel
Dongyu Island, Kionghai 571434, China

ROLL CALL – Carlton, Cline, Keith, Mueller, Ohtaki

A. PUBLIC COMMENT #1 (Limited to 30 minutes)

Under “Public Comment” the public may only address the Council on the subject listed on the agenda. Each speaker may address the Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live.

B. PUBLIC HEARING

B1. Consider Planning Commission recommendation to amend the El Camino Real/Downtown Specific Plan ([Staff report #14-186](#))

C. ADJOURNMENT

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COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: October 29, 2014
Staff Report #: 14-186

Agenda Item #: B-1

PUBLIC HEARING: Consider Planning Commission Recommendation to Amend the El Camino Real/Downtown Specific Plan

RECOMMENDATION

Staff recommends that the City Council consider the Planning Commission's recommendation to conduct the following actions:

1. Adopt a Resolution Adopting the Negative Declaration for Amendments to the El Camino Real/Downtown Specific Plan (Attachment A)
2. Adopt a Resolution Amending the El Camino Real/Downtown Specific Plan (Attachment B).

BACKGROUND

In June 2012, the City Council approved the El Camino Real/Downtown Specific Plan ("Specific Plan" or "Plan"), and these actions became effective one month later. New development proposals in the Plan area are required to adhere to the Specific Plan regulations, and the City is considering implementation of public space improvements on an ongoing basis through the 5-Year Capital Improvement Program (CIP) process.

In Fall 2013, the Planning Commission and City Council conducted the required one-year review of the Specific Plan, taking place over five meetings in September through November. On November 19, 2013, after considering public comment and the Planning Commission's recommendations, the City Council directed that a number of changes be pursued. These changes included several text edits to clarify policy intentions, as well as the creation of a new, per-project limit on medical/dental office square footage for El Camino Real parcels, discussed more in the Analysis section.

At the time of the City Council's direction, staff projected that minor modifications to the Specific Plan would likely take between three and six months to fully process, with a significant portion of the time required to conduct CEQA (California Environmental Quality Act) review (in this case, taking the form of a Negative Declaration). Since that time, the Planning Division had a number of staffing changes that delayed work on the Specific Plan amendments. However, with the recent hiring of new planners, staff has

been able to focus on processing these changes. Staff provided an information item to the Council regarding the processing of the Plan amendments on August 19, 2014.

Following the Council's November 2013 direction, a ballot initiative was submitted to modify elements of the Specific Plan. At the July 15, 2014 City Council meeting, the Council scheduled this ballot measure (now designated as Measure M) for the November 4, 2014 election. If the proposed amendments are approved at the October 29, 2014 Council meeting, they would be effective regardless of whether Measure M passes. The contract City Attorney providing services regarding Measure M has stated that if the medical/dental office limits are not acted on in advance of the election, and Measure M subsequently passes, those changes would then require approval by the voters in a subsequent election, due to the provisions of Measure M regarding voter control. This topic has been the subject of some correspondence, included for reference as Attachment C. The correspondence includes the contract City Attorney's responses to the letters. Staff believes this topic does not affect the substance of the proposed Plan amendments. However, as part of the City Council's review, the Council may consider whether the November 2013 City Council direction should be reconsidered, given that it was relayed prior to the submittal of Measure M.

ANALYSIS

The approved Specific Plan includes a requirement for ongoing review, intended to ensure that the Plan is functioning as intended, as well as to consider the policy-related implications of various Plan aspects. To address this requirement, the Planning Commission and City Council conducted a detailed review over five meetings, starting on September 9, 2013 and finishing on November 19, 2013. At the conclusion of this review, the City Council directed that staff prepare formal amendments for the following topics:

1. Revise text to clarify that implementation of the "Burgess Park Linkage/Open Space Plaza" public space improvement is not dependent on the High Speed Rail project;
2. Eliminate "Platinum LEED Certified Buildings" as a suggested Public Benefit Bonus element; and
3. For new medical/dental office uses on El Camino Real, establish an absolute maximum of 33,333 square feet per development project.

The first two items would consist of relatively minor wording changes to clarify the City's policy intentions. The decision of when to implement the "Burgess Park Linkage/Open Space Plaza" public space improvement would remain subject to actions of the City Council and other regulatory bodies, and would continue to require applicable project-specific CEQA (California Environmental Quality Act) review. Similarly, any decision on an individual project's Public Benefit Bonus proposal would continue to be made on a case-by-case basis; the list of suggested elements found in the Plan for consideration is neither binding nor complete. On the topic of public benefit more generally, the City Council recently requested that a study session on this subject take place in January or

February 2015. This future session will allow for a fuller discussion of this topic, in contrast to the limited focus of the current proposed amendments.

The third item would represent new, binding limits to development standards for medical/dental offices in the El Camino Real zoning districts (ECR NE-L, ECR NE, ECR NE-R, ECR SE, ECR SW, and ECR NW). Currently, the Specific Plan limits medical/dental offices to no more than one-third of the maximum FAR of any property, although this could still represent a relatively large amount of square footage, if a development parcel itself is particularly large. Because traffic generation rates for medical/dental office are typically higher than the rates for non-medical office, the City Council directed that the one-third FAR limit be retained, but coupled with an additional absolute maximum limit of 33,333 square feet for properties along El Camino Real (parcels elsewhere in the Specific Plan are not large enough to achieve this square footage without substantial parcel assembly). The Council relayed that this would help reduce the potential for a single development project to create what might be an immediate, clustered traffic impact.

To relay how the one-third percentage and 33,333-square-foot absolute limits would interact, the following table shows maximum limits for sites of varying sizes in districts with a 1.1 Base FAR limit (shared by several El Camino Real districts).

<u>Site Area</u>		<u>Overall FAR Limit</u>	<u>Medical/Dental Office FAR Limit</u>	
<u>Acres</u>	<u>Square Feet</u>	<u>(1.1 Base Districts)</u>	<u>Existing</u>	<u>Proposed</u>
0.5	21,780	23,958	7,986	7,986
1.0	43,560	47,916	15,972	15,972
2.0	87,120	95,832	31,944	31,944
3.0	130,680	143,748	47,916	33,333
4.0	174,240	191,664	63,888	33,333
5.0	217,800	239,580	79,860	33,333

A summary of the Plan changes in response to Council’s direction is included as Attachment D. The draft text amendments to the Specific Plan are relayed in Attachment E, with areas of change highlighted by red boxes. Only the pages with changes are included with this report, although complete versions of the existing and proposed Specific Plan are available on the project page (<http://www.menlopark.org/specificplan>).

Aside from the medical office cap (which represents an additional limit on a land use that was already restricted on a percentage basis), no modifications are proposed to any of the Specific Plan’s detailed standards and guidelines that apply to all new construction. No changes to Plan graphics are required. The overall Specific Plan net new development caps (474,000 square feet of non-residential development and 680 new residential units) would not be modified, nor would the boundaries of the Plan area be affected. All new development proposals would still remain subject to architectural

control review by the Planning Commission, which includes project-level consideration under CEQA.

On October 6, 2014, the Planning Commission considered the proposed Specific Plan amendments and associated environmental review. No members of the public made comments regarding the proposal. The Planning Commission voted 7-0 to recommend approval of the amendments. Draft excerpt minutes of this meeting are included as Attachment F. In addition, Commissioner Kadvany sent the Council an individual letter after this meeting, which is included as Attachment G. In this letter, Commissioner Kadvany suggests using a round number (such as 33,000) for the medical/dental office limit, as it could be easier to remember, communicate, and use for arithmetic. Staff believes that slightly adjusting the number likely wouldn't affect the Negative Declaration and could have some communication advantages. However, because the Specific Plan is a uniquely-formatted document, getting all affected pages updated again could require additional work by the City's former consultant, and thus take longer to implement than the 33,333-square-foot limit that has already been prepared.

IMPACT ON CITY RESOURCES

The work required for these amendments to the Specific Plan is being absorbed within the Community Development Department budget. However, as noted in the August 19, 2014 information item, it has affected somewhat the Planning Division's ability to address other projects and plans.

POLICY ISSUES

The Fall 2013 one-year review of the Specific Plan included significant discussion of the policy-related implications of various potential actions, and resulted in the direction summarized in Attachment D. The completion of the review process will provide an opportunity to confirm that the amendments address the policy objectives of the City Council's earlier direction.

The adopted Specific Plan includes, as part of Chapter G (Implementation), a detailed comparison table analyzing the relationship of the Specific Plan to the General Plan. Staff has reviewed the proposed Plan amendments in the context of this existing analysis, and determined that the amendments would likewise not conflict with the General Plan.

ENVIRONMENTAL REVIEW

The proposed Specific Plan amendments are subject to the California Environmental Quality Act (CEQA). A Negative Declaration, which was prepared on the basis of an initial study for the proposal, is available for review on the on the project page (<http://www.menlopark.org/specificplan>) and has been circulated for a 20-day review period. The comment review period ended on October 2, 2014. No written or oral comments on the Negative Declaration were received from the public, and the Planning

Commission also did not make any comments about the substance of the environmental analysis.

The initial study analyzed a number of topics, including aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise, population and housing, public service, recreation, transportation/traffic, and utilities and service systems. The initial study consists of a depiction of the existing environmental setting, the proposed project description, followed by a description of potential various environmental effects that may result from the proposed project. The initial study determined that the proposed Specific Plan amendments would not have a significant effect on the environment and therefore, a Negative Declaration was prepared.

PUBLIC NOTICE

Public notification consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the Specific Plan's ECR districts.

ATTACHMENTS

- A. Draft Resolution Adopting the Negative Declaration for Amendments to the El Camino Real/Downtown Specific Plan
- B. Draft Resolution Amending the El Camino Real/Downtown Specific Plan
- C. Correspondence Relating to Measure M
 - Brielle Johnck and Steve Schmidt, received October 5, 2014
 - Paul Collacchi, received October 5, 2014 (dated October 6, 2014)
 - Gregory W. Stepanicich (contract City Attorney), received October 6, 2014
 - Keith G. Wagner, received October 15, 2014
 - Gregory W. Stepanicich (contract City Attorney), received October 23, 2014
- D. El Camino Real/Downtown Specific Plan – City Council-Directed Changes, November 19, 2014
- E. El Camino Real/Downtown Specific Plan – 2014 Amendments – Existing and Proposed Excerpts
- F. Planning Commission Draft Excerpt Minutes from the Meeting of October 6, 2014
- G. Correspondence
 - John Kadvany, received October 7, 2014

Report prepared by:
Thomas Rogers
Senior Planner

Report reviewed by:
Justin Murphy
Acting Community Development Director

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADOPTING A NEGATIVE DECLARATION FOR AMENDMENTS TO THE EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN

WHEREAS, the City of Menlo Park (“City”) in 2012 adopted the El Camino Real/Downtown Specific Plan (“Specific Plan”), which contains a requirement for initial review one year after adoption; and

WHEREAS, the City Council in November 2013 directed the preparation of amendments to the Specific Plan (“the Project”); and

WHEREAS, an Initial Study and Negative Declaration (collectively “Negative Declaration”) were prepared based on substantial evidence analyzing the potential environmental impacts of the Project; and

WHEREAS, the Negative Declaration was released for public comment beginning September 11, 2014 and ending October 2, 2014, and no written or oral comments were received; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 2014 to review and consider the Negative Declaration and the Project, at which all interested persons had the opportunity to appear and comment, and the Planning Commission voted affirmatively to recommend adoption of the Negative Declaration; and

WHEREAS, the City Council held a duly noticed public hearing on October 29, 2014 to review and consider the Negative Declaration and the Project, at which all interested persons had the opportunity to appear and comment; and

WHEREAS, the Negative Declaration, public comments, and all other materials which constitute the record of proceedings upon which the City Council’s decision is based are on file with the City Clerk, Menlo Park City Hall, 701 Laurel Street; and

WHEREAS, the City Council finds that the Negative Declaration is complete and adequate pursuant to the California Environmental Quality Act, and that the City Council has considered and reviewed all information contained in it; and

WHEREAS, the City Council finds on the basis of the whole record before it that there is no substantial evidence that the Project will have a significant effect on the environment and that the Negative Declaration reflects the City’s independent judgment and analysis.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby adopts the Negative Declaration for the Project.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the 29th day of October, 2014, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHERE OF, I have hereunto set my hand and affixed the Official Seal of said City on this 29th day of October, 2014.

Pamela Aguilar
City Clerk

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MENLO PARK AMENDING THE EL CAMINO
REAL/DOWNTOWN SPECIFIC PLAN**

WHEREAS, the City of Menlo Park (“City”) adopted the El Camino Real/Downtown Specific Plan (“Specific Plan”) in 2012; and

WHEREAS, the Specific Plan contains a requirement for initial review one year after adoption; and

WHEREAS, the Planning Commission and City Council conducted the initial review over the course of five meetings in September through November 2013; and

WHEREAS, the Planning Commission and City Council meetings were duly noticed and informed by public comment; and

WHEREAS, at the conclusion of the initial review, the City Council directed that staff prepare amendments to clarify policy intentions and establish a new, per-project limit on medical/dental offices along El Camino Real; and

WHEREAS, an Initial Study and Negative Declaration regarding the Specific Plan amendments was prepared in compliance with the California Environmental Quality Act; and

WHEREAS, on October 6, 2014, the Planning Commission held a duly noticed public hearing on the proposed Specific Plan amendments, at which all interested persons had the opportunity to appear and comment and the Planning Commission voted to recommend approval of the Specific Plan amendments to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on October 29, 2014 to review the proposed Specific Plan amendments, at which all interested persons had the opportunity appear and comment; and

WHEREAS, adoption of the Specific Plan has complied with the provisions of Government Code Section 65453; and

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City Menlo Park as follows:

1. The amended El Camino Real/Downtown Specific Plan is in the public interest and will advance the health, safety, and general welfare of the City of Menlo Park.
2. The amended El Camino Real/Downtown Specific Plan is consistent with the Menlo Park General Plan.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the 29th day of October, 2014, 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 29th day of October, 2014.

Pamela Aguilar
City Clerk

Rogers, Thomas H

From: Brielle Johnck <gabriellejohnck@gmail.com>
Sent: Sunday, October 05, 2014 3:02 PM
To: _CCIN; _Planning Commission
Cc: gstepanicich@rwglaw.com
Subject: Specific Plan November 2013 Amendments

DATE: October 5, 2014
 TO: Menlo Park Planning Commission Members
 TO: Menlo Park Council Members
 TO: Gregory W Stepanicich

The Staff Report for the October 6, 2014 Planning Commission meeting contains an error made by the City's contract attorney in his interpretation of the text of the Measure M Ballot. The name of the contract attorney is omitted from the Staff Report but perhaps it is Gregory Stepanicich.

“The contract attorney providing services regarding Measure M has relayed that if the proposed amendments are not acted on in advance of the election, and Measure M subsequently passes, the proposed amendments would require approval by the voters in a subsequent election, due to the provisions of Measure M regarding voter control.”

Page 2 October 6, 2014 Staff Report to Planning Commission Meeting.

The three proposed amendments to the Specific Plan in question are:

1. Revise text to clarify that implementation of the Burgess Park Linkage/open space Plaza” public space improvements is not dependent on the High Speed Rail Project.
2. Eliminate “Platinum LEED Certified Buildings” as a suggested Public Benefit Bonus element ; and
3. For new medical/dental office uses on El Camino Real, establish an absolute maximum of 33,333 square feet per development.

Nowhere in the Measure M text does it say that voter approval is needed for any one of these three revisions approved by the Council in November of 2013. Provisions in the Specific Plan such as these are under the Council's control and can be changed at any time before or after Measure M passes.

The unnamed contract attorney is incorrect and we ask that he or she cite the page and line numbers in the Measure M ballot that supports his or her opinion.

Measure M clearly states that voter approval is required only for provisions of the Specific plan related to:

- 1) the revised definitions and standards for **open space** requiring that only open space areas that do not exceed 4 ft. in height shall be calculated for meeting the minimum requirement
- 2) the mandate that the **limit of office space to 100,000 sq. ft.** in any individual development in the ECR/Downtown Specific Plan Area.
- 3) the limit of **240,820 sq. ft. total net new office** space in the ECR/Downtown Specific Plan Area
- 4) the retention of the **474,000 sq. ft cap for all net new non-residential development** in the ECR/Downtown Specific Plan Area.

We find it unacceptable that Staff states the contract attorney has “relayed” his advice but there is no attached opinion or memo regarding the attorney's decision. On a side note, the nearly one-year delay due to Staff problems seems to have caused an unnecessary rush to judgment regarding the need for this item to be placed on the Planning Commission's Agenda.

It is our most sincere hope that there is no political motivation behind Staff's seeking and using the contract attorney's advice to seek Planning Commission and Council's action in this matter. We are aware of the false accusations by opponents of Measure M (our City Council Members included) that any change to the Specific Plan will require voter approval. We would appreciate assurances from either the Mayor or the Chair of the Planning Commission that our concerns are unfounded.

Brielle Johnck
 Steve Schmidt

The Honorable Ray Mueller
Mayor, City of Menlo Park

RE: Oct 6, 2014 Planning Commission Staff Report

Dear Mr. Mayor,

The Staff Report for the October 6 2014 Planning Commission meeting may contain a serious error by the City's "contract attorney" in his interpretation of the text of Measure M.

"The contract attorney providing services regarding Measure M has relayed that if the proposed amendments are not acted on in advance of the election, and Measure M subsequently passes, the proposed amendments would require approval by the voters in a subsequent election, due to the provisions of Measure M regarding voter control."

October 6 2014 Planning Commission Staff Report p2.

For the record, the three proposed amendments to the Specific Plan in question are:

1. Revise text to clarify that implementation of the Burgess Park Linkage/open space Plaza" public space improvements is not dependent on the High Speed Rail Project.
2. Eliminate "Platinum LEED Certified Buildings" as a suggested Public Benefit Bonus element ; and
3. For new medical/dental office uses on El Camino Real, establish an absolute maximum of 33,333 square feet per development.

These items are clearly outside the scope of Measure M, particularly the first two, and I hope that as a former lawyer familiar with Measure M that you will see this immediately.

I also question the integrity and professionalism of the Staff Report.

- The statement is presented as hearsay.
- The hearsay is un-attributed. The alleged source is never identified.
- The claim is unsubstantiated. The Report contains no written legal opinion, and fails to justify the claim by citing specific provisions of Measure M that apply.
- The claim is false. It contradicts the City's own impartial analysis of Measure M and is refuted by our own analysis below.

Mr. Mayor, are flawed Planning Staff Reports being used to hasten or manipulate Planning Commission decisions? Are they being used to create or fuel false talking points for Measure M opponents?

I respectfully ask that you review and modify the Report, identify the source, obtain a written analysis that cites which sections of Measure M apply, and why, and, if, in your opinion, the claim is substantively wrong, issue a Press Release saying so.

Sincerely,

Paul Collacchi

Attachments

Why Measure M voter approval does not apply to the Specific Plan amendments under consideration by the Planning Commission

The planned amendments do not fall within the scope of Measure M. Voters control provisions in Measure M Section 3 **not the Specific Plan**. If the text of a proposed Specific Plan amendment does not already appear *verbatim* within Measure M Section 3, or "frustrate" Section 3 text, then with one exception (see below) its not subject to voter control.

"The City Council cannot amend the definitions and development standards set forth in the Measure as these provisions can be amended only with voter approval. In addition, voter approval is required to exceed the office space and non-residential square footage limits. **Impartial Analysis of Measure M**

Section 3 contains static *verbatim* copies of Specific Plan text "readopted" on behalf of voters.

"... The Measure readopts specified definitions and standards in the current Downtown Specific Plan relating to open space and office space." **Impartial Analysis of Measure M**

The scope of voter control can't "accidentally" expand to "unintended" or future (text) changes to the Specific Plan because Measure M cannot magically write new subsections for itself that contain the unintended or future text.

As shown in the attached outline of Measure M, Section 3 specifically contains sections of text that refer to the following Specific Plan pages

- H8, H10, H11
- E35, E50, E55, E60, E65, E70, E75, E81, E86, E92, E97 and
- G16

Texts for the proposed amendments seem to be on following Specific Plan pages. The text of the proposed amendments is not that referred to in Section 3.

- D45, D46
- E17,
- E49, E54, E59, E64, E69, E74, E80, E85, E91, E96

Finally, Measure M "office" limits are **in addition to** other applicable Specific Plan limits (Sections 3.3.7 & 3.4.5). The proposed limit on Medical Offices does not "frustrate" Measure M office limits, and is therefore (Section 4.2) not subject to voter control.

For convenience Measure M Section 3 subsections topics are summarized below.

- Section 3.1 Defines "ECR Specific Plan Area" for use in Section 3.4
- Section 3.2 Defines "Open Space" for the Specific Plan and excludes above grade open space in calculations of minimum open space.
- Section 3.3 Defines "Office Space" for Measure M and sets the project maximum "Office Space" of 100,000 square feet.
- Section 3.4 sets the ECR Specific Plan Area limit for Office Space to 240,820 square feet.

This summary is confirmed by the City's Impartial Analysis of Measure M.

"The Measure amends the open space definitions and standards in the Downtown Specific Plan ... The Measure mandates that office space in any individual development project not exceed 100,000 square feet and caps the total net new office space approved after July 12, 2012 at 240,820 square feet." **Impartial Analysis of Measure M**

Menlo Park Measure M

Section	Title	Amends SP	SP Page
Section 1	Names Measure M		
1.1			
Section 2	Policy Docs Covered		
2.1	General Plan and ECR Specific Plan		
2.2	Defines "Planning Policy Documents"		
2.3	City Should Update docs within 30 days of enactment		
Section 3	Voter Adopted Definitions and Development Standards		
3.1	Defines "ECR Specific Plan Area" for Measure M and Adopts on behalf of Voters		
3.2	Defines SP "Open Space" and excludes above grade "open space" from calculations of minimum open space required	YES	H10 H11 H8 E35 E35
3.2.1	Amends SP definition of "Open Space" in Specific Plan and adopts on behalf of voters		
3.2.2	Readopts SP definition of "Private Open Space" on behalf of voters		
3.2.3	Readopts SP definition of "Common Outdoor Open Space" on behalf of voters		
3.2.4	Readopts SP Standard E.3.6.01 definition of Open Space on behalf of voters	YES	E50, E55, E60, E65, E70, E75, E81, E86, E92, E97
3.2.5	Amends SP Standard E.3.6.02 definition of Open Space and adopts on behalf of voters	YES	
3.2.6	Amends residential open space counting toward minimal open space in tables E6-E15 in each of ten SP zoning districts and adopts on behalf of voters	YES	
3.3	Defines Measure M "Office Space" and sets "project" maximum "Office Space" at 100,000 sf		
3.3.1	Readopts SP definition for "Offices, Business and Professional" (H5) for use in Measure M and adopts on behalf of voters		
3.3.2	Readopts SP definition for "Offices, Medical and Dental" (H5) for use in Measure M and adopts on behalf of voters		
3.3.3	Readopts SP definition for "Banks and Other Financial Institutions" (H4) for use in Measure M and adopts on behalf of voters		
3.3.4	Defines "Office Space" for Measure M as Sections 3.3.1 + 3.3.2 + 3.3.3		
3.3.5	City may not permit projects whose "Office Space" exceeds 100,000 sf within "ECR Specific Plan Area"		
3.3.6	Relates multi-phase project to individual project		
3.3.7	The single project office limit is in addition to all other applicable limits		
3.3.8	The single project office limit applies where applicable whether or not it is noticed effectively in permit processes		
3.4	Sets the maximum "ECR Specific Plan Area" "Office Space" Limit to 240,820 sf		
3.4.1	Re-uses Measure M Definition of "Office Space" from 3.3.4		
3.4.2	Sets maximum "ECR Specific Plan Area" "Office Space" to EIR value of 240,820 sf	YES	G16
3.4.3	Amends SP (G16) to include "ECR Specific Plan Area" "Office Space" maximum (3.4.2); readopts residential and non-residential maximum		
3.4.4	buildout limits; amends public record keeping to track "office space"; and adopts on behalf of voters	YES	G16
3.4.5	Amends SP (G16) to not require voter approval to raise max housing units & require voter approval to raise maximum non-residential buildout		
3.4.6	limit through using a Specific Plan Amendment		
3.4.5	Mandates that the area-wide office limit is in addition to all other area wide limits		
3.4.6	Mandates that the area-wide office limit applies where applicable whether or not it is noticed effectively in permit processes		
Section 4	No Amendments or Repeal Without Voter Approval		
4.1	Definitions and Standards in Section 3 may be repealed or amended only by voter approval		
4.2	City shall not adopt provisions or amend SP in any way that would be inconsistent with or frustrate definitions and standards in Section 3		
Section 5	Priority		
5.1	Provisions of Measure M supercede all other provisions "inferior" to the SP and GP.		
Section 6	Severability		
6.1	Remaining non-invalidated provisions remain in full force		
Section 7	Conflict With Other Ballot Measures		
7.1	Measure M supercedes any competing ballot measure entirely so long as it recieves more "yes" votes		
Section 8	Exemption for Certain Projects		
8.1	Describes how to apply provisions of Section 3 to vested projects and count their square footage		
8.2	Describes how to apply provisions of Section 3 under Constitutional limitations of Initiative power and count square footage		

IMPARTIAL ANALYSIS OF MEASURE M

Measure M (the "Measure") was placed on the ballot by an initiative petition signed by the requisite number of voters. If approved by the voters, the Measure will amend the City of Menlo Park General Plan and Menlo Park El Camino Real/Downtown Specific Plan ("Downtown Specific Plan") which the Menlo Park City Council adopted on July 12, 2012. The Measure imposes development standards which are more restrictive than the current standards in the area of the City governed by the Downtown Specific Plan.

The Measure amends the open space definitions and standards in the Downtown Specific Plan to require open space areas to be no more than four (4) feet in height in order to satisfy the minimum open space requirements. The Measure mandates that office space in any individual development project not exceed 100,000 square feet and caps the total net new office space approved after July 12, 2012 at 240,820 square feet. The Measure retains the overall cap of 474,000 square feet for all net new non-residential development in the Downtown Specific Plan area. The Measure also retains the existing cap of 680 residential units. The Measure readopts specified definitions and standards in the current Downtown Specific Plan relating to open space and office space.

The City Council cannot amend the definitions and development standards set forth in the Measure as these provisions can be amended only with voter approval. In addition, voter approval is required to exceed the office space and non-residential square footage limits. Voter approval is not required for the City Council to amend the Downtown Specific Plan to increase the 680 residential unit limit.

The Measure exempts projects with vested rights to build from any conflicting definitions or standards set forth in the Measure, provided that such rights were obtained before the effective date of the Measure. However, the exempted projects will count against the square footage limits imposed by the Measure if such projects received a building permit after July 12, 2012.

The Measure includes a severability clause so that if portions of the Measure are deemed invalid, the remaining portions will remain in effect. A priority clause states that the Measure prevails over all conflicting City ordinances, resolutions and administrative policies. A conflicts provision states that any competing measures on the same ballot as the Measure are null and void if the Measure receives more votes.

The Measure requires approval by a majority of the voters in the City of Menlo Park voting on the Measure to become effective.

The above statement is an impartial analysis of Measure M. If you desire a copy of the Measure, please call the City Clerk at (650) 330-6620 and a copy will be mailed at no cost to you.

/s/

Gregory W. Stepanicich
Special Legal Counsel for the City of Menlo Park



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(1916-1988)

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October 6, 2014

Alex D. McIntyre
City Manager
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Cap on Medical Office Space Under Measure M

Dear Mr. McIntyre:

I understand that the Planning Commission is considering three proposed amendments to the El Camino Real/Downtown Specific Plan (the "Downtown Specific Plan"). A question has been raised as to whether I have provided an opinion on the need for voter approval for these three amendments if Measure M passes. The purpose of this letter is to clarify that I have provided advice only on whether voter approval would be required to adopt a 33,000 square foot cap on medical office space within the area of the Downtown Specific Plan.

Not all amendments to the Downtown Specific Plan require voter approval if Measure M passes. However, Section 4.1 of Measure M provides that the "the voter-adopted development standards and definitions set forth in Section 3 [of the Measure] may be repealed or amended only by a majority vote of the electorate of the City of Menlo Park voting "YES" on a ballot measure proposing such repeal or amendment at a regular or special election."

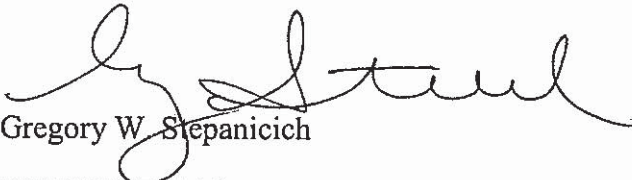
Section 3.3.2 of Measure M includes medical and dental offices in the Commercial Use Classification. Section 3.3.4 states that the Commercial Use Classifications adopted by the voters are collectively referred to in the Measure as "Office Space."

Section 3.3.5 establishes the maximum amount of Office Space that may be constructed as part of any individual development project within the area of the Downtown Specific Plan. This limitation of 100,000 square feet does not distinguish between different types of Office Space, but to Office Space collectively in any individual development project. Further, Section 4.1 of Measure M states that any amendments to the voter adopted development standards and definitions require voter approval, not just amendments that impose less stringent development standards.

Alex D. McIntyre
October 6, 2014
Page 2

For this reason, I have concluded that imposing more stringent limits on the square footage of medical offices in any individual development project requires voter approval. Section 3.3.5 establishes the maximum amount of Office Space in a development project as a development standard. Further, Measure M treats all office uses defined by the Measure in Sections 3.3.1, 3.3.2 and 3.3.3 as “Office Space” subject to the development standards of the Measure. No intent is expressed in the Measure to encourage or favor one type of office use over another. Amending the 100,000 square foot limit on Office Space to place stricter square footage requirements on particular types of offices such as medical offices, would amend a voter adopted development standard. Under Section 4.1, the amendment to a voter adopted development standard requires voter approval.

Very truly yours,



Gregory W. Stepanicich

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i n f o @ k g w a p c . c o m

October 15, 2014

Hon. Ray Mueller and Members of the
Menlo Park City Council
701 Laurel St.
Menlo Park, CA 94025

Via U.S. Mail and e-mail to:

rdmueller@menlopark.org

ccarlton@menlopark.org

racline@menlopark.org

kkeith@menlopark.org

piohtaki@menlopark.org

city.council@menlopark.org

**Re: Measure M Does Not Conflict With, Or Require Voter Approval Of, The City's
Recent Proposed Amendments To The El Camino Real/Downtown Specific Plan.**

Dear Mayor Mueller and Members of the Menlo Park City Council:

I write on behalf of my client Save Menlo to refute City staff assertions—as reported in a October 6, 2014 Planning Commission Staff Report and letter by the City's contract attorney providing services on Measure M—that a set of three, recently proposed minor amendments to the El Camino Real/Downtown Specific Plan approved by the Planning Commission on that date (and now pending review and approval by the City Council) would supposedly require voter approval if the City Council does not act on those proposed amendments prior to Measure M's adoption by the City's voters at the upcoming November 4, 2014 election.

As the attorney who wrote the text of Measure M in consultation with and on behalf of Save Menlo, I am intimately familiar with Measure M's content and subject matter.

There is no conceivable conflict requiring voter approval. The City's proposal to limit just one of three categories of office space, medical/dental, to 33,333 square feet per project, is perfectly compatible with and well within Measure M's general limits for all office space. As explained below, Measure M sets a maximum limit of 100,000 square feet per project limit on all "office space" including medical/dental, business/professional, and banking/financial institution uses. The City's current proposal to limit medical/dental office space only to 33,333 square feet per project compliments, implements, and is perfectly consistent with Measure M's more general 100,000 square feet per project limit for all categories of office space.

Section 3 of Measure M, expressly on its own terms, enacts only certain, targeted and limited changes to the Specific Plan, as follows: (1) adopting a map establishing the Specific Plan's boundaries (Section 3.1); (2) amending the Specific Plan's definition of "Open Space" to exclude open space located more than 4 feet above ground level (Section 3.2); establishing a general definition of "office space" (which includes not only medical and dental offices, but also a broad variety of other office space uses)¹ and limiting the maximum square footage for all such uses for any single project to a maximum of 100,000 square feet (Section 3.3); and (4) limitations on the maximum, net new office space (as defined) that may be built in the entire Specific Plan area meeting the foregoing general definition of "office space" to no more than 240,820 square feet, and a maximum limit of 474,000 for all categories net, new, non-residential development, including retail, office and hotel (Section 3.4).²

Section 4 of Measure M, expressly and on its own terms, states that only proposals to amend or repeal the voter adopted development standards and definitions set forth in Section 3 of Measure M require voter approval. This is consistent with Elections Code section 9217, which states: "No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance."

In sum: (1) Measure M does not constitute a voter amendment or enactment of any part or provision of the Specific Plan other than those specifically stated in Section 3 of the Measure; and (2) Section 4 of Measure M, on its own terms, forbids only City Council amendments to the voter-enacted development standards and definitions specifically enacted by Section 3, unless such amendments are subsequently ratified by the City's voters.

Given the foregoing scope and limitations of Measure M, the October 6 Planning Commission Staff Report is wrong in asserting that the three amendments to the Specific Plan approved by the Planning Commission that day, and now pending review and approval by the City Council, would require voter approval, unless acted on by the City Council before Measure M is adopted by the voters at the November 4, 2014 election.

¹ In addition to medical and dental offices, uses that constitute the general category of "office space" under Measure M additionally include business and professional offices (i.e., "[o]ffices of firms or organizations providing professional, executive, management, or administrative, services, such as accounting, advertising, architectural, computer software design, engineering, graphic design, insurance, interior design, investment, and legal offices"), and banks and other financial institutions (i.e., "[f]inancial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions"). (Measure M, §§ 3.3.1 through 3.3.4.)

² Section 3.4 also adopts a 680 unit limit on net new residential development, but provides that this limit may be amended by the City Council without voter approval.

The three Specific Plan amendments proposed, as summarized in the staff report, are as follows:

- 1) Revise text to clarify that implementation of the “Burgess Park Linkage/Open Space Plaza” public space improvement is not dependent on the High Speed Rail project;
- 2) Eliminate “Platinum LEED Certified Buildings” as a suggested Public Benefit Bonus element; and
- 3) For new medical/dental office uses on El Camino Real, establish an absolute maximum of 33,333 square feet per development project.

(Oct. 6, 2014 Planning Commission Staff Report, p. 2.)

On their own terms, the first two proposed amendments regarding (1) the Burgess Park Linkage/Open Space Plaza’s linkage to the High Speed Rail project; and (2) eliminating Platinum LEED Certified Buildings as a Public Benefit Bonus element, have no intersection whatsoever with the development standards and definitions set forth in Section 3 of Measure M. Accordingly under the plain language of Section 4 of Measure M and Elections Code section 9217, voter approval of those two amendments would not be required, even if the City Council were to delay final action on one or both of those amendments until after Measure M is adopted by the voters at the November 4, 2014 election.

With regard to the third proposed amendment (limiting medical/dental office uses within the Specific Plan area to a maximum of 33,333 square feet per development project) no voter approval would be required for the simple reason that this proposed amendment, while touching on the same general subject matter of one aspect of Measure M (limits on office space in the Specific Plan area), in no way amends, impairs or repeals the development standards or definitions contained in Section 3 of Measure M. The staff-proposed amendment does not change the voter-adopted definition of medical and dental office space in Section 3.3.2 of Measure M. And the staff-proposed amendment does not change the voter-adopted limitation on all “office space” as defined (including not only medical and dental, but also business and professional offices and banks and other financial institutions) of 100,000 square feet per project in section 3.3.5 of Measure M.

In fact, the 33,333 square foot limitation contemplated by the October 6, 2014 Planning Commission Staff Report appears perfectly consistent with and complementary to Measure M’s provisions. The proposed amendment calls out, without in any way amending, just a single subset of three major categories of office space uses proposed to be adopted by the voters in Measure M. And the proposed amendment sets a reasonable, maximum per-project limitation of 33,333 square feet for that single subset of office space uses that is well within and perfectly consistent with Measure M’s limitation of a maximum of 100,000 square feet per project for all office space uses as defined in Measure M (including medical and dental; business and professional; and banking and financial institutions).

In sum, and for the foregoing reasons, the October 6, 2014 Planning Commission Staff Report is wrong in asserting that voter approval would be required for the three amendments to the El Camino Real/Downtown Specific Plan approved by the Planning Commission on that date, if the City Council does not act on those proposed amendments prior to Measure M's adoption. None of the three proposed amendments amend or conflict with the provisions of Measure M. Accordingly any or all of these three, proposed amendments could equally be adopted at will by the City Council without voter approval either before or after Measure M is adopted by the City's voters at the upcoming November 4, 2014 election.

Sincerely,


Keith G. Wagner

cc: Gregory W. Stepanicich (via e-mail)
Save Menlo (via e-mail)

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ROCHELLE BROWNE
SAYRE WEAVER
TERESA HO-URANO
GENA M. STINNETT

October 23, 2014

Mayor and Councilmembers
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Medical Office Space Limitation

Dear Mayor and Councilmembers:

I wrote a letter to Mr. McIntyre on October 6, 2014, explaining my advice that voter approval would be required to adopt a 33,000 square foot limitation on medical office space within the area of the El Camino Real/Downtown Specific Plan if Measure M is adopted. A copy of this letter is attached. Subsequently, the Council received a letter from Keith Wagner, dated October 15, 2014, asserting that my conclusion regarding voter approval is incorrect.

Mr. Wagner states that he is the attorney who wrote the text of the Measure M. He argues that voter approval is not required to impose a medical office space limitation since there is no conflict between this requirement and the Measure. Mr. Wagner further states that the medical office space limitation “appears perfectly consistent with and complementary to measure M’s provisions.”

The voter approval requirement of Section 4.1 applies to the amendment of any of the development standards set forth in the Measure, not just new standards that are inconsistent. Section 3.3.5 imposes a development standard that limits the amount of office space (including medical) to 100,000 square feet. Placing a new lower limit on medical space is imposing a new office development standard not contained in Section 3.3.5. The Measure could have stated that the voter approval requirements of Section 4.1 do not apply to more stringent development standards adopted by the Council, but the Measure was not worded in this way.

My approach to interpreting Measure M was a conservative one in order to avoid understating the breadth of the voter approval requirements of Measure M. It is possible that a court would adopt the interpretation made by Mr. Wagner. In the event of an ambiguity in an initiative measure, however, a reviewing court will consider the intent of voters in adopting the measure rather than the intent of a drafter of the measure. The Court of Appeal in *C-Y Dev. Co. v. City of Redlands*, 137 Cal. App.3d

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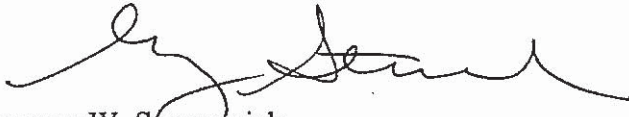
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Mayor and Councilmembers
October 23, 2014
Page 2

926, 932 (1982) stated: " The general rule is that, in determining legislative intent, the views of individual drafters are not considered as grounds upon which to construe a statute. There is no necessary correlation between what the drafter understood the text to mean and what the voters enacting the measure understood it to mean."

My recommendation is that in order to ensure that a 33,000 square foot limitation on medical office use is enforceable, the safest course for the Council is to adopt this new development standard before the election.

Very truly yours,



Gregory W. Stepancich

cc: Alex D. McIntyre, City Manager

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**El Camino Real/Downtown Specific Plan
City Council-Directed Changes
November 19, 2013**

1) Burgess Park Linkage/Open Space Plaza – High Speed Rail Timing

p. D45, third paragraph – Revise text:

Because this open space and linkage amenity is located partly on Stanford University property, it should be part of development review with the City when Stanford University chooses to redevelop the land. ~~The rail crossing itself should be undertaken in conjunction with High Speed Rail improvements. The rail crossing itself should consider High Speed Rail improvements, but may be undertaken at any time.~~

2) Public Benefit Bonus and Structured Negotiation – LEED Platinum Removal

p. E17, right-hand bullet list – Delete entire bullet:

- ~~• Platinum LEED Certified Buildings, which would exceed the standards for sustainable practices found in Section E.3.8 “Sustainable Practices”~~

3) Medical Office on El Camino Real – Absolute Maximum

p. E6, columns “El Camino Real Mixed Use” and “El Camino Real Mixed Use/Residential”, row “Offices, Medical and Dental” (two cells total) – Revise text:

L (no greater than one-third the base or public benefit bonus FAR, up to a maximum of 33,333 square feet)

p. E15, footnote – Revise text:

- Specific Plan limits the amount of general office allowed and the amount of medical office, based on community concerns, to the following:
Office, General (inclusive of Medical and Dental Offices) – shall not exceed one half of the base FAR or public benefit bonus FAR
Office, Medical and Dental – shall not exceed one third of the base FAR or public benefit bonus FAR (in the ECR districts, this is additionally limited to an absolute maximum of 33,333 square feet per development project)

p. E16, lower left – Revise text:

E.3.1.02 Medical and Dental office shall not exceed one third of the base FAR or public benefit bonus FAR, whichever is applicable; in the ECR districts, this is additionally limited to an absolute maximum of 33,333 square feet per development project.

p. E49 (ECR NE-L)

p. E54 (ECR NE)

p. E59 (ECR NE-R)

p. E64 (ECR SE)

p. E69 (ECR NW)

p. E74 (ECR SW)

Zoning District Tables – Revise “Maximum FAR for Medical and Dental Offices” row:

One third of the Base or Public Benefit Bonus FAR, whichever is applicable, up to an absolute maximum of 33,333 square feet per development project

Burgess Park Linkage/Open Space Plaza



Publicly-accessible pedestrian connection and open space element (Portland, Oregon)

Explained in more detail in Section E.3 “Development Standards + Guidelines,” the Specific Plan identifies two locations for publicly-accessible open space and grade-separated pedestrian and bicycle linkage across the railroad tracks. One is in the station area at the terminus of Santa Cruz Avenue (discussed above in Section D.3 “Station Area”) and the other is at the terminus of Middle Avenue. The latter connects the western neighborhoods with Burgess Park and neighborhoods to the east.

Described in Section E.3.4 “Massing and Modulation,” the plaza at Middle Avenue provides additional open space amenity to both the community and the private development. The open space plaza should integrate with both the pedestrian promenade along El Camino Real and linkages to the east side of the Caltrain tracks. Adjacent buildings should activate the plazas with ground floor uses, such as cafes and small stores, as discussed in Section E.2.3 “Special Land Use Topics.” The guidelines for this open space amenity are below.

Because this open space and linkage amenity is located partly on Stanford University property, it should be part of development review with the City when Stanford University chooses to redevelop the land. The rail crossing itself should be undertaken in conjunction with High Speed Rail improvements.

Intent

- Provide publicly-accessible open space amenities on the east side of El Camino Real at the intersection of Middle Avenue.
- Provide a grade-separated pedestrian and bicycle linkage across the railroad connecting the Middle Avenue plaza with Alma Street/Burgess Park. The final configuration of such a linkage will depend on the final configuration of the high speed rail.

Character

- Publicly-accessible open space/plaza providing seating and places for small informal gatherings.
- Pedestrian and bicycle connection associated with publicly-accessible open space.



Publicly-accessible pedestrian connection and open space element (Portland, Oregon)

Burgess Park Linkage/Open Space Plaza

Explained in more detail in Section E.3 “Development Standards + Guidelines,” the Specific Plan identifies two locations for publicly-accessible open space and grade-separated pedestrian and bicycle linkage across the railroad tracks. One is in the station area at the terminus of Santa Cruz Avenue (discussed above in Section D.3 “Station Area”) and the other is at the terminus of Middle Avenue. The latter connects the western neighborhoods with Burgess Park and neighborhoods to the east.

Described in Section E.3.4 “Massing and Modulation,” the plaza at Middle Avenue provides additional open space amenity to both the community and the private development. The open space plaza should integrate with both the pedestrian promenade along El Camino Real and linkages to the east side of the Caltrain tracks. Adjacent buildings should activate the plazas with ground floor uses, such as cafes and small stores, as discussed in Section E.2.3 “Special Land Use Topics.” The guidelines for this open space amenity are below.

Because this open space and linkage amenity is located partly on Stanford University property, it should be part of development review with the City when Stanford University chooses to redevelop the land. The rail crossing itself should consider High Speed Rail improvements, but may be undertaken at any time.

Intent

- Provide publicly-accessible open space amenities on the east side of El Camino Real at the intersection of Middle Avenue.
- Provide a grade-separated pedestrian and bicycle linkage across the railroad connecting the Middle Avenue plaza with Alma Street/Burgess Park. The final configuration of such a linkage will depend on the final configuration of the high speed rail.

Character

- Publicly-accessible open space/plaza providing seating and places for small informal gatherings.
- Pedestrian and bicycle connection associated with publicly-accessible open space.

Land Use Designations and Allowable Uses					
Allowable Uses	El Camino Real Mixed Use	El Camino Real Mixed Use/Residential	Downtown/Station Area Retail/Mixed Use	Downtown/Station Area Main Street	Downtown Adjacent Office/Residential

Commercial

Adult Business Establishments	C	C	-	-	-
Animal Sales & Services					
Animal Boarding	C	C	C	-	-
Animal Clinics and Hospitals	C	C	C	-	-
Animal Retail Sales and Service	P	P	P	LC (less than 5,000 SF)	-
Automobile/Vehicle Sales and Service					
Automobile/Vehicle Sales & Leasing	P	P	-	-	-
Gas Stations and Light Vehicle Service	C	C	-	-	-
Banks and Financial Institutions	P	P	LC (less than 5,000 SF)	-	LC (less than 5,000 SF)
Business Services	P	P	LC (less than 5,000 SF)	-	LC (less than 5,000 SF)
Commercial Recreation					
Small-Scale	P	C	C	-	-
Cinemas	C	P	P	-	-
Eating & Drinking Establishments					
Restaurants, Full/Limited Service	P	P	P	P	-
Restaurants, Full/Limited Service with Alcohol and/or Outdoor Seating	A	A	A	A	-
Restaurants, Full/Limited Service with Live Entertainment	A	A	A	A	-
Restaurants, Take-Out Only	P	P	-	-	-
Bars and Lounges	-	C	C	C	-
Funeral & Interment Service	C	C	-	-	-
Hotels and Motels	P	P	P	C	C
Offices, Business and Professional	L (no greater than one-half the base or public benefit bonus FAR)	L (no greater than one-half the base or public benefit bonus FAR)	L (no greater than one-half the base or public benefit bonus FAR)	L (no greater than one-half the base or public benefit bonus FAR and upper floors only)	L (no greater than one-half the base or public benefit bonus FAR)
Offices, Medical and Dental	L (no greater than one-third the base or public benefit bonus FAR)	L (no greater than one-third the base or public benefit bonus FAR)	L (no greater than one-third the base or public benefit bonus FAR)	L (no greater than one-third the base or public benefit bonus FAR and upper floors only)	L (no greater than one-third the base or public benefit bonus FAR)

Table E1. Land Use Designations and Allowable Uses

Land Use Designations and Allowable Uses					
Allowable Uses	El Camino Real Mixed Use	El Camino Real Mixed Use/Residential	Downtown/Station Area Retail/Mixed Use	Downtown/Station Area Main Street	Downtown Adjacent Office/Residential

Commercial

Adult Business Establishments	C	C	-	-	-
Animal Sales & Services					
Animal Boarding	C	C	C	-	-
Animal Clinics and Hospitals	C	C	C	-	-
Animal Retail Sales and Service	P	P	P	LC (less than 5,000 SF)	-
Automobile/Vehicle Sales and Service					
Automobile/Vehicle Sales & Leasing	P	P	-	-	-
Gas Stations and Light Vehicle Service	C	C	-	-	-
Banks and Financial Institutions	P	P	LC (less than 5,000 SF)	-	LC (less than 5,000 SF)
Business Services	P	P	LC (less than 5,000 SF)	-	LC (less than 5,000 SF)
Commercial Recreation					
Small-Scale	P	C	C	-	-
Cinemas	C	P	P	-	-
Eating & Drinking Establishments					
Restaurants, Full/Limited Service	P	P	P	P	-
Restaurants, Full/Limited Service with Alcohol and/or Outdoor Seating	A	A	A	A	-
Restaurants, Full/Limited Service with Live Entertainment	A	A	A	A	-
Restaurants, Take-Out Only	P	P	-	-	-
Bars and Lounges	-	C	C	C	-
Funeral & Interment Service	C	C	-	-	-
Hotels and Motels	P	P	P	C	C
Offices, Business and Professional	L (no greater than one-half the base or public benefit bonus FAR)	L (no greater than one-half the base or public benefit bonus FAR)	L (no greater than one-half the base or public benefit bonus FAR)	L (no greater than one-half the base or public benefit bonus FAR and upper floors only)	L (no greater than one-half the base or public benefit bonus FAR)
Offices, Medical and Dental	L (no greater than one-third the base or public benefit bonus FAR, up to a maximum of 33,333 square feet)	L (no greater than one-third the base or public benefit bonus FAR, up to a maximum of 33,333 square feet)	L (no greater than one-third the base or public benefit bonus FAR)	L (no greater than one-third the base or public benefit bonus FAR and upper floors only)	L (no greater than one-third the base or public benefit bonus FAR)

Table E1. Land Use Designations and Allowable Uses

Development Standards								
				DEVELOPMENT INTENSITY			BUILDING HEIGHTS	
AREA				LAND USE	FAR*	DU/ACRE	HEIGHT MAX.	FAÇADE HEIGHT MAX.
					X(Y) = Base Allowable (Max. Allowable with Public Benefit Bonus)			
El Camino Real	El Camino Real North	ECR NW	El Camino Real North-West	Mixed Use/ Residential	1.10 (1.50)	25.0 (40.0)	38'	38'
		ECR NE-L	El Camino Real North-East - Low Density	Mixed Use	0.75 (1.10)	20.0 (30.0)	38'	30'
		ECR NE	El Camino Real North-East	Mixed Use	1.10 (1.50)	25.0 (40.0)	38' (Public Benefit Bonus - 48')	38'
		ECR NE-R	El Camino Real North-East - Residential Emphasis	Mixed Use/ Residential	1.10 (1.50)	32.0 (50.0)	38' (Public Benefit Bonus - 48')	38'
	El Camino Real South	ECR SW	El Camino Real South-West	Mixed Use & Mixed Use/ Residential	1.10 (1.50)	25.0 (40.0)	38'	30'
		ECR SE	El Camino Real South-East	Mixed Use & Mixed Use/ Residential	1.25 (1.75)	40.0 (60.0)	60'	38'
Station	SA W	Station Area West	Retail/ Mixed Use & Main Street Overlay	2.00 (2.25)	50.0 (60.0)	48'	38'	
	SA E	Station Area East	Retail/ Mixed Use & Main Street Overlay	1.35 (1.75)	50.0 (60.0)	60' (Alma Street - 48')	38'	
Downtown	DA	Downtown Adjacent	Office/ Residential	0.85 (1.00)	18.5 (25.0)	38'	30'	
	D	Downtown Santa Cruz Avenue	Retail/ Mixed Use & Main Street Overlay	2.00 (2.25)	25.0 (40.0)	38'	30'	

*Specific Plan limits the amount of general office allowed and the amount of medical office, based on community concerns, to the following:
 Office, General (inclusive of Medical and Dental Offices) - shall not exceed one half of the base FAR or public benefit bonus FAR
Office, Medical and Dental - shall not exceed one third of the base FAR or public benefit bonus FAR
 FAR and DU/acre include both Base and Public Benefit Bonus standards, discussed in Section E.3.1 "Development Intensity".

Table E2. Development Standards by Zoning Districts

Development Standards								
				DEVELOPMENT INTENSITY		BUILDING HEIGHTS		
AREA				LAND USE	FAR*	DU/ACRE	HEIGHT MAX.	FAÇADE HEIGHT MAX.
					X(Y) = Base Allowable (Max. Allowable with Public Benefit Bonus)			
El Camino Real	El Camino Real North	ECR NW	El Camino Real North-West	Mixed Use/ Residential	1.10 (1.50)	25.0 (40.0)	38'	38'
		ECR NE-L	El Camino Real North-East - Low Density	Mixed Use	0.75 (1.10)	20.0 (30.0)	38'	30'
		ECR NE	El Camino Real North-East	Mixed Use	1.10 (1.50)	25.0 (40.0)	38' (Public Benefit Bonus - 48')	38'
		ECR NE-R	El Camino Real North-East - Residential Emphasis	Mixed Use/ Residential	1.10 (1.50)	32.0 (50.0)	38' (Public Benefit Bonus - 48')	38'
	El Camino Real South	ECR SW	El Camino Real South-West	Mixed Use & Mixed Use/ Residential	1.10 (1.50)	25.0 (40.0)	38'	30'
		ECR SE	El Camino Real South-East	Mixed Use & Mixed Use/ Residential	1.25 (1.75)	40.0 (60.0)	60'	38'
Station	SA W	Station Area West	Retail/ Mixed Use & Main Street Overlay	2.00 (2.25)	50.0 (60.0)	48'	38'	
	SA E	Station Area East	Retail/ Mixed Use & Main Street Overlay	1.35 (1.75)	50.0 (60.0)	60' (Alma Street - 48')	38'	
Downtown	DA	Downtown Adjacent	Office/ Residential	0.85 (1.00)	18.5 (25.0)	38'	30'	
	D	Downtown Santa Cruz Avenue	Retail/ Mixed Use & Main Street Overlay	2.00 (2.25)	25.0 (40.0)	38'	30'	

*Specific Plan limits the amount of general office allowed and the amount of medical office, based on community concerns, to the following:

Office, General (inclusive of Medical and Dental Offices) - shall not exceed one half of the base FAR or public benefit bonus FAR

Office, Medical and Dental - shall not exceed one third of the base FAR or public benefit bonus FAR (in the ECR districts, this is additionally limited to an absolute maximum of 33,333 square feet per development project)

FAR and DU/acre include both Base and Public Benefit Bonus standards, discussed in Section E.3.1 "Development Intensity".

Table E2. Development Standards by Zoning Districts

project viability and financial return of various development programs. This iterative process of presenting at community workshops, analyzing, refining and presenting again resulted in development prototypes, inclusive of building setbacks, upper floor setbacks and heights, as reflected in this Specific Plan. The final step was to “translate” the prototypes into allowable development FARs and densities (dwelling units per acre or DU/Acre), as depicted in Table E2 and Figure E2.

In addition to reflecting community input, the Specific Plan’s increased allowable FARs and density also help achieve several Plan goals, including: stimulating redevelopment of underutilized parcels; activating the train station area and increasing transit use; enhancing downtown vibrancy and retail sales; and increasing residential opportunities. The plan FARs and density help finance public improvements (e.g., streetscape improvements) and produce more Below Market Rate (BMR) housing.

The Specific Plan places the highest intensity of development around the train station, consistent with goals mentioned in the paragraph above. It also focuses higher development intensities on the parcels on the east side of El Camino Real south of Ravenswood Avenue. These larger parcels can accommodate more development, and they are isolated from adjacent residential neighborhoods by El Camino Real to the west and the railroad tracks and Alma Street to the east. The plan also emphasizes residential uses closest to downtown and the train station.

In addition to the base FAR and public benefit bonus FAR summarized in Figure E2 and Table E2, following pages, the Specific Plan limits the amount of business and professional office allowed, similar to existing City policy, and the amount of medical and dental office, based on community concerns.

Standards

E.3.1.01 Business and Professional office (inclusive of medical and dental office) shall not exceed one half of the base FAR or public benefit bonus FAR, whichever is applicable.

E.3.1.02 Medical and Dental office shall not exceed one third of the base FAR or public benefit bonus FAR, whichever is applicable.

Public Benefit Bonus and Structured Negotiation

A public benefit bonus is the additional development permitted beyond the base intensity (and/or height, if applicable) for a project in exchange for extra public benefit, above and beyond the inherent positive attributes of a project (such as increasing vibrancy and redeveloping vacant and underutilized parcels). As noted previously, the Specific Plan’s recommendation for the base level maximum has been crafted to achieve overall project goals and represent community preferences for building types/sizes. The public benefit bonus would be expected to increase profits from development in exchange for providing additional benefits to the public. However, developers may choose to forgo the public benefit bonus because of perceived costs and risks.

Two common approaches for sharing the benefits of increased development include bonuses for on-site improvements and bonuses achieved through individual developer “structured” negotiations. These two approaches are distinct from, and not to be confused with, impact fees and other development exactions where the fee or other exaction is based on the development’s impact on the need for public facilities (for instance, more residents create a greater need for parks).

The first bonus approach, for on-site improvements, can be a prescriptive one and clearly stated, with a specific amount of additional FAR (e.g. 0.5) or density granted to a developer in exchange for a specific on-site benefit (such as publicly accessible open space). This approach provides more certainty for both the community and developer. However, due to the variety of site and market conditions, developing such a prescriptive approach can be challenging.

“
*Keep the village feel but with
more vibrancy*

”
- Workshop #3 Participant

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In addition to the base FAR and public benefit bonus FAR summarized in Figure E2 and Table E2, following pages, the Specific Plan limits the amount of business and professional office allowed, similar to existing City policy, and the amount of medical and dental office, based on community concerns.

Standards

E.3.1.01 Business and Professional office (inclusive of medical and dental office) shall not exceed one half of the base FAR or public benefit bonus FAR, whichever is applicable.

E.3.1.02 Medical and Dental office shall not exceed one third of the base FAR or public benefit bonus FAR, whichever is applicable; in the ECR districts, this is additionally limited to an absolute maximum of 33,333 square feet per development project.

Public Benefit Bonus and Structured Negotiation

A public benefit bonus is the additional development permitted beyond the base intensity (and/or height, if applicable) for a project in exchange for extra public benefit, above and beyond the inherent positive attributes of a project (such as increasing vibrancy and redeveloping vacant and underutilized parcels). As noted previously, the Specific Plan’s recommendation for the base level maximum has been crafted to achieve overall project goals and represent community preferences for building types/sizes. The public benefit bonus would be expected to increase profits from development in exchange for providing additional benefits to the public. However, developers may choose to forgo the public benefit bonus because of perceived costs and risks.

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Individual Developer Structured Negotiation

The Specific Plan recommends an individual developer structured negotiation approach for the sharing of the benefits from increased development above the base FAR, density, and/or height. This approach is the most flexible and effective way to determine appropriate public benefits. The downside is that it creates some uncertainty and often delays the approval process, which can increase cost and risk for developers. However, the Specific Plan requires a structured process to minimize delays and uncertainty.

Projects requesting a public benefit bonus FAR, density and/or height are required to conduct an initial public study session with the Planning Commission, in which both the project and the proposed public benefit are presented for initial evaluation and comment (both from the Planning Commission and the public). Applicants may also request a subsequent study session with the City Council, although this should be expected only for larger or more complicated projects. The study session(s) should incorporate appropriate fiscal/economic review (with work overseen by City staff), which should broadly quantify the benefits/costs of the bonus FAR/density/height and the proposed public benefit. Following the study session(s), the applicant would revise the project and public benefit (if needed) and present them again for full review and action.

The Planning Commission shall, concurrent with overall project review, be the decision-making body on projects proposing public benefits that are incorporated within the project (such as senior housing) and/or which can be memorialized in typical conditions of approval pursuant to the City's normal zoning and planning authority. The

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Encourage new development
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- Workshop #3 Participant

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Certain amenities might be considered community investments and funded through taxes to preserve character
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- Workshop #3 Participant

Planning Commission action (along with the other project actions) can be appealed to the City Council, per standard procedures. For projects proposing public benefits that cannot be imposed through the City's planning and zoning authority (such as payments that are not related to the impact of a project), the public benefit proposal must be included in a proposed Development Agreement submitted by the developer. In that case, Planning Commission shall be the recommending body and the City Council the decision-making body, and the Development Agreement must be adopted by ordinance as provided in the City's Development Agreement ordinance.

The structured negotiation approach works best when desired improvements are clearly understood by potential applicants. Based on community input (including during the review process for the Specific Plan) and the Specific Plan's goals, a public benefit bonus could be considered for elements including but not limited to:

- Senior Housing
- Affordable Residential Units, in particular for lower affordability levels, particularly in areas nearest the station area/downtown
- Hotel Facility, which generates higher tax revenue for the City while also enhancing downtown vibrancy
- Platinum LEED Certified Buildings, which would exceed the standards for sustainable practices found in Section E.3.8 “Sustainable Practices”
- Preservation and reuse of historic resources
- Public parks/plazas and community rooms
- Shuttle services
- Public amenity fund
- Middle Avenue grade-separated rail crossing

The City shall keep this list updated over time by including it with the required yearly reporting to the City Council regarding the Maximum Allowable Development. If desired, the City Council may place the list on the agenda for new public review and direction.

The Specific Plan's process for public benefit bonuses should not necessarily be considered a precedent for other areas of the city, in particular areas that have not conducted an intensive community visioning process to establish goals and guiding principles, and associated development standards and guidelines.

Individual Developer Structured Negotiation

The Specific Plan recommends an individual developer structured negotiation approach for the sharing of the benefits from increased development above the base FAR, density, and/or height. This approach is the most flexible and effective way to determine appropriate public benefits. The downside is that it creates some uncertainty and often delays the approval process, which can increase cost and risk for developers. However, the Specific Plan requires a structured process to minimize delays and uncertainty.

Projects requesting a public benefit bonus FAR, density and/or height are required to conduct an initial public study session with the Planning Commission, in which both the project and the proposed public benefit are presented for initial evaluation and comment (both from the Planning Commission and the public). Applicants may also request a subsequent study session with the City Council, although this should be expected only for larger or more complicated projects. The study session(s) should incorporate appropriate fiscal/economic review (with work overseen by City staff), which should broadly quantify the benefits/costs of the bonus FAR/density/height and the proposed public benefit. Following the study session(s), the applicant would revise the project and public benefit (if needed) and present them again for full review and action.

The Planning Commission shall, concurrent with overall project review, be the decision-making body on projects proposing public benefits that are incorporated within the project (such as senior housing) and/or which can be memorialized in typical conditions of approval pursuant to the City’s normal zoning and planning authority. The

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The structured negotiation approach works best when desired improvements are clearly understood by potential applicants. Based on community input (including during the review process for the Specific Plan) and the Specific Plan’s goals, a public benefit bonus could be considered for elements including but not limited to:

- Senior Housing
- Affordable Residential Units, in particular for lower affordability levels, particularly in areas nearest the station area/downtown
- Hotel Facility, which generates higher tax revenue for the City while also enhancing downtown vibrancy
- Preservation and reuse of historic resources
- Public parks/plazas and community rooms
- Shuttle services
- Public amenity fund
- Middle Avenue grade-separated rail crossing

The City shall keep this list updated over time by including it with the required yearly reporting to the City Council regarding the Maximum Allowable Development. If desired, the City Council may place the list on the agenda for new public review and direction.

The Specific Plan’s process for public benefit bonuses should not necessarily be considered a precedent for other areas of the city, in particular areas that have not conducted an intensive community visioning process to establish goals and guiding principles, and associated development standards and guidelines.

EI Camino Real North-East - Low Density (ECR NE-L)		
Land Use (Refer to Section E.2)	See Figure E1 and Table E1; EI Camino Real Mixed Use Designation	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 0.75
		Public Benefit Bonus: 1.10
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable
	Base Density: 20 dwelling units per acre	
Public Benefit Bonus Density: 30 dwelling units per acre		
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet
		Façade height: 30 feet for all façades except interior side façades
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
Setback (Refer to Section E.3.3)	Front and Side facing a Public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 10 feet
		Maximum: 20 feet
		Setback shall be sufficient to provide a minimum 15-foot wide sidewalk with a minimum 10-foot wide clear walking zone and a minimum 5-foot wide furnishings zone.
	Interior Side	Minimum: 10 feet
		Maximum: 25 feet
	Rear	Minimum: 20 feet
	Allowed Projections	Building and architectural projections are allowed. Refer to Section E.3.3.

continued

Table E6. Development Standards for EI Camino Real North-East - Low Density (ECR NE-L) District

EI Camino Real North-East - Low Density (ECR NE-L)		
Land Use (Refer to Section E.2)	See Figure E1 and Table E1; EI Camino Real Mixed Use Designation	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 0.75 Public Benefit Bonus: 1.10
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable, up to an absolute maximum of 33,333 square feet per development project
	Base Density: 20 dwelling units per acre	
	Public Benefit Bonus Density: 30 dwelling units per acre	
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet Façade height: 30 feet for all façades except interior side façades
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
	Setback (Refer to Section E.3.3)	
Front and Side facing a Public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 10 feet	
	Maximum: 20 feet	
	Setback shall be sufficient to provide a minimum 15-foot wide sidewalk with a minimum 10-foot wide clear walking zone and a minimum 5-foot wide furnishings zone.	
	Interior Side	Minimum: 10 feet
		Maximum: 25 feet
	Rear	Minimum: 20 feet
Allowed Projections	Building and architectural projections are allowed. Refer to Section E.3.3.	

continued

Table E6. Development Standards for EI Camino Real North-East - Low Density (ECR NE-L) District

El Camino Real North-East (ECR NE)		
Land Use (Refer to Section E.2)	See Figure E1 and Table E1; El Camino Real Mixed Use Designation	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.10
		Public Benefit Bonus: 1.50
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable
	Base Density: 25 dwelling units per acre	
Public Benefit Bonus Density: 40 dwelling units per acre		
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet
		Public Benefit Bonus Building Height: 48 feet
		Façade height: 38 feet for façades facing a public ROW or a public open spaces. Applicable only when availing the Public Benefit Bonus Building Height.
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
Setback (Refer to Section E.3.3)	Front and Side facing a Public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 10 feet, except along San Antonio Street where 7 feet is the minimum
		Maximum: 20 feet, except along San Antonio Street where 12 feet is the maximum
		For buildings along El Camino Real, setback shall be sufficient to provide a minimum 15-foot wide sidewalk with a minimum 10-foot wide clear walking zone and a minimum 5-foot wide furnishings zone.
	Interior Side	Minimum: 10 feet is required only for upper floors. There is no minimum side setback for ground floor.
		Maximum: 25 feet
Rear	Minimum: 10 feet	
Allowed Projections	Building and Architectural projections are allowed. Refer to Section E.3.3.	

Table E7. Development Standards for El Camino Real North-East (ECR NE) District

El Camino Real North-East (ECR NE)		
Land Use (Refer to Section E.2)	See Figure E1 and Table E1; El Camino Real Mixed Use Designation	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.10
		Public Benefit Bonus: 1.50
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable, up to an absolute maximum of 33,333 square feet per development project
	Base Density: 25 dwelling units per acre	
Public Benefit Bonus Density: 40 dwelling units per acre		
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet
		Public Benefit Bonus Building Height: 48 feet
		Façade height: 38 feet for façades facing a public ROW or a public open spaces. Applicable only when availing the Public Benefit Bonus Building Height.
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
Setback (Refer to Section E.3.3)	Front and Side facing a Public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 10 feet, except along San Antonio Street where 7 feet is the minimum
		Maximum: 20 feet, except along San Antonio Street where 12 feet is the maximum
		For buildings along El Camino Real, setback shall be sufficient to provide a minimum 15-foot wide sidewalk with a minimum 10-foot wide clear walking zone and a minimum 5-foot wide furnishings zone.
	Interior Side	Minimum: 10 feet is required only for upper floors. There is no minimum side setback for ground floor.
		Maximum: 25 feet
Rear	Minimum: 10 feet	
Allowed Projections	Building and Architectural projections are allowed. Refer to Section E.3.3.	

Table E7. Development Standards for El Camino Real North-East (ECR NE) District

El Camino Real North-East - Residential (ECR NE-R)		
Land Use (Refer to Section E.2)	See Table E2; El Camino Real Mixed Use - Residential Designation	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.10 Public Benefit Bonus: 1.50
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable
	Base Density: 32 dwelling units per acre	
	Public Benefit Bonus density: 50 dwelling units per acre	
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet Public Benefit Bonus Building Height: 48 feet Façade height: 38 feet for façades facing a public ROW or a public open spaces. Applicable only when availing the Public Benefit Bonus Building Height.
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
	Setback (Refer to Section E.3.3)	
Front and Side facing a Public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 10 feet, except on Oak Grove Avenue and Garwood Way where 7 feet is the minimum Maximum: 20 feet, except on Oak Grove Avenue and Garwood Way where 12 feet is the maximum For buildings along El Camino Real, setback shall be sufficient to provide a minimum 15-foot wide sidewalk with a minimum 10-foot wide clear walking zone and a minimum 5-foot wide furnishings zone. For buildings along Oak Grove Avenue and Garwood Way, setback shall be sufficient to provide a minimum 12-foot wide sidewalk with a minimum 8-foot wide clear walking zone and a minimum 4-foot wide furnishings zone.	
Interior Side	Minimum: 10 feet is required only for upper floors. There is no minimum side setback for ground floor. Maximum: 25 feet	
Rear	Minimum: 10 feet	
Allowed Projections	Building and Architectural projections are allowed. Refer to Section E.3.3.	

continued

Table E8. Development Standards for El Camino Real North-East - Residential Emphasis (ECR NE-R) District

El Camino Real North-East - Residential (ECR NE-R)		
Land Use (Refer to Section E.2)	See Table E2; El Camino Real Mixed Use - Residential Designation	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.10 Public Benefit Bonus: 1.50
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable, up to an absolute maximum of 33,333 square feet per development project
	Base Density: 32 dwelling units per acre	
	Public Benefit Bonus density: 50 dwelling units per acre	
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet Public Benefit Bonus Building Height: 48 feet Façade height: 38 feet for façades facing a public ROW or a public open spaces. Applicable only when availing the Public Benefit Bonus Building Height.
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
	Setback (Refer to Section E.3.3)	
	Front and Side facing a Public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 10 feet, except on Oak Grove Avenue and Garwood Way where 7 feet is the minimum Maximum: 20 feet, except on Oak Grove Avenue and Garwood Way where 12 feet is the maximum For buildings along El Camino Real, setback shall be sufficient to provide a minimum 15-foot wide sidewalk with a minimum 10-foot wide clear walking zone and a minimum 5-foot wide furnishings zone. For buildings along Oak Grove Avenue and Garwood Way, setback shall be sufficient to provide a minimum 12-foot wide sidewalk with a minimum 8-foot wide clear walking zone and a minimum 4-foot wide furnishings zone.
	Interior Side	Minimum: 10 feet is required only for upper floors. There is no minimum side setback for ground floor. Maximum: 25 feet
	Rear	Minimum: 10 feet
	Allowed Projections	Building and Architectural projections are allowed. Refer to Section E.3.3.

continued

Table E8. Development Standards for El Camino Real North-East - Residential Emphasis (ECR NE-R) District

El Camino Real South-East (ECR SE)		
Land Use (Refer to Section E.2)	See Figure E 1 and Table E1; El Camino Real Mixed Use and El Camino Real Mixed Use - Residential Designations	
	Retail Node at Middle Avenue (east of El Camino Real)	Minimum 10,000 sf of retail/restaurant space. Refer to Page E11.
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.25
		Public Benefit Bonus: 1.75
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable
	Base Density: 40 dwelling units per acre	
Public Benefit Bonus Density: 60 dwelling units per acre		
Height (Refer to Section E.3.2)	Maximum Height	Building height: 60 feet
		Façade height: 38 feet for all façades except interior sides
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
Setback (Refer to Section E.3.3)	Front and Side facing a public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 10 feet
		Maximum: 20 feet
		Setback shall be sufficient to provide a minimum 15-foot wide sidewalk with a minimum 10-foot wide clear walking zone and a minimum 5-foot wide furnishings/planting zone.
	Interior Side	Minimum: 10 feet
		Maximum: 25 feet
	Rear	Minimum: 0 feet
	Creek	No development activities may take place within the San Francisquito Creek bed, below the creek bed or in the riparian corridor.
Allowed Projections	Building and Architectural projections are allowed. Refer to Section E.3.3.	

Table E9. Development Standards for El Camino Real South-East (ECR SE) District

El Camino Real South-East (ECR SE)		
Land Use (Refer to Section E.2)	See Figure E 1 and Table E1; El Camino Real Mixed Use and El Camino Real Mixed Use - Residential Designations	
	Retail Node at Middle Avenue (east of El Camino Real)	Minimum 10,000 sf of retail/restaurant space. Refer to Page E11.
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.25
		Public Benefit Bonus: 1.75
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable, up to an absolute maximum of 33,333 square feet per development project
	Base Density: 40 dwelling units per acre	
Public Benefit Bonus Density: 60 dwelling units per acre		
Height (Refer to Section E.3.2)	Maximum Height	Building height: 60 feet
		Façade height: 38 feet for all façades except interior sides
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
Setback (Refer to Section E.3.3)	Front and Side facing a public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 10 feet
		Maximum: 20 feet
		Setback shall be sufficient to provide a minimum 15-foot wide sidewalk with a minimum 10-foot wide clear walking zone and a minimum 5-foot wide furnishings/planting zone.
	Interior Side	Minimum: 10 feet
		Maximum: 25 feet
	Rear	Minimum: 0 feet
	Creek	No development activities may take place within the San Francisquito Creek bed, below the creek bed or in the riparian corridor.
Allowed Projections	Building and Architectural projections are allowed. Refer to Section E.3.3.	

Table E9. Development Standards for El Camino Real South-East (ECR SE) District

El Camino Real North-West (ECR NW)		
Land Use (Refer to Section E.2)	See Figure E1 and Table E1; El Camino Real Mixed Use - Residential Designation	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.10 Public Benefit Bonus: 1.50
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable
	Base Density: 25 dwelling units per acre	
	Public Benefit Bonus Density: 40 dwelling units per acre	
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet Façade height: Not applicable
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
	Setback (Refer to Section E.3.3)	Front and Side facing a Public ROW (Note: please reference Figure E7 for standards applying to specific street faces)
Interior Side		Not applicable
Rear		Minimum: 20 feet
Allowed Projections		Building and Architectural projections are allowed. Refer to Section E.3.3.

continued

Table E10. Development Standards for El Camino Real North-West (ECR NW) District

El Camino Real North-West (ECR NW)		
Land Use (Refer to Section E.2)	See Figure E1 and Table E1; El Camino Real Mixed Use - Residential Designation	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.10 Public Benefit Bonus: 1.50
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable, up to an absolute maximum of 33,333 square feet per development project
	Base Density: 25 dwelling units per acre	
	Public Benefit Bonus Density: 40 dwelling units per acre	
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet Façade height: Not applicable
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
	Setback (Refer to Section E.3.3)	Front and Side facing a Public ROW (Note: please reference Figure E7 for standards applying to specific street faces)
Maximum: 8 feet with limited setbacks allowed for store or lobby entrances, retail frontage and outdoor seating		
For buildings along El Camino Real, setback shall be sufficient to provide a 12-foot wide sidewalk with a minimum 8-foot wide clear walking zone and a minimum 4-foot wide furnishings zone.		
Interior Side		Not applicable
Rear		Minimum: 20 feet
Allowed Projections		Building and Architectural projections are allowed. Refer to Section E.3.3.

continued

Table E10. Development Standards for El Camino Real North-West (ECR NW) District

El Camino Real South-West (ECR SW)		
Land Uses (Refer to Section E.2)	See Figure E1 and Table E1; El Camino Real Mixed-Use and El Camino Real Mixed-Use/Residential Designations	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.10
		Public Benefit Bonus: 1.50
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable
	Base Density: 25 dwelling units per acre	
	Public Benefit Bonus Density: 40 dwelling units per acre	
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet
		Façade height: 30 feet for all façades except interior side façades
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
Setback (Refer to Section E.3.3)	Front and Side facing a public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 7 feet, except north of Live Oak Avenue where 5 feet is the minimum
		Maximum: 12 feet, except north of Live Oak Avenue where 8 feet is the maximum
		South of Live Oak Avenue, setback shall be sufficient to provide a minimum 12-foot wide sidewalk with a minimum 8-foot wide clear walking zone. A minimum 4-foot wide furnishings zone should be provided.
	Interior Side	Minimum: 5 feet, except north of Live Oak Avenue where there is no minimum side setback for ground floor and 5 feet minimum is required only for upper floors.
		Maximum: 25 feet
	Rear	Minimum: 20 feet, except north of Live Oak Avenue, where 10 feet is required.
	Creek	No development activities may take place within the San Francisquito Creek bed, below the creek bed or in the riparian corridor.
Allowed Projections	Building and Architectural projections are allowed. Refer to Section E.3.3.	

Table E11. Development Standards for El Camino Real South-West (ECR SW) District

El Camino Real South-West (ECR SW)		
Land Uses (Refer to Section E.2)	See Figure E1 and Table E1; El Camino Real Mixed-Use and El Camino Real Mixed-Use/Residential Designations	
Development Intensity (Refer to Section E.3.1)	Maximum FAR for all uses, inclusive of Offices	Base: 1.10 Public Benefit Bonus: 1.50
	Maximum FAR for Offices, inclusive of Medical and Dental Offices	One half of the Base or Public Benefit Bonus FAR, whichever is applicable
	Maximum FAR for Medical and Dental Offices	One third of the Base or Public Benefit Bonus FAR, whichever is applicable, up to an absolute maximum of 33,333 square feet per development project
	Base Density: 25 dwelling units per acre	
	Public Benefit Bonus Density: 40 dwelling units per acre	
Height (Refer to Section E.3.2)	Maximum Height	Building height: 38 feet Façade height: 30 feet for all façades except interior side façades
	Minimum Height	Commercial ground floor: 15 feet floor-to-floor
	Allowed Projections	Vertical building projections such as roof-mounted equipment, parapets and stair/elevator towers may be permitted subject to screening, height, and design standards. Refer to Section E.3.2.
	Setback (Refer to Section E.3.3)	
	Front and Side facing a public ROW (Note: please reference Figure E7 for standards applying to specific street faces)	Minimum: 7 feet, except north of Live Oak Avenue where 5 feet is the minimum
		Maximum: 12 feet, except north of Live Oak Avenue where 8 feet is the maximum
		South of Live Oak Avenue, setback shall be sufficient to provide a minimum 12-foot wide sidewalk with a minimum 8-foot wide clear walking zone. A minimum 4-foot wide furnishings zone should be provided.
	Interior Side	Minimum: 5 feet, except north of Live Oak Avenue where there is no minimum side setback for ground floor and 5 feet minimum is required only for upper floors. Maximum: 25 feet
	Rear	Minimum: 20 feet, except north of Live Oak Avenue, where 10 feet is required.
	Creek	No development activities may take place within the San Francisquito Creek bed, below the creek bed or in the riparian corridor.
	Allowed Projections	Building and Architectural projections are allowed. Refer to Section E.3.3.

Table E11. Development Standards for El Camino Real South-West (ECR SW) District



PLANNING COMMISSION DRAFT EXCERPT MINUTES

Regular Meeting
 October 6, 2014 at 7:00 p.m.
 City Council Chambers
 701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler, Combs, Eiref (Chair), Ferrick, Kadvany, Onken (Vice Chair), Strehl

INTRODUCTION OF STAFF – Stephen O’Connell, Contract Planner; Thomas Rogers, Senior Planner; Corinna Sandmeier, Associate Planner

D4. El Camino Real/Downtown Specific Plan – 2014 Plan Amendments/City of Menlo Park: The El Camino Real/Downtown Specific Plan was adopted by the City Council in June 2012. The approved Plan includes a requirement for ongoing review, intended to ensure that the Plan is functioning as intended, as well as to consider the policy-related implications of various Plan aspects. To address this requirement, the Planning Commission and City Council held five meetings on the subject, starting on September 9, 2013 and finishing on November 19, 2013. At the conclusion, the City Council directed that staff prepare formal amendments for the following: ([Attachment](#))

1. Revise text to clarify that implementation of the “Burgess Park Linkage/Open Space Plaza” public space improvement is not dependent on the High Speed Rail project;
2. Eliminate “Platinum LEED Certified Buildings” as a suggested Public Benefit Bonus element; and
3. For new medical/dental office uses on El Camino Real, establish an absolute maximum of 33,333 square feet per development project.

Staff Comment: Senior Planner Rogers noted there some email inquiries had been sent to staff, the Commission and Council over the past weekend relating to clarification to information provided by the contract City Attorney on page 2 of the staff report. He said the contract City Attorney confirmed the statement that his legal opinion was that the medical office use could be undertaken by the Planning Commission and City Council to be done now, but if the pending Measure M was passed, to make that cap to medical office use would require voter approval.

Questions of Staff: In response to questions from Chair Eiref, Senior Planner Rogers said the review cycle for the El Camino Real/Downtown Specific Plan (Plan) was for an initial review one year after adoption which occurred in 2013 and then every two years after that which would next occur in 2015. He said the square foot cap amount under item 3 had not been a Planning Commission recommendation but had been a City Council recommendation. He said the Commission and Council had reviewed the Plan in detail last fall and City Council gave general guidance regarding the three bulleted items. He said the Commission was being asked to review Attachment B as to whether it accurately captured the Council’s direction to implement the proposed amendments.

In response to a question from Commissioner Bressler, Senior Planner Rogers said the time that had lapsed since the Council’s November 2013 direction until now was to develop the Negative Declaration. He noted the 30+ pages of the document and the level of detail involved as well as the impacts of the loss of a number of planning staff. He said that once a Negative Declaration was completed, it might be possible to use it as a base for a future project, but often the next project is different enough that though some text might be reused, considerable time and effort needs to be put into rewriting it. He said the

state-required review periods also expanded the time schedule for accomplishing such environmental review documents.

In response to a question from Commissioner Ferrick, Senior Planner Rogers said he thought the email correspondents were saying that since the medical office use was capped more stringently with this proposed amendment than that in the ballot measure, that it should not be considered in conflict with the ballot measure. He said the contract City Attorney had replied that no intent was expressed in the ballot measure to encourage or favor one type of office use. He also said further that amending what the ballot measure had, which was a 100,000 square foot limit on office spaces, to put stricter limits on square footage of certain types of office use, such as medical office use, would affect a voter adopted development standard. In response to a question from Commissioner Strehl to clarify that position more, Senior Planner Rogers said according to the City Attorney that if the ballot measure passed, amending the Plan to cap medical use square footage at 33,333 square feet per project would require voter approval.

Commissioner Combs said the Attorney's reply, for the record, did not cite any case law. Senior Planner Rogers said that the Attorney was offering his professional legal opinion, and it was possible that there didn't exist any case law on this exact subject.

Chair Eiref opened and closed the public hearing as there were no members of the public wanting to speak.

Commission Comment: Commissioner Ferrick said regarding the three points that the first was simple and made sense to push forward as part of the recommendations. She said regarding the second point that perhaps it would be possible under the next review to reconsider LEED Platinum again as a public benefit as that level of LEED really indicated a commitment to sustainability and the environment.

Commissioner Onken moved to recommend to the City Council to adopt the resolution to adopt the Negative Declaration and adopt the resolution to amend the Plan as specified. Commissioner Kadwany seconded the motion.

Commissioner Kadwany said this action by the Commission and future action by the Council demonstrated that the Plan was possible to change. He said there were two items not included in the amendments. He said one recommendation to the City Council by the Planning Commission was to tie the future pedestrian and bicycle tunnel near Middle Avenue on El Camino Real to development. He said the other item missing was proper City control of the process and that the Planning Commission and City Council should have a better defined negotiation process for large projects like the large ones in the Plan area that they were seeing.

Commissioner Strehl said she supported the motion. She said the Planning Commission and City Council were in the process of making changes to the Plan. She said the Council had provided direction to limit the size of medical office on El Camino Real to reduce resultant traffic.

Commissioner Bressler said some of the Commissioners tried to lower the bonus level and get it to a negotiating position for the City but that did not happen. He said the logic for setting the bonus level so high was made by the Fiscal Impact Report. He said Commissioners tried to argue that raising the bonus level would not prevent large projects from being undertaken. He said that was something which could be fixed during the next review.

Chair Eiref said he agreed completely with the point about bonus level. He said the point was being made that the Plan could be amended. He said that was a positive message.

Commissioner Strehl noted that the City Council had negotiated with the developer for the Stanford property and for the other large projects in the Plan area and part of that negotiation was not allowing medical office use for those projects.

Commissioner Combs said for the record that if the ballot measure passed that did not prevent the Plan from being amended. General discussion of the potential impacts of the ballot measure to the Plan and potential amendments ensued.

Commissioner Kadvany said that both the original project and revised project for Stanford property were well below the bonus level and yet there had been a lot of negotiation. He said not lowering the bonus level for negotiation had been a mistake.

Commission Action: M/S Onken/Kadvany to recommend that the City Council conduct the following actions:

1. Adopt a Resolution Adopting the Negative Declaration for Amendments to the El Camino Real/Downtown Specific Plan (Attachment C)
2. Adopt a Resolution Amending the El Camino Real/Downtown Specific Plan (Attachment D)

Motion carried 7-0.

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Rogers, Thomas H

From: John Kadvany <jkadvany@sbcglobal.net>
Sent: Tuesday, October 07, 2014 5:44 PM
To: _CCIN
Cc: Rogers, Thomas H; McIntyre, Alex D; Eiref, Ben; Bressler, Vincent; Combs, Drew; Katherine Strehl; Onken, John; Ferrick, Katie
Subject: Medical office space reduction

Dear CC members:

As you know the Planning Commission voted unanimously to recommend amending the Specific Plan to limit medical office space in the plan area to a maximum, for a single development project, of 33,333 square feet. I understand that this number originated as 'one-third of a 100,000 square foot building'. My sense is that it would be administratively and practically more useful to use a number such as 35,000, 34,000, 33,000 or 30,000. A round number is easier to remember, communicate and use for arithmetic. Plus it avoids people having to ask where those extra digits came from. I'm sorry I didn't think of this last night to discuss with the other commissioners but I think they'd see the point of rounding to thousands as avoiding the false precision.

Thanks very,
John Kadvany / Menlo Park Planning Commissioner
cc: MP PC, Thomas Rogers, Alex McIntyre

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