



SPECIAL MEETING AGENDA

Date: 11/29/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Public Comment**

Under “Public Comment,” the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City 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. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Consent Calendar

- E1. Authorize the City Manager to enter into an agreement with SSA Landscape Architects for consultant services related to the Willow Oaks Park Improvements (Staff Report# 16-196-CC)
- E2. Authorize the Public Works Director to execute the Memorandum of Understanding between the Department of Transportation (Caltrans) District 4 and the City of Menlo Park for the San Mateo County Smart Corridors (Staff Report# 16-195-CC)
- E3. Approve City Council minutes for the meetings of October 25, November 1 and November 9, 2016 (Attachment)

F. Regular Business

- F1. Introduction of an ordinance to: Adopt the 2016 California Building Standards Code and Local Amendments; Amend Municipal Code Chapter 12.42, Flood Damage Prevention; Amend Municipal Code Chapter 12.48, Recycling and Salvaging of Construction and Demolition Debris; and Adopt a New Municipal Chapter 12.56, Streamline Permitting Process for Small Residential Rooftop Solar Systems (Staff Report# 16-198-CC)

G. Public Hearing – Continued from November 15, 2016

- G1. Consider and adopt the General Plan land use and circulation elements, introduce the zoning ordinance amendments and rezonings, and certify the Environmental Impact Report associated with the General Plan and M-2 Area Zoning Update (Staff Report# 16-199-CC)

H. Informational Items

- H1. Quarterly Financial Review of General Fund Operations as of June 30, 2016 (Staff Report# 16-197-CC)
- H2. Update on Emergency Wells 2 & 3 (Staff Report# 16-194-CC)

I. City Manager's Report

J. Councilmember Reports

K. Adjournment

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At every Regular Meeting of the City Council, in addition to the Public Comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the City Council's consideration of the item.

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

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STAFF REPORT

City Council

Meeting Date: 11/29/2016

Staff Report Number: 16-196-CC

Consent Calendar: **Authorize the City Manager to enter into an agreement with SSA Landscape Architects for consultant services related to the Willow Oaks Park Improvements**

Recommendation

Staff recommends that the City Council authorize the City Manager to enter into an agreement with SSA Landscape Architects for the Willow Oaks Park Improvements project in the amount of \$125,143 and authorize the City Manager to execute any contract amendments up to a maximum of \$25,000.

Policy Issues

The Project is consistent with City policies and 2016 City Council Work Plan item No. 40, Replace Willow Oaks dog park and install a restroom.

Background

The City's Capital Improvement Plan (CIP) for Fiscal Year (FY) 2014-15 included \$50,000 for community engagement process and preliminary design of the dog park at Willow Oaks. In FY 2015-16 an additional \$250,000 was added to complete the design and fund the renovation of the dog park. In FY 2016-17 the design and construction of the restroom was included in the CIP in the amount of \$350,000.

Analysis

Staff issued two Request for Proposals (RFP's), one for design and community engagement for new park restrooms and the second for design and community engagement for new and renovated City dog parks and sports field. The two RFPs were applicable to potential improvements at Lyle Park, Nealon Park, and Willow Oaks Park. Seven proposals were received between the two RFP's, but only SSA Landscape Architects responded to the RFP for new park restrooms which included Willow Oaks Park.

SSA Landscape Architects have been in business since 1989 with offices in Santa Cruz and San Francisco and focus on public facilities. They have a wide range of experience including the planning and design of parks and recreation facilities, sports fields, trails and stream restoration, public restrooms and dog parks. They offer services from master planning, community engagement, design, irrigation renovation, and construction management and construction administration. Some representative projects include Pajaro Community Park (Pajaro), Creekside Neighborhood Park (Mountain View), Linden Park (Redwood City), Del Medio Park (Mountain View), and Seven Seas Park (Sunnyvale).

After reviewing the RFPs, staff worked on refining the scope of work for this and other park projects at Lyle Park and Nealon Park. Ultimately, staff decided to combine the two Willow Oaks Park projects (i.e., new

restroom installation and dog park renovation) into a single scope of work called the Willow Oaks Park Improvements.

Staff then reached out to SSA Landscape Architects and started negotiations based on the revised scope. The revised scope for the Willow Oaks park improvements identified three potential restroom locations, confirmed that the public engagement process would be combined, and focused the design parameters for the dog park renovation, such as surface material. Staff successfully concluded negotiations for design services, including the preparation of construction drawings, in the amount of \$125,143. A contingency of \$25,000 is requested for additional community engagement, utility investigation and potential design revisions, if needed.

Impact on City Resources

The project budget of \$50,000 for the dog park renovation was included in the FY 2014-15 adopted CIP. An additional \$250,000 was included in the FY 2015-16 adopted CIP. In FY 2016-17 adopted CIP \$350,000 was added for the restroom component of the project.

Willow Oaks Park Improvements – Design & Construction Project	
Total Budget for Design & Construction	\$650,000
Consultant Contract Amount	\$125,143
Design Contingency (20%)	\$25,000
Design Management	\$35,000
Total Cost for Design Recommendation	\$185,143
Budget remaining for Construction, Contingency & Construction management	\$464,857

Environmental Review

The project is categorically exempt under Class 1 of the current State of California Environmental Quality Act Guidelines, which allows minor alterations and replacement of existing facilities.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

None

Report prepared by:
Michael Zimmermann, Senior Civil Engineer

Report reviewed by:
Justin Murphy, Director of Public Works



STAFF REPORT

City Council

Meeting Date:

11/29/2016

Staff Report Number:

16-195-CC

Consent Calendar:

Authorize the Public Works Director to execute the Memorandum of Understanding between the Department of Transportation (Caltrans) District 4 and the City of Menlo Park for the San Mateo County Smart Corridors

Recommendation

Staff recommends that the City Council authorize the Public Works Director to execute the Memorandum of Understanding (MOU) between the Department of Transportation (Caltrans) District 4 and the City of Menlo Park, for the San Mateo County Smart Corridors as included in Attachment A.

Policy Issues

The project is consistent with several General Plan goals, including Goal II-A to maintain a circulation system using the Roadway Classification System that will provide for the safe and efficient movement of people and goods throughout Menlo Park for residential and commercial purposes.

Background

The Smart Corridors Project in San Mateo County is a multi-agency coordination project that links traffic signals on designated arterial routes, along the US 101 corridor. The objective of the project is to provide information to motorists on alternative routes that can be utilized during a traffic incident resulting in a closure of US 101. By linking the traffic signals and installing new communication systems, the Smart Corridors Project allows quick response and improved traffic flow through the region during an incident. The Smart Corridors Project enables the project stakeholders to implement traffic management strategies through deployment of Intelligent Transportation Systems (ITS) elements along State routes and major arterials. Throughout the County, the project includes SR 82 (El Camino Real) between I-380 and the Santa Clara County Line, Bayfront Expressway (SR 84), and multiple perpendicular arterials between these routes in this section. In Menlo Park, El Camino Real (SR 82), Willow Road (SR 114), Bayfront Expressway (SR 84), Marsh Road, and Middlefield Road are routes included as smart corridors in San Mateo County.

In addition to the City, other nearby jurisdictions that are implementing Smart Corridors equipment include: The cities/towns of East Palo Alto, Atherton, Redwood City, San Carlos, Belmont, San Mateo, Burlingame, Millbrae, and San Bruno.

Analysis

On July 31, 2012, as authorized by the City Council, the City Manager executed the Ownership, Operations, and Maintenance agreement with the City/County Association of Governments (C/CAG) and County of San Mateo for the maintenance and operations of Smart Corridors equipment located within Menlo Park's

jurisdiction. This agreement defined the overall commitment and responsibilities regarding ownership, operation, and maintenance of Smart Corridors unique equipment located within the City's right-of-way during day-to-day operations and during major traffic incidents, as applicable.

The proposed MOU between Caltrans and the City of Menlo Park is to outline and define the roles and responsibilities, terms, and conditions between Caltrans and the City of Menlo Park for operation of City-owned traffic signals under predetermined conditions to implement the Smart Corridors Project.

Impact on City Resources

There is no impact to City's resources as no City funds are required for operation of the City traffic signals by Caltrans under the San Mateo County Smart Corridors project.

Environmental Review

This project is exempt from CEQA requirements as it is a Transportation System Management (TSM) project which involves implementing non-normal traffic signal timing plans at City traffic signals in response to changing traffic conditions as a result of traffic incidents on US 101.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Memorandum of Understanding between Caltrans and City of Menlo Park

Report prepared by:
Rene C. Baile, Associate Transportation Engineer

Report prepared by:
Nicole H. Nagaya, P.E, Transportation Manager

MEMORANDUM OF UNDERSTANDING
Between
DEPARTMENT OF TRANSPORTATION (CALTRANS) DISTRICT 4
And
THE CITY OF MENLO PARK
For the
SAN MATEO COUNTY SMART CORRIDORS

This Traffic Signal Operations Agreement is a Memorandum of Understanding (MOU) between the City of Menlo Park hereinafter referred to as "CITY," and the State of California, acting by and through the Department of Transportation - District 4, hereinafter referred to as "STATE," together referred to as PARTIES, is for the purpose of outlining and defining the roles, responsibilities, terms, and conditions for operation of CITY traffic signals under predetermined conditions to implement the San Mateo County Smart Corridors Project, hereinafter referred to as "Smart Corridors".

RECITALS

- A. Since 2007, CITY staff has participated in stakeholder workshops and have been working cooperatively to develop the Smart Corridors Project.
- B. The Smart Corridors is located along predefined designated arterial routes, parallel and perpendicular to US-101, including and not limited to State Route (SR)-82 (El Camino Real) between Interstate 380 (I-380) and University Avenue in East Palo Alto.
- C. The Smart Corridors enables CITY, STATE and other cities to implement traffic management strategies through the deployment of Intelligent Transportation System (ITS) elements along state routes and major local streets in San Mateo County.
- D. STATE will enter into a separate agreement with City/ County Association of Governments of San Mateo County (C/CAG) for the maintenance and operations of the Smart Corridors.
- E. CITY has previously entered into an agreement with C/CAG with regard to the ownership, operation and maintenance of Smart Corridor equipment.
- F. Unless otherwise stated, all provisions of prior agreements with C/CAG remain intact and apply to this agreement including shared used of Smart Corridors equipment and systems.
- G. Appendix A lists the CITY traffic signals and predefined arterial routes within the Smart Corridors.

AGREEMENT

GENERAL RESPONSIBILITIES

- STATE and CITY to collaborate on traffic signal timing plans along each predefined designated arterial routes as the initial response to an unplanned event on US-101, SR-82, SR-92, I-380, SR-84, SR-109, or SR-114.
- CITY to provide STATE information about modifications to signal phasing, vehicle detection or controller communications at CITY traffic signals in a timely manner.
- STATE to provide CITY information about modifications to signal phasing, vehicle detection or controller communications at STATE traffic signals in a timely manner.
- STATE and CITY to exchange lane closures, construction, or special events information along alternate routes in a timely manner.
- STATE to not disseminate any information about CITY traffic signals to any outside entity.
- CITY to not disseminate any information about STATE traffic signals to any outside entity.

NORMAL OPERATIONS

Normal Operations is defined as typical traffic conditions, and agencies operate and maintain their designated traffic signals.

- STATE and CITY to monitor the operations of their respective traffic signals.
- STATE and CITY to cooperate on traffic signal operations during normal operations and preplanned special events.

INCIDENT OPERATIONS

Incident Operations is defined as a period where typical traffic conditions change due to an unplanned event on the freeway or conventional highway reducing capacity by at least 50% requiring active monitoring and management from the STATE. Planned construction and maintenance activities are excluded and existing operational procedures and policies apply. This definition elaborates on the terms incident or “major incident” used in prior agreements.

- STATE to implement traffic signal timing plans at CITY traffic signals within the Smart Corridor as the initial response to an event on US-101, SR-82, SR-92, I-380, SR-84, SR-109, or SR-114.
- STATE to optimize traffic signal timing plans at CITY traffic signals in response to changing traffic conditions as required.
- STATE to notify CITY when STATE implements traffic signal timing plans at CITY traffic signals within 30 minutes in accordance to a mutually agreed upon protocol.
- STATE to monitor all affected traffic signals throughout the duration of the incident and implement the optimal traffic signal timing plans in response to changing traffic conditions as required.
- STATE to use trailblazer and arterial dynamic message signs in conjunction with the traffic signal timing plans as required.
- CITY to monitor affected CITY traffic signals and notify the STATE of changes to lane closures, construction, or special events.
- STATE to not modify CITY traffic signal controller parameters except for green times and phase sequences. STATE to confirm modified signal controller parameters do not violate any provisions in the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
- STATE to implement normal operations traffic signal timing plans at affected CITY and STATE traffic signals as soon as typical traffic conditions resume.
- STATE to provide a report to CITY summarizing the actions taken by the STATE in a timely manner.
- STATE and CITY to conduct review of traffic signal timing plans as required.
- If Smart Corridor traffic signal systems malfunctions, the STATE will not implement traffic signal timing plans at CITY traffic signals.

HOLD HARMLESS/ INDEMNITY

CITY shall indemnify and save harmless STATE and its agents, officers, and employees from all claims, suits or actions to the extent caused by the negligence, error, acts or

omissions of CITY, its agency's officers or employees related to or resulting from performance, or non-performance under this Agreement. STATE shall indemnify and save harmless CITY, its agents, officers, and employees from all claims, suits or actions to the extent caused by the negligence, error, acts or omissions of STATE, its agents, officers or employees related to or resulting from performance, or non-performance under this Agreement.

TERM OF OPERATIONS AGREEMENT

- a. This Operations Agreement shall be effective as of _____, 2016 and shall remain in full force and effect until amended or terminated.
- b. This Operations Agreement may be modified only in writing and by mutual consent of both Parties.


IN WITNESS WHEREOF, the Parties have executed this Operations Agreement on the date set forth above

AGREED AND EXECUTED BY:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION -
DISTRICT 4

CITY OF MENLO PARK

By: 
Sean Nozzari, Deputy District Director

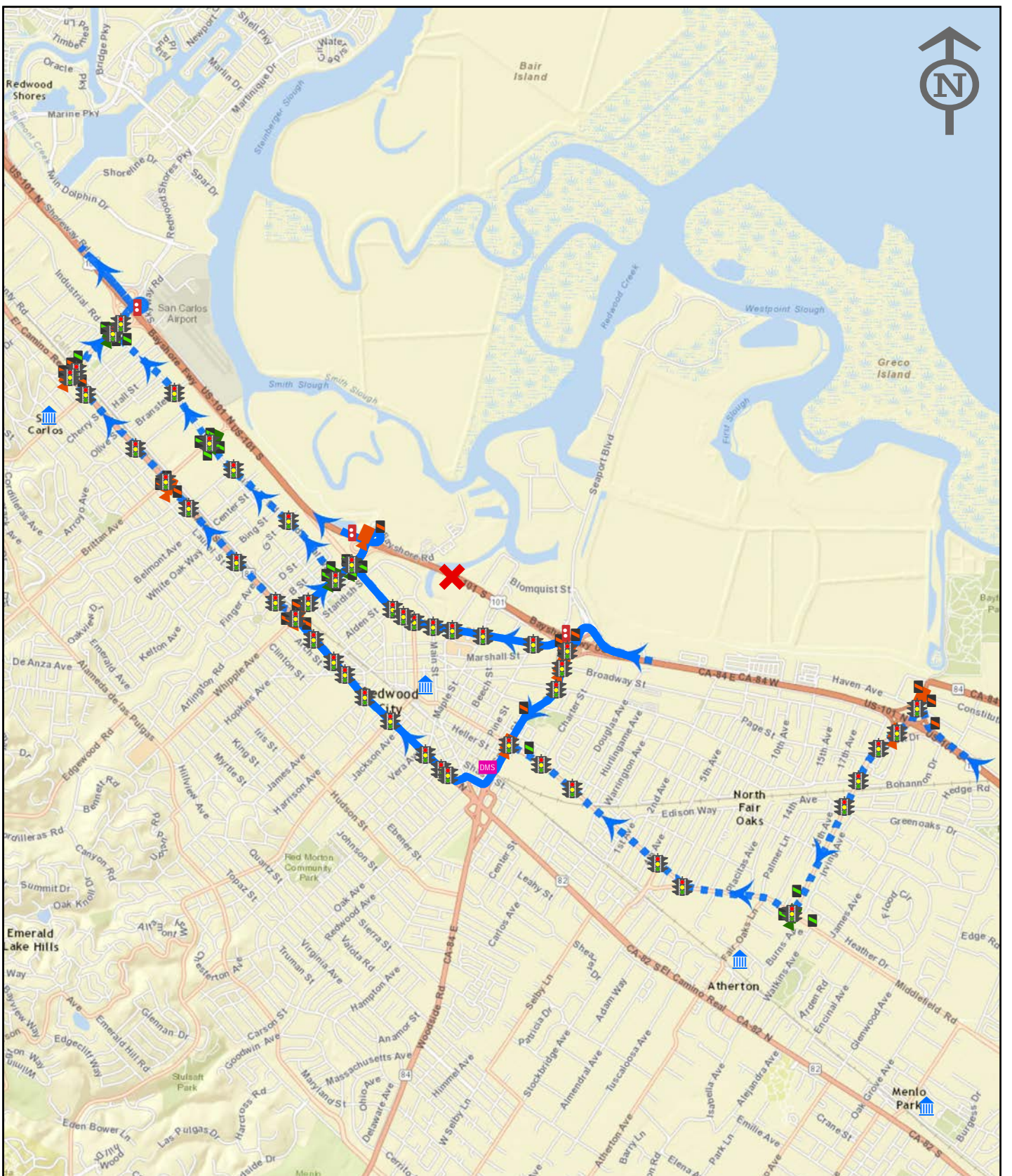
By: _____ 
Menlo Park Director of Public Works,
Justin Murphy

Date: 9/29/16

Date: _____

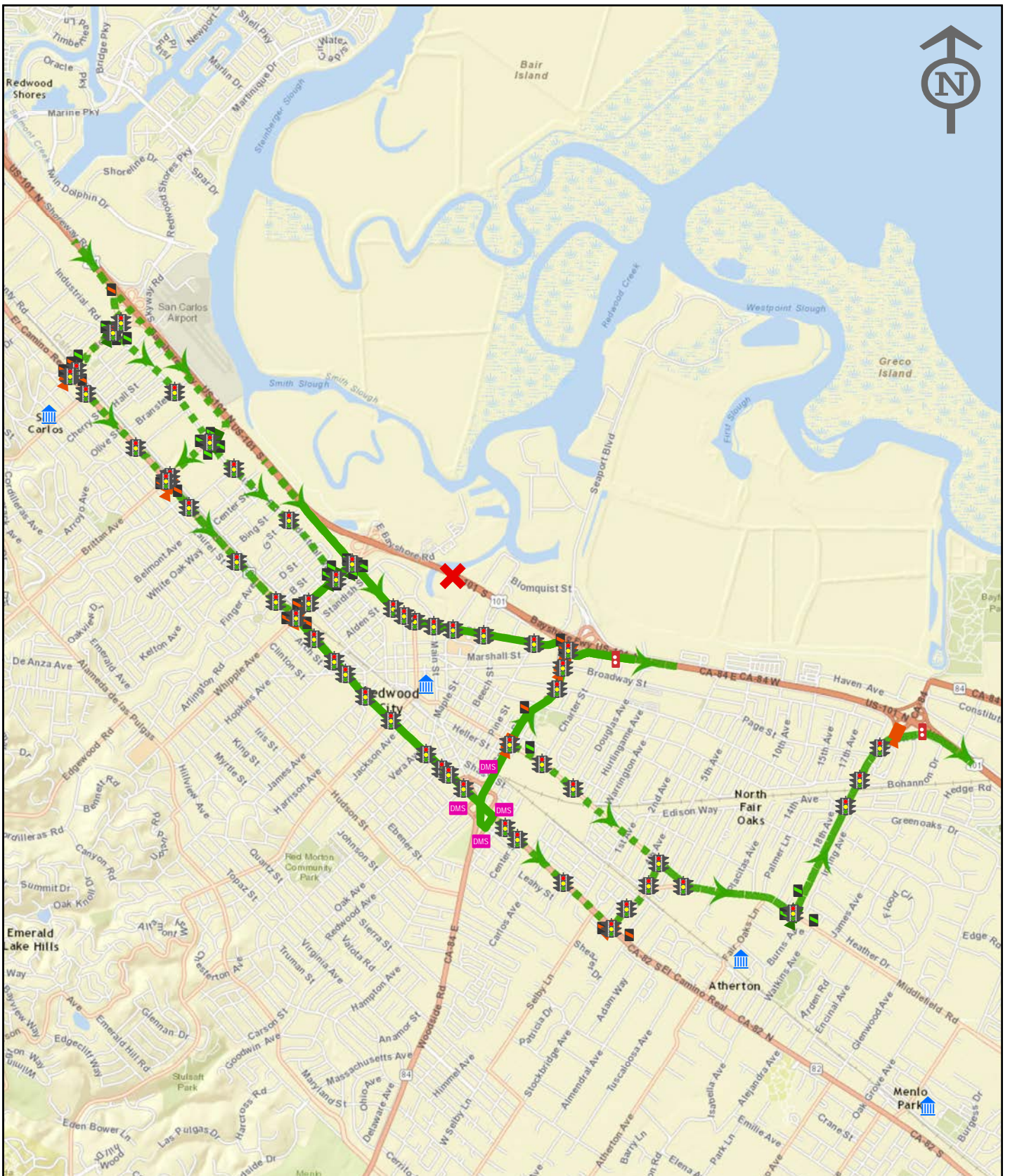
APPENDIX A

Routes and Traffic Signal Locations



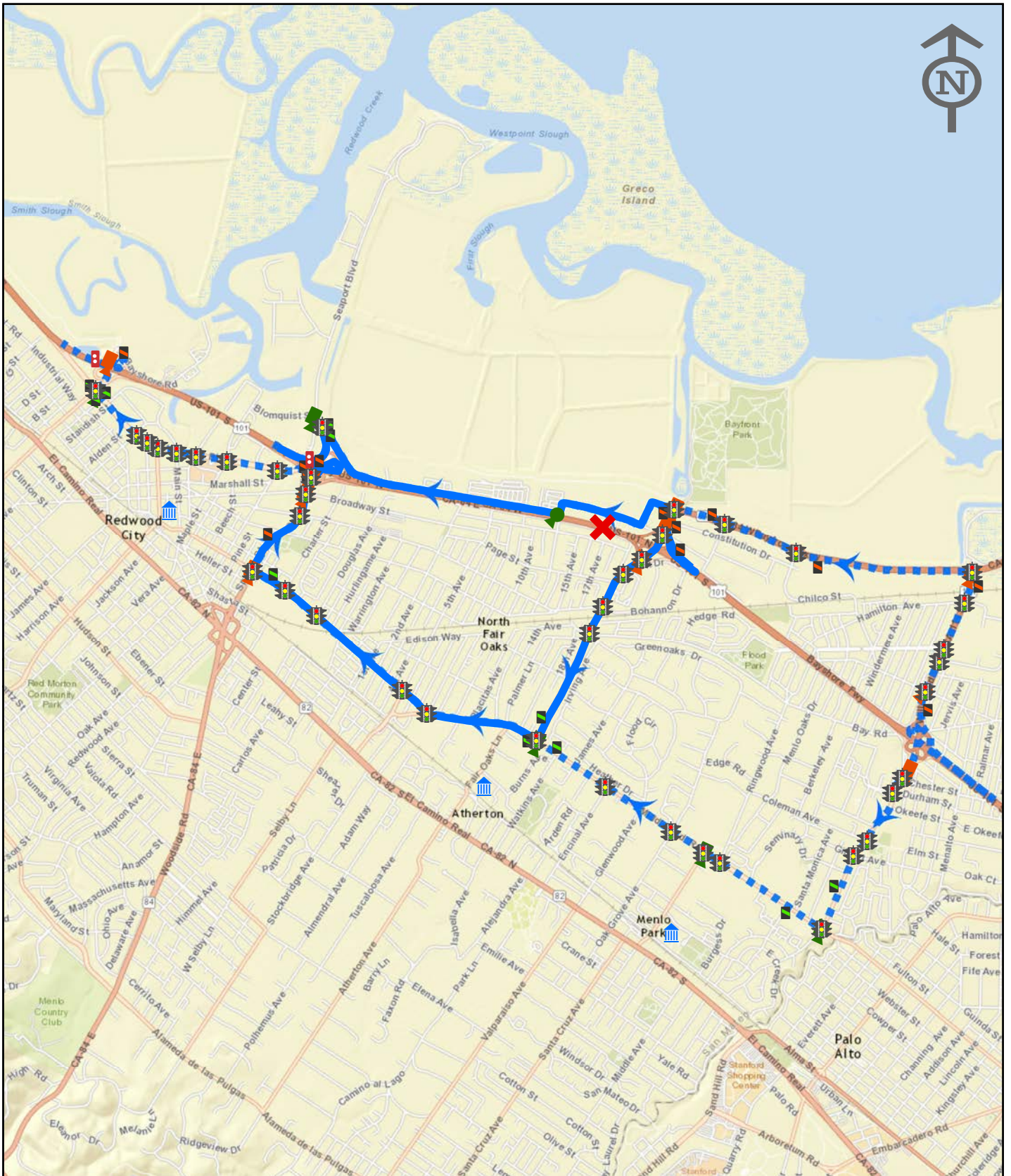
LEGEND				Diversion Routes	
	PTZ Camera (Local)		City Hall / TMC		Incident
	Fixed Camera (Local)		ADMS		Traffic Signal
	PTZ Camera (Caltrans)		Traiblazer (Local)		Ramp Meter
	Fixed Camera (Caltrans)		Traiblazer (Caltrans)		Primary
					Additional
					Direction

FREEWAY: US-101 NB Incident Location: Segment M - Between Whipple Ave and Woodside Rd/SR-84



LEGEND					
	PTZ Camera (Local)		City Hall / TMC		Incident
	Fixed Camera (Local)		ADMS		Traffic Signal
	PTZ Camera (Caltrans)		Traiblazer (Local)		Ramp Meter
	Fixed Camera (Caltrans)		Traiblazer (Caltrans)		Primary
					Additional
					Direction

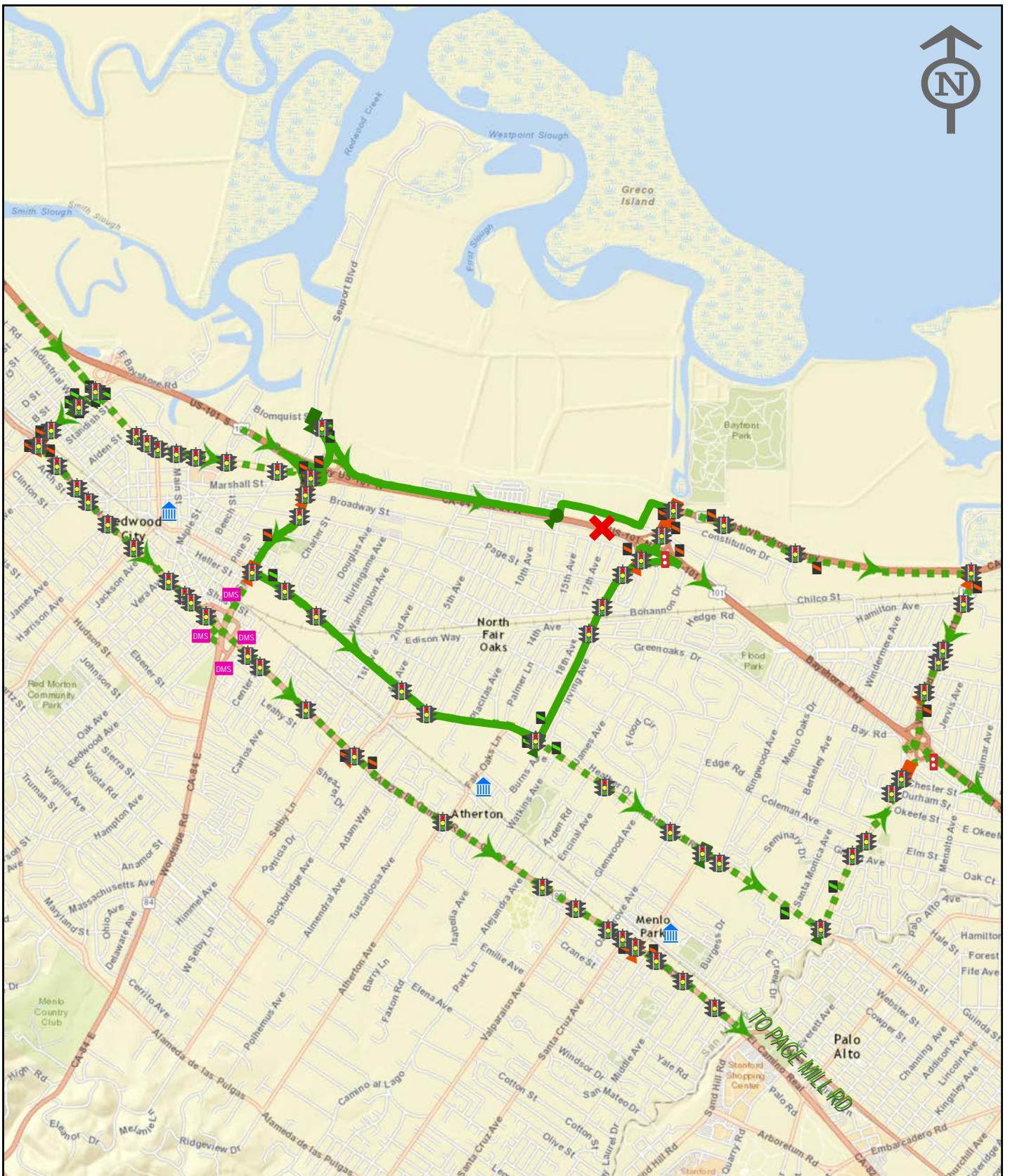
FREEWAY: US-101 SB Incident Location: Segment M - Between Whipple Ave and Woodside Rd/SR-84



LEGEND

	PTZ Camera (Local)		City Hall / TMC		Incident	Diversion Routes
	Fixed Camera (Local)		Trailblazer (Local)		Traffic Signal	
	PTZ Camera (Caltrans)		Trailblazer (Caltrans)		Ramp Meter	
	Fixed Camera (Caltrans)					
						Primary
						Additional
						Direction

FREEWAY: US-101 NB Incident Location: Segment N - Between Woodside Rd/SR-84 and Marsh Rd



LEGEND	
	PTZ Camera (Local)
	Fixed Camera (Local)
	PTZ Camera (Caltrans)
	Fixed Camera (Caltrans)
	City Hall / TMC
	ADMS
	Traiblazer (Local)
	Traiblazer (Caltrans)
	Incident
	Traffic Signal
	Ramp Meter
Diversion Routes	
	Primary
	Additional
	Direction

FREEWAY: US-101 SB

Incident Location: Segment N - Between Woodside Rd/SR-84 and Marsh Rd



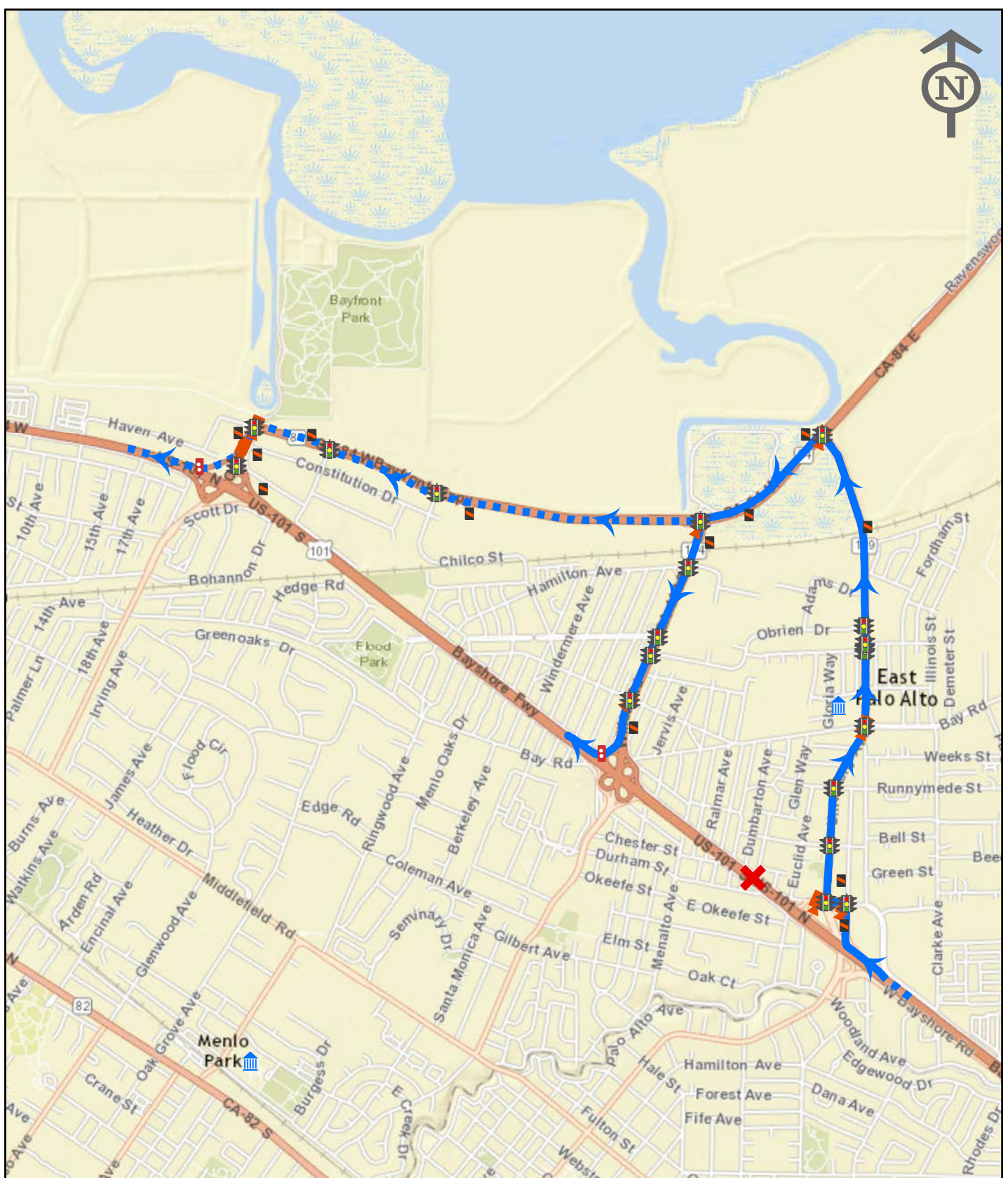
LEGEND	
	PTZ Camera (Local)
	Fixed Camera (Local)
	PTZ Camera (Caltrans)
	Fixed Camera (Caltrans)
	City Hall / TMC
	Trailblazer (Local)
	Trailblazer (Caltrans)
	Incident
	Traffic Signal
	Ramp Meter
Diversion Routes	
	Primary
	Additional
	Direction

FREEWAY: US-101 NB **Incident Location: Segment O - Between Marsh Rd and Willow Rd**



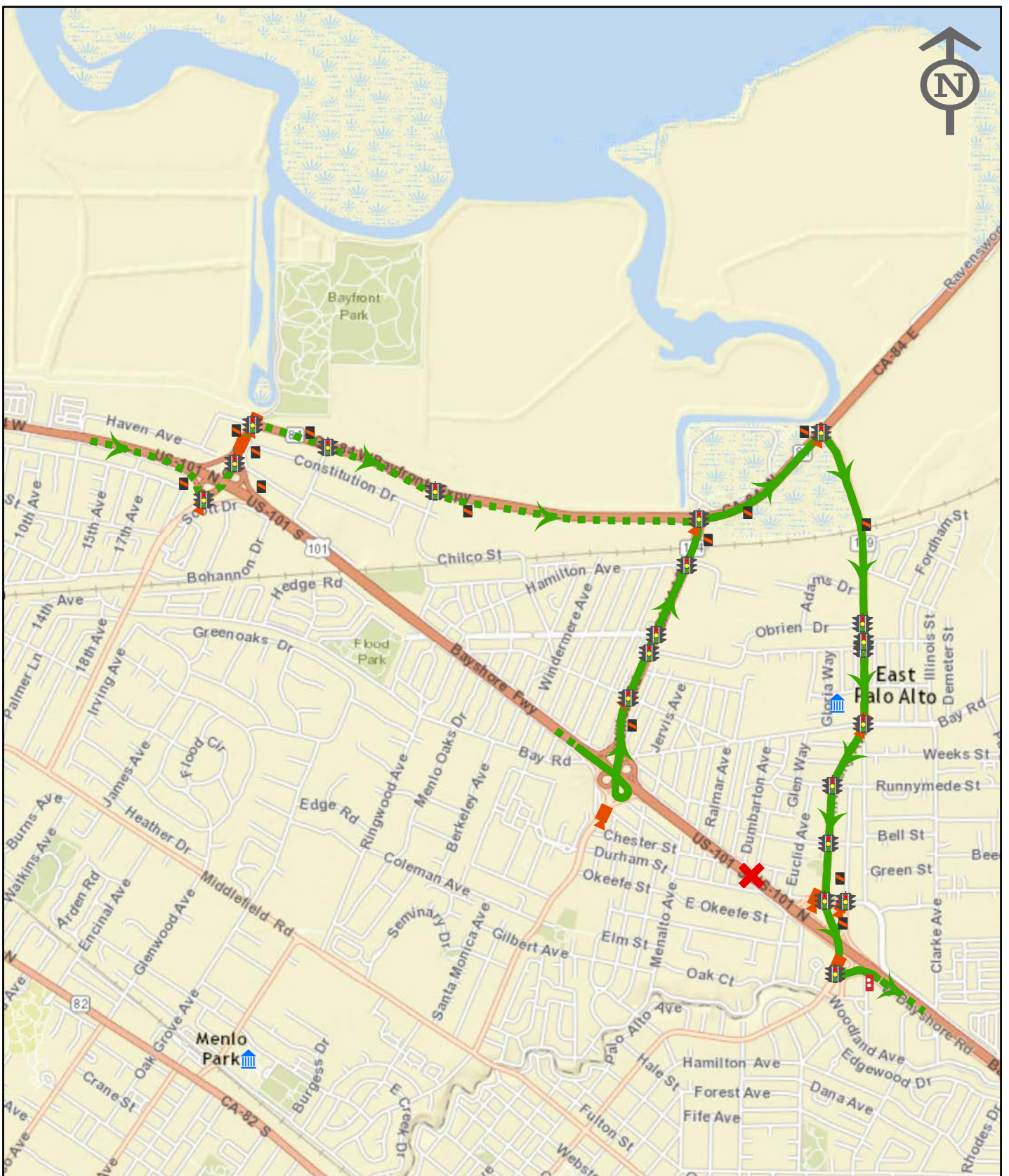
LEGEND	
	PTZ Camera (Local)
	Fixed Camera (Local)
	PTZ Camera (Caltrans)
	Fixed Camera (Caltrans)
	City Hall / TMC
	ADMS
	Trailblazer (Local)
	Trailblazer (Caltrans)
	Incident
	Traffic Signal
	Ramp Meter
Diversion Routes	
	Primary
	Additional
	Direction

FREEWAY: US-101 SB **Incident Location: Segment O - Between Marsh Rd and Willow Rd**



LEGEND				Diversion Routes	
	PTZ Camera (Local)		City Hall / TMC		Incident
	Fixed Camera (Local)		Trailblazer (Local)		Traffic Signal
	PTZ Camera (Caltrans)		Trailblazer (Caltrans)		Ramp Meter
	Fixed Camera (Caltrans)				Primary
					Additional
					Direction

FREEWAY: US-101 NB **Incident Location: Segment P - Between Willow Rd and University Ave**



LEGEND			
	PTZ Camera (Local)		City Hall / TMC
	Fixed Camera (Local)		Trailblazer (Local)
	PTZ Camera (Caltrans)		Trailblazer (Caltrans)
	Fixed Camera (Caltrans)		Incident
			Traffic Signal
			Ramp Meter
		Diversion Routes	
			Primary
			Additional
			Direction

FREEWAY: US-101 SB **Incident Location: Segment P - Between Willow Rd and University Ave**

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SPECIAL AND REGULAR MEETING MINUTES - Draft

Date: 10/25/2016
Time: 6:30 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:30 p.m. Closed Session (City Hall Administration Building, 1st floor conference room)

Mayor Cline called the closed session to order at 6:35 p.m. There was no public comment.

CL1. Closed Session pursuant to Government Code Section §54957.8 to confer regarding real property negotiations (1 item):

Property: Property owned by the City of Menlo Park located adjacent to 1080 O'Brien (APN 055434030), Menlo Park, CA

City Negotiators: City Attorney Bill McClure, City Manager Alex McIntyre, Assistant City Manager Chip Taylor

Negotiation: Potential sale of real property owned by the City of Menlo Park, including but not limited to sales price and other terms of sale

7:00 p.m. Regular Session

A. Call To Order

Mayor Cline called the meeting to order at 7:11 p.m.

B. Roll Call

Present: Carlton, Cline, Keith, Mueller, Ohtaki (appeared by telephone from Phoenix, AZ)
Absent: None
Staff: City Manager Alex McIntyre, City Attorney Bill McClure, City Clerk Pamela Aguilar

C. Pledge of Allegiance

Mayor Cline led the pledge of allegiance.

D. Report from Closed Session

Mayor Cline stated that there is no reportable action from tonight's closed session.

E. Presentations and Proclamations

E1. Presentation of Starship microdelivery service ([Presentation](#))

Henry Harris-Burland, Marketing and Communications Manager of Starship Technologies, made a presentation.

E2. Presentation by the San Mateo County Parks Department regarding new shuttle program and EIR schedule as well as next steps for the Flood Park renovation project ([Presentation](#))

Carla Schoof, San Mateo County Community Programs Manager, gave a presentation regarding the Park Shuttle service. Sarah Birkeland, Assistant Park Director, gave an update regarding Flood Park.

F. Public Comment

- Constance Mitchell spoke regarding relocating food courts during Summerfest to allow residents access
- Pamela Jones asked for clarification regarding the Belle Haven, Sequoia and Ravenswood schools and spoke regarding Belle Haven property values and community perception regarding the neighborhood

G. Consent Calendar

G1. Adopt **Resolution 6347 accepting dedication of a Public Right of Way Easement for the subdivision located at 702 Oak Grove Avenue and authorize the City Clerk to sign the Parcel Map ([Staff Report# 16-182-CC](#))**

G2. Award contracts totaling \$711,900 to Albany Ford/Subaru for 12 vehicles and Nixon-Egli Equipment for one Combination Storm Drain Cleaning Truck ([Staff Report# 16-183-CC](#))

G3. Authorize the City Manager to execute an amendment to the agreement with waterTALENT, LLC in the amount of \$75,000 for interim water operator services and appropriate \$130,000 from the water fund balance ([Staff Report# 16-181-CC](#))

G4. Approve an additional extension of the current lease agreement with Team Sheep Inc. for operation of Burgess and Belle Haven pools through March 1, 2017 ([Staff Report# 16-184-CC](#))

G5. Approve minutes for the City Council meeting of October 11, 2016 ([Attachment](#))

ACTION: Motion and second (Keith/Carlton) to approve all items on the Consent Calendar passes unanimously.

H. Regular Business

Mayor Cline called item H3 out of order.

H3. Approve the general location for the installation of the Menlo Gates Project on the Burgess Campus along Ravenswood Avenue and authorize the City Manager to waive all fees for processing and installation of the gates ([Staff Report# 16-185-CC](#)) ([Attachment](#))

City Manager Alex McIntyre introduced Ernst Meisner and Jym Clendinin of the Menlo Park Historical Society who gave a brief presentation.

ACTION: Motion and second (Keith/Ohtaki) to approve the general location for the installation of the Menlo Gates Project on the Burgess Campus along Ravenswood Avenue and authorize the City Manager to waive all fees for processing and installation of the gates passes unanimously.

- H1. Authorize the City Manager to execute a joint agreement with the Town of Atherton for a study and fiscal review of fire services ([Staff Report# 16-188-CC](#))

There was consensus by Council to table this item and the City Manager was directed to prepare a letter to the Fire District requesting information. If the Fire District does not respond, the City Council will reconsider this item at a future meeting.

Public Comment:

- Elias Blawie spoke regarding the City Council's involvement in issues of other jurisdictions

- H2. Discussion on addressing the issue of the displacement of residents in Menlo Park ([Staff Report# 16-189-CC](#))([Handouts](#))

Housing and Economic Development Manager Jim Cogan gave a brief presentation.

Public Comment:

- Pamela Jones suggested the City Council approve a resolution stating the City's intentions regarding housing and about empowering the Housing Commission

ACTION: Motion and second (Keith/Carlton) to approve mandatory non-binding arbitration, pursue an ordinance regarding long term leases and offering 12-month leases to renters, and a friendly amendment to hold a meeting possibly before the conclusion of the General Plan addressing best practices, a Nexus study for housing displacement, a displacement fund and best practices of neighboring cities passes unanimously.

Councilmember Mueller made a substitute motion for all of the above with the exception of removing the word "possibly" and that the meeting take place prior to conclusion of the General Plan. The motion dies for lack of a second.

Council directed staff to return with recommendations for actions that the City Council could take in the short term as well as information that could be used to prioritize possible future actions aimed at further addressing the concerns of possible resident displacement.

- H4. Approve the removal of four curb extensions and modify median islands on Willow Road between Middlefield Road and Durham Street and Authorize the City Manager to award applicable construction contracts up to the budgeted amount ([Staff Report# 16-186-CC](#))([Presentation](#))

Transportation Manager Nikki Nagaya gave a presentation.

ACTION: Motion and second (Keith/Ohtaki) to approve the removal of four curb extensions and modify median islands on Willow Road between Middlefield Road and Durham Street and Authorize the City Manager to award applicable construction contracts up to the budgeted amount passes 4-0-1 (Councilmember Mueller abstains) with the condition that this item be presented to the Transportation Commission and Bicycle Commission to review.

I. Informational Items

11. Update on the status of bus shelter installation in Belle Haven ([Staff Report# 16-187-CC](#))

Staff responded to Council questions regarding the number and location of bus shelters on Willow Road and costs.

12. Update on the Laurel Upper School Safe Routes to School Plan ([Staff Report# 16-180-CC](#))

Staff responded to questions regarding parking on Coleman Avenue and stated that there are no changes pending at this time and regarding bike safety around Café Zoe.

J. City Manager's Report

There was no report.

K. Councilmember Reports

There were no reports.

Public Comment:

- Elias Blawie spoke regarding housing and the General Plan and the Facebook project economic analysis.

L. Adjournment

Mayor Cline adjourned the meeting at 10:48 p.m.



SPECIAL MEETING MINUTES - Draft

Date: 11/1/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

7:00 p.m. Special Meeting

A. Call To Order

Mayor Cline called the meeting to order at 7:09 p.m.

B. Roll Call

Present: Carlton, Cline, Keith, Mueller, Ohtaki
Absent: None
Staff: City Manager Alex McIntyre, City Attorney Bill McClure, City Clerk Pamela Aguilar

C. Pledge of Allegiance

Mayor Cline led the pledge of allegiance.

D. Public Comment

- Pamela Jones spoke regarding the Housing Commission and housing displacement

E. Public Hearing

- E1. Consider the Planning Commission’s recommendation to approve the Facebook Campus Expansion Project located at 301-309 Constitution Drive ([Staff Report # 16-191-CC](#))

Senior Planner Kyle Perata made a presentation providing the background of the project proposal. Kirsten Chapman of the consulting firm ICF made a presentation regarding the Environmental Impact Report. Assistant City Manager Chip Taylor gave an overview of the Development Agreement. ([Staff Presentation](#))([FEIR Presentation](#))([Handouts](#))

John Tenanes of Facebook, Inc. and Craig Webb of Gehry Partners made a presentation on behalf of the applicant. ([Presentation](#))

Mayor Cline opened the public hearing.

Public Comment:

- Nora Sobolov, Job Train, spoke in support of the project
- Shakeam Campbell, Job Train graduate, expressed support for Facebook and the opportunity it helped provide him

- Sherinda Bryant, Menlo-Atherton HS, spoke regarding their partnership with Facebook and its donation toward scholarships
- James Ruigomez spoke regarding the jobs, revenue and standard of living provided by the project
- Krista Kobeski, Belle Haven resident, spoke regarding Facebook's investment in the community and in support of the project
- Mark Simon, San Mateo County Transit District, spoke in support of the project
- Rosanne Foust, SAMCEDA, thanked the Council for its efforts on this project and supports the project
- Cindy Clark, Sustainable Silicon Valley, spoke in support of the project and its net water savings
- Vicky Robledo spoke regarding the need for affordable housing in Belle Haven, traffic issues and preserving the diversity
- Anne Moser spoke in support of the project and also the need for low cost housing, after hours amenities, and encouraging more businesses into the area
- Bill Nack spoke in support of the project
- Miguel Cornelio spoke regarding Facebook's support of the Peninsula College Fund and how it benefitted him
- Phillip Powell, Peninsula College Fund, spoke regarding Facebook's support of its organization and in favor of the project
- David Cattivera, Rebuilding Together, spoke regarding its partnership with Facebook and in support of the project
- Jan Lindenthal, Mid Pen Housing, spoke regarding Facebook's commitment to help buy the building for mixed-income affordable housing and other efforts towards affordable housing
- Eileen McLaughlin spoke regarding meeting with Facebook to resolve issues
- Betsy Yanez spoke regarding Facebook's support of residential solar panel installation projects and in favor of the project
- Diane Bailey, Menlo Spark, spoke regarding the solar panel installation project
- Amy Arnold, Ravenswood Education Foundation, spoke regarding Facebook's support of its organization
- Laura Tolkoff, SPUR, spoke in support of the project and its benefit to the community
- Joanne Lewis, Santa Clara County Audubon Society intern, spoke regarding Facebook's collaboration with their organization
- Allan Bedwell spoke in support of the project
- Amy Wright, Life Moves, spoke regarding its partnership with Facebook
- Fran Dehn, Menlo Park Chamber of Commerce, expressed thanks for all involved in the project and in support of the project and encouraged the City to work with Facebook to resolve community challenges
- Estelle Marsh spoke regarding
- Opha Wray, Mount Olive Church, thanked Facebook for its support and in favor of the project

ACTION: Motion and second (Keith/Ohtaki) to close the public hearing passes by acclamation.

Discussion ensued regarding trip caps, housing, recycled water, TOT, ownership, easement for public access for the bike bridge, and terms of the development agreement.

ACTIONS: Motion and second (Ohtaki/Keith) to approve staff recommendations 1-9 passes unanimously.

Environmental Review

1. Adopt **Resolution 6351** certifying the Environmental Impact Report and adopting the findings required by the California Environmental Quality Act, certifying the Environmental Impact Report, adopting the Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program for the Facebook Campus Expansion Project, located at 300-309 Constitution Drive

Zoning Ordinance Text Amendment

2. Introduce an Ordinance amending the text of the M-2 (General Industrial) zoning district to add hotels, including ancillary facilities, to conditional uses.

Rezoning

3. Introduce an Ordinance rezoning the property at 300-309 Constitution Drive from M-2 (General Industrial) and M-2(X) (General Industrial, Conditional Development) to M-2(X) (General Industrial, Conditional Development)

Conditional Development Permit

4. Adopt **Resolution 6352** approving an amended and restated Conditional Development Permit for the property located at 300-309 Constitution Drive and 1 Facebook Way (Building 20)

Development Agreement

5. Introduce an Ordinance approving the Development Agreement for 301-309 Constitution Drive (Facebook Campus Expansion Project)

The draft Development Agreement required the payment within sixty (60) days of the City's final sign-off of building permits for the occupancy of Building 21. The City Council requested that the timing be changed to require payment within sixty (60) days from when the City is ready to proceed with the study. The City would make the request for payment in writing. The updated Draft Ordinance and Development Agreement will be presented at the November 15th City Council meeting for approval.

Lot Line Adjustment

6. Adopt **Resolution 6350** approving the lot line adjustment between parcels 055-260-250 (300-309 Constitution Drive) and 055-260-290 (1 Facebook Way, Building 20)

Heritage Tree Removal Permits

7. Adopt **Resolution 6348** approving the heritage tree removal permits for the Facebook Campus Expansion Project

Below Market Rate Housing Agreement

8. Adopt **Resolution 6349** approving a Below Market Rate Housing Agreement with Hibiscus Properties, LLC for the Facebook Campus Expansion Project



Authorize City Manager to Enter into Agreements

9. Authorize City Manager to enter into agreements associated with the approval of the project unless a condition of approval explicitly calls for review by the City Council.

F. Adjournment

Mayor Cline adjourned the meeting at 10:22 p.m.



SPECIAL MEETING MINUTES - Draft

Date: 11/9/2016
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:00 p.m. Special Meeting

A. Call To Order

Mayor Cline called the meeting to order at 6:09 p.m.

B. Roll Call

Present: Carlton, Cline, Mueller, Ohtaki, Keith (appeared by conference call from Southern California)
Absent: None
Staff: City Manager Alex McIntyre, City Attorney Bill McClure, City Clerk Pamela Aguilar

C. Pledge of Allegiance

Mayor Cline led the pledge of allegiance.

D. Public Comment

There was no public comment.

E. Presentations and Proclamations

E1. Presentation by SamTrans on the Dumbarton Transportation Corridor Study ([Presentation](#))

Project Manager Melissa Reggiardo, of SamTrans, made a presentation. Chief of Staff Mark Simons was also present and responded to questions.

Public Comment

- Adina Levin spoke regarding a regional coalition
- Gary Lauder spoke regarding congestion at the Willow Road interchange, safety and grade separations

Council requested an item be added to the next City Council meeting agenda to appoint a Dumbarton Corridor Transportation subcommittee. Potential discussion regarding the Willow/101 Project would need additional time.

F. Regular Business

F1. Approve the introduction of an ordinance that will establish the requirement for landlords to offer

12-month leases to renters and direction to staff on a second ordinance establishing mandatory non-binding arbitration for disputes between renters and landlords and prioritization of other possible actions to address displacement ([Staff Report# 16-191-CC](#))([Presentation](#))

Housing and Economic Development Manager Jim Cogan made a presentation.

Public Comment:

- Pamela Jones spoke regarding the human element to the housing and related processes
- Meg McGraw-Scherer, Housing Commissioner, spoke regarding residential impact and linkage fees, BMR funds for affordable housing and that affordable housing is included in the General Plan
- Marc Bryman spoke regarding ownership right and BMR incentives in lieu of fees
- Tom Prussing spoke regarding notice to the public, having reliable data and oversight for the mediation process
- Nancy Goldcamp, spoke regarding notice to the public and ownership rights
- Jeanne Merino, Community Legal Services, spoke regarding landlord participation in the arbitration process, local preference for BMR housing, rent stabilization and just cause eviction
- Henry Riggs spoke in support of the ordinance but expressed concern regarding relocation assistance
- Penelope Huang, Silicon Valley Association of Realtors, spoke regarding exempting certain housing from the ordinance and in support of 12-month leases
- Jessica Epstein, Silicon Valley Association of Realtors, spoke in support of the ordinance and the exemption list
- Rhory Lyn Antonio, California Apartment Association, spoke in support of the ordinance and for more affordable housing and more expanded programs
- Lee Smith, Silicon Valley Association of Realtors, spoke regarding professionally managed versus owner occupied properties
- Evelyn Stivers, Housing Leadership Council of San Mateo County, spoke in support of the ordinance

Council discussion ensued and there was general support to introduce the ordinance regarding 12-month leases.

ACTION: Motion and second (Carlton/Keith) to introduce an ordinance amending the Menlo Park Municipal Code to add a new Chapter 8.53 [Residential Leases for Rental Units] of Title 8 [Peace, Safety and Morals] that will establish the requirement for landlords to offer 12-month leases to renters (rental units are defined and exemptions are listed on page 2 of the draft ordinance) passes unanimously.

Council provided direction to hold a joint study session with the Housing Commission in the first quarter of 2017 to review mediation and the broader housing measures to address the concern of displacement as outlined in the staff report.

G. Informational Item

G1. Update on aircraft noise reduction efforts ([Staff Report# 16-190-CC](#))

Councilmember Ohtaki gave a brief update on the SFO Airport Roundtable Select Committee and

stated that Menlo Park's requests to the FAA have been included in a report to the City's congressional representative on this topic.

Councilmember Carlton mentioned that she is travelling to Asia and that there is a friendship city near Shanghai that she may visit.

F. Adjournment

Mayor Cline adjourned the meeting at 9:10 p.m.

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STAFF REPORT

City Council
Meeting Date: 11/29/2016
Staff Report Number: 16-198-CC

Regular Business: Introduction of an ordinance to: Adopt the 2016 California Building Standards Code and Local Amendments; Amend Municipal Code Chapter 12.42, Flood Damage Prevention; Amend Municipal Code Chapter 12.48, Recycling and Salvaging of Construction and Demolition Debris; and Adopt a New Municipal Chapter 12.56, Streamline Permitting Process for Small Residential Rooftop Solar Systems

Recommendation

Staff recommends that the City Council introduce an ordinance adopting the 2016 California Building Standards Code and local amendments to those codes, as well as to the City's Municipal Code in order to fully implement the updated State Codes (Attachment A).

Policy Issues

The adoption of the current State codes and proposed local amendments to the State codes and City's Municipal Code do not represent a change in City policy.

Background

The California Building Standards Code (California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, & 12) is published in its entirety every three years and is applicable to all buildings that submit an application for a building permit during its effective period. The Building Standards Code incorporates regulations applicable to disciplines of the construction industry including the Building, Electrical, Mechanical, and Plumbing Codes. Attachment B is a table showing the correlation between each Part of the Building Standards Code, the scope of work each Part applies to, and the agency responsible for enforcement of each Part.

The California Building Standard Codes are based on model codes written by the International Code Council, the National Fire Protection Association, the International Association of Plumbing and Mechanical Officials, the Building Standards Commission, and California Energy Commission. The publication of code updates by these organizations triggers State consideration, amendment, and adoption of an updated set of codes to be used by jurisdictions within the state. Each triennial edition of the California Building Standards Code becomes effective 180 days after its publication date of July 1. Therefore, the 2016 Building Standards Codes go into effect on January 1, 2017 and all applications for building permits submitted after January 1, 2017 will be subject to the 2016 Building Standards Code.

Local amendments to the Building Standards Code can be approved at any time during a triennial code

cycle however standard practice is to have these local amendments approved prior to and become effective with the new Building Standards Code to provide for a smoother transition for the building community. The adoption of the Building Standards Code and local amendments is a standard activity with the last adoption by the City occurring in December of 2013.

Analysis

The California Health and Safety Code enables local jurisdictions to modify the California Building Standards Code and adopt different or more restrictive requirements with the caveat that:

- The local modifications must be substantially equivalent to, or more stringent than, building standards published in the California Building Standards Code; and
- The local jurisdiction is required to make specific or express findings that such changes are reasonably necessary because of local geological, climatic, or topographic conditions.

A local jurisdiction must adopt the current California Building Standards Code in order to also adopt local amendments.

Title 12, Buildings and Construction, of the City of Menlo Park Municipal Code, incorporates the Building Standards Code plus locally adopted amendments to the codes and is known as the Building Code of the City of Menlo Park. The Building Code of the City of Menlo Park applies to the construction of any building or structure in the city on public or private land except for structures constructed in the public right of way.

The proposed ordinance (Attachment A) adopts all parts of the 2016 California Standards Building Code with the exception of Parts 7 and 9. Part 7 is vacant but had previously been the California Elevator Safety Construction Code. This code has been moved to a different Title within the California Code of Regulations. Part 9 is the California Fire Code which is enforced by the Menlo Park Fire Protection District (Fire District). The section of this report titled *Adoption of Proposed Local Amendments* provides a detailed description of the local amendments recommended by staff.

The Menlo Park Fire Protection District is also proposing an ordinance adopting local amendments to the 2016 California Fire Code. The local amendments must be adopted by the Fire District's Board and ratified by the City of Menlo Park in order to be enforced within the city. The Fire District is continuing to work with staff on the local amendments and anticipates returning to Council for consideration of the local amendments early in 2017.

Adoption of Proposed Local Amendments

Staff is proposing local amendments to four Parts of the Building Standards Code, including Parts 2, 2.5, 5, and 11. Part 2 of the Building Standards Code is the 2016 California Building Code (CBC). Part 2.5 is the 2016 California Residential Code (CRC). Part 5 is the 2016 California Plumbing Code (CPC). Part 11 is the California Green Building Standards Code (CAL Green). The proposed local amendments are described in more detail below.

In addition to the local amendments described below, the pending General Plan and zoning update may trigger an additional local amendment to sustainability requirements that would exceed the State code. If needed, staff is prepared to follow adoption of the General Plan and zoning update immediately with the necessary local amendment.

Amendment Establishing Local Administrative Authority (Part 2 CBC Chapter 1 Division II)

The two primary State agencies responsible for the adoption of sections of the California Building Standards Code are the Department of Housing and Community Development (HCD) and the Building Standards Commission (BSC). HCD is responsible for adopting regulations applicable to one- and two-family residences and townhomes and BSC is responsible for adopting regulations applicable to non-residential structures and multi-family structures other than townhomes.

The State statutes that establish the authority for BSC to adopt the California Building Standards Code do not provide BSC with the authority to adopt any provision within the Code related to the administration and enforcement of the Building Standards Code. This allows each jurisdiction the opportunity to establish these requirements to fit their needs. HCD does not have the same limitation placed on them by the State statutes.

CBC Chapter 1 Division II establishes administrative authority for the enforcement of the Building Standards Code which could not be adopted by BSC but was adopted by HCD. This section addresses critical elements of enforcement such as the requirements for permits, minimum submittal documents, inspections and authorizes the Building Division of the local jurisdiction to collect fees and issue Stop Work Orders. As currently adopted by the State, this section would only apply to one- and two-family residences and townhomes. Staff is recommending its adoption as a local amendment so the provisions of this section are applicable to all structures in the City of Menlo Park. This local amendment has been adopted with each past triennial cycle.

Amendment Establishing Standards for Grading and Excavation (Part 2 CBC Appendix J)

Appendix J establishes standards for grading, excavation, and other earthwork construction. This appendix was adopted by HCD but not by BSC. Many local jurisdictions have local ordinances specific to grading activities however Menlo Park does not. The adoption of Appendix J will establish critical elements of enforcement such as the requirements for permits, minimum submittal documents, geotechnical reports and shoring.

Neither Appendix J or other Federal, State or County statutes establish environmental standards with regards to human health concerns for imported fill. The proposed amendment to Appendix J will establish standards based on recommended standards by the State Department of Toxic Substances Control's *Informational Advisory for Clean Imported Fill*. The informational advisory was written in response to the lack of regulation and to minimize the possibility of introducing contaminated soil onto a site that requires imported fill.

As currently adopted by the State, standards for grading and excavation would only apply to one- and two-family residences and townhomes and would not establish standards for imported fill. This amendment is consistent with the same amendment adopted by Council as part of the 2013 Code amendments except for the reference to the State Department of Toxic Substances Control's *Informational Advisory for Clean Imported Fill*. This additional reference will have no additional impact on construction in the City as it is being included to memorialize the City's current practices and procedures. Staff is recommending adoption of a local amendment so that the provisions of this section are applicable to all structures in the City of Menlo Park.

Amendment Establishing the Type of Work Exempt from Building Permits (Part 2 and 2.5)

Section 105.2 of the CBC and section R105.2 of the CRC establishes 13 types of work exempt from building permits. Staff is accepting five of the exemptions as written and recommending eight of the exemptions be amended to be consistent with local amendments previously adopted by the City.

The five exemptions from building permits that are being accepted are:

- Oil derricks;
- Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1;
- Temporary motion picture, television and theater stage sets and scenery;
- Prefabricated swimming pools accessory to a Group R-3 occupancy (single family homes and duplexes) that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground; and
- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

The proposed local amendments for work exempt from building permits are described in the table below. The range of work includes certain types of 1) accessory structures, 2) fences, 3) retaining walls, 4) water tanks, 5) exterior flat work, 6) interior finish work, 7) playground equipment, and 8) awnings. The local amendments to work exempt from permits and imported fill are more stringent than the 2016 California Building Standards Code and are based on geological conditions specific to the Bay Area, as required by the California Health and Safety Code. The specific findings related to these conditions are stated in Section 1 of the proposed ordinance. These amendments are consistent with previous amendments and current City practices and will not result in an additional impact on construction in the City.

Table 1		
State Code Requirement	Proposed Local Amendment	Amendment Explanation
<p>California Building Code (CBC) Section 105 and California Residential Code (CRC) Section R105 - Building #1</p> <p>Exemption from building permit for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²)</p>	<p>Exemption from building permit for detached accessory buildings used as tool and storage or garden sheds or similar uses, provided the height does not exceed eight feet, the projected roof area does not exceed 64 square feet, and the structure complies with Section 16.68.030 Accessory buildings and/or structures of the City of Menlo Park Municipal Code</p>	<p>The CBC and CRC exempt the same structures as described in the proposed local amendment but allows 120 square feet in size with no height limitation. Until 2010, the adopted local amendment restricted the detached accessory buildings to a maximum size of 50 square feet and six feet in height to be exempt from a building permit. The 2010 local amendment increased the overall size and height to a maximum of 64 square feet and eight feet in height to allow for modest sized “modern” sheds. Additionally the amendment specifies the Zoning Ordinance section that establishes the requirements for accessory structure location on a property. The 2016 proposed local amendment is consistent with the 2010 amendment.</p>

<p>CBC Section 105 and CRC Section R105 - Building #2</p> <p>Exemption from building permits for fences not over seven feet in height.</p>	<p>Exemption from building permits for wood fences not over seven feet in height.</p>	<p>The CBC and CRC exempt fences not over seven feet in height. This amendment includes a specification for wood. The proposed 2016 local amendment is consistent with the 2010 amendment.</p>
<p>CBC Section 105- Building #4 and CRC Section R105 - Building #3</p> <p>Exemption from building permit for retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.</p>	<p>Exemption from building permits for retaining walls which are not over two feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III liquids.</p>	<p>The CBC and CRC exempt retaining walls with the same restrictions that are not over four feet in height as measured from the bottom of the footing. This local amendment allows for deeper footings that may be required for geological conditions without requiring a reduction in wall height. The proposed 2016 local amendment is consistent with the 2010 amendment.</p>
<p>CBC Section 105 - Building #5 and CRC Section R105 - Building #4</p> <p>Exemption from building permit for water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.</p>	<p>Exemption from building permits for detached free-standing water tanks supported directly on a concrete foundation at grade if the capacity does not exceed 500 gallons and the height above grade does not exceed six feet and the height to width ratio does not exceed 2:1.</p>	<p>The CBC and CRC exempt the same water tanks but with a maximum capacity of 5,000 gallons and where the height to width ratio does not exceed two to one. The reduction in the overall size and capacity established in this local amendment will ensure a structural design consistent with the CBC, protection of neighboring properties, and enforcement of the Zoning Ordinance. The proposed 2016 local amendment is consistent with the 2010 amendment.</p>
<p>CBC Section 105 - Building #6</p> <p>Exemption from building permit for sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or <i>story</i> below and are not part of an <i>accessible route</i>.</p> <p>CRC Section R105 – Building #5</p> <p>Exemption from building permit from sidewalks and driveways</p>	<p>Exemption from building permits from platforms, walks, and driveways not more than 12 inches above grade and not over any basement or story below.</p>	<p>The CBC and CRC exempt the same platforms, walks, and driveways but to a height of 30 inches. This local amendment is consistent with previously adopted local amendments and allows for enforcement of Zoning Ordinance requirements.</p>



<p>CRC Section R105 – Building #5</p> <p>Exemption from building permit from sidewalks and driveways</p>	<p>Exemption from building permits from platforms, walks, and driveways not more than 12 inches above grade and not over any basement or story below.</p>	<p>The CBC and CRC exempt the same platforms, walks, and driveways but to a height of 30 inches. This local amendment is consistent with previously adopted local amendments and allows for enforcement of Zoning Ordinance requirements.</p>
<p>CBC Section 105 - Building #7 and CRC Section R105 - Building #6</p> <p>Exemption from building permit for painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.</p>	<p>Exemption from building permit for painting, papering, carpeting, and similar finish work.</p>	<p>The CBC exempts the painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work. This local amendment removes the exemption for tiling, cabinets, and counter tops and is consistent with the previously adopted local amendment which removes the possibility of a “remove and replace” remodel of a kitchen, bath, or other portion of a building from occurring without that room meeting current building code requirements.</p>
<p>CBC Section 105 - Building #11</p> <p>Exemption from building permits for swings and other playground equipment accessory to detached one- and two-family dwellings.</p> <p>CRC Section R105 - Building #8</p> <p>Exemption from building permits for swings and other playground equipment</p>	<p>Exemption from building permits for swings and other playground equipment accessory to detached one- and two-family dwellings not exceeding 120 square feet as measured at the supports or nine feet in height as measured from existing natural grade to the top of the highest structural member, guard rail, or appendage.</p>	<p>The CBC and CRC exempt swings and other playground equipment accessory to detached one- and two-family dwellings without establishing a size limitation. This local amendment establishes an allowable maximum size and height after which a building permit will be required which ensures a safe structure and enforcement of Zoning Ordinance requirements. The proposed 2016 local amendment is consistent with the 2010 amendment.</p>

CBC Section 105 - Building #12

Exemption from building permits for window *awnings* in Group R-3 and U occupancies supported by an *exterior wall* that do not project more than 54 inches from the exterior wall and do not require additional support.

CRC Section R105 - Building #9

Exemption from building permits for window *awnings* supported by an *exterior wall* that do not project more than 54 inches from the exterior wall and do not require additional support.

Exemption from building permits for window awnings in Group R-3 and U occupancies supported by an exterior wall of occupancy when projecting not more than thirty-six (36) inches.

The CBC and CRC exempt awnings to a maximum projection of 54 inches. This local amendment is consistent with previously adopted local amendments.

Amendment prohibiting the use of a single-pass cooling system (Part 5)

Staff is proposing to add Section 808.2 to the CPC to prohibit single pass cooling systems. A single pass or once-through cooling system circulates water once through a piece of equipment and is then disposed into the sanitary sewer system. Types of equipment that typically use single pass cooling include CAT scanners, degreasers, hydraulic equipment, condensers, air compressors, welding machines, vacuum pumps, ice machines, x-ray equipment, and air conditioners. Single pass cooling systems can require up to 40 times more water than closed loop systems and are being phased out and replaced with more efficient processes to reduce the unnecessary consumption of potable water. The U.S. Office of Energy Efficiency and Renewable Energy has established Best Management Practices for improved water efficiency in federal buildings and campuses, which recommend the modification or elimination of single-pass cooling systems.

The prohibition of single-pass systems have been identified by both the City’s Water and Sustainability Divisions as a way to reduce water consumption and help ensure adequate supply for future development within the City. This prohibition was included as part of the City’s Stage 2 Water Contingency Plan (Resolution 6261) adopted in May, 2015 and by the City of Palo Alto as an amendment to the 2013 and 2016 CPC. The adoption of this amendment will only potentially impact large non-residential projects such as the new Facebook Building 22 and the phase two of the Menlo Gateway project on Constitution Drive.

Amendment to Clarify Flood Damage Prevention Requirements (Part 2.5 and Municipal Code Chapter 12.42, Flood Damage Prevention)

The 2016 CRC includes new requirements for one- and two-family residences and townhomes located in a flood zone. The 2016 CBC does not include these same updated provisions, however it does include some new definitions related to flood zones. Additionally FEMA has updated their model code for use by local jurisdictions. Staff has compiled all of the changes and amended the City’s Flood Damage Prevention ordinance. A redlined version of the ordinance has been included as Attachment C.

The majority of the changes are relatively minor including, but not limited to, the reference to updated datum, terms and definitions. Also, the 2016 CRC requires that the finished floor of buildings subject to its regulations be built with the lowest floor a minimum of 12” above the Base Flood Elevation (BFE). The



lowest floor is defined as the lowest enclosed area including basements and the BFE is defined as the elevation shown on the Flood Insurance Rate Map that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

Since the CBC did not adopt the same language as the CRC, a single family home built in the flood zone would be required to have its first floor 12" above the BFE while an apartment building (or a commercial building) across the street would not. Rather, the apartment building would be required to have its first floor at or above the BFE since it is regulated under the CBC not the CRC. To minimize flood losses and promote public health and safety with regards to all buildings in the flood zone, staff intends to evaluate a potential future amendment to the City's Flood Damage Prevention ordinance to require all new and substantially improved buildings be constructed with their lowest floor a minimum of 12" above BFE. It should be noted that the proposed General Plan Amendment would require new buildings within the three new zoning districts to have the first floor elevation of 24" above BFE.

The CRC also needed to be amended for reconciliation purposes. Table R301.2(1), Climatic and Geographic Design Criteria is left blank in the CRC with the intention of local jurisdictions amending it to provide the required design criteria which includes flood hazard information. Section R322.1 is being amended to direct design professionals and contractors to the City's Flood Damage Prevention ordinance for requirements not specifically included in the CRC.

Finally, staff also took the opportunity to update the Flood Damage Prevention ordinance to include language from California's Model Floodplain Management Ordinance which was created by the Department of Water Resources to help communities meet the minimum requirements of the National Flood Insurance Program (NFIP). This update ensures the City stays in compliance with the NFIP regulations and maintains eligibility for financial reimbursement from FEMA for losses due to flood damage.

Amendment to Strengthen Recycling and Salvaging of Construction Debris (Part 11 and Municipal Code Chapter 12.48, Recycling and Salvaging of Construction and Demolition Debris)

The 2016 Cal Green includes new requirements for the diversion of waste generated during the construction process. Menlo Park was one of the first jurisdictions in the Bay Area to adopt an ordinance mandating the salvage and recycling of construction waste. The 2016 Cal Green requirements exceed the City's requirements for the first time which provided Building and Sustainability Division staff the opportunity to update the City's Recycling and Salvaging of Construction and Demolition Debris ordinance (C&D ordinance). A redlined version of the ordinance has been included as Attachment D.

The primary update to the ordinance is related to the diversion rate of waste material from the landfill requirement and the requirements for a construction management plan. Currently the C&D ordinance requires a 60 percent diversion rate and the 2016 Cal Green requires 65 percent. However Cal Green does not require a monetary deposit to ensure that the construction waste is being diverted where the current C&D ordinance does. Staff felt that this is an important tool to ensure compliance and achieve the environmental gains the original ordinance intended. Therefore, the language specific to a monetary deposit is being retained.

Another change that is being proposed is to require both inert material, such as concrete and asphalt, and non-inert material, such as wood and sheetrock, at the rate established in the 2016 Cal Green. Currently the C&D ordinance requires 60 percent of the estimated tonnage of debris to be diverted with a maximum of 35 percent of the tonnage being inert materials. This was to ensure that non-inert materials such as wood and sheetrock were being diverted. The proposed change will require both inert and non-inert material to be diverted at the 65 percent rate which will potentially increase the amount of material being diverted and enable staff to use an outside vendor to help track the waste tonnage.

Cal Green is also being amended to direct design professionals and contractors to the City's C&D ordinance for requirements not specifically included in Cal Green. The adoption of this amendment should not have an impact on construction projects as they are already diverting these materials from the waste stream.

New Section of the Municipal Code to Streamline the Permitting Process for Small Residential Rooftop Solar Systems (Municipal Code Chapter 12.56)

On September 21, 2014, Governor Jerry Brown approved Assembly Bill No. 2188 (AB 2188), which requires cities and counties to adopt an ordinance to expedite the permitting process for small residential rooftop solar energy systems. A small solar energy system is defined as capable of generating 10 kilowatts or less of electrical current or 30 kilowatts of thermal energy. AB 2188 also requires that local jurisdictions create and adopt checklists and sample plans that facilitate the process for application submittal, plan review and inspections.

The State has long supported solar energy projects, starting with the California Solar Rights Act, which became law in 1979. The Solar Rights Act establishes the right of homeowners and businesses to access sunlight to generate solar energy and limits the ability of local governments and homeowner associations to prevent the installation of solar systems. The Solar Rights Act requires local government to use an administrative, non-discretionary review process for applications. Furthermore, it prohibits restrictions for aesthetic reasons, unless it can be proved that the installation adversely impacts public safety. However, how permits for solar energy systems are processed by local jurisdictions does not necessarily reflect State law or the spirit of the State's intentions. AB 2188 is intended to address this issue.

The process of review and inspection of solar installations and the costs of the associated permit varies greatly across jurisdictions. While the City of Menlo Park has a long standing policy of expedited permitting for residential and commercial solar permits, other jurisdictions across the State may require several weeks of review and multiple submittals before a project is approved and a permit is issued. This has caused frustration and unnecessary delays for solar contractors obtaining permits. In addition to expedited permit review and issuance, the City of Menlo Park only requires one inspection for small residential rooftop installations, with subsequent inspections only as needed if there are corrections to be made. Larger commercial installations such as those completed last year as part of the City's power purchase agreement required multiple inspections for each installation location.

The Sierra Club has completed several studies demonstrating that the fees for solar installations vary across the State. However City Council approved a fee of \$0.00 in November of 2007, for all residential and commercial solar systems demonstrating a commitment to the reduction in greenhouse gasses.

AB 2188 cites a study by the Lawrence Berkeley National Laboratory, which states that the uneven practices by local municipalities creates an "obstacle" to the State's clean energy and greenhouse emissions reduction goals, and a "burdensome cost" to property owners. By requiring adoption of an ordinance through AB 2188, the State hopes to eliminate the uneven treatment of solar system projects by certain cities and counties. This will be accomplished through standardized plan submittal, expedited review and one inspection unless deficiencies are noted in the field during inspection.

The California Solar Permitting Guidebook, which was adopted by the Governor's Office of Planning and Research, is intended to serve as a resource for local governments and permitting agencies to facilitate installation of small solar energy systems. AB 2188 requires creation of checklists and plan examples, which would make clear the requirements for both document submittal and inspection. While AB 2188 requires adoption of an ordinance, the result will only be to memorialize the City's current practices and procedures already in place for solar permitting.

If the ordinance to adopt the local amendments is introduced by the Council, staff will prepare the final ordinance for adoption at the December 6, 2016 Council meeting. If adopted, the local amendments will become effective on January 1, 2017, simultaneously with the 2016 California Building Standards Code.

Impact on City Resources

The adoption of the current State codes and proposed local amendments will not result in any direct costs to the City.

Environmental Review

The adoption of the proposed ordinance is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting, posting a notice at the City Hall Development Service Counter, and notification by email to interested individuals.

Attachments

- A. Ordinance No. ___ amending Title 12 (Buildings and Construction) of the Menlo Park Municipal Code adopting The 2013 California Building Standards Code Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 and amendments thereto.
- B. California Building Standards Code Table
- C. Redlined Municipal Code Chapter 12.42, Flood Damage Prevention
- D. Redlined Municipal Code Chapter 12.48, Recycling and Salvaging of Construction and Demolition Debris

Report prepared by:
Ron La France
Assistant Community Development Director/Building

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING TITLE 12 [BUILDINGS AND CONSTRUCTION] OF THE MENLO PARK MUNICIPAL CODE TO ADOPT THE 2016 CALIFORNIA BUILDING STANDARDS CODE PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 AND AMENDMENTS THERETO; AMEND MUNICIPAL CODE CHAPTER 12.42, FLOOD DAMAGE PREVENTION; AMEND MUNICIPAL CODE CHAPTER 12.48, RECYCLING AND SALVAGING OF CONSTRUCTION AND DEMOLITION DEBRIS; AND ADOPT MUNICIPAL CODE CHAPTER 12.56, STREAMLINE PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.

WHEREAS, the City of Menlo Park ("City") wishes to adopt a building code in accordance with law and to use the most updated regulations in the processing of development in the City; and

WHEREAS, because of the City's unique local climatic, geologic and topographic conditions, the City desires to make amendments and additions to the Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES **ORDAIN** AS FOLLOWS:

SECTION 1: FINDINGS AND DETERMINATIONS. The following local geologic conditions justify modifications to California Building Standards Code.

a. **Geological**: The City is located in Seismic Risk Zones D, E, and F, which are the most severe earthquake zones in the United States. The area includes various soils and areas with significant movement potential. Buildings and other structures in Zones D, E and F can experience major seismic damage. Lack of adequate building designs and detailing as well as the lack of flexible materials and/or building systems have been contributing factors to damage that reduces the life-safety of building occupants and increases the cost of the rehabilitation of structures.

b. **Climatic**: The City is located in a climatic zone with precipitation ranging from 13 to 20 inches per year with an average of approximately 15 inches per year. Ninety-five percent of precipitation falls during the months of November through April, leaving a dry period of approximately six months each year. Relative humidity remains moderate most of the time. Temperatures in the summer average around 80 degrees Fahrenheit and in the winter in the mid 50 degrees Fahrenheit. Prevailing winds in the area come from the west with velocities generally in the 12 miles per hour range, gusting form 25 to

35 miles per hour. These climatic conditions require compliance with energy efficiency standards for building construction.

c. Topographic: Areas of highly combustible dry grasses, weeds, brush and trees adjacent to structures are common throughout the City. Above ground electrical power transmission lines are suspended through trees and above large areas of dry vegetation. The arrangement of man-made features around many buildings greatly limit any approach to all but one side of a building.

SECTION 2: DELETION OF EXISTING MUNICIPAL CODE SECTIONS: Existing Chapter 12.06 [California Building Code Amendments] and Chapter 12.08 [California Residential Code Amendments] are hereby deleted.

SECTION 3: AMENDMENT OF CODE. Section 12.04.010 [Municipal Building Code] of Chapter 12.04 [Adoption of Codes] of Title 12 [Buildings and Construction] of the Menlo Park Municipal Code is amended to read as follows:

“12.04.010. Municipal building code. The following codes are hereby adopted and by reference are incorporated herein as if set forth in full:

- A. The 2016 California Administrative Code, published by the International Code Council, as amended in Part 1 of the California Building Standards Code, California Code of Regulations Title 24;
- B. The International Building Code 2015 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 2 of the California Building Standards Code, California Code of Regulations Title 24, (“California Building Code”);
- C. The International Residential Code 2015 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 2.5 of the California Building Standards Code, California Code of Regulations Title 24, (“California Residential Code”);
- D. The National Electrical Code 2014 Edition published by the National Fire Protection Association together with those omissions, amendments, exceptions and additions thereto as amended in Part 3 of the California Building Standards Code, California Code of Regulations Title 24, (“California Electrical Code”);
- E. The Uniform Mechanical Code 2015 Edition, published by the International Association of Plumbing and Mechanical Officials together with those omissions, amendments, exceptions and additions thereto as amended in Part 4 of the California Building Standards Code, California Code of Regulations Title 24, (“California Mechanical Code”);
- F. The Uniform Plumbing Code 2015 Edition, including the Installation Standards thereto, published by the International Association of Plumbing and Mechanical Officials together with those omissions, amendments, exceptions

and additions thereto as amended in Part 5 of the California Building Standards Code, California Code of Regulations Title 24, (“California Plumbing Code”);

- G. The 2016 California Energy Code, published by the International Code Council, as amended in Part 6 of the California Building Standards Code, California Code of Regulations Title 24;
- H. The 2016 California Historical Building Code, published by the International Code Council, as amended in Part 8 of the California Building Standards Code, California Code of Regulations Title 24;
- I. The International Existing Building Code 2015 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 10 of the California Building Standards Code, California Code of Regulations Title 24, (“California Existing Building Code”);
- J. The 2016 California Green Building Standards Code, published by the International Code Council, as amended in Part 11 of the California Building Standards Code, California Code of Regulations Title 24; and
- K. The 2016 California Referenced Standards Code, published by the International Code Council, as amended in Part 12 of the California Building Standards Code, California Code of Regulations Title 24.

A copy of each code is on file in the office of the City Clerk. The provisions of this title, including said codes and amendments thereto, shall be known as the building code of the City.”

SECTION 4: AMENDMENT OF CODE. Chapter 12.06 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

**Chapter 12.06
CALIFORNIA BUILDING CODE AMENDMENTS**

Sections:

- 12.06.010 Chapter 1 Division II adopted and Section 105.2 of Chapter 1 Division II amended.
- 12.06.020 Appendix J adopted and Section J104.5 added.

12.06.010 Chapter 1 Division II adopted and Section 105.2 amended. Chapter 1 Division II of the California Building Code is hereby adopted, and Section 105.2 of Chapter 1 is amended as follows:

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other law or ordinance of the City of Menlo Park. Permits will not be required for the following:

1. One-story detached accessory buildings used as tool and storage or garden sheds or similar uses, provided the height does not exceed eight feet, the projected roof area does not exceed 64 square feet, and the structure complies with Section 16.68.030 Accessory buildings and/or structures of the City of Menlo Park Municipal Code
2. Wood fences not over seven feet high.
3. Oil Derricks.
4. Retaining walls which are not over two feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III liquids.
5. Detached free-standing water tanks supported directly on a concrete foundation at grade if the capacity does not exceed five 500 gallons and the height above grade does not exceed six feet and the height to width ratio does not exceed two to one.
6. Platforms, walks, and driveways not more than 12 inches above grade and not over any basement or story below.
7. Painting, papering, carpeting, and similar finish work.
8. Temporary television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R Division 3 occupancy that are less than 24 inches deep, do not exceed 5,000 Gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems
11. Swings and other playground equipment accessory to detached one- and two-family dwellings not exceeding 120 square feet as measured at the supports or nine feet in height as measured from existing natural grade to the top of the highest structural member, guard rail, or appendage.
12. Windows awnings supported by an exterior wall of Group R Division 3 occupancy when projecting not more than 36 inches.
13. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over five feet nine inches in height.

Unless otherwise exempted by this code, a separate Building permit for plumbing, electrical, and mechanical work will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work done in a manner in violation of the provisions of these codes or any laws or ordinances of the City of Menlo Park.

12.06.020 Appendix J adopted and Section J104.5 added.

Appendix J of the California Building Code is hereby adopted and Section J104.5 is added to read as follows:

J104.5 Imported Fill. Prior to the import of fill, the origin of the fill shall be identified by a licensed geotechnical engineer and samples of the soil shall be tested and shown to meet the standards established in the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) guidelines for clean imported fill material. The test results from the samples shall be submitted to and approved by the Building Official prior to the fill being brought on site.

SECTION 5: AMENDMENT OF CODE. Chapter 12.08 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

CALIFORNIA RESIDENTIAL CODE AMENDMENTS

Sections:

- 12.08.010 Chapter 1 Division II adopted and Section R105.2 of Chapter 1 Division II amended.
- 12.08.020 Table R301.2(1) of Chapter 3 amended.
- 12.08.020 Section R322.1 of Chapter 3 amended.

12.08.010 Section R105.2 of Chapter 1 Division II amended.

Chapter 1 Division II adopted and Section R105.2 amended. Chapter 1 Division II of the California Residential Code is hereby adopted, and Section R105.2 of Chapter 1 is amended as follows:

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other law or ordinance of the City of Menlo Park. Permits will not be required for the following:

1. Detached accessory buildings used as tool and storage or garden sheds or similar uses, provided the height does not exceed 64 square feet, and the structure complies with Section 16.68.030 Accessory buildings and/or structures of the City of Menlo Park Municipal Code
2. Wood fences not over seven feet high.
3. Oil Derricks.
4. Retaining walls which are not over two feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III liquids.

5. Detached free-standing water tanks supported directly on a concrete foundation at grade if the capacity does not exceed five 500 gallons and the height above grade does not exceed six feet and the height to width ratio does not exceed two to one.
6. Platforms, walks, and driveways not more than 12 inches above grade and not over any basement or story below.
7. Painting, papering, carpeting, and similar finish work.
8. Temporary television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R Division 3 occupancy that are less than 24 inches deep, do not exceed 5,000 Gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems
11. Swings and other playground equipment accessory to detached one- and two-family dwellings not exceeding 120 square feet as measured at the supports or nine feet in height as measured from existing natural grade to the top of the highest structural member, guard rail, or appendage.
12. Windows awnings supported by an exterior wall of Group R Division 3 occupancy when projecting not more than 36 inches.
13. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over five feet nine inches in height.

Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work done in a manner in violation of the provisions of these codes or any laws or ordinances of the City of Menlo Park.

12.08.020 Table R301.2(1) of Chapter 3 amended.

Table R301.2(1) of Chapter 3 of the California Residential Code is amended as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY'	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP'	ICE BARRIER UNDERLAYMENT REQUIRED'	FLOOD HAZARDS ⁹	AIR FREEZING INDEX'	MEAN ANNUAL TEMPI
	Speed ⁹ (mph)	Topographic 'Grade'sh	Special wind region'	Wind-borne debris zone''		Weathering'	Frost line depth''	Termite'					
NA	110	NA	NA	NA	D-E	NA	NA	NA	NA	NA	MP Muni Code Section 12.42	NA	58.55

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(3). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, 0216 or C652.
 - b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
 - c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
 - d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)4 Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
 - e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
 - f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
 - g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
 - h. In accordance with Sections R905.1.2, R905.4.3.1, 8905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
 - i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
 - j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
 - k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
1. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements, Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2.1. the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

12.08.030 Section R322.1 of Chapter 3 amended.

Section R322.1 of Chapter 3 of the California Residential Code is amended as follows:

R322.1 General. Buildings and structures constructed in whole or part in flood hazard areas including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and restoration of substantial damaged of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section and Chapter 12.42, Flood Damage Prevention, of the City of Menlo Park’s Municipal Code. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions of associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.”

SECTION 6: AMENDMENT OF CODE. Chapter 12.14 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

CALIFORNIA PLUMBING CODE AMENDMENTS

Sections:

12.14.010 Section 808.2 of Chapter 8 added.

12.14.010 Section 808.2 of Chapter 8 added.

Section 808.2 of the California Plumbing Code is added to read as follows:

808.2 Single Pass Cooling Water Systems Prohibited. Clean running water used only once for exclusively as a cooling medium in an appliance, device, or apparatus is prohibited.

SECTION 7: AMENDMENT OF CODE. Chapter 12.18 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

CALIFORNIA GREEN BUILDING STANDARDS CODE AMENDEMENTS

Sections:

12.18.010 Section 4.408.1 of Chapter 4 amended

12.18.020 Section 5.106.1 of Chapter 5 amended

12.18.030 Section 5.408.1 of Chapter 5 amended

12.18.010 Section 4.408.1 of Chapter 4 amended

Section 4.408.1 of Chapter 4 is amended to read as follows:

4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of both inert and non-inert nonhazardous demolition waste and 65 percent of both inert and non-inert nonhazardous construction waste in accordance with Section 4.408.2, 4.408.3 or 4.408.4 and meet the requirements of Chapter 12.48

Recycling and Salvaging of Construction and Demolition Debris City of Menlo Park
Municipal Code.

Exceptions:

1. Excavated soil and land clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

12.18.020 Section 5.106.5.3.1 of Chapter 5 amended

5.106.5.3 Electric Vehicle (EV) charging. New construction and alterations to existing buildings located in the City of Menlo Park's LS, O or R-MU zoning districts shall comply with the Zoning District's requirement for the installation and pre-wire of EV chargers. New construction not located in the City of Menlo Park's LS, O or R-MU zoning districts shall comply with Sections 5.106.5.3.1 of section 5.106.5.3.2 to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE is/are installed, it shall be in accordance with the *California Building Code, California Electric Code* and as follows:

12.18.030 Section 5.408.1 of Chapter 5 amended

Section 5.408.1 of Chapter 5 is amended to read as follows:

5.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of both inert and non-inert nonhazardous demolition waste and 65 percent of both inert and non-inert nonhazardous construction waste in accordance with Section 5.408.2, 5.408.3 or 5.408.4 and meet the requirements of Chapter 12.48 Recycling and Salvaging of Construction and Demolition Debris City of Menlo Park Municipal Code.

Exceptions:

1. Excavated soil and land clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

SECTION 8: AMENDMENT OF CODE. Chapter 12.42 of Title 12 [Buildings and

Construction] is hereby deleted and replaced in its entirety to read as follows:

Municipal Code Chapter 12.42, Flood Damage Prevention

FLOOD DAMAGE PREVENTION

Sections:

- 12.42.11 Statutory authorization.**
- 12.42.12 Finding of fact.**
- 12.42.13 Statement of purpose.**
- 12.42.14 Methods of reducing flood losses.**
- 12.42.20 Definitions.**
- 12.42.31 Lands to which this chapter applies.**
- 12.42.32 Basis for establishing the areas of special flood concern.**
- 12.42.33 Compliance.**
- 12.42.34 Abrogation and greater restrictions.**
- 12.42.35 Interpretation.**
- 12.42.36 Warning and disclaimer of liability.**
- 12.42.37 Severability.**
- 12.42.41 Development permit.**
- 12.42.42 Designation of the floodplain administrator.**
- 12.42.43 Duties and responsibilities of floodplain administrator.**
- 12.42.51 Standards of construction.**
- 12.42.52 Standards for utilities.**
- 12.42.53 Standards for subdivisions.**
- 12.42.54 Standards for manufactured homes and recreational vehicles.**
- 12.42.55 Floodways.**
- 12.42.56 Coastal high hazard areas.**
- 12.42.61 Appeals and variances.**
- 12.42.62 Variance conditions and requirements.**

12.42.11 Statutory authorization.

The legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

12.42.12 Finding of fact.

(a) The flood hazard areas of the city of Menlo Park are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the

public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other area. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

12.42.13 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

12.42.14 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (2) Requiring that uses vulnerable to flood, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

12.42.20 Definitions.

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Accessory structure" means a structure that is either: solely for the parking of no more than 2 cars or a small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

(2) "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

(3) "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(4) "Area of special flood hazard." See "Special flood hazard area."

(5) "Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

(6) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

(7) "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building materials which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

(A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(B) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

(8) "Building." See "structure."

(9) "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

(10) "Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling,

grading, paving, excavation or drilling operations or storage of equipment or materials.

(11) "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

(12) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(13) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(14) "Flood, flooding, or floodwater" means a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of floodwaters; (B) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (C) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

(15) "Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

(16) "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

(17) "Flood insurance rate map" as defined in the California Building Code as amended from time to time.

(18) "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood and supporting technical data.

(19) "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(20) "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

(21) "Floodplain management" means the operation of an overall program of

corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resource in the floodplain including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations and open space plans.

(22) "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. This term describes such federal, state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(23) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures and their contents.

(24) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "regulatory floodway."

(25) "Floodway fringe" means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

(26) "Fraud and victimization," as related to Section [12.42.61](#), means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly-constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increase risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

(27) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(28) "Governing body" means the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

(29) "Hardship," as related to Section [12.42.61](#), means the exceptional hardship that would result from a failure to grant the requested variance. The city requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic

or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere, or put the parcel to a different use than originally intended.

(30) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(31) "Historic structure" means any structure that is:

(A) Listed individually in the National Register of Historic places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

(32) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(33) "Levee system" means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

(34) "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

(A) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

(i) The wet floodproofing standard in subsection (3)(C) of Section 12.42.51;

(ii) The anchoring standards in subsection (1) of Section 12.42.51;

(iii) The construction materials and methods standards in subsection

(2) of Section 12.42.51;

(iv) The standards for utilities in Section 12.42.52.

(B) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements. This prohibition includes below-grade garages and storage areas.

(Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements).

(35) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

(36) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

(37) "Market value" is defined in the City of Menlo Park's substantial damage/improvement procedures.

(38) "Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(39) "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community and includes any subsequent improvements to such structure.

(40) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

(41) "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

(42) "One-hundred year flood" or "100-year flood" means a flood which has a one percent (1%) annual probability of being equaled or exceeded in any given year. It is identical to the "base flood," which will be the term used throughout this chapter.

(43) "Person" means an individual or his agent, firm, partnership, association or

corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

(44) "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

(45) "Public safety and nuisance," as related to Section 12.42.62, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage of use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin.

(46) "Recreational vehicle" means a vehicle which is:

- (A) Built on a single chassis;
- (B) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(47) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(48) "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

(49) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(50) "Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(51) "Sheet flow area." See "area of shallow flooding."

(52) "Special flood hazard area (SFHA)" means an area having special flood or flood related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AR, AO, AH, E, M, V1-V30, VO, VE or V.

(53) "Start of construction" includes substantial improvement and other proposed new development, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other

improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(54) "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(55) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(56) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

(A) Before the improvement or repair is started; or

(B) If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed.

For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(A) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code violations identified by the building official and are the minimum necessary to assure safe living conditions, or

(B) Any alterations of a structure meeting the Historic Structure definition as defined in Section 12.42.20 provided that the alteration will not preclude the structures continued designation as a "Historic Structure".

(57) "V zone." See "coastal high hazard area."

(58) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(59) "Violation" means the failure of a structure or other development to be fully

compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(60) "Water surface elevation" means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88), (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverline areas.

(61) "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographical feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

12.42.31 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Menlo Park.

12.42.32 Basis for establishing the areas of special flood concern.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated August 4, 1980 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated February 4, 1981, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. The study, FIRMs and FBFMs are on file at the City of Menlo Park Public Works Department, 701 Laurel Street, Menlo Park, CA 94025.

12.42.33 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements including violations of conditions and safeguards established in connection with conditions shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

12.42.34 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

12.42.35 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

12.42.36 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Menlo Park, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

12.42.37 Severability.

This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

12.42.41 Development Permit

- A. A development permit shall be obtained before construction or development begins within any area of special flood hazards established in Section 12.42.32. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: Plans in duplicate, drawn to scale, showing:
 1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 2. Proposed locations of water supply, sanitary sewer, and other utilities;
 3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 4. Location of the regulatory floodway when applicable;
 5. Base flood elevation information as specified in Section 12.42.32 or Section 12.42.43(C);
 6. Proposed elevation in relation to mean sea level, of the lowest floor

- (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 12.42.51(3)(C) of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
- B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 12.42.51(3)(C).
 - C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 12.42.51(3)(D) of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
 - D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - E. All appropriate certifications listed in Section 12.42.43(7) of this ordinance.

12.42.42 Designation of the floodplain administrator.

The public works director/city engineer is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

12.42.43 Duties and responsibilities of floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

- (1) Permit Review.
 - (A) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;
 - (B) All other required state and federal permits have been obtained;
 - (C) The site is reasonably safe from flooding;
 - (D) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point.
 - (E) All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project

and land preparation as specified in the “start of construction” definition.

(2) Development of Substantial Improvement and Substantial Damage Procedures:

- A. Using FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “Market Value.”
- B. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

(3) Review, Use, and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 12.42.32, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 12.42.51 through 12.42.56. Any such information shall be submitted to the City Council for adoption.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.

(4) Whenever a watercourse is to be altered or relocated:

- (A) Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and;
- (B) Require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

(5) Base Flood Elevation changes due to physical alterations:

- (A) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
- (B) All LOMR’s for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR’s). Approved CLOMR’s allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(6) Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

- (7) Obtain and maintain for public inspection and make available as needed:
 - (A) The certification required in subsection (3)(B) of Section 12.42.51 (lowest floor elevations);
 - (B) The certification required in subsection (3)(C)(iii) of Section 12.42.51 (elevation or floodproofing of nonresidential structures);
 - (C) The certification required in subsection (3)(D)(i) or (3)(D)(ii) of Section 12.42.51 (wet floodproofing standard);
 - (D) The certification required in subsection (b) of Section 12.42.53 (subdivision standards);
 - (E) The certification required in subsection (1) of Section 12.42.55 (floodway encroachments);
 - (F) Information required by Section 12.42.56 (Coastal construction standards).
- (8) Make interpretations where needed, as to the location of the boundaries of the areas of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 12.42.61 and 12.42.62.
- (9) Take action to remedy violations of this chapter as specified in Section 12.42.33.

12.42.51 Standards of construction.

In all areas of special flood hazards the following standards are required:

- (1) Anchoring.
 - (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (B) All manufactured homes shall meet the anchoring standards of Section 12.42.54.
- (2) Construction Materials and Methods.
 - (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the

components during conditions of flooding.

(D) All new construction and substantial improvements shall be constructed within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(3) Elevation and Floodproofing.

(A) Residential construction (as defined by the California Residential Code and amended from time to time), new or substantial improvement, shall have the lowest floor, including basement comply with the elevation requirement provisions of the California Residential Code in affect at the time of start of construction.

(B) Other Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

(i) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet (2') above the highest adjacent grade if no depth number is specified;

(ii) In an A zone, elevated to or above the base flood elevation, as determined by this community;

(iii) In all other zones, elevated to or above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(C) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section [12.42.51\(3\)\(B\)](#) or together with attendant utility and sanitary facilities:

(i) Be floodproofed below the elevation required under Section [12.42.51\(3\)\(B\)](#) so that the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Be certified by registered professional engineer or architect that the standards of this Section [12.42.51\(3\)\(C\)](#) are satisfied. Such certification shall be provided to the floodplain administrator.

(D) All new construction and substantial improvement with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this

requirement shall follow the guidelines in FEMA technical bulletins 1-93, 7-93 and 11-01 as revised, amended and constructed to meet the following requirements:

- (i) Be certified by a registered professional engineer or architect;
- (ii) Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater;
- (iii) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet (5') per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
- (iv) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see Technical Bulletin 1-93, Openings in Foundation Walls;
- (v) Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
- (vi) Portions of the building below the BFE must be constructed with materials resistant to flood damage that conform to the provisions of FEMA Technical Bulletin 2. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
- (vii) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- (viii) Requirements for all below-grade crawl space construction, in addition to the above requirements, include the following provisions, per technical bulletin 11-01:
 - a. The interior grade of a crawl space below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;
 - b. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space

foundation wall must not exceed four feet (4') (shown as L in figure 3 of Technical Bulletin 11-01) at any point;

c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event;

d. The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawl space. For velocities in excess of five feet (5') per second, other foundation types should be used; and

e. Below-grade crawl space construction in accordance with the requirements listed above will not be considered basements.

(E) Manufactured homes shall also meet the standards in Section 12.42.54.

(F) Accessory structures defined in Section 16.68.030 of this code used solely for parking (two (2) car detached garages or smaller) or limited storage (low cost, not exceeding one hundred fifty (150) square feet) may be constructed such that its floor is below the base flood elevation (BFE) and not be required to apply for a variance, provided the structure is designed and constructed in accordance with the following requirements.

(i) Use of the accessory structure must be limited to parking or limited storage;

(ii) The portion of the accessory structure located below the BFE must be built using flood damage resistant materials;

(iii) The accessory structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and meet the FEMA regulations as specified in this section;

(iv) Any mechanical and utility equipment in the accessory structure must be elevated to or above the BFE or wet-floodproofed as defined in FEMA regulations;

(v) The accessory structure must comply with floodplain encroachment provisions in FEMA Regulation 60.3(C)(10) or (d)(3); and

(vi) The accessory structure must be designed to allow for the automatic entry of flood waters.

12.42.52 Standards for utilities.

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

(b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

12.42.53 Standards for subdivisions.

- (a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
- (b) All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the floodplain administrator:
 - (1) Lowest floor elevation.
 - (2) Pad elevation.
 - (3) Lowest adjacent grade.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

12.42.54 Standards for manufactured homes and recreational vehicles.

- (a) All manufactured homes that are placed or substantially improved, within zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:
 - (1) Outside of a manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or
 - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (b) All manufactured homes that are placed or substantially improved on sites located within zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of subsection (a) of this section and Section [12.42.56](#).
- (c) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section [12.42.54\(a\)](#), will be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement, and be elevated so that either the:
 - (1) Lowest floor of the manufactured home is at or above the base flood

elevation; or

(2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

(d) All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map will either:

(1) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(2) Meet the permit requirements of Section [12.42.41](#) of this chapter and the elevation and anchoring requirements for manufactured homes in Section [12.42.54\(a\)](#).

(e) Recreational vehicles placed on sites within zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of subsection (d) of this section and Section [12.42.56](#).

(f) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

12.42.55 Floodways.

Located within areas of special flood hazard established in Section [12.42.32](#) are areas designated as floodways. Since the floodway is in an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section [12.42.51](#) through [12.42.56](#).

12.42.56 Coastal high hazard areas.

Within coastal high hazard areas, as established under Section [12.42.32](#), the following standards shall apply:

(1) All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that

the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

(2) All new construction and other development shall be located on the landward side of the reach of mean high tide.

(3) All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls in accordance with FEMA technical bulletins 5-93 and 9-99 as amended or revised and as defined in Section [12.42.20](#) of this chapter. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

(4) Fill shall not be used for structural support of buildings.

(5) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(6) The floodplain administrator shall obtain and maintain the following records:

(A) Certification by a registered engineer or architect that a proposed structure complies with subsection (1) of this section.

(B) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

12.42.61 Appeals and variances.

(a) The planning commission of the city of Menlo Park shall hear and decide appeals and requests for variances from the requirements of this chapter. Decisions of the planning commission may be appealed to the City Council pursuant to Chapter [16.86](#).

(b) The planning commission shall hear and decide appeals when it is alleged there is an error in any requirements, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter. Decisions of the planning commission may be appealed to the City Council pursuant to Chapter [16.86](#).

(c) In passing upon requests for variances or appeals from decisions of the floodplain administrator, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger of life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future

owners of the property;

- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures below the base flood level, providing subsections (c)(1) through (c)(11) of this section have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.

(e) Upon consideration of the factors designated in subsection (c) of this section and the purposes of this chapter, the planning commission and City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(f) The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

12.42.62 Variance conditions and requirements.

(a) Variances may be issued for the repair, rehabilitation or restoration of historic structures, as defined in Section [12.42.20](#), listed in the National Register of Historic Places or the State Inventory of Historic places, upon a determination that the proposed repair, rehabilitation or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means that the planning commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the planning commission believes will both provide relief and preserve the integrity of the local ordinance.

(d) Variances shall only be issued upon:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.

(e) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (a) through (d) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Mateo County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

SECTION 9: AMENDMENT OF CODE. The following sections of Chapter 12.48 of Title 12 [Buildings and Construction] are hereby amended as follows:

(A) Section 12.48.010(5) of Chapter 12 of The City of Menlo Park Municipal Code is amended is as follows:

(5) "Covered project" means any residential or non-residential construction or demolition project that is subject to the requirements of the California Green Building Standards (Cal Green) as amended by the City of Menlo Park in effect at the time of Building permit application. Notwithstanding the above, in those cases in which a dangerous situation has been determined to exist by the building

division and/or the police department, the recycling and salvage requirements of this chapter may be waived in total or in part by the community development director.

(B) Section 12.48.010(8)(G) of Chapter 12 of The City of Menlo Park Municipal Code is amended is as follows:

(G) Any other materials which the city sustainability manager or their designee determines can be recycled or reused due to the identification of a recycling facility, reuse facility, or market accessible to Menlo Park, including facilities which can further sort mixed C&D debris through mechanical and/or manual processes in order to remove additional materials for reuse or recycling

(C) Section 12.48.020(a) of Chapter 12 of The City of Menlo Park Municipal Code is amended as follows:

(a) Interior building fixtures and finishes such as doors, cabinets, plumbing and electrical fixtures and floor finishes in structures planned for demolition shall be made available for salvage and recovery prior to demolition. In order to ensure sufficient time for these activities, no demolition may commence until a period of at least seven (7) working days prior to the date of issuance of the demolition permit.

(D) Section 12.48.030(a) of Chapter 12 of The City of Menlo Park Municipal Code is amended as follows:

(a) It is required that at least the following specified percentages of C&D debris waste tonnage generated from every covered project shall be diverted from landfills by using recycling, reuse, salvage and other diversion programs:

(1) Demolition Projects. Residential demolitions of one thousand (1,000) square feet or greater and all non-residential demolition projects, (including non-residential interior demolitions) in the city of Menlo Park shall meet the diversion requirements for both inert materials and non-inert materials established in the California Green Building Standards as amended in Section 12.18.010 and 12.18.020 of the City of

Menlo Park Municipal Code in effect at the time of Building Permit application demolition.

(2) Construction Projects. Residential (single-family and multi-family) construction projects of one thousand (1,000) square feet or greater and non-residential construction projects shall meet the diversion requirements for both inert materials and non-inert materials established in the California Green Building Standards as amended in Section 12.18.010 and 12.18.020 of the City of Menlo Park Municipal Code in effect at the time of Building Permit application.

(E) Section 12.48.040 of Chapter 12 of The City of Menlo Park Municipal Code is amended as follows:

12.48.040 Exceptions to diversion requirements.

(a) It is not the intention of this chapter to require the recycling, reuse or diversion of materials not subject to those processes. If non-recyclable/non-reusable materials are present, the following exceptions to this chapter may be granted by the community development director or designee:

(1) An exception to the exclusion of ADC as a bona fide diversion method may be granted. If an exception is granted, any designated recyclable and reusable materials that are also present must be one hundred percent (100%) diverted from disposal in a landfill.

(2) In the event that more of the waste tonnage is non-recyclable/non-reusable material than the allowable disposal percentage in current Cal Green, and a good faith effort made by the applicant and the city to locate a material recycling/reuse facility has been unsuccessful, an exception to the requirements of this chapter may be granted. If an exception is granted, any designated recyclable and reusable materials that are also present must be one hundred percent (100%) diverted from disposal in a landfill.

(F) Section 12.48.050 of Chapter 12 of The City of Menlo Park Municipal Code is amended as follows:

12.48.050 Information required before issuance of permit.

Applicants for projects affected under this chapter shall accurately estimate the tonnage of C&D debris to be generated from the project, and a waste management plan as required by Cal Green for diverting materials generated by the project, on a form or forms provided by the city, and submit the form(s) to the building division, as a portion of the building permit process. Approval of complete and accurate form(s) and waste management plan shall be a condition precedent to issuance of any building permit for a construction or demolition project.

(G) Section 12.48.060 of Chapter 12 of The City of Menlo Park Municipal Code is amended as follows:

12.48.060 Deposit required.

(a) As a condition precedent to issuance of any building or demolition permit that involves a covered project, the applicant shall post a cash or check deposit in the amount of one dollar (\$1.00) per square foot of project area, but not less than one thousand dollars (\$1,000.00).

(b) The deposit shall be returned, without interest, in total or pro rata, upon proof to the satisfaction of the community development director or designee, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from landfills and have been recycled or reused.

(c) The City Council may, by formal resolution, modify the amount of the required deposit.

SECTION 10: AMENDMENT OF CODE. Chapter 12.56 of Title 12 [Buildings and Construction] is hereby added to read as follows:

Streamline Permitting Process For Small Residential Rooftop Solar Systems

Sections:

- 12.22.010 Purpose.
- 12.22.020 Definitions.
- 12.22.030 Applicability.
- 12.22.040 Solar energy system requirements.
- 12.22.050 Submittal requirements.

12.22.060 Plan review, permit and inspection requirements.

12.22.010 Purpose.

The purpose of this chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems and minimizes costs to property owners and the City of Menlo Park, and expands the ability of property owners to install solar energy systems. This chapter allows the City of Menlo Park to achieve these goals while protecting the public health and safety.

12.22.020 Definitions.

- A. "Solar energy system" means either of the following:
 - 1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - 2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- B. "Small residential rooftop solar energy system" means all of the following:
 - 1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.
 - 2. A solar energy system that conforms to all applicable State fire, structural, electrical, and other building codes as adopted or amended by the City of Menlo Park, and all State and City of Menlo Park health and safety standards including paragraph (3) of subdivision (c) of Section 714 of the Civil Code.
 - 3. A solar energy system that is installed on a single-family or duplex family dwelling.
 - 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of Menlo Park.
- C. "Electronic submittal" means the utilization of one or more of the following:
 - 1. Email;
 - 2. The Internet when a on-line permitting system is available.
 - 3. Facsimile
- D. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- E. "Common interest development" means any of the following:
 - 1. A community apartment project; or
 - 2. A condominium project; or
 - 3. A planned development; or
 - 4. A stock cooperative.
- F. "Specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- G. "Reasonable restrictions on a solar energy system" are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost,

efficiency and energy conservation benefits.

H. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

1. For water heater systems or solar swimming pool heating systems: an amount exceeding ten percent of the cost of the system, but in no case more than one thousand dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent, as originally specified and proposed.
2. For photovoltaic systems: an amount not to exceed one thousand dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent as originally specified and proposed.

12.22.030 Applicability.

This chapter applies to the permitting of all small residential rooftop solar energy systems in the City of Menlo Park. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.

12.22.040 Solar energy system requirements.

All solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City of Menlo Park and the City of Menlo Park Fire Department.

Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing Code and California Mechanical Code.

Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

12.22.050 Submittal requirements.

All documents required for the submission of an expedited solar energy system application shall be made available on the City of Menlo Park website.

Electronic submittal of the required permit application and associated documents for small residential rooftop solar energy system permits shall be made by email or the Internet. As an alternative, an applicant may submit a permit application and associated documents at the Building Division front counter during regular business hours.

An applicant’s valid electronic signature on all forms, applications and other documents

in lieu of a wet signature will be deemed acceptable.

The small residential rooftop solar system permit process, standard plans and the checklist shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research and as amended from time to time.

All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Sections 65850.55, 66015, and 66016 and State Health and Safety Code Section 17951.

12.22.060 Plan review, permit and inspection requirements.

The Building Division shall prepare and implement an administrative, nondiscretionary plan check review process to expedite approval of small residential rooftop solar energy systems within thirty days of the effective date of the ordinance codified in this chapter.

The Building Division shall process, review and approve the application for the installation or use of a solar system in the same manner as an application for review of an architectural modification to the property.

If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

If an application for the installation of a solar system is not denied in writing within forty-five days of receipt of a complete application, the application shall be deemed approved, unless the delay is the result of a reasonable request for additional information.

The City of Menlo Park Planning Division may require an applicant to apply for a use permit if the Planning Division finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety.

Review of the permit application shall be limited to the Building Division's review of whether the application meets local, State and Federal health and safety requirements. If a use permit is required, the Building Official may deny an application for the use permit if the Building Official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

A "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation

imposed by the City of Menlo Park on another similarly situated application in a prior successful application for a permit. The City of Menlo Park shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

The City of Menlo Park shall not provide conditional approval of an application for a small residential rooftop solar energy system on the approval of an association, as defined in Section 4080 of the Civil Code.

Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review. During the required inspection, if it is found that the installation does not conform to the approved plans and/or comply with the current California Building Code and/or California Electrical Code requirements, then an additional follow-up inspection, or inspections, shall be required. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

A separate permit and fire inspection may be required and performed by the Menlo Park Fire Protection District.

SECTION 11: EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 12: SEVERABILITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 13: EFFECTIVE DATE. This Ordinance shall become effective on the later of January 1, 2017 or thirty (30) days from adoption.

SECTION 14: POSTING. Within fifteen (15) days of its adoption, the Ordinance shall be posted in three (3) public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the 29th day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the _____ day of _____, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED: _____

Mayor

ATTEST:

City Clerk

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**California Building Standards Code,
Title 24 of the California Code of Regulations**

Building Standards Code Part Number	2016 State Code	Scope	Authority To Enforce
1	Administrative Code	Administrative regulations	City of Menlo Park
2	Building Code	Building regulations applicable to the construction of all structures other than one- and two-family homes and townhomes	City of Menlo Park
2.5	Residential Code	Building regulations applicable to the construction of one- and two-family homes and townhomes	City of Menlo Park
3	Electrical Code	Electrical regulations applicable to all structures	City of Menlo Park
4	Mechanical Code	Mechanical regulations applicable to all structures	City of Menlo Park
5	Plumbing Code	Plumbing regulations applicable to all structures	City of Menlo Park
6	Energy Code	Energy regulations applicable to all structures	City of Menlo Park
7	Vacant		
8	Historical Building Code	Building regulations applicable to all historic structures	City of Menlo Park
9	Fire Code	Fire regulations applicable to all structures	Menlo Park Fire Protection District
10	Existing Building Code	Building regulations applicable to all existing structures	City of Menlo Park
11	Green Building Standards Code	Green building regulations applicable to all new structures	City of Menlo Park
12	Referenced Standards Code	Standards applicable to all structures	City of Menlo Park

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City of Menlo Park, California
Municipal Code
Chapter 12.42
FLOOD DAMAGE PREVENTION
As of ~~2/16/2011~~1/1/2017

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12.42.11 Statutory authorization.

The legislature of the state of California has in Government Code Sections [65302](#), [65560](#) and [65800](#) conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 770 § 1 (part), 1988).

12.42.12 Finding of fact.

(a) The flood hazard areas of the city of Menlo Park are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other area. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 770 § 1 (part), 1988).

12.42.13 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 770 § 1 (part), 1988).

12.42.14 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

- (2) Requiring that uses vulnerable to flood, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 770 § 1 (part), 1988).

12.42.20 Definitions.

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (1) ~~"_Accessory use"structure" means a use which structure that is incidental and subordinate together: solely for the principal use parking of the parcel of land on which it is located no more than 2 cars or a small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.~~
- (2) "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.
- (3) "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (4) "Area of special flood hazard." See "Special flood hazard area."
- (5) ~~"Base flood" elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood having that has a one-1-percent or greater chance of being equaled or exceeded in any given year (also called the "100-year flood").~~
- (6) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (7) "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building materials which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
 - (A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - (B) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

- (8) "Building." See "structure."
- (9) "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.
- (10) "Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (11) "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- (12) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (13) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (14) "Flood, flooding, or floodwater" means a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of floodwaters; (B) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (C) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.
- (15) "Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
- (16) "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
- (17) "Flood insurance rate map" ~~means as defined in the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable~~California Building Code as amended from time to time.

(18) "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood and supporting technical data.

(19) "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(20) "Floodplain administrator" means the individual appointed community official designated by title to administer and enforce the floodplain management regulations.

(21) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resource in the floodplain including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations and open space plans.

(22) "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. This term describes such federal, state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(23) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures and their contents.

(24) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot a designated height. Also referred to as "regulatory floodway."

(25) "Floodway fringe" means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

(26) "Fraud and victimization," as related to Section 12.42.61, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly-constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increase risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

(27) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

- (28) "Governing body" means the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
- (29) "Hardship," as related to Section [12.42.61](#), means the exceptional hardship that would result from a failure to grant the requested variance. The city requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere, or put the parcel to a different use than originally intended.
- (30) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (31) "Historic structure" means any structure that is:
- (A) Listed individually in the National Register of Historic places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
- or
- (D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
- (32) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- (33) "Levee system" means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
- (34) "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).
- (A) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

- (i) The wet floodproofing standard in subsection (3)(C) of Section 12.42.51;
- (ii) The anchoring standards in subsection (1) of Section 12.42.51;
- (iii) The construction materials and methods standards in subsection (2) of Section 12.42.51;
- (iv)- The standards for utilities in Section 12.42.52.

(B) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements. This prohibition includes below-grade garages and storage areas.

(Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements).

(35) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

(36) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

~~(37)~~ (37) "Market value" is defined in the City of Menlo Park's substantial damage/improvement procedures.

~~(38)~~ (38) "Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

~~(38)~~ (39) "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community and includes any subsequent improvements to such structure.

~~(39)~~ (40) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

~~(40)~~ (41) "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

~~(41)~~ (42) "One-hundred year flood" or "100-year flood" means a flood which has a one percent (1%) annual probability of being equaled or exceeded in any given year. It is identical to the "base flood," which will be the term used throughout this chapter.

(4243) "Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

(4344) "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

(4445) "Public safety and nuisance," as related to Section [12.42.62](#), means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage of use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin.

(4546) "Recreational vehicle" means a vehicle which is:

- (A) Built on a single chassis;
- (B) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(4647) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(4748) "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

(4849) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(4950) "Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(5051) "Sheet flow area." See "area of shallow flooding."

(5152) "Special flood hazard area (SFHA)" means an area having special flood or flood related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, [AR](#), [AO](#), [AH](#), E, M, V1-V30, [VO](#), VE or V.

(5253) "Start of construction" includes substantial improvement and other proposed new development, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement

was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(5354) "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(5455) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(5556) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

(A) Before the improvement or repair is started; or

(B) If the structure has ~~been damaged, and is being restored, before the damage occurred~~ sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed.

For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(A) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code ~~specifications which are solely violations identified by the building official and are the minimum~~ necessary to assure safe living conditions, or

(B) Any alterations of a structure meeting the Historic Structure definition as defined in Section 12.42.20 provided that the alteration will not preclude the structures continued designation as ~~an~~ "Historic Structure".

(5657) "V zone." See "coastal high hazard area."

(5758) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(5859) "Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(5960) "Water surface elevation" means the height, in relation to the ~~National Geodetic North American~~ Vertical Datum (~~NGVD~~) of ~~1929,1988 (NAVD 88)~~, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverline areas.

(6961) "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographical feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 910 §§ 1—4, 2002; Ord. 889 § 1, 1999; Ord. 844 § 1, 1993; Ord. 770 § 1 (part), 1988).

12.42.31 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Menlo Park. (Ord. 770 § 1 (part), 1988).

12.42.32 Basis for establishing the areas of special flood concern.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated August 4, 1980 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated February 4, 1981, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. The study, FIRMs and FBFMs are on file at the City of Menlo Park [Engineering-Public Works](#) Department, 701 Laurel Street, Menlo Park, CA 94025. (Ord. 889 § 2, 1999; Ord. 770 § 1 (part), 1988).

12.42.33 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements including violations of conditions and safeguards established in connection with conditions shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 770 § 1 (part), 1988).

12.42.34 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 770 § 1 (part), 1988).

12.42.35 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 770 § 1 (part), 1988).

12.42.36 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Menlo Park, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 770 § 1 (part), 1988).

12.42.37 Severability.

This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 770 § 1 (part), 1988).

12.42.41 Development permit.

- A. A development permit shall be obtained before construction or development begins within any area of special flood hazards established in Section ~~12.42.32~~12.42.32. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: ~~plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required~~Plans in duplicate, drawn to scale, showing:
- ~~(1) —~~
 1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 2. Proposed locations of water supply, sanitary sewer, and other utilities;
 3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 4. Location of the regulatory floodway when applicable;
 5. Base flood elevation information as specified in Section 12.42.32 or

Section 12.42.43(C);

~~1-6.~~ Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

~~2-7.~~ ~~(2)~~ Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed; as required in Section 12.42.51(3)(B) of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

~~(3) All appropriate certifications listed in subsection (4) of Section 12.42.43; and~~

~~(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 889 § 3, 1999; Ord. 770 § 1 (part), 1988).~~

12.42.42 Designation of the floodplain administrator.

The public works director/city engineer is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions. (Ord. 770 § 1 (part), 1988).

12.42.43 Duties and responsibilities of floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

(1) Permit Review.

(A) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;

(B) All other required state and federal permits have been obtained;

(C) The site is reasonably safe from flooding;

(D) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point.

(E) All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

(2) Development of Substantial Improvement and Substantial Damage Procedures.

A. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

B. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

(3) Review, Use, and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 12.42.32, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 12.42.51 through 12.42.56. Any such information shall be submitted to the City Council for adoption.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

- (3) Whenever a watercourse is to be altered or relocated:
- (A) Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal ~~Insurance Administration~~Emergency Management Agency; and;
 - (B) Require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

(4) Base Flood Elevation changes due to physical alterations:

(A) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

(B) All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(5) Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

(6) Obtain and maintain for public inspection and make available as needed:

- (A) The certification required in subsection (3)(A) of Section 12.42.51 (lowest floor elevations);
- (B) The certification required in subsection (3)(B)(iii) of Section 12.42.51 (elevation or floodproofing of nonresidential structures);
- (C) The certification required in subsection (3)(C)(i) or (3)(C)(ii) of Section 12.42.51 (wet floodproofing standard);
- (D) The certification required in subsection (b) of Section 12.42.53 (subdivision standards);

(E) The certification required in subsection (1) of Section [12.42.55](#) (floodway encroachments);

(F) Information required by Section [12.42.56](#) (Coastal construction standards).

(57) Make interpretations where needed, as to the location of the boundaries of the areas of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections [12.42.61](#) and [12.42.62](#).

(68) Take action to remedy violations of this chapter as specified in Section [12.42.33](#). (Ord. 910 § 5, 2002; Ord. 889 § 5, 1999; Ord. 844 § 2, 1993; Ord. 770 § 1 (part), 1988).

12.42.51 Standards of construction.

In all areas of special flood hazards the following standards are required:

(1) Anchoring.

(A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) All manufactured homes shall meet the anchoring standards of Section [12.42.54](#).

(2) Construction Materials and Methods.

(A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(D) All new construction and substantial improvements shall be constructed within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(3) Elevation and Floodproofing.

(A) [Residential construction \(as defined by the California Residential Code and amended from time to time\), new or substantial improvement, shall have the lowest floor, including basement comply with the elevation requirement provisions of the California Residential Code in affect at the time of start of construction.](#)

(B) [Other Residential-residential](#) construction, new or substantial improvement, shall have the lowest floor, including basement:

- (i) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet (2') above the highest adjacent grade if no depth number is specified;
- (ii) In an A zone, elevated to or above the base flood elevation, as determined by this community;
- (iii) In all other zones, elevated to or above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(BC) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 12.42.51(3)(AB) or together with attendant utility and sanitary facilities:

- (i) Be floodproofed below the elevation ~~recommended~~required under Section 12.42.51(3)(AB) so that the structure is watertight with walls substantially impermeable to the passage of water;
- (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (iii) Be certified by registered professional engineer or architect that the standards of this Section 12.42.51(3)(BC) are satisfied. Such certification shall be provided to the floodplain administrator.

(CD) All new construction and substantial improvement with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA technical bulletins 1-93, 7-93 and 11-01 as revised, amended and constructed to meet the following requirements:

- (i) Be certified by a registered professional engineer or architect;
- (ii) Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater;
- (iii) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than

five feet (5') per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

(iv) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see Technical Bulletin 1-93, Openings in Foundation Walls;

(v) Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

(vi) Portions of the building below the BFE must be constructed with materials resistant to flood damage- that conform to the provisions of FEMA Technical Bulletin - 2. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

(vii) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

(viii) Requirements for all below-grade crawl space construction, in addition to the above requirements, include the following provisions, per technical bulletin 11-01:

- a. The interior grade of a crawl space below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;
- b. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (4') (shown as L in figure 3 of Technical Bulletin 11-01) at any point;
- c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event;
- d. The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawl space. For velocities in excess of five feet (5') per second, other foundation types should be used; and
- e. Below-grade crawl space construction in accordance with the requirements listed above will not be considered basements.

(DE) Manufactured homes shall also meet the standards in Section 12.42.54.

(EF) Accessory structures defined in Section 16.68.030 of this code used solely for parking (two (2) car detached garages or smaller) or limited storage (low cost, not exceeding one hundred fifty (150) square feet) may be constructed such that its floor is below the base flood elevation (BFE) and not be required to apply for a

variance, provided the structure is designed and constructed in accordance with the following requirements.

- (i) Use of the accessory structure must be limited to parking or limited storage;
- (ii) The portion of the accessory structure located below the BFE must be built using flood damage resistant materials;
- (iii) The accessory structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and meet the FEMA regulations as specified in this section;
- (iv) Any mechanical and utility equipment in the accessory structure must be elevated to or above the BFE or wet-floodproofed as defined in FEMA regulations;
- (v) The accessory structure must comply with floodplain encroachment provisions in FEMA Regulation 60.3(C)(10) or (d)(3); and
- (vi) The accessory structure must be designed to allow for the automatic entry of flood waters. (Ord. 935 §§ 1, 2, 2005; Ord. 910 § 6, 2002).

12.42.52 Standards for utilities.

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 770 § 1 (part), 1988).

12.42.53 Standards for subdivisions.

- (a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
- (b) All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood elevation, the ~~final pad elevation~~ following as-built information for each structure shall be certified by a registered ~~professional~~ civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the floodplain administrator.

- (1) Lowest floor elevation.
- (2) Pad elevation.
- (3) Lowest adjacent grade.

- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 910 § 7, 2002).

12.42.54 Standards for manufactured homes and recreational vehicles.

- (a) All manufactured homes that are placed or substantially improved, within zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:
- (1) Outside of a manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or
 - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (b) All manufactured homes that are placed or substantially improved on sites located within zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of subsection (a) of this section and Section [12.42.56](#).
- (c) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section [12.42.54\(a\)](#), will be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement, and be elevated so that either the:
- (1) Lowest floor of the manufactured home is at or above the base flood elevation; or
 - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.
- (d) All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map will either:
- (1) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (2) Meet the permit requirements of Section [12.42.41](#) of this chapter and the elevation and anchoring requirements for manufactured homes in Section [12.42.54\(a\)](#).
- (e) Recreational vehicles placed on sites within zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of subsection (d) of this section and Section [12.42.56](#).
- (f) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator. (Ord. 910 § 8, 2002; Ord. 889 § 7, 1999; Ord. 844 § 4, 1993; Ord. 770 § 1 (part), 1988).

12.42.55 Floodways.

Located within areas of special flood hazard established in Section [12.42.32](#) are areas designated as floodways. Since the floodway is in an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section [12.42.51](#) through [12.42.56](#). (Ord. 910 § 9, 2002; Ord. 770 § 1 (part), 1988).

12.42.56 Coastal high hazard areas.

Within coastal high hazard areas, as established under Section [12.42.32](#), the following standards shall apply:

- (1) All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
- (2) All new construction and other development shall be located on the landward side of the reach of mean high tide.
- (3) All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls in accordance with FEMA technical bulletins 5-93 and 9-99 as amended or revised and as defined in Section [12.42.20](#) of this chapter. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
- (4) Fill shall not be used for structural support of buildings.
- (5) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- (6) The floodplain administrator shall obtain and maintain the following records:
 - (A) Certification by a registered engineer or architect that a proposed structure complies with subsection (1) of this section.
 - (B) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 910 § 10, 2002; Ord. 844 § 5, 1993; Ord. 770 § 1 (part), 1988).

12.42.61 Appeals and variances.

(a) The planning commission of the city of Menlo Park shall hear and decide appeals and requests for variances from the requirements of this chapter. Decisions of the planning commission may be appealed to the City Council pursuant to Chapter [16.86](#).

(b) The planning commission shall hear and decide appeals when it is alleged there is an error in any requirements, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter. Decisions of the planning commission may be appealed to the City Council pursuant to Chapter [16.86](#).

(c) In passing upon requests for variances or appeals from decisions of the floodplain administrator, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures below the base flood level, providing subsections (c)(1) through (c)(11) of this section have been fully considered. As the lot size increases beyond one-half ($\frac{1}{2}$) acre, the technical justification required for issuing the variance increases.

(e) Upon consideration of the factors designated in subsection (c) of this section and the purposes of this chapter, the planning commission and City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(f) The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted

to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. 889 § 8, 1999; Ord. 770 § 1 (part), 1988).

12.42.62 Variance conditions and requirements.

- (a) Variances may be issued for the repair, rehabilitation or restoration of historic structures, as defined in Section 12.42.20, listed in the National Register of Historic Places or the State Inventory of Historic places, upon a determination that the proposed repair, rehabilitation or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means that the planning commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the planning commission believes will both provide relief and preserve the integrity of the local ordinance.
- (d) Variances shall only be issued upon:
- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
- (e) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (a) through (d) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Mateo County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 910 § 11, 2002; Ord. 889 § 9, 1999; Ord. 844 § 6, 1993; Ord. 770 § 1 (part), 1988).

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Chapter 12.48
RECYCLING AND SALVAGING OF CONSTRUCTION AND DEMOLITION DEBRIS

Sections:

<u>12.48.010</u>	Definitions.
<u>12.48.020</u>	Deconstruction, salvage and recovery.
<u>12.48.030</u>	Landfill diversion requirements.
<u>12.48.040</u>	Exceptions to diversion requirements.
<u>12.48.050</u>	Information required before issuance of permit.
<u>12.48.060</u>	Deposit required.
<u>12.48.070</u>	Administrative fee.
<u>12.48.080</u>	On site practices.
<u>12.48.090</u>	Reporting.
<u>12.48.100</u>	Violation a public nuisance.
<u>12.48.110</u>	Penalties.
<u>12.48.120</u>	Responsible party.

12.48.010 Definitions.

The definitions set forth in this section shall govern its interpretation.

- (1) "Alternative daily cover (ADC)" means materials other than soil that have been approved by the California Integrated Waste Management Board for use as an overlay on an exposed landfill face.
- (2) "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, industry, public or private corporation, property owner, contractor, architect or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, or renovation project within the city.
- (3) "Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, renovation, or landscaping service relating to buildings or accessory structures in Menlo Park.
- (4) "Construction and demolition (C&D) debris" means and includes:
 - (A) Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard and lumber from the construction or demolition of a structure or hardscape improvement as part of a construction or demolition project or from the renovation of a structure, hardscape improvement, and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project;

(B) Clean cardboard, paper, plastic, wood and metal scraps from any construction and/or landscape project; and

(C) Minimal amounts of other non-hazardous wastes that are generated at the construction or demolition projects provided such amounts are consistent with best management practices of the industry.

(5) "Covered project" means any residential construction or demolition project of one thousand (1,000) square feet or greater, and any commercial construction or demolition project of five thousand (5,000) square feet or greater. Notwithstanding the above, in those cases in which a dangerous situation has been determined to exist by the building division and/or the police department, the recycling and salvage requirements of this chapter may be waived in total or in part by the community development director.

(6) "Deconstruction" means the soft demolition of any facility, structure, hardscape improvement or building through a planned dismantling and salvaging of reusable materials and parts.

(7) "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, hardscape improvement or building, whether in whole or in part, whether interior or exterior and/or the removal of landscaping materials, including green waste.

(8) "Designated recyclable and reusable materials" means that portion of C&D debris that includes the following :

(A) Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone and brick;

(B) Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, contaminated or painted;

(C) Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use;

(D) Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, doorframes and fences;

(E) Roofing materials including wood shingles as well as asphalt, stone and slate based roofing material;

(F) Salvageable materials and structures, including, but not limited to gypsum wallboard, doors, windows, mantelpieces, cabinets, lighting fixtures, toilets, sinks, bathtubs, appliances, decorative molding, flooring, carpeting, reusable hardware, bricks and decorative tiles in good repair; and

(G) Any other materials which the city environmental coordinator or designee determines can be recycled or reused due to the identification of a recycling facility, reuse facility, or market accessible to Menlo Park, including facilities which can

further sort mixed C&D debris through mechanical and/or manual processes in order to remove additional materials for reuse or recycling.

(9) "Diversion" means any activity, including recycling, source reduction, reuse, deconstruction, or salvaging of materials, which causes materials to be diverted from disposal in landfills or incinerators and instead put to use as the same or different product. ADC is not a bona fide means of diversion.

(10) "Hardscape improvements" means swimming pools, driveways, parking lots, walkways, patios and decks.

(11) "Non - recyclable/non - reusable materials" means that portion of C&D debris for which there is no available facility within sixty (60) miles of the City of Menlo Park boundaries for the return of these materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.

(12) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting discarded materials that meet the quality standards necessary to be reused, remanufactured or processed.

(13) "Salvage" means the controlled removal of designated recyclable and reusable materials from C&D debris, from a covered project, for the purpose of recycling, reuse, or storage for later recycling or reuse.

(14) "Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on the ground. (Ord. 908 § 2 (part), 2001).

12.48.020 Deconstruction, salvage and recovery.

(a) Structures and/or hardscape improvements planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition. In order to ensure sufficient time for these activities, no demolition may commence until a period of at least seven (7) working days has elapsed from the date of issuance of the demolition permit.

(b) It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of salvageable materials prior to demolition. In the event the applicant believes that no materials can be salvaged for reuse or recycling from a particular project, a written form must be completed and provided to the building division identifying the reasons why salvaging cannot take place. The community development director or his designee will determine whether this requirement shall be waived in whole or in part.

(c) Recovered and salvaged material from the deconstruction phase shall qualify in meeting the diversion requirements of this chapter.

(d) Recovered or salvaged materials may be given or sold on the premises, or may be removed to a reuse warehouse or other reuse facility for storage or sale. (Ord. 908 § 2 (part), 2001).

12.48.030 Landfill diversion requirements.

(a) It is required that at least the following specified percentages of C&D debris waste tonnage generated from every covered project shall be diverted from landfills by using recycling, reuse, salvage and other diversion programs:

(1) Demolition Projects. Residential demolitions of one thousand (1,000) square feet or greater and commercial demolition projects, (including commercial interior demolitions) of five thousand (5,000) square feet or greater in the city of Menlo Park shall be covered by the following diversion requirement: sixty percent (60%) of all generated C&D tonnage from the project shall be diverted. When total tonnage generated from each project includes soil, concrete and/or asphalt, the total diversion rate shall remain at sixty percent (60%) but at least twenty-five percent (25%) of diverted material shall come from generated tonnage that excludes soil, concrete and asphalt.

(2) Construction Projects. Residential (single-family and multi-family) construction projects of one thousand (1,000) square feet or greater and commercial construction projects of five thousand (5,000) square feet or greater shall require diversion of sixty percent (60%) of total generated waste tonnage.

(b) Separate calculations will be required for the demolition portion and for the construction portion of projects involving both demolition and construction.

(c) To ensure that recycled C & D material is reused, remanufactured or processed into viable products, use of the material as alternative daily cover (ADC) shall not count towards reaching the required diversion percentages. (Ord. 908 § 2 (part), 2001).

12.48.040 Exceptions to diversion requirements.

(a) It is not the intention of this chapter to require the recycling, reuse or diversion of materials not subject to those processes. If non-recyclable/non-reusable materials are present, the following exceptions to this chapter may be granted by the community development director or designee:

(1) An exception to the exclusion of ADC as a bona fide diversion method may be granted. If an exception is granted, any designated recyclable and reusable materials that are also present must be one hundred percent (100%) diverted from disposal in a landfill.

(2) In the event that more than forty percent (40%) of the waste tonnage is non-recyclable/non-reusable material, and a good faith effort made by the applicant and the city to locate a material recycling/reuse facility has been unsuccessful, an exception to the requirements of this chapter may be granted. If an exception is granted, any designated recyclable and reusable materials that are also present must be one hundred percent (100%) diverted from disposal in a landfill. (Ord. 908 §2 (part), 2001).

12.48.050 Information required before issuance of permit.

Applicants for projects affected under this chapter shall accurately estimate the tonnage of C&D debris to be generated from the project, and other information regarding plans for

diverting materials generated by the project, on a form or forms provided by the city, and submit the form(s) to the building division, as a portion of the building or demolition permit process. Approval of complete and accurate form(s) shall be a condition precedent to issuance of any building or demolition permit. (Ord. 908 § 2 (part), 2001).

12.48.060 Deposit required.

(a) As a condition precedent to issuance of any building or demolition permit that involves a covered project, the applicant shall post a cash or check deposit in the amount of fifty dollars (\$50.00) for each estimated ton of C&D debris, but not less than one thousand dollars (\$1,000.00).

(b) For single-family residential projects only, the deposit for designated recyclable and reusable materials consisting of earth materials, including dirt and rocks from land clearing activities in preparation for construction, shall be fifty dollars (\$50.00) per ton for amounts less than or equal to one hundred (100) tons and a flat rate of five thousand dollars (\$5,000.00) for amounts greater than one hundred (100) tons. For multi-family residential and commercial projects, the deposit for designated recyclable and reusable materials consisting of earth materials, including dirt and rocks from land clearing activities in preparation for construction, shall be fifty dollars (\$50.00) per ton, regardless of the amount of earth material present.

(c) The deposit shall be returned, without interest, in total or pro rata, upon proof to the satisfaction of the community development director or designee, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from landfills and have been recycled or reused.

(d) The City Council may, by formal resolution, modify the amount of the required deposit. (Ord. 908 § 2 (part), 2001).

12.48.070 Administrative fee.

As a condition precedent to issuance of any permit for construction or demolition for a covered project, the applicant shall pay to the city a cash fee sufficient to compensate the city for all direct and indirect expenses incurred in administering the permit. The amount of this fee shall be determined in accordance with the City Council approved master fee schedule. (Ord. 908 § 2 (part), 2001).

12.48.080 On-site practices.

(a) During the term of the demolition or construction project, the contractor shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the community development director or designee that can be converted to tonnage. The community development director or designee will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged and/or reused from the project.

(b) The diversion of a minimum of the required percentages of the C&D debris shall be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved.

(c) To the maximum extent feasible, on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged, in order to permit chipping and mulching for soil enhancement or land cover purposes. In order to protect chipping and grinding machinery, metal and other materials that cannot be chipped or ground shall not be placed in such boxes.

(d) To the maximum extent feasible on new construction, on-site separation shall be undertaken for gypsum wallboard, dimensional lumber and cardboard.

(e) To the maximum extent feasible on demolition and construction sites, designated recyclable and reusable materials shall be kept separate from non-recyclable/non-reusable materials.

(f) Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction. (Ord. 908 § 2 (part), 2001).

12.48.090 Reporting.

(a) Within sixty (60) days following the completion of the demolition portion, the contractor shall submit documentation to the building division that complies with the requirements of this chapter.

(b) For construction projects, as a condition prior to final inspection and to approval of final inspection, the contractor shall submit to the building division documentation that complies with the requirements of this chapter.

(c) The documentation shall consist of a final completed form showing actual tonnage data for recycled and diverted materials, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused, or salvaged.

(d) Any deposit posted pursuant to Section 12.48.060 shall be forfeited if the permittee does not furnish required reports within the time reporting requirements of this section.

(e) On an annual basis, the community development director or designee shall compile a report that, at minimum, describes the number and type of permits issued, the number and type of projects covered by diversion requirements, the total tonnage generated and the estimated diversion resulting from these projects. (Ord. 908 § 2 (part), 2001).

12.48.100 Violation a public nuisance.

Each violation of the provisions of this chapter shall constitute a public nuisance and be subject to abatement as such, pursuant to the provisions of Chapter 8.04 of this code. The costs of abatement of any such nuisance shall be a lien upon the property involved. (Ord. 908 § 2 (part), 2001).

12.48.110 Penalties.

Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for a period of time not to exceed six (6)

months, or by fine not exceeding one thousand dollars (\$1,000.00), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a new and separate offense. (Ord. 908 § 2 (part), 2001) .

12.48.120 Responsible party.

Every applicant and/or owner of property on which a covered project occurs shall be responsible for compliance with the provisions of this chapter. (Ord. 908 § 2 (part), 2001).

This page of the Menlo Park Municipal Code is current through Ordinance 973, passed December 14, 2010,
Disclaimer: The City Clerk's Office has the official version of the Menlo Park Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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STAFF REPORT

City Council

Meeting Date: 11/29/2016

Staff Report Number: 16-199-CC

Public Hearing:

Consider and Adopt the General Plan Land Use and Circulation Elements, Introduce the Zoning Ordinance Amendments and Rezoning, and Certify the Environmental Impact Report Associated with the General Plan and M-2 Area Zoning Update

Recommendation

ConnectMenlo has been a multi-year comprehensive process that represents a vision for a live/work/play environment in the M-2 Area while maintaining the character and values that the City has embraced. The proposed project reflects the input received throughout the process and staff's efforts to balance the interests of the various stakeholders, and has been informed by the preparation of an Environmental Impact Report (EIR) and Fiscal Impact Analysis (FIA). Staff recommends that the City Council consider the additional information contained in this staff report and adopt the following proposed components of the project, subject to modifications deemed appropriate by the Council. All ordinances would require a second reading, which is scheduled for December 6, 2016.

1. Environmental Review: Review and certify the Final Environmental Impact Report (EIR) prepared for the General Plan and M-2 Area Zoning Update, which analyzes the potential environmental impacts of the General Plan and M-2 Area Zoning Update. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program associated with the EIR (Attachment C).
2. General Plan Amendments: Incorporate the updated Land Use and Circulation Elements into the General Plan and change the land use designations of properties in the M-2 Area to Light Industrial, Office, Life Sciences, Mixed Use Residential, Baylands, or Public Facilities. No land use designation changes are anticipated outside of the M-2 Area and Baylands Area (Attachment D).
3. Zoning Ordinance Amendments: Create three new zoning districts in the M-2 Area for consistency with the proposed General Plan Land Use Element. The proposed zoning districts include Office (O), Life Science (LS) and Residential-Mixed Use (R-MU). The O district includes overlays to allow hotels (O-H) and corporate housing (O-CH). Overlays for bonus level development are also proposed in the three new zoning districts as indicated by the inclusion of "-Bonus" with the title of each district. In addition, changes to the C-2-B (Neighborhood Commercial District, Restrictive) zoning district to allow residential use, changes to streamline the hazardous materials review process as an administrative permit, and other minor modifications are being proposed (Attachments E, F, G, H and I).
4. Rezoning: Rezone property in the M-2 Area to one of the following zoning designations for consistency with the proposed General Plan land use designation amendments: O (Office); Office - Hotel (O-H); Office - Corporate Housing (O-CH); Office - Bonus (O-B); Life Science (LS); Life

Science - Bonus (LS-B); Residential Mixed Use (R-MU); Residential Mixed Use – Bonus (R-MU-B); Public Facilities (P-F), and Flood Plain (FP) (Attachment J).

Policy Issues

The proposed project requires the Planning Commission, as a recommending body, and City Council, as the decision-making body, to consider a number of policy issues. The General Plan itself, is a policy document that will serve as the blueprint for future development in the City. The goals, policies and programs established in the Land Use and Circulation Elements are intended to guide appropriate development and infrastructure in the City, and they should also support the aspirations of the Guiding Principles and reinforce the community's values and vision for what the City can be.

As part of the consideration of the General Plan and M-2 Area Zoning Update, the Council will need to consider the types of land uses, the number of jobs, the number of housing units, and the number of hotel units that could result from potential changes to the area. With additional development, there could be impacts, but also greater availability to fund other desired improvements in the community. Future goals, policies and programs for the General Plan Land Use and Circulation Elements and the proposed changes to the Zoning Ordinance development regulations and design standards can help ensure that future development in the area is done in a way that creates a sense of place that is desired by the community.

As part of the process, an EIR was prepared. The EIR helps inform the public and decision-makers of the potential impacts as a result of the proposed changes. The City Council will need to consider whether the proposed changes outweigh the environmental impacts or whether a project alternative, which could result in fewer impacts, but potentially meeting fewer of the objectives, is preferable.

Background

The completion of the General Plan and M-2 Area Zoning Update has been identified as a top City Council priority in its Work Plan for 2016. The General Plan serves as the City's comprehensive and long range guide to land use and infrastructure development in the City.

The City Council previously received the October 19, 2016 Planning Commission staff report, which provides more background information about ConnectMenlo's robust outreach effort, summarizes key milestones during the process, and details the components of the project under consideration. The City Council also previously received the November 15, 2016 City Council staff report, which included a discussion on a variety of topics, and suggested edits to the documents per the Planning Commission's and staff's recommendations. The information contained in the two staff reports, which will not be repeated in detail in this staff report, is important for overall context and serve as a bridge to this staff report. The two staff reports are referenced by hyperlinks in Attachments A and B, respectively.

The intent of this staff report is two-fold: 1) to respond to the City Council's request for information from the November 15, 2016 meeting, which can be used along with the previously transmitted information, to help inform the Council in its recommendations and 2) to identify the steps for the Council's action on the proposed project.

Analysis

City Council Review – November 15, 2016

The City Council conducted its first meeting on ConnectMenlo on November 15, 2016 and continued the item to its meeting on November 29. The intent of the meeting was for the City Council to receive public comment, ask questions of the staff/consultant team and begin its discussion on the project, and to provide guidance to staff on additional information or changes for the next meeting.

During the staff/consultant team presentation, staff noted that correspondence received since the release of the staff report and an updated zoning map to correct inadvertent errors were distributed to the Council that evening for review and reference. Following a presentation by the staff/consultant team, the Council opened the public hearing to public comment and then provided feedback to the staff/consultant team.

City Council Request for Information

The Council identified a number of items that it would like the staff/consultant team to clarify or conduct additional research, and asked that staff follow up on the items for the November 29 meeting. The following section of this report groups related items by topic area for continuity and a more comprehensive view on a subject. In some cases, staff has suggested revisions to the documents, and the proposed edits are shown in strikeout and underline format. In addition, the suggested edits have been incorporated into the proposed ordinances and resolutions accordingly, which may be modified by the Council as desired.

Development and Design Standards

Live/Work/Play Environment

The Land Use Element embraces the opportunity for creating a new live/work/play environment in the M-2 Area. One of the key changes is the creation of three new land use designations in the Land Use Element, and concurrently crafting the corresponding zoning districts – Office, Life Sciences and Residential Mixed Use. The proposed zoning map and ordinances create a balance of housing and commercial land, as well as a mix of uses that support “play” in the area. Retail and personal services, movie theaters, restaurants and cafes, drinking establishments, and live entertainment are uses that contribute to a vibrant environment for both residents and employees in the area that are not currently permitted today. Furthermore, requirements for new paseos, bike and pedestrian improvements, and publicly accessible open space help create physical and personal connections, gathering places, and opportunities for social activities.

Although the proposed ordinances do not dictate a minimum amount of retail or services, the proposed land use changes allow the development of retail and entertainment uses along with the increase in housing and employment necessary to support retail. Staff is working to hire a contractor that specializes in retail attraction. However, without the zoning for retail and entertainment uses as well as the housing and employment to support those uses, any effort to attract retail and entertainment to the area will prove fruitless. Retail and entertainment uses are typically conservative when considering expansion and require the market demand, prior to expansion to a new area. Staff anticipates working with property owners to aggressively recruit new retail and entertainment uses as soon as the zoning allows.

Affordable Housing

Throughout the ConnectMenlo process, affordable housing and housing for all income levels has been a common theme. The proposed project would allow up to 4,500 new residential units in the M-2 Area. In the

R-MU district, residential and mixed-use developments are allowed, but the proposed zoning requires the development of housing prior to or concurrent with any non-residential uses in a project. For projects seeking bonus level development in the R-MU district, a project must include 15% of the total number of residential units for affordable housing in the project. Affordable housing is also identified as a community amenity, which may be provided above the 15% requirement or as an off-site community amenity for a non-residential project, if housing is not permitted by zoning on a property.

- **Mix of Units**

During the Planning Commission hearing, members of the Commission unanimously supported a mix of affordable units, including moderate-income, for the R-MU affordable housing requirement. While providing housing at the lower income categories such as extremely low and very low are critical for providing to those persons most in need, there has also been recognition during the ConnectMenlo process that housing for all income levels is important, particularly for teachers, emergency personnel, and others who support their community like service workers, who may not qualify as a lower income household. The proposed inclusion of moderate-income housing would help reach a broader population and also contribute towards the City meeting its Regional Housing Need Allocation (RHNA), which is assigned as part of the Housing Element.

The Planning Commission unanimously supported a combination of units that aligns with the City's RHNA. Per the 2015-2023 Housing Element, the City's housing allocation by income categories is divided per the below table. Establishing a requirement for income categories is desired to achieve units at the lower income categories, because given a choice, market rate housing developers tend to default to providing units at the moderate income category level.

2015-2023 RHNA				
Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Total
233	129	143	150	655
35%	20%	22%	23%	100%

Staff recommends that the proposed language for the mix of affordable housing in the R-MU district refers generically to the City's RHNA rather than prescribe a percentage for the different income categories to be able to adapt and respond to the RHNA requirements at the time a development is proposed since the distribution is adjusted with each Housing Element cycle. Although extremely-low income is not a RHNA category, the City should strive to provide affordable housing to address this need. Staff believes that extremely low income may be used to substitute for units in any income category and likewise, very low and low income units may be used to satisfy the requirement for moderate income household units. This added flexibility will allow potentially more housing production for the often most difficult unit types to be built, and may make projects more viable if low income housing tax credits are sought for a project. Staff recommends the following revised language in the R-MU zoning district (Attachment G):



16.XX.060 Bonus level development.

As described in Section 16.XX.070, the community amenity provided in the Residential Mixed Use-Bonus (R-MU-B) zoning district must include the provision of a minimum of fifteen (15) percent of the total units on-site for affordable housing units for moderate, low, and very low, and extremely low income households, commensurate to the City's Regional Housing Need Allocation distribution amongst the income categories at the time of a development application. Units for extremely low, very low and low income may be substituted for any higher income categories requirement.

In addition, both the Planning Commission and City Council heard public comments regarding the need to require the integration of affordable housing with market rate units as well as the need for flexibility to allow stand-alone affordable housing developments. The Planning Commission believed providing flexibility was appropriate, and did not want to preclude stand-alone affordable housing developments. The proposed regulations do not prohibit stand-alone affordable housing developments, which allows for flexibility in financing and/or the management of the units, which may be more effective as either a 100 percent affordable or market rate development. However, all bonus level development in the R-MU district, inclusive of the affordable housing component, would be subject to review by the Planning Commission, and therefore, the appropriateness of a project would be evaluated on a case-by-case basis. No changes are proposed in the draft zoning ordinances on this topic.

- Affordable Housing Preference

At the City Council meeting, several members of the public suggested that Belle Haven residents should be given priority for the new affordable housing since the units are a community amenity and nearby residents should benefit from the amenity. The City's current Below Market Rate (BMR) Guidelines establish a preference for Menlo Park residents and those who work in Menlo Park. As part of the community amenities provisions, staff is suggesting to add the underlined language (in addition to the language noted above), which would establish a preference for current or recently displaced Belle Haven residents for the affordable units created through the community amenities requirement in the R-MU district.

R-MU District

16.XX.060 Bonus level development.

A development in a location identified as Residential Mixed Use-Bonus (R-MU-B) on the adopted City of Menlo Park Zoning Map may seek an increase in the density, floor area ratio and/or height per Section 16.XX.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.XX.070. As described in Section 16.XX.070, the community amenity provided in the Residential Mixed Use-Bonus (R-MU-B) zoning district must include the provision of a minimum of fifteen (15) percent of the total units on-site for affordable housing units for moderate, low, and very low, with a preference for current or recently displaced Belle Haven residents, and commensurate to the City's Regional Housing Need Allocation distribution amongst the income categories at the time of a development application. Units for extremely low, very low and low income may be substituted for any higher

income categories requirement. This affordable unit requirement is in addition to the City's below market rate requirements per Section 16.96.

16.XX.070 Community amenities required for bonus development.

Form of Amenity. A community amenity shall be provided utilizing any one of the following mechanisms:

(1) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall first be the provision of a minimum of fifteen (15) percent of total units on-site for affordable housing units (or with approval of the Planning Commission in another location) for low, very low, and extremely low income households, with a preference for current or recently displaced Belle Haven residents, and shall second be the provision of additional affordable housing units or the provision of another amenity from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of the Final Occupancy Permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.

- Addressing Affordable Housing Regionally

In order to use BMR funds outside of the City, the BMR guidelines and ordinance would need to be revised. The Housing Commission is currently updating its two-year work plan and planning to recommend revisions to the City Council as part of the two-year work plan. In addition, the City has been approached by HEART of San Mateo County with an opportunity to consider loaning BMR funds for the development of affordable housing throughout San Mateo County. This proposal needs to be reviewed, but could prove to be one option for using BMR funds to address the need for affordable housing regionally.

Building Height

During the creation of the maximum development potential, the General Plan Advisory Committee and members of the public provided feedback on the appropriate heights for the different parts of the M-2 Area. The feedback translated into maximum heights, average heights and average number of stories in the development regulations of the three proposed zoning districts.

At the Council meeting, several public commenters asked for clarification on average height and the sharing of height across properties, specifically in the LS district. In terms of height and average height, staff believes that the language can be further refined to minimize confusion in the calculation of height while still meeting the intent and vision established for the area. The desire through the process was to create varied building heights, visual interest and appropriate streetscapes. Staff is proposing the following in the LS district as shown below, and similar edits are shown for the O and R-MU districts in Attachments E and G, respectively.

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
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<i>Height</i>	Height is defined as average height of all buildings on one site under one development application , where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.	Height: 35 feet	For calculation purposes, a story is defined as 15 feet.
		Maximum height: 35 feet	<u>Height: 67.5 feet</u>
		Height: 35 feet	Maximum height : 110 feet (6 stories)
			Height: 4.5 stories
			A parapet used to screen mechanical equipment is not included in the <u>height or maximum height</u> . The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet.
			Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase in <u>height and maximum height</u> .

In addition, in response to public comment, Council Members asked whether the zoning ordinances could provide more flexibility for heights across multiple sites. The Planning Commission also considered this question and did not suggest edits to the language. The proposed height calculation is based on all buildings on one site. This method would ensure that each new development and the overall site meets the average height requirement, and not rely on or unduly burden future development with lower building heights to create a compliant average height. The proposed method creates a clear and fair practice, and staff would recommend no changes to allow height sharing amongst multiple properties. The sharing of height is a Council policy for consideration. If the Council wishes to consider adding flexibility for sharing of height amongst different properties, staff would recommend that sharing be allowed only amongst properties of the same zoning district and through a development agreement, which would clearly document the proposed heights and any restrictions of height on other properties.

Land Use Element

Impact Fee Program

The City Council asked staff to review language in the Land Use Element to ensure that it would not prohibit adoption of a fire impact fee in response to a comment made by the Menlo Park Fire Protection District regarding Program LU-1.E. The program states the following:

Assessment Districts and Impact Fees. Pursue the creation of assessment districts and/or the adoption of development impact fees to address infrastructure and service needs in the community.

Staff believes that the language, as written, in the proposed Land Use Element is purposefully broad and does not limit the type of assessment district or impact fee that the Council could adopt, and no clarification is needed. By including examples, this may cause confusion and become limiting, which is not the intent of the proposed program.

Naming of the M-2 Area

Throughout the process, the term “Bayfront” has been used interchangeable with “M-2”. M-2 refers to the current zoning designation that will become almost obsolete should changes occur per the proposed General Plan and M-2 Area Zoning Update. Bayfront was identified as a potential name given its geographic proximity to the Bay. However, concerns have been raised about the applicability of the



name, whether it refers to just the former M-2 Area or a larger area, inclusive of the Belle Haven neighborhood.

At the November 15 Council meeting, Council asked staff to establish a process for naming the area. Staff would note that the term “Bayfront” is referenced in the Land Use Element to generally refer to the physical planning boundaries studied under ConnectMenlo. For the purpose of the Land Use Element, staff recommends that the name Bayfront be retained in the document. Given the size of the Bayfront Area, multiple neighborhood names may organically evolve as the area transitions from primarily office and industrial to the envisioned live/work/play environment. However, the Council could consider a separate marketing or branding effort for the area, after adoption of the General Plan, if it is desired.

General Plan Review

The Council was interested in conducting a General Plan review to assess whether the plan is working or where items may need to be adjusted. The review would be more in depth than the focus of Program LU-1.B, which seeks an annual review in implementing General Plan policies as it relates to the Capital Improvement Program. The Council suggested perhaps a review in three years as this would provide adequate time for implementation of the General Plan to begin and to see the effects from it. While the review is not expected to be routine, the assessment could occur on an as-needed basis. Staff is suggesting to add the following as Program LU-1.C and the following programs would be renumbered Program LU-1.D to Program LU-1.F.

Program LU-1.C Land Use Element Review. Conduct an in-depth review of the General Plan Land Use Element three years after its adoption and thereafter as directed by the City Council.

Funding for Belle Haven Neighborhood

The City Council expressed an interest in exploring options for using boomerang funds or other monies from the General Fund that could be dedicated to improvements to the area. With the dissolution of Redevelopment Agencies (RDA) in California and the required 20 percent tax increment set-aside for affordable housing, local jurisdictions lost a significant source of funding for affordable housing. A portion of those former tax increment funds are redirected to each jurisdiction’s General Fund. Housing advocates have supported recapturing those funds (“boomerang funds”) for affordable housing, which is a policy issue for the Council’s consideration. One potential policy is to dedicate at least 20 percent of the ongoing tax increment distributions now realized as increased property tax distributions into funding for affordable housing. The City has a fairly healthy affordable housing fund, primarily due to the City’s existing commercial linkage fee. While funding is important, the Council may wish to consider this topic as part of its larger discussion on housing in early 2017.

On a policy level, the City Council cannot bind future Council’s with monetary obligations to fund neighborhood improvements. However, the Council could consider an allocation of funds to the Belle Haven neighborhood or other neighborhoods as part of the yearly budget process and/or identify infrastructure improvements through the capital improvement program prioritization process. Staff would note that the Council has not allocated funds to neighborhoods as part of past budgets. During the ConnectMenlo process, the desire for community amenities, and for those amenities to remain in the M-2 Area, was important to offset additional growth in the area. The proposed community amenities program established in the O, LS and R-MU districts requires that all community amenities, with the exception of housing, shall be provided within the area between Highway 101 and the Bay. Staff believes that the community amenities

program is the appropriate mechanism for reinvestment and enhancements to the Belle Haven and M-2 Areas, and is not recommending any changes to the documents related to this topic.

Water Use Efficiency and Recycled Water

At the November 15 Council meeting, the Council asked a variety of questions related to water supply and demand, impacts on water from the proposed project, potential solutions and funding mechanism to address potential shortfalls in supply.

The Menlo Park Municipal Water District (MPMWD) purchases water from the San Francisco Public Utilities Commission (SFPUC) and serves approximately half of the City's population. In 2015, staff began the process of updating the MPMWD's Urban Water Management Plan (UWMP) and evaluated water supply sources, reliability and future water demand. Potable water demand was determined based on the sum of the projected growth associated with the buildout of the existing General Plan, the proposed General Plan update (i.e., ConnectMenlo), and other planned projects in the service area. Estimates were developed specifically for ConnectMenlo, which were assumed to be additive to the current demands in the area. This approach was conservative, as the future demand is expected to replace the existing water use, but was found to be adequate for planning level purposes.

Based on the UWMP findings, the MPMWD will have adequate water supply to meet the 1,614 million gallons (MG) of the annual total potable water demand through 2040 during normal years based on current allocations from SFPUC. The annual water demand from ConnectMenlo is estimated to be 343 MG in 2040. While the supply is expected to adequately meet demand under normal conditions, the MPMWD may experience shortfalls due to lower supplies from the SFPUC in drought years. These potable water supply shortfalls could range from between 21% and 31% (337 to 505 MG) in 2040. Under 2040 multiple year drought conditions, the total 343 MG demand from ConnectMenlo would be part of the 505 MG shortfall in potable water supply.

The UWMP includes a Water Shortage Contingency Plan (WSCP) to be implemented during dry years to address potential potable water supply shortfalls. The WSCP delineates drought stages and specific actions to be implemented at each stage. In addition, staff has been evaluating the feasibility of developing a recycled water program as part of the Water System Master Plan. With recycled water, the MPMWD would be able to offset some of the potable water demand from irrigation, toilet/urinal flushing, and cooling systems in order to reduce the projected shortfall during dry years. On March 15, 2016, the City Council held a study session to discuss the draft 2015 UWMP findings and requested that staff include a description of the potential recycled water supply in the service area through 2040. Depending on the extent of the recycled water program (which includes potential recycled water from West Bay Sanitary District for the Sharon Heights Golf & Country Club), potable water demand could be offset by a range between 7% and 12% in 2040. This would reduce the 2040 shortfall from 31% to a range between 24% and 19%. The City Council adopted the 2015 UWMP on May 24, 2016. The next update of the plan would occur in 2020 in compliance with State law.

Currently, the General Plan does not include water efficiency or recycled water use requirements. As part of the Green and Sustainable Building Standards proposed under the update to the General Plan, however, new development would be required to implement measures that promote water efficiency and recycled water use. These requirements focus on the installation of dual plumbing in all new buildings, establishment of water budgets for projects greater than 100,000 square feet, and the use of alternate water sources for non-potable uses for projects 250,000 square feet or more. Through these measures, buildings would use water more efficiently, enabling the MPMWD to begin addressing future shortfalls in water supply. As noted, the proposed General Plan measures focus on the implementation of building based water

solutions that do not require the development of municipal infrastructure, and therefore do not obligate a capital investment by the MPMWD.

In conjunction with the Green and Sustainable Building Standards proposed under the update to the General Plan, the MPMWD is evaluating options for a long-term strategy to address the future shortfalls in potable water supply, which focus on the development of a municipal recycled water program. A municipal recycled water system would consist of a “purple pipe” distribution system, pumping stations and possibly treatment (depending on the water source) that would deliver recycled water to MPMWD customers for non-potable uses. The recycled water could be purchased from either the cities of Redwood City or Palo Alto, or could be produced within the service area, potentially in partnership with West Bay Sanitary District (WBSD). WBSD is currently in the process of developing a recycled water facilities plan and will share the findings with the MPMWD. In addition, the MPMWD and WBSD will discuss options for partnering on a recycled water program that could potentially serve M-2 Zoning area (WBSD letter dated November 22, 2016, Attachment O).

Potential funding sources for the development of a municipal recycled water system include State grants and user fees. Infrastructure funding is currently available through the Integrated Regional Water Management Program (Proposition 84), Proposition 1, US Bureau of Reclamation Title XVI Funding, the State Water Resource Control Board Recycled Water Funding and the California Infrastructure and Economic Development Bank (I-Bank) Infrastructure State Revolving Fund Program. The MPMWD will be assessing the funding options and applying for grants and loans to finance the recycled water infrastructure.

The remainder of the funding and the operational and maintenance costs associated with the recycled water program would be paid for through user fees and the establishment of recycled water rates. Utility service charges, such as fees for water, sewer, and garbage are governed by California Constitution Article 10, Section 2 and Article 13D, Section 6 (Proposition 218). Article 13D, Section 6 requires that the revenues collected from the fees not exceed the costs of providing the service; that they only be used for the purpose that they were collected for; that they do not exceed the proportional cost of service; and that charges be imposed only on property owners that use the service. User fees would therefore be charged to customers using recycled water, which would typically be larger-scale customers with the greatest non-potable demand and not single-family residential customers for example.

Transportation and Circulation

Transportation & Phasing Milestones

The City Council requested additional information on strategies to identify milestones or phases for transportation infrastructure improvements. In particular, recent plans in Mountain View and Sunnyvale were identified for potential consideration. A brief summary of each cities’ recent planning efforts is included below.

Mountain View

The City of Mountain View completed its most recent General Plan update in 2012. This document identified several areas for potential land use changes, i.e., “change areas”, where additional development or redevelopment would be considered. It also identified a new street classification system and relevant transportation goals, policies, and programs in its chapter on Mobility (Chapter 5). No specific transportation infrastructure projects, cost estimates, or detailed timelines for implementation are identified in the General Plan document.

Following adoption of the General Plan, the City of Mountain View initiated several follow up planning efforts, including the Shoreline Regional Park Community Transportation Plan, to identify needed transportation improvements along this corridor; followed by the North Bayshore Precise Plan (NBPP), as one identified change area in the City's General Plan. The Shoreline Boulevard Corridor Plan identified a package of \$41 million transportation improvements. Shoreline Boulevard is a street under the City of Mountain View's jurisdiction, although Caltrans has jurisdiction at the US 101/Shoreline Boulevard interchange. Possible funding sources are identified, but a detailed implementation plan is not provided. The NBPP was adopted in 2014, but is currently being updated to consider the potential to add housing in the Plan Area. The NBPP included a \$180 million package of transportation and infrastructure improvements, a mode share target of 45% drive alone trips, and a limit on vehicular trips on Shoreline Boulevard, Rengstorff Avenue, and San Antonio Drive (the three gateways to the NBPP area). Funding for these improvements could come from Shoreline Community, development impact fees, and other sources. Regional transit improvements are still being determined in coordination with regional agencies including the Valley Transportation Authority (VTA).

Sunnyvale

The City of Sunnyvale completed its most recent General Plan, the Land Use and Transportation Element (LUTE) in 2009 and is currently undergoing another update. The draft 2016 document identifies areas of potential change for land use planning, structured under 12 goals to guide future development. It also includes transportation programs to be completed in the future, such as an update to the City's Transportation Impact Analysis guidelines, establishing complete streets, and identifies the City's roadway classification system. No specific transportation infrastructure projects, cost estimates or detailed timelines for implementation are identified in the General Plan document.

Separately, the City commenced development of the Lawrence Station Area Plan (LSAP) for the area around the Lawrence Caltrain station. The LSAP includes potential additional development of 2,323 housing units and 1.2 million square feet of office space. The LSAP includes a \$75 million package of infrastructure improvements, and a conceptual framework showing potential funding sources including impact fees, contributions from new development incentives, the City's Capital Improvement Program, partner agencies, and grants. A detailed funding plan with cost-sharing information is not provided in the LSAP. The LSAP includes a single phase temporary cap that would allow 1,160 housing units and 650,000 square feet of office uses to be developed, and to allow Planning Commission and Council review before more development could occur. The LSAP was approved by the Planning Commission on Monday, November 14, 2016 and is anticipated to be reviewed by the City of Sunnyvale Council on December 6, 2016.

Street Classifications

The proposed Circulation Element includes a new street classification system, as shown on Figure 2 and Table 1 and are included in Attachment K. The proposed street classification system establishes and promotes the suitability of streets for various travel modes and adjacent land uses. The new classification system would be used in addition to the Federal Highway Administration categories such as arterial, collector, and local streets with Menlo Park-specific classifications such as Boulevard, Avenue, Collector, Connector, and Bicycle Boulevard. While the proposed classifications provide additional detail and context for each street's function, the proposed Circulation Element does not modify the original classifications of any street in the City. Therefore, differences in anticipated traffic volumes are not anticipated with the new classification system.

Transportation Impact Fee Programs

Transportation Impact Fee (TIF) program requirements are governed by State Government Code Sections 66000 through 66008 (also known as Assembly Bill (AB) 1600). These code sections outline the process

local agencies can take to allocate a portion of the cost for new transportation infrastructure to new development projects. In October 2009, the City adopted a TIF program. In February 2015, the City adopted a Supplemental Fee Program for the El Camino Real/Downtown Specific Plan area. The improvements identified in the City's TIF programs are often identified as mitigation measures for significant transportation impacts in environmental clearance documents for development projects. Either construction of the improvements or payment of the TIF can mitigate transportation impacts. In general, the following method is used to determine and allocate the cost of transportation measures for a TIF program:

1. Determine cost of each improvement ($=\$A$)
2. Determine the proportion of traffic that is attributable to new development ($=B\%$)
3. Determine the proportional cost of each improvement attributable to new development ($C = A \times B$)
4. Determine the anticipated amount of added traffic from new development (D , in vehicle trips)
5. Develop cost-sharing rate that can be applied to each new development ($E = \$C/D$)

Fiscal Impact Analysis

Property Tax Revenues

In response to comments made at the November 15 Council meeting by the Menlo Park Fire Protection District (MPFPD) regarding the ConnectMenlo Fiscal Impact Analysis (FIA) findings and discrepancies with a recent MPFPD study, the Council asked for clarification.

BAE, who prepared the ConnectMenlo FIA, reviewed the MuniServices Property Tax Revenue Analysis for Miscellaneous Projects (dated February 3, 2016), which estimates the property tax revenue to the MPFPD from selected developments, and compared the MuniServices analysis to the estimated property tax revenue to the MPFPD as shown in the ConnectMenlo Fiscal Impact Analysis.

The findings in the ConnectMenlo FIA are not comparable to the findings in the MuniServices analysis because there is little to no overlap between the projects analyzed in the FIA and those analyzed in the MuniServices analysis. The MuniServices analysis analyzes selected projects that the ConnectMenlo EIR classifies as either "existing conditions" (e.g., the Rosewood Hotel) or "cumulative projects" (e.g., Commonwealth Corporate Center, the Facebook Campus, 1300 El Camino Real, the Menlo Gateway Project, etc.). The ConnectMenlo FIA explicitly excludes existing conditions and cumulative projects.

The ConnectMenlo FIA analyzes all of the remaining development potential from the existing General Plan (excluding cumulative projects) and the additional development potential that would be allowable from ConnectMenlo, all or most of which is not included in the scope of the MuniServices analysis. A set of projects that are identified as "miscellaneous additional sites" in the MuniServices analysis may partially overlap with the remaining development potential from the existing General Plan as analyzed in the ConnectMenlo FIA. However, the MuniServices analysis does not include sufficient information to determine the extent to which the projects on the miscellaneous additional sites are cumulative projects or part of the remaining development potential from the existing General Plan. Furthermore, the MuniServices analysis omits the portion of development potential on sites in Menlo Park for which project-specific information is not available, and therefore analyzes only a subset of the remaining development potential from the existing General Plan that is analyzed in the ConnectMenlo FIA. The MuniServices analysis does not estimate property tax revenue from the additional development potential that would be allowable from ConnectMenlo, whereas the ConnectMenlo FIA estimates property tax revenue from all of the additional development potential from ConnectMenlo. Therefore, the MuniServices report estimates lower property tax revenues, as compared to the ConnectMenlo FIA, because it analyzes a smaller quantity of development

and does not take into consideration the potential benefits from the proposed land use changes associated with ConnectMenlo.

FIA Comparison with Other Jurisdictions

As part of ConnectMenlo, an FIA was prepared. The objective of the FIA is to project changes in public revenues and costs associated with development of a project. The ConnectMenlo FIA examines the potential impact that the proposed project would have on revenues and expenditures accruing to the City's General Fund and several special districts such as the MPFPD and various school districts. Questions about what should be included in an FIA, specifically around capital costs, were asked by the Council. This question will be addressed further in the Funding for Capital Improvements section below. The Council also asked the staff/consultant team to review what was done for other large projects of nearby jurisdictions. In general, it is not typical for cities to prepare an FIA as part of a General Plan.

In summary, since capital expenditures are one-time costs, capital costs would not be typical to include in the ongoing annual operating expenditure estimates that are the focus of the expenditure portion of the fiscal analysis. In addition, it is not typical for a FIA to include a financing strategy to cover capital costs. The ConnectMenlo FIA was prepared with consistent methodology as past FIAs prepared for other large projects in the City.

In response to the question about whether capital costs were included in the FIAs for Apple in Cupertino or Google in Mountain View, BAE conducted the research. It does not appear either Cupertino or Mountain View commissioned FIAs for these campuses. Apple commissioned an FIA (with an economic impact analysis) for their campus expansion in Cupertino, which has been released to the public. It does not include an estimate of capital costs. It appears that Brion Economics may have completed a confidential FIA on behalf of Google for their Mountain View campus, but it does not seem to have been made public.

Funding for Capital Improvements

As noted earlier, the Council raised questions regarding the cost for potential future infrastructure needed to support growth from ConnectMenlo. Capital improvements for the topics of water, transportation, fire services, schools, and sea level rise protection were highlighted. The funding mechanisms for a potential recycled water distribution system and transportation infrastructure were discussed under its respective section earlier in this report.

Capital costs for improvements to serve the new development that would be allowable from ConnectMenlo would be funded through a combination of developer impact fees and a range of local, state, and federal funding sources. The City charges impact fees to cover the capital costs associated with new development, as do some special districts. In addition, developers are directly responsible for constructing some on-site improvements for water, sewer, and storm drainage. The City plans to update its transportation impact fees following adoption of ConnectMenlo based on a capital improvement plan, including cost estimates, which has not yet been created. In addition to developer impact fees, there are a range of public financing sources for local infrastructure improvements. General plans do not typically include a capital improvement plan with a financing strategy, but the City may decide to explore such strategies during the annual CIP review and adoption process.

Fire Services

The Menlo Park Fire Protection District funds capital improvements mostly with Internal Service Funds (transfers from the General Fund) and Certificates of Participation (bond financing). To the extent that

ConnectMenlo generates a net increase in the District's General Fund revenues, the additional revenues could be used to fund capital improvements. In addition, the District has adopted a Fire Services Impact Fee to fund capital improvements that is based on the estimated capital costs to the District resulting from new development. The City of Menlo Park is considering adoption of the Fire Services Impact Fee.

Schools

School district capital costs generated by ConnectMenlo would be covered through a combination of developer fees and State and local bonds, as is typical for school district capital improvements in California. New development constructed as part of ConnectMenlo would generate developer impact fees for capital improvements, making some revenue available for new school facilities. California voters approved a \$9 billion bond measure for school district capital improvements in November 2016, which could potentially help to fund new school facilities in Menlo Park. It is possible that local bonds will also be available for the construction of new school facilities in Menlo Park over the long term.

At most, the enrollment projections for the school districts that serve Menlo Park extend to the year 2025, a significantly shorter time horizon than the buildout horizon for the General Plan. As a result, it is not possible to estimate the extent to which students generated due to the buildout of ConnectMenlo would create a need for new school facilities or fill space at existing facilities. For example, a decline in birth rates, decrease in household sizes, or other demographic shifts could reduce the number of students per housing unit over the long term among the existing (2016) housing units in Menlo Park, creating capacity in existing schools. In that case, at least some of the students generated by ConnectMenlo would fill spaces at existing facilities rather than necessitate a need for new facilities.

Sea Level Rise Protection

San Mateo County is highly vulnerable to the impacts of sea level rise. As a member agency of the San Francisco Bay Area Joint Powers Authority (SFCJPA), the City of Menlo Park has been working on the Strategy to Advance Flood protection, Ecosystems and Recreation along the Bay (SAFER Bay) project. The project consists of the building of miles of floodwalls and levees along the shoreline of the cities of Menlo Park, East Palo Alto, and Palo Alto. The objectives of the project are to remove affected parcels along the Bay from the Federal Emergency Management Agency (FEMA) 100 year flood zone and to protect properties from 3 feet of sea level rise. The estimated preliminary cost of the project, depending on the alternatives, ranges between \$90 million and \$116 million.

The SFCJPA will be evaluating a number of financial models for the funding of the infrastructure needs associated with the SAFER Bay project. These include Ad Valorem Taxes (General Obligation bonds), the development of a Community Facilities District, and the development of a Benefit Assessment District. The first two options, Ad Valorem Taxes and a Community Facilities District, would require approval by registered voters. The development of a Benefit Assessment District, however, would be based on assessing the properties that directly benefit from the SAFER Bay project.

Currently, the General Plan does not include measures for sea level rise protection. As part of the Green and Sustainable Building Standards proposed under the update to the General Plan, however, new buildings would be required to place the first floor elevation 24 inches above the 100 year event base flood elevation. The proposed General Plan requirement for new development focuses on the implementation of a building based solution for the protection from sea level rise and does not obligate the development of municipal infrastructure.

Community Amenities

Since the crafting of the Guiding Principles, the desire for future development to contribute towards community amenities has been a consistent theme. The establishment of a uniform process for consistency and predictability was identified as a preferred approach. Throughout the process, the team has established criterion that provides certainty in the process and also flexibility in offering options for meeting the requirement. The Council asked for examples that demonstrate the community amenities process, cost estimates for the identified community amenities, and procedures for prioritizing community amenities.

The community amenities list, with cost estimates from earlier this year, is included as Attachment L and would be adopted by resolution by the City Council. The community amenities were identified through a robust community engagement process during ConnectMenlo, and would be provided in exchange for bonus level development. The community amenities list may be updated from time to time by Council resolution, as noted in the proposed ordinances. Except for affordable housing, once a community amenity has been provided, it will no longer be an option for other applicants. All community amenities would be evaluated during the Planning Commission's review of a proposed application for bonus level development. If the community amenities list needs to be updated to better reflect community needs and priorities, then the City will conduct a community outreach process with the residents, employees, and property owners of the Belle Haven and M-2 Areas. The updated list would be reviewed by the Planning Commission and then adopted by resolution by the Council.

The following section explains how the value of community amenities would be determined.

The City is seeking to realize a portion of the value of the bonus level of development sought by a project applicant. The additional value is not the change in total project value but the value of the entitlement rights for the additional gross floor area of the bonus level development. Under the appraisal process the project applicant would engage an appraiser who would typically utilize a sales comparison approach to value the additional square feet of bonus level of development entitlement. The applicant would prepare appraisal instructions that would direct the appraiser to take into account a number of site or development conditions; these instructions would be subject to City review and approval. The applicant could ask the appraiser to take into account any unique development costs, including other City-levied development impact fees or assessments. These costs could include, for example, costs related to constructing reclaimed water systems, transportation and school impact fees, LEED building requirements, affordable housing requirements, or any extraordinary environmental remediation or climate change requirements.

In the course of preparing his or her appraisal, the appraiser typically prepares a grid and adjusts comparable land sales to account for differences in site characteristics, time of sale, location, utilities, affordable housing requirements (R-MU district only in the case of the City), and other unique development requirements. Through this process, the resulting opinion of value of the bonus square feet would effectively net out other unique or extraordinary costs associated with compliance to the General Plan, keeping the City competitive with other jurisdictions. For example, if the applicant's project was subject to assessments to pay for flood protections to mitigate against sea level rise, but other comparable sales in other parts of the City or in other jurisdictions were not subject to such assessments, the appraiser would make a downward adjustment in the value of the applicant's bonus development rights to account for this cost burden.

For example, the appraiser may find that the fair market value of the square footage of the bonus level of development sales is \$150 per square foot before any adjustments for a project in the new R-MU district. The draft ordinance requires that the appraiser show the value of incremental bonus square feet with and without the 15 percent affordable housing requirement. Before accounting for the affordable housing

requirement, however, the appraiser might hypothetically determine the value of the bonus development should be adjusted downward by \$25 per square foot to account for the City's environmental sustainability and sea level rise mitigation requirements, resulting in a \$125 per square foot value ("total bonus value"). Fifty percent of this value equals \$62.50 per square foot and that is the value of community amenities required.

Next, the appraiser would show the value with the 15 percent affordable housing requirement and this might be \$85 per square foot, a difference, in this example, of \$40 per square foot ("affordable housing amenity value"). The value in this example of additional community benefits would be \$62.50 less \$40 per square foot, or \$22.50 per square foot. In certain situations, market conditions may not support additional community benefits beyond the 15 percent affordable housing requirement, or in a worse case, a project may not move forward utilizing the bonus level of development when the cost of the affordable housing requirement exceeds the value of the bonus development, resulting in a financially infeasible project.

Biological Resources

During public comment on November 15, several members of the public expressed concerns about the response to comments of the Final Environmental Impact Report (EIR) and commented on the need for greater protection of sensitive habitat, particularly near the Don Edwards San Francisco Bay National Wildlife Refuge. The commenters requested additional coordination with staff and refinements to the biological mitigation measure (BIO-1), and Council asked that the staff/consultant team meet with the Concerned Citizens Committee to Complete the Refuge (CCCR). Staff and representatives from the CCCR had a productive meeting where concerns were clarified and a path for addressing those concerns was identified and supported by CCCR. The following describes the proposed revisions to various documents as it relates to biological resources.

- Mitigation Measure BIO-1 – The mitigation measure has been clarified with more detailed language regarding what is required as part of and the process for, a Biological Resource Assessment (BRA). The proposed edits are shown in strikeout and underline format in Errata #3, which replaces Errata #2 for BIO-1. Errata #3 is included as Attachment M.
- Revisions to the Final EIR – Errata #3 also identifies revisions to several response to comments as part of the Final EIR. The revised language corrects references to an incorrect zoning designation. None of the revisions in Errata #3 constitute significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be re-circulated.
- EIR Resolution and Mitigation Monitoring and Reporting Program (MMRP) – The Resolution to certify the EIR and adopt the Statement of Overriding Considerations and MMRP have been updated to reference Errata #3 as part of the EIR record, and the MMRP has been updated to include the revised BIO-1 mitigation measure. The resolution and MMRP, which is Exhibit A to the resolution, are included in as Attachment C.
- Bird Friendly Design – As part of the proposed revisions to mitigation BIO-1, parts of the corporate housing (O-CH) requirements and the bird friendly design standards were modified and incorporated into the mitigation measure. The intent of the changes is for greater clarity in implementation. These changes have been updated in the respective sections of the zoning ordinances and are shown in Attachments E, F, and G.

- New Land Use Program – The Don Edwards National Wildlife Refuge is a valuable biological, environmental and scenic resource in the community. The General Plan land use designation for this area is Baylands, which provides for the preservation and protection of wildlife habitat and ecological values associated with the marshland and former salt ponds bordering the San Francisco Bay. Furthermore, the goals and policies of the proposed Land Use Element and the Open Space and Conservation Element support the protection of our natural resources. The current zoning designation of the Refuge is Flood Plain, and while there is no intent to develop the lands, the CCCR with staff’s support, are suggesting a General Plan program to consider rezoning the lands of the Refuge to more clearly align with its goals. The proposed Land Use program is as follows:

Program LU-6.E Don Edwards National Wildlife Refuge. Consider the most appropriate zoning designation for the Don Edwards San Francisco National Wildlife Refuge to achieve the preservation and protection of wildlife habitat and ecological values associated with the marshlands and former salt ponds bordering the San Francisco Bay.

- Zoning Map – The CCCR representatives clarified with staff which parcels on the LS rezoning exhibit appeared to be incorrect. Staff confirmed that several parcels shown on the map on Adams Drive near University Avenue were inadvertently labeled LS-B instead of LS. The correct zoning is LS, which is consistent with what is shown on the overall zoning map for the M-2 Area. Staff has updated the rezoning exhibit included in Attachment J.

Staff Recommended Changes Since the City Council Meeting

Since the City Council meeting, staff has given additional consideration to comments that were raised by commenters throughout the ConnectMenlo process. Staff is recommending revisions to the floor area ratio for the R-MU district and the trigger for green buildings, which are discussed further in their respective sections below.

Floor Area Ratio – R-MU District

The proposed R-MU district allows a residential density between 20 to 30 dwelling units per acre (du/ac) at the base level and up to 100 du/ac at the bonus level. The proposed floor area ratio (FAR) is based on an even gradient, from 60 percent to 90 percent for the base level and from 90 percent to up to 200 percent at the bonus level, based upon the proposed density. The purpose of the R-MU district is to provide much needed housing with complementary mixed use developments with supportive retail, personal services and other commercial uses. The intent is to provide high density housing with a range of unit sizes to allow a mix of single-occupant and family size units. The sliding scale concept for the FAR would help create a mix of appropriately sized units instead of a few units that are very large.

During the ConnectMenlo process, property owners have suggested that the maximum 200 percent FAR may be too restrictive and create inadequately sized units for the market demand. Without taking into consideration square footage for common areas such as amenity spaces, hallways, lobbies, stairways, etc., the average unit size (based on 100 du/ac) would be approximately 871 square feet. Taking the above-mentioned components of a building into consideration, the average size of a unit could be reduced to less than 700 square feet per unit, which would create more studios and one-bedroom units. In an effort to provide more opportunities for a broader range of units without minimizing space for amenities and other



common areas in a development, staff is recommending to increase the residential FAR for the R-MU district from 200 percent to 225 percent for the bonus level development. The FAR is similar to the maximum FAR allowed for residential/mixed use developments in the Specific Plan where the maximum bonus level density is 40-60 du/ac. The maximum allowed non-residential square footage and the maximum densities in the R-MU district would remain unchanged, and all new development would need to adhere to the design standards to help with the site placement, massing and design of the building.

The proposed changes to the language in the R-MU district and the Land Use Element are as follows:

<i>Regulation</i>	<i>Definition</i>	<i>Base level</i>	<i>Bonus level</i>	<i>Notes/Additional Requirements</i>
<i>Maximum residential floor area ratio (FAR)</i>	Maximum permitted ratio of residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.	60% to 90%	>90% to 200 <u>225%</u>	Floor area ratio shall increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac. Floor area ratio shall increase on an even gradient from >90% for >30 du/ac to 225 <u>200</u> % for 100 du/ac.

Land Use Element

Mixed Use Residential. This designation provides for higher density housing to meet the needs of all income levels. It also allows mixed use developments with integrated or stand-alone supportive sales and service uses, and uses that are consistent with the Office Designation. Sales uses can range from small-scale businesses that serve nearby employment to a large-format grocery to serve adjacent neighborhoods. This designation is intended to promote live/work/play environments oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs. The maximum base residential density shall not exceed 30 units per acre, and the maximum bonus FAR is 100 units per acre. Maximum base FAR for residential uses shall be 90 percent, and a maximum of ~~200~~ 225 percent for bonus FAR. Non-residential uses shall have a maximum base FAR of 15 percent and bonus FAR of 25 percent.

Open Space Requirement – LS District

During the ConnectMenlo process, commenters have noted that not users in the life science district have different needs than other office or commercial tenants, and zoning should not be a one size fits all. Throughout the process, the staff/consultant team has proposed revisions to the zoning and design regulations to provide flexibility for the intended users. Staff is suggested one additional edit to the open space requirement in the LS district. The proposed requirement for both base and bonus level development is 30 percent, where 50 percent of that figure shall be publicly accessible space. Acknowledging the unique requirement of life science users whose operations may contain generators and other outdoor equipment to store hazardous materials, staff is proposing a reduction in the requirement from 30 percent to 20 percent of the site area. Staff believes that 20 percent provides flexibility for the user while still providing an aesthetic value and a means to connect people in the area.

The proposed revisions are as follows in the LS District:

16.XX.010 Development regulations.

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
<i>Minimum open space requirement</i>	Minimum portion of the building site open and unobstructed by fully enclosed buildings.	30 <u>20</u> %	30 <u>20</u> %	See Section 16.XX.120 (4) for open space requirements.

16.XX.020 Design standards.

- (4) Open space. All development in the Life Sciences district shall provide a minimum amount of open space equal to ~~thirty~~ twenty percent (~~30~~20%) of the total lot area, with a minimum amount of publicly accessible open space equal to fifty percent (50%) of the total required open space area.

Green Buildings

One of the key components of the proposed zoning regulations are the green and sustainable building regulations, which support the Guiding Principle and goals, policies, and programs to be a leader in addressing climate change and promote sustainable environmental planning. A few expressed concerns that the proposed LEED requirements for tenant improvements were onerous and could hinder attracting prospective tenants. Staff proposed edits that would provide flexibility in the regulations while continuing to promote sustainable buildings. The proposed revisions would allow a property owner to upgrade the core and shell of an existing building to current California Energy Code and meet 100 percent energy demand through a combination of measures. If a property owner opts to upgrade the building, then any future addition or alteration of that building would be exempt from the LEED ID+C requirement for three code update cycles. While the approach to provide options was supported, property owners expressed concern that the trigger was too low at 1,001 square feet. After further consideration, staff is suggesting to change the threshold from 1,001 square feet to 10,000 square feet for the “additions and/or alterations category”, which is aligned with the first trigger in the green and sustainable building table for new buildings. If the additions and/or alterations equal to or exceed the trigger over a five year period (60 months), the requirements in the green and sustainable table, as shown in Attachment N, must be met.

Correspondence

Since the November 15 City Council meeting, staff has received several pieces of correspondence, which are included as Attachment P. The correspondence raise concerns about traffic and the potential increase in traffic as a result of the proposed project. One letter expresses support for the proposed recycled water requirement.



Process and Next Steps

The City Council is scheduled to continue its discussion on ConnectMenlo at its meeting on November 29. This staff report responds to the questions that the Council raised during its meeting on November 15, and offers proposed revisions to documents based on guidance from Council on various topics. The proposed edits have been incorporated into the corresponding documents for Council's consideration.

The meeting of November 29 is intended for the Council's deliberations on the components of the project and action on the items, with a second reading of the proposed ordinances on December 6. The second reading is typically a consent calendar item. All ordinances would become effective 30 days after adoption.

The following actions are required on the proposed project. The staff/consultant team suggests that the Council identify items that may warrant additional discussion or clarification from staff first. Following clarifying questions, the Council should discuss the merits of the project and any edits for consideration. While no specific order is required for discussion, the Council should first make necessary California Environmental Quality Act (CEQA) findings before taking action on other components of the project. The Council may make one motion for all of the proposed components or separate motions for an item or group of items. The recommended actions are as follows:

1. Adopt the CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, and Certifying the Final EIR for the General Plan and M-2 Area Zoning Update (Attachment C)
2. Adopt the resolution approving the General Plan Land Use and Circulation Elements (Attachment D)

3. Introduce the ordinance adding the Office (O) Zoning District to Title 16 of the Municipal Code (Attachment E)
4. Introduce the ordinance adding the Life Sciences (LS) District to Title 16 of the Municipal Code (Attachment F)
5. Introduce the ordinance adding the Residential Mixed Use (R-MU) District to Title 16 of the Municipal Code (Attachment G)
6. Introduce the ordinance amending Chapter 16.40, C-2-B (Neighborhood Commercial District, Restrictive) and Chapter 16.72 (Off Street Parking) of Title 16 of the Municipal Code (Attachment H)
7. Introduce the ordinance of the City Council Amending Chapter 16.02 (General Provisions), Chapter 16.68 (Buildings), Chapter 16.80 (Nonconforming Uses and Buildings), and Chapter 16.82 (Permits) of Title 16 of the Municipal Code (Attachment I)
8. Introduce the ordinance rezoning certain properties within the M-2 Area (Attachment J)
9. Adopt the resolution approving the community amenities list (Attachment L)

Impact on City Resources

The General Plan Update scope of services and budget (\$1.5 million) was approved by the City Council on June 7, 2014, and amended in April 2015 to use contingency funds (\$150,000) to accommodate additional outreach. On October 11, 2016, the Council approved a scope of work and budget augmentation for \$87,000, which was appropriated from the General Plan Capital Improvement Fund for additional public outreach and to address comment letters received on the Draft EIR. The total consultant budget approved

to date for the project is \$1,737,000. This amount does not include staff's time that has been spent on this project.

A Fiscal Impact Study (FIA) was prepared for the proposed project. In summary, the proposed new development in the M-2 Area would generate a net positive fiscal impact to the General Fund and the Menlo Park Fire Protection District, and would have a negative fiscal impact to the Sequoia Union High School District. While Council questioned whether capital costs should be considered as part of the FIA, staff notes earlier in the report that it would be atypical to include one-time capital costs as part of the ongoing annual operating expenditures, and therefore, they are not part of the FIA. A more detailed review of the FIA is included in the November 15 City Council staff report.

Environmental Review

A Draft Environmental Impact Report (DEIR) was prepared for the project and was circulated for public review and comment between June 1 and August 1, 2016. The Final EIR, which includes the response to comments, was released on October 10, 2016, and was considered by the Planning Commission on October 19 and 24, 2016. A summary of the EIR's impact analysis and the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program are included in the October 19 Planning Commission staff report.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper, notification by mail of owners and occupants within a 1,250-foot radius of the M-2 Area boundary, and notification by mail or email to interested agencies, jurisdictions and individuals who provided comments on the Draft EIR. In addition, the ConnectMenlo project page is available at www.menlopark.org/connectmenlo. This page provides up-to-date information about the project page, allowing interested parties to stay informed of its progress.

Attachments

- A. Hyperlink to Planning Commission Staff Report from the October 19, 2016 Meeting (<http://menlopark.org/DocumentCenter/View/12115>)
- B. Hyperlink to City Council Staff Report from the November 15, 2016 Meeting
- C. Draft Resolution Adopting the CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, and Certifying the Final EIR for the General Plan and M-2 Area Zoning Update
- D. Draft Resolution Approving the General Plan Land Use and Circulation Elements
- E. Draft Ordinance Adding the Office (O) Zoning District to Title 16 of the Municipal Code
- F. Draft Ordinance Adding the Life Sciences (LS) District to Title 16 of the Municipal Code
- G. Draft Ordinance Adding the Residential Mixed Use (R-MU) District to Title 16 of the Municipal Code
- H. Draft Ordinance Amending Chapter 16.40, C-2-B (Neighborhood Commercial District, Restrictive) and Chapter 16.72 (Off Street Parking) of Title 16 of the Municipal Code
- I. Draft Ordinance of the City Council Amending Chapter 16.02 (General Provisions), Chapter 16.68 (Buildings), Chapter 16.80 (Nonconforming Uses and Buildings), and Chapter 16.82 (Permits) of Title 16 of the Municipal Code

- J. Draft Ordinance Rezoning Certain Properties within the M-2 Area
- K. Street Classification Map and Descriptions
- L. Draft Resolution Approving the Community Amenities List
- M. ConnectMenlo EIR Errata #3
- N. Revised Green and Sustainable Building Table
- O. Letter from West Bay Sanitary District, dated November 22, 2016
- P. Correspondence

Report prepared by:
Deanna Chow, Principal Planner

Report reviewed by:
Arlinda Heineck, Community Development Director

DRAFT – November 29, 2016

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN (LAND USE & CIRCULATION ELEMENTS) AND M-2 AREA ZONING UPDATE

WHEREAS, the General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo (“Project”) began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park (“City”) and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings;

WHEREAS, the California Environmental Quality Act (“CEQA,” Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15000 et seq.) require an analysis and a determination regarding the Project’s potential environmental impacts;

WHEREAS, the Project consists of long-term planning and policy documents that will guide future development activities in the City and does not approve any specific development projects. Therefore, pursuant to CEQA Guidelines Section 15168, it is appropriate that the Environmental Impact Report (“EIR”) for the Project is a program-level EIR;

WHEREAS, the City released a Notice of Preparation (“NOP”) for the Project to the Office of Planning and Research (“OPR”) State Clearinghouse and interested agencies and persons on June 18, 2015 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City held a public scoping meeting on September 21, 2015. Comments on

the NOP were received by the City and considered during preparation of the Draft EIR;

WHEREAS, a Notice of Availability (“NOA”) was issued and the Draft EIR was made available for public review on June 1, 2016 for a 45-day public review period through July 15, 2016. As a result of comments received on the Draft EIR, the City Council extended the Draft EIR review period for 15 days, providing in total a 60-day public review period ending on August 1, 2016;

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research and copies of the Draft EIR were made available at the Community Development Department, on the City’s website and at the Menlo Park Public Library;

WHEREAS, on October 10, 2016, the City published a Response to Comments Document that contains all of the comments received on the Draft EIR during the public comment period, including a transcript of the public hearing, and written responses to those comments, prepared in accordance with CEQA and the CEQA Guidelines. The Draft EIR and Response to Comments Document, together with three errata, constitute the Final EIR;

WHEREAS, all required public notices and public hearings were duly given and held according to law;

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on October 19, 2016 and October 24, 2016 at which all persons interested had the opportunity to appear and comment and at which the Planning Commission considered and made recommendations to the City Council regarding on the Final EIR and the merits of the Project;

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Council on November 15, 2016 and November 29, 2016 at which all persons interested had the opportunity to appear and comment and at which the City Council considered the Final EIR and the merits of the Project; and

WHEREAS, the City Council has reviewed the Final EIR, all staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the City, including at the Planning Commission and at the City Council hearings and found that the Final EIR was prepared in compliance with CEQA;

WHEREAS, after closing the public hearing, the City Council acting on its independent judgment and analysis voted affirmatively to certify the Final EIR pursuant to CEQA;

WHEREAS, the City Council certifies that it has reviewed the comments received and the responses thereto and finds that the Final EIR provides adequate, good faith and reasoned responses to the comments. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the Project and is supported by substantial evidence;

WHEREAS, the Final EIR identified certain potentially significant adverse effects on the environment caused by the Project;

WHEREAS, the City Council specifically finds that where more than one reason for approving the Project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the City Council would have made its decision on the basis of any one of those reasons;

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the potential for significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the City Council believes justify the occurrence of those impacts; and

WHEREAS, the City Council having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to certify the Final EIR, make the findings required by CEQA, adopt the Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program ("MMRP") and approve the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby certifies the Final EIR, makes the following findings with respect to the Project's significant effects on the environment as identified in the Final EIR, as required under Sections 15091, 15092, and 15093 of the CEQA Guidelines, and adopts the MMRP as follows:

I. PROJECT DESCRIPTION

As fully described in Chapter 3 of the Draft EIR, the Project involves the updated goals, policies and programs of the General Plan Land Use Element and

Circulation Element and the updated M-2 Area Zoning Ordinance, and the associated new development potential in the M-2 Area, also referred to as the Bayfront Area, combined with the remaining and previously approved buildout potential in the current General Plan that would be reaffirmed and carried forward to the 2040 buildout horizon.

The buildout of the potential future development in these identified locations is based on a horizon year of 2040; therefore, the EIR analyzes growth occurring between 2016 and 2040. The 2040 horizon year is generally consistent with other key planning documents, including *Plan Bay Area*, which is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy to Senate Bill 375, the Sustainable Communities and Climate Protection Act.

A. GENERAL PLAN UPDATE

Every city and county in California is required to prepare and to adopt a comprehensive long-term general plan for the physical development of the county or city and, in some cases, land outside the city or county boundaries (Government Code Section 65300). With the Housing, Open Space/Conservation, Noise and Safety Elements of the General Plan having been recently updated, the focus of the Project is on the Land Use and Circulation Elements. The City of Menlo Park has undertaken a community-based planning process to review changes to these elements as part of a focused General Plan Update. A major focus of the Project is balancing potential development impacts and the provision of community benefits, especially for the Belle Haven neighborhood. Targeted community benefits include alternative transportation to alleviate severe traffic congestion, housing to support both the adjacent neighborhood and the increasing workforce, and expanded service and retail uses.

The Land Use Element frames the type and scale of potential development that may occur, particularly in the M-2 Area, which is the area generally between US 101 and the San Francisco Bay and where most change is expected in Menlo Park over the next two decades. The proposed Land Use and Circulation Elements are intended to guide development and conservation in the City through the 2040 buildout horizon of this General Plan. These two elements are central components of the General Plan because they describe which land uses should be allowed in the City, where those land uses should be located, how those land uses may be accessed and connected, and how development of those uses should be managed so as to minimize impacts and maximize benefits to the City and its residents. The Circulation Element addresses transportation issues throughout the City, and both updated Elements will be consistent with the

other General Plan Elements. The Project aims to improve transportation connections citywide for all modes of travel and to upgrade traffic metrics to keep up with the area’s fast rate of development.

B. M-2 AREA ZONING UPDATE

The Draft EIR also assesses the proposed zoning provisions for the M-2 Area, which is the focus of future land use changes under the Project, to implement the updated General Plan programs, including development regulations and design standards for the M-2 Area. The updated Zoning Ordinance will include the creation of three new zoning districts in the M-2 Area—Office (O), Life Sciences (LS) and Residential Mixed Use (R-MU). Properties in the M-2 Area will be rezoned with the new zoning designations for consistency with the General Plan.

C. BUILDOUT PROJECTIONS

The horizon-year projections were based on the probable, or reasonably foreseeable, “planning period development” that is expected to occur within the planning period through the year 2040. As shown in Table 1, the remaining buildout potential under the current General Plan that is being reaffirmed as part of the Project is 1.8 million square feet of non-residential space, up to three hotels, and 1,000 residential units, which could generate up to 2,580 new residents and 4,400 new employees. The proposed net new development potential within the M-2 Area (the only new development potential proposed in the City) is 2.3 million square feet of non-residential space, 400 hotel rooms and 4,500 residential units, which could generate up to 11,570 new residents and 5,500 new employees. When combined and considered in the citywide context, the Project includes 4.1 million square feet of non-residential space, 400 hotel rooms and 5,500 residential units, which could generate up to 14,150 new residents and 9,900 employees. The environmental impact of this combined citywide development potential is the Project that is analyzed in the EIR.

TABLE 1 PROPOSED PROJECT BUILDOUT PROJECTIONS

Category		Current General Plan Remaining Development Potential ^a	+ Proposed Development (M-2 Area Only) ^b	New Development Potential	= Proposed Project ^c
BAYFRONT AREA					
Non-Residential Feet ^d	Square	1.4 million		2.3 million	3.7 million
Hotel Rooms ^e		0		400	400
Residential Units ^f		150		4,500	4,650
Population ^g		390		11,570	11,960
Employees		3,400		5,500	8,900
REMAINDER OF CITY					
Non-Residential Feet	Square	355,000		0	355,000
Hotel Rooms ^e		0		0	0
Residential Units ^f		850		0	0
Population ^g		2,190		0	0
Employees		1,000		0	0
CITYWIDE TOTALS					
Non-Residential Feet	Square	1.8 million		2.3 million	4.1 million
Hotel Rooms^e		0		400	400
Residential Units^f		1,000		4,500	5,500
Population^g		2,580		11,570	14,150
Employees		4,400		5,500	9,900

Notes: Numbers are estimates and rounded for the purposes of this programmatic environmental review.

a. This column represents the previously-approved and ongoing development potential under the existing General Plan.

b. This is the proposed new development potential of the proposed project. New development potential would occur in the M-2 Area only.

c. This column represents the total buildout development potential of the proposed project, which is the sum of columns (a) and (b).

d. Potential Commercial square footage in the M-2 Area would occur within Office, Life Science, and Residential districts.

e. Three hotels are proposed under the current General Plan; Hotel square footage is not included in the New Development Potential in the M-2 Area development potential non-residential square feet.

f. Residential units proposed in the M-2 Area would include multi-family units and dormitory style units. Residential units proposed throughout the remainder of the city could include multi-family units and single-family units developed as second units where single-family units currently exist.

g. Assumes 2.57 persons per household per Association of Bay Area Governments (ABAG) *Projections 2013, Subregional Study Area Table*.

D. PROJECT OBJECTIVES

The Project addresses growth in the M-2 Area but also circulation citywide and will seek to accomplish the following objectives:

- Establish and achieve the community's vision.
- Realize economic and revenue potential.
- Directly involve Bayfront Area property owners (as land use changes are expected only in that area).
- Streamline development review.
- Improve mobility for all travel modes.
- Preserve neighborhood character.

II. ENVIRONMENTAL REVIEW PROCESS

A. ENVIRONMENTAL IMPACT REPORT

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. A NOP of an EIR was issued by the City to the OPR State Clearinghouse and interested agencies and persons on June 18, 2015 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City also held a public scoping meeting on September 21, 2015. Comments on the NOP were received by the City and considered during preparation of the Draft EIR.

A NOA was issued on Wednesday, June 1, 2016 and the Draft EIR was made available for public review for a 45-day public review period through Friday, July 15, 2016. As a result of comments received on the Draft EIR, the City extended the Draft EIR review period for a total 60-day comment period between June 1, 2016 and August 1, 2016, which is 15 days beyond the CEQA required 45-day comment period per Section 15105 of the CEQA Guidelines. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. Copies of the Draft EIR were made available for review to interested parties at the at the City Main Library (800 Alma Street), Belle Haven Branch Library (413 Ivy Drive), Onetta Harris Community Center (100 Terminal Avenue), and the Community Development Department (701 Laurel Street) in Menlo Park, as well as on the ConnectMenlo website at www.menlopark.org/connectmenlo.

The Responses to Comments Document provides responses to the comments received during the comment period on the Draft EIR. The Draft EIR and the Responses to Comments Document comprise the Final EIR. The Planning Commission was presented with the Final EIR for consideration at a public hearing. The Planning Commission, however, does not take final action on the Final EIR or the Project, but provides recommendations. The City Council then considers the Planning Commission's recommendations on the Final EIR and the Project during a noticed public hearing, and takes the final action with regard to certification of the Final EIR and approval of the Project. The City Council is currently scheduled to consider certification of the Final EIR at a public hearing in late 2016.

III. CERTIFICATION OF THE FINAL EIR

In accordance with CEQA Guidelines Section 15090, the City of Menlo Park, acting by and through its City Council hereby certifies that the Final EIR has been completed in compliance with the CEQA and the CEQA Guidelines. The City further certifies that it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to approving the Project. The City further certifies that the Final EIR reflects its independent judgment and analysis.

IV. RECORD OF PROCEEDINGS

For purposes of CEQA and these findings, the record of proceedings consists of the following documents and testimony:

- (a) The NOP and all other public notices issued by the City in conjunction with the Project;
- (c) The Draft EIR for the Project, dated June 2016;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- (e) The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, and the technical appendices, dated October 2016;
- (f) The MMRP for the Project;
- (h) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to

the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- (i) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Project;
- (j) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- (k) All matters of common knowledge to the Planning Commission and City Council, including, but not limited to:
 - (i) City's General Plan and other applicable policies;
 - (ii) City's Zoning Ordinance and other applicable ordinances;
 - (iii) Information regarding the City's fiscal status;
 - (iv) Applicable City policies and regulations; and
 - (v) Federal, state and local laws and regulations.
- (l) Any other materials required for the record of proceedings by CEQA Section 21167.6(e).

The documents described above comprising the record of proceedings are located in the Community Development Department, City of Menlo Park, 701 Laurel Street, Menlo Park, California 94025. The custodian of these documents is the City's Community Development Director or his/her designee.

V. FINDINGS

The findings, recommendations, and statement of overriding considerations set forth below ("Findings") are made and adopted by the City Council of the City of Menlo Park as the City's findings under CEQA and the CEQA Guidelines relating to the Project. The Findings provide the written analysis and conclusions of the City Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations that support approval of the Project despite any remaining environmental effects it may have.

These findings summarize the environmental determinations of the Final EIR with regard to Project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the Final EIR.

Instead, these findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the City's findings and rationale about the significance of each impact following the adoption of mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding mitigation measures and the Project's impacts.

In adopting mitigation measures, below, the City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby adopted and incorporated into the Project in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections VI and VII, below, provide brief descriptions of the impacts that the Final EIR identifies as either significant and unavoidable or less than significant with adopted mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

VI. FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project, some of which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR. Public Resources Code Section 21081(a)(1). In some cases, the City cannot require or control implementation of mitigation measures for certain impacts because they are within the responsibility and jurisdiction of other public agencies. Public Resources Code Section 21081(a)(2). Therefore, as explained below, some impacts will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures. To the extent that these mitigation measures will not mitigate or avoid all significant effects on the environment, and because the City cannot require mitigation measures that are within the responsibility and jurisdiction of other public agencies to be adopted or implemented by those agencies, it is hereby

determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in Section XII, below. Public Resources Code Section 21081(a)(3). As explained in Section X, below, the findings in this Section VI are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. IMPACT AQ-2A: DESPITE IMPLEMENTATION OF THE PROJECT POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE PROJECT CONSTRUCTION ACTIVITIES WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that future development under the Project would result in a substantial long-term increase in criteria air pollutants over the 24-year General Plan horizon. Criteria air pollutant emissions would be generated from on-site area sources (e.g., fuel used for landscaping equipment, consumer products), vehicle trips generated by the Project, and energy use (e.g., natural gas used for cooking and heating). Because cumulative development within the City of Menlo Park could exceed the regional significance thresholds, the Project could contribute to an increase in health effects in the basin until such time as the attainment standards are met in the San Francisco Bay Area Air Basin. The impact is considered significant and unavoidable.

Implementation of Mitigation Measure AQ-2a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measure AQ-2a; therefore, the impact would be significant and unavoidable.

Mitigation Measure AQ-2a:

Prior to issuance of a building permits, all development projects in the city that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines shall prepare and submit to the City's Planning Division a technical assessment evaluating potential project-related operational air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the project applicant is required to incorporate mitigation measures into the development project to reduce air pollutant emissions during operation. The identified measures shall be incorporated into all appropriate

construction documents, subject to the review and approval of the Planning Division prior to building permit issuance.

B. IMPACT AQ-2B: DESPITE IMPLEMENTATION OF THE PROJECT POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE PROJECT CONSTRUCTION ACTIVITIES WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that future development under the Project would result in a substantial long-term increase in criteria air pollutants over the 24-year General Plan horizon. Criteria air pollutant emissions would be generated from construction-related activities and if uncontrolled, fugitive dust (PM₁₀ and PM_{2.5}) levels downwind of actively disturbed areas during construction or overlapping construction activities could violate air quality standards or contribute substantially to an existing or projected air quality violation and expose sensitive receptors to elevated concentrations of pollutants during construction activities. Because cumulative development within the City of Menlo Park could exceed the regional significance thresholds, the Project could contribute to an increase in health effects in the basin until such time as the attainment standards are met in the San Francisco Bay Area Air Basin (SFBAAB). The impact is considered significant and unavoidable.

Implementation of Mitigation Measures AQ-2b1 and AQ-2b2 set forth below, which are hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measures AQ-2b1 and AQ-2b2; therefore, the impact would be significant and unavoidable.

Mitigation Measure AQ-2b1:

Prior to building permit issuance, the City shall require applicants for all development projects in the city to comply with the current Bay Area Air Quality Management District's (BAAQMD) basic control measures for reducing construction emissions of PM₁₀ (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).

Mitigation Measure AQ-2b2:

Prior to issuance of a building permit, development projects in the City that are subject to CEQA and exceed the screening sizes in the BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the project applicant is required to incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds (e.g., Table 8-2, Additional Construction Mitigation Measures Recommended for projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans), subject to the review and approval of the Planning Division prior to building permit issuance.

C. IMPACT AQ-5: DESPITE IMPLEMENTATION OF THE GENERAL PLAN POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE GENERAL PLAN WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that the Project will combine with regional growth within the air basin to result in a cumulatively considerable net increase of pollutants for the SFBAAB, which is currently designated a nonattainment area for California and National O₃, California and National PM_{2.5}, and California PM₁₀ ambient air quality standards (AAQS). Any project that produces a significant regional air quality impact in an area that is in nonattainment adds to the cumulative impact. Mitigation measures AQ-2a, AQ-2b1 and AQ-2b2, set forth and incorporated above, and Mitigation Measure AQ-3a and AQ-3b set forth and incorporated below (see Section VII(A)) would reduce impacts to the extent feasible, but the Project's impacts would remain significant and unavoidable.

There are no feasible mitigation measures available to reduce the impact to a less-than-significant level. Air pollutant emissions associated with the Project would result in a cumulatively considerable contribution to air quality impacts, and the Project's impacts would be significant and unavoidable.

Mitigation Measure AQ-5:

Implementation of Mitigation Measures AQ-2a through AQ-3b.

D. IMPACT GHG-1: THE PROJECT WOULD RESULT IN A SUBSTANTIAL INCREASE IN GREENHOUSE GAS (GHG) EMISSIONS FROM EXISTING CONDITIONS BY THE PROPOSED GENERAL PLAN HORIZON YEAR 2040 AND WOULD NOT ACHIEVE THE 2040 EFFICIENCY TARGET, WHICH IS BASED ON A TRAJECTORY TO THE 2050 GOAL OF AN 80 PERCENT REDUCTION FROM 1990 LEVELS PURSUANT TO EXECUTIVE ORDER S-03-05. ADDITIONAL STATE AND FEDERAL ACTIONS ARE NECESSARY TO ENSURE THAT STATE AND FEDERALLY REGULATED SOURCES (I.E., SOURCES OUTSIDE THE CITY'S JURISDICTIONAL CONTROL) TAKE SIMILAR AGGRESSIVE MEASURES TO ENSURE THE DEEP CUTS NEEDED TO ACHIEVE THE 2050 TARGET.

The Final EIR finds that the Project would result in a substantial increase in GHG emissions from existing conditions by the horizon year 2040 and would not achieve the 2040 efficiency target, which is based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels. The policies identified in the General Plan as well as the transportation demand management (TDM) and other green building sustainability measures in the Zoning Ordinance update would reduce GHG emissions, to the extent feasible. However, additional state and federal actions are necessary to ensure that state and federally regulated sources (i.e., sources outside the City's jurisdictional control) take measures to ensure the deep cuts needed to achieve the 2050 target. Therefore, GHG impacts for consistency with the 2040 and more aggressive long-term targets of Executive Order S-03-15 are considered significant. The City has a Climate Action Plan (CAP) to achieve the GHG reduction goals of Assembly Bill (AB) 32 for year 2020.

Implementation of Mitigation Measure GHG-1 set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure GHG-1 would ensure that the City updates the CAP to identify a post-2020 GHG reduction goal to align with the upcoming California Air Resources Board's (CARB) Scoping Plan Update for statewide 2030 GHG emissions reductions target and identify a GHG reduction goal for the Project horizon year. At this time there are no post-2020 federal and state measures that would assist the City in achieving the efficiency target at the proposed project year. No additional mitigation measures are feasible and available; therefore, the impact would remain significant and unavoidable.

Mitigation Measure GHG-1:

Prior to January 1, 2020, the City of Menlo Park shall update the Climate Action Plan (CAP) to address the GHG reduction goals of Executive Order B-30-15 and Executive Order S-03-05 for GHG sectors that the City has direct or indirect jurisdictional control over. The City shall identify a GHG emissions reduction target for year 2030 and 2040 that is consistent with the GHG reduction goals identified in Executive Order B-30-15 and Executive Order S-03-05. The CAP shall be updated to include measures to ensure that the City is on a trajectory that aligns with the state's 2030 GHG emissions reduction target.

E. IMPACT GHG-2: WHILE THE PROJECT SUPPORTS PROGRESS TOWARD THE LONG TERM-GOALS IDENTIFIED IN EXECUTIVE ORDER B-30-15 AND EXECUTIVE ORDER S-03-05, IT CANNOT YET BE DEMONSTRATED THAT MENLO PARK WILL ACHIEVE GHG EMISSIONS REDUCTIONS THAT ARE CONSISTENT WITH A 40 PERCENT REDUCTION BELOW 1990 LEVELS BY 2030 OR AN 80 PERCENT REDUCTION BELOW 1990 LEVELS BY THE YEAR 2050 BASED ON EXISTING TECHNOLOGIES AND CURRENTLY ADOPTED POLICIES AND PROGRAMS.

The Final EIR finds that the Project would be consistent with the regional objectives of the Plan Bay Area and the City's CAP. The policies and programs in the Project would ensure substantial progress toward the long-term GHG reductions goals for 2050. However, CARB has not yet drafted a plan to achieve the statewide GHG emissions goals established in Executive Order S-03-05. In addition to the local measures included in the Project, additional state and federal measures are necessary to achieve the more aggressive targets established for 2050 in Executive Order S-03-05. Therefore, GHG impacts are considered to be significant, requiring mitigation. As described above, the City has a CAP to achieve the GHG reduction goals of AB 32 for year 2020.

Implementation of Mitigation Measure GHG-1 set forth above, adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure GHG-1 would ensure that the City updates the CAP to identify a post-2020 GHG reduction goal to align with the upcoming CARB Scoping Plan Update for statewide 2030 GHG emissions reductions target and identify a GHG reduction goal for the Project horizon year. At this time there are no post-2020 federal and state measures that would assist the City in achieving the efficiency target at the proposed project year. No additional mitigation measures are feasible and available; therefore, this impact would remain significant and unavoidable.

Mitigation Measure GHG-2:

Implement of Mitigation Measure GHG-1.

F. IMPACT POP-4: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN A SIGNIFICANT CUMULATIVE IMPACT WITH RESPECT TO POPULATION AND HOUSING.

The Final EIR finds that the Project's proposed development projections are not in alignment with the existing Association of Bay Area Government's (ABAG) *Projections 2013*, which is the official regional planning agency for the San Francisco Bay Area region, which is composed of the nine counties -Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, Sonoma - and contains 101 cities. ABAG produces growth forecasts on four-year cycles so that other agencies, including the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD), can use the forecasts to make project funding and regulatory decisions. The General Plans, zoning regulations and growth management programs of local jurisdictions inform ABAG's projections. Following adoption of the Project, future ABAG projections would take into account the buildout of the Project and Menlo Park's growth will no longer contribute to a cumulative exceedance of regional projections. Exceeding regional growth projections is not, by itself, a significant impact on the environment. The Project includes ongoing growth potential in the *Plan Bay Area's* El Camino Real and Downtown Priority Development Area, which is an area identified for transit-oriented infill, and includes housing and jobs in the M-2 Area that would be guided by a planning framework that promotes a "live/work/play" environment in an infill setting; therefore, meeting the intent of the MTC/ABAG's *Plan Bay Area* is the Bay Area's Regional Transportation Plan (RTP)/ Sustainable Community Strategy (SCS) to reduce environmental impacts, specifically those associated with air quality, greenhouse gas emissions, and transportation and circulation. The significant and unavoidable impact is a conservative conclusion that is strictly related to the consistency with the existing *Projections 2013* prepared by ABAG and is does not result in a physical impact to the environment. The EIR finds that because the City does not have the jurisdiction to regulate or guide the cumulative development outside of City of Menlo Park that could contribute to the cumulative exceedance of ABAG projections there is no mitigation the City can implement or monitor that would reduce the impact. There are no feasible and available mitigation measures available to reduce this impact. Therefore, this impact would remain significant and unavoidable.

G. IMPACT TRANS-1a: IMPLEMENTATION OF THE PROJECT WOULD EXCEED THE CITY'S CURRENT IMPACT THRESHOLDS UNDER THE 2040 PLUS PROJECT CONDITIONS AT SOME ROADWAY SEGMENTS IN THE STUDY AREA.

The Final EIR finds that that implementation of the Project would generate additional motor vehicle trips on the local roadway network, resulting in significant impacts some study segments during at least one of the AM or PM peak hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., respectively). Implementation of Mitigation Measure TRANS-1a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

Implementation of Mitigation Measure TRANS-1a, which is a typical improvement strategy to manage increased net daily trips by adding travel lanes to accommodate increased capacity of the roadway, could require additional right-of-way that is not under the jurisdiction of the City, which would affect local property owners and is considered infeasible in most locations. Also, the widening of roadways can lead to other secondary impacts, such as induced travel demand (e.g., more vehicles on the roadway due to increased capacity on a particular route), air quality degradation, increases in noise associated with motor vehicles, and reductions in transit use (less congestion or reduced driving time may make driving more attractive than transit travel). Wider roadways also result in a degradation of pedestrian and bicycle facilities, including increased intersection crossing times. Thus, while traffic may increase on certain roadways by varying percentages, it should be viewed as more than a level-of-service or traffic-operation issue. For these reasons, these types of measures are considered infeasible to reduce ADT on the impacted roadway segments. Furthermore, while implementation of the proposed Zoning regulations would reduce impacts at some roadway segments, it would not necessarily reduce all the impacted segments. For example, the proposed Zoning regulations that require a 20 percent trip reduction is anticipated to eliminate impacts on eight roadway segments, including segments of Alma Street, Encinal Avenue, Hamilton Avenue, Junipero Serra Boulevard, Laurel Street, Newbridge Street, and Linfield Drive. The trip reduction requirement would reduce traffic volumes at all other locations between 1 and 17 percent, resulting in reduced impacts. Additionally, the proposed street classification system would reclassify some street segments in the Bayfront Area, including segments of Chrysler Drive, Constitution Drive, Chilco Street, Adams Drive, and others, from local streets to Mixed-Use Collectors. These reclassifications would change the street design standards and eliminate or reduce impacts as streets are rebuilt to new

standards over time. Furthermore, the net growth in 2040 Plus Project conditions daily traffic volumes, which represents the net change from existing conditions, includes growth that will occur without the project under 2040 No Project Conditions. Fully mitigating the impact to less than significant levels is infeasible because it would require eliminating most of the year 2040 traffic growth on impacted segments, including background traffic growth, regional traffic growth outside the control of the City and/or not part of the project. For these reasons, impacts to roadway segments are considered significant and unavoidable. It should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with the applicable regulations and meet applicable thresholds of significance. However, due to the programmatic nature of the proposed project, no feasible and additional mitigating policies are available.

Mitigation Measure TRANS-1a:

Widen impacted roadway segments at appropriate locations throughout the city to add travel lanes and capacity to accommodate the increase in net daily trips.

H. IMPACT TRANS-1b: IMPLEMENTATION OF THE PROJECT WOULD RESULT IN INCREASED DELAY TO PEAK HOUR MOTOR VEHICLE TRAFFIC EXCEEDING THE SIGNIFICANCE THRESHOLD AT SOME OF THE STUDY INTERSECTIONS.

The Final EIR finds that that implementation of the Project would generate additional motor vehicle trips on the local roadway network, resulting in significant impacts some study intersections during at least one of the AM or PM peak hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., respectively). Implementation of Mitigation Measure TRANS-1b set forth below, which is hereby adopted and incorporated into the proposed project, would update the City's existing Transportation Impact Fee (TIF) program to secure a funding mechanism for future roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on then current standards, but not to a less-than-significant level. Impacts would remain significant and unavoidable because the City cannot guarantee improvements at these intersections at this time. This is in part because the nexus study has yet to be prepared, some of the improvements have the potential to cause secondary environmental impacts that would need to be addressed before construction could occur, and some of the impacted intersections are within the jurisdiction of the City of East Palo Alto and Caltrans. The City will continue to cooperate with these jurisdictions to identify improvements that would reduce or minimize the impacts to intersections and roadways as a result of implementation of future

development projects in Menlo Park, but, many of the improvements in Mitigation Measure TRANS-1a are within the responsibility and jurisdiction of other agencies and not the City of Menlo Park. No additional mitigation measures are feasible and available; therefore, the impact would be significant and unavoidable.

Mitigation Measure TRANS-1b:

The City of Menlo Park shall update the existing Transportation Impact Fee (TIF) program to guarantee funding for citywide roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Transportation Impact Fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified below, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary transportation mitigations that are to be funded by that project.

As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the improvements and facilities required to mitigate the impacts of new development pursuant to the proposed project. The following examples of improvements and facilities would reduce impacts to acceptable level of service standards and these, among other improvements, could be included in the TIF program impact fees nexus study:

- **Sand Hill Road (westbound) and I-280 Northbound On-ramp (#1):** *Modify the signal-timing plan during the PM peak hour to increase the maximum allocation of green time to the westbound approach during the PM peak hour.*

- **Sand Hill Road (eastbound) and I-280 Northbound Off-ramp (#2):** Add an additional northbound right-turn lane on the off-ramp to improve operations to acceptable LOS D during the AM peak hour.
- **El Camino Real and Ravenswood Avenue (#28):** One eastbound right-turn lane on Menlo Avenue to improve conditions.
- **Willow Road and Newbridge Street (#33):** Implement measures on Chilco Street south of Constitution Drive to reduce or prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street, and measures to enhance east/west circulation from Willow Road via O'Brien Drive and the proposed mixed-use collector street opposite Ivy Drive, extending east to University Avenue, to discourage use of Newbridge Street.
- **Willow Road and Hamilton Avenue (#36):** Provide primary access to potential future development sites east of Willow Road via O'Brien Drive and/or the proposed Mixed-Use Collector that would intersect Willow Road between Hamilton Avenue and O'Brien Drive. Implement measures on Chilco Street south of Constitution Drive to prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street. Although the provision of an eastbound left-turn lane on Hamilton Avenue where it approaches Willow Road would reduce the delay, this potential mitigation is not recommended because it would encourage cut-through traffic via Chilco Street and Hamilton Avenue, potentially affecting the Belle Haven neighborhood. Therefore, to avoid facilitating the use of Chilco Street and Hamilton Avenue as cut-through routes in the adjacent residential neighborhood, mitigating this traffic impact is not recommended at this time, consistent with City policies that discourage cut-through traffic in residential neighborhoods. The improvements should be incorporated into the updated fee program for ongoing consideration.
- **Bayfront Expressway and Willow Road (#37):** Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.
- **Bayfront Expressway and University Avenue (#38):** Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to

adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.

- **Chilco Street and Constitution Drive (#45):** Install a traffic signal and signalized crosswalks at the intersection. Construct three southbound lanes on the one-block segment of Chilco Street, between Bayfront Expressway and Chilco Street, to include two southbound left-turn lanes to accommodate the volume of left-turning vehicles entering the project site. In addition, during the AM peak hour, provide a “split-phase” signal operation on Chilco Street. Construct a northbound left-turn lane on Chilco Street approaching Constitution Drive. Construct two outbound lanes on Chilco Street between Constitution Drive and Bayfront Expressway. If the Facebook Campus Expansion Project is approved, this mitigation measure would be required to be constructed as a requirement of that project.
- **Chrysler Drive and Constitution Drive (#46):** Construct a southbound left-turn on Chrysler Drive, approaching Constitution Drive.
- **University Avenue and Adams Drive (#47):** Install a traffic signal at this intersection.
- **University Avenue and Bay Road (#51):** Realign the eastbound and westbound approaches to allow replacement of the east/west “split-phase” signal on Bay Street with standard protected signal phases in order to allow eastbound and westbound pedestrian crossings to occur simultaneously, which would allow for an increase in green time allocated to northbound/southbound movements on University Avenue and reduce peak-hour delay at this intersection. This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure is found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to collect fair-share contributions from future development towards such improvements.
- **University Avenue and Donohoe Street (#54):** Mitigating this impact would require providing additional westbound lane capacity on Donohoe Street, including an extended dual left-turn pocket, dedicated through lane, and dual right-turn lanes; providing a southbound right-turn lane on University Avenue and lengthening the northbound turn pockets. However, this mitigation is likely to be infeasible given right-of-way limitations, proximity to existing US 101 on- and off-ramps, and adjacent properties. In addition, this intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure is found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to

collect fair-share contributions from future development towards such improvements.

- **University Avenue and US 101 Southbound Ramps (#56):** Mitigating this impact would require modifications to the US 101 Southbound On/Off Ramps and at this location This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure is found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park's updated fee program to collect fair-share contributions from future development towards such improvements.
- **Chilco Street and Hamilton Avenue (#60):** Installation of a traffic signal would mitigate this impact to less than significant levels, but would have the undesirable secondary effect of encouraging the use of Chilco Street as a cut-through route, which conflicts with City goals that aim to reduce cut-through traffic in residential neighborhoods. Therefore, to avoid facilitating cut-through traffic, mitigating this traffic impact by increasing capacity is not recommended at this time, but should be incorporated into the updated fee program for ongoing consideration.

I. IMPACT TRANS-2: IMPLEMENTATION OF THE PROJECT WOULD RESULT IN IMPACTS TO ROUTES OF REGIONAL SIGNIFICANCE.

The Final EIR finds that Routes of Regional Significance would be adversely impacted during at least one of the peak hours as a result of implementation of the Project. Implementation of Mitigation Measure TRANS-1a, set forth and incorporated above, would reduce these impacts, but not to a less-than-significant level. As discussed above, Mitigation Measure TRANS-1a is a typical improvement strategy to manage increased net daily trips. However, providing additional travel lanes would increase segment capacity but would not be feasible segments given available right-of-way and both downstream and downstream capacity limitations on facilities such as US 101 and the Dumbarton Bridge. In addition, the routes are under the control of Caltrans, and the City cannot guarantee implementation of mitigation. No additional mitigation measures are feasible and available; therefore, the impacts to regional routes of significance would remain significant and unavoidable.

Mitigation Measure TRANS-2:

Implement Mitigation Measure TRANS-1a.

J. IMPACT TRANS-6a: IMPLEMENTATION OF THE PROJECT WOULD NOT PROVIDE ADEQUATE PEDESTRIAN OR BICYCLE FACILITIES TO CONNECT TO THE AREA-WIDE CIRCULATION SYSTEM.

The Final EIR finds that the Project would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system. Implementation of Mitigation Measure TRANS-6a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure TRANS-6a would update the City's existing Transportation Impact Fee (TIF) program to secure a funding mechanism for future pedestrian and bicycle improvements that are determined to be necessary to mitigate impacts from future projects based on then current standards, impacts would remain significant and unavoidable, because the City cannot guarantee improvements at this time. This is because the nexus study has yet to be prepared. No additional mitigation measures are feasible and available; therefore, these impacts would remain significant and unavoidable.

Mitigation Measure TRANS-6a:

The City of Menlo Park shall update the Transportation Impact Fee (TIF) program to provide funding for citywide bicycle and pedestrian facilities that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward improvements that will connect development sites within the area circulation system, including the elimination of gaps in the citywide pedestrian and bicycle network. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the transportation Impact fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified in this mitigation measure, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary pedestrian or bicycle facilities mitigations that are to be funded by that project.

As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the bicycle and pedestrian improvements and facilities

required to mitigate the traffic impacts of new development pursuant to the proposed project. The following examples of pedestrian and bicycle improvements would reduce impacts to acceptable standards, and these, among others improvements, could be included in the updated TIF program, also described under TRANS-1:

- **US 101 Pedestrian & Bicycle Overcrossing at Marsh Road, and Marsh Road Corridor Pedestrian & Bicycle Improvements (Haven Avenue to Marsh Road/Bay Road):** Provide pedestrian and bicycle circulation between the Bayfront Area east of US 101 with the area circulation system west of US 101 along Marsh Road, including access to schools and commercial sites west of Marsh Road that are accessed via Bay Road and Florence Street. Improvements should facilitate pedestrian and bicycle circulation between Haven Avenue and across US 101 near Marsh Road. The recommended improvement would include a dedicated pedestrian and bicycle crossing adjacent to Marsh Road. Alternatively, the provision of continuous sidewalks with controlled pedestrian crossings and Class IV protected bicycle lanes on the Marsh Road overpass, if feasible, could mitigate this impact.
- **Ringwood Avenue Corridor Pedestrian & Bicycle Improvements (Belle Haven to Middlefield Road):** Eliminate pedestrian and bicycle facility gaps on primary access routes to the Ringwood Avenue bicycle/pedestrian overcrossing of US 101 (located near the terminus of Ringwood Avenue and Market Place). Improvements should include complete sidewalks on the north side of Pierce Road and bicycle facility improvements on the proposed Ringwood Avenue-Market Place-Hamilton Avenue bicycle boulevard (see Street Classification Map in Chapter 3, Project Description). These improvements would also enhance pedestrian and bicycle access to Menlo-Atherton High School.
- **University Avenue Pedestrian Improvements:** Eliminate gaps in the sidewalk network on those portions of University Avenue that are within the Menlo Park City limits. The TIF Program should also include a contribution towards elimination of sidewalk gaps outside the City limits (within the City of East Palo Alto) to ensure that continuous sidewalks are provided on the west University Avenue between Adams Drive and the Bay Trail, located north of Purdue Avenue.
- **Willow Road Bikeway Corridor (Bayfront Expressway to Alma Street):** Provide a continuous bikeway facility that eliminates bicycle lane gaps, provides Class IV bicycle lanes on the US 101 overpass and where Willow Road intersects US 101 northbound and southbound ramps, and upgrades

existing Class II bicycle lanes to Class IV protected bicycle lanes where feasible, particularly where the speed limit exceeds 35 miles per hour (mph).

- **Willow Road Pedestrian Crossings (Bayfront Expressway to Newbridge Street):** Provide enhanced pedestrian crossings of Willow Road at Hamilton Avenue, Ivy Drive (including proposed new street connection opposite Ivy Drive), O'Brien Drive and Newbridge Street. Enhanced crossings should include straightened crosswalks provided on each leg, high visibility crosswalk striping, accessible pedestrian signals, and pedestrian head-start signal timing (leading pedestrian intervals) where feasible. These enhanced crossings would provide improved access between the Belle Haven neighborhood and potential future development between Willow Road and University Avenue.
- **Dumbarton Corridor Connections:** Through separate projects, Samtrans is currently considering the potential for a bicycle/pedestrian shared-use trail along the Dumbarton Corridor right-of-way between Redwood City and East Palo Alto, through Menlo Park. If found feasible, the City's TIF Program should incorporate walking and bicycling access and connections to the proposed trail, including a potential rail crossing between Kelly Park and Onetta Harris Community Center and Chilco Street and pedestrian and bicycle improvements on streets that connect to the Dumbarton Corridor: Marsh Road, Chilco Street, Willow Road, and University Avenue.

K. IMPACT TRANS-6b: THE PROJECT WOULD GENERATE A SUBSTANTIAL INCREASE IN TRANSIT RIDERS THAT CANNOT BE ADEQUATELY SERVICED BY EXISTING PUBLIC TRANSIT SERVICES, AND THE PROJECT WOULD GENERATE DEMAND FOR TRANSIT SERVICES AT SITES MORE THAN ONE-QUARTER MILE FROM EXISTING PUBLIC TRANSIT ROUTES.

The Final EIR finds that the Project would generate a substantial increase in transit riders that cannot be adequately serviced by existing public transit services, and the project would generate demand for transit services at sites more than one-quarter mile from existing public transit routes. Implementation of Mitigation Measure TRANS-6b set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Mitigation Measure TRANS-6b would update the City's existing Shuttle Fee program to guarantee funding for operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards, impacts would remain significant and unavoidable, because the City cannot guarantee improvements at this time. This

is because the nexus study has yet to be prepared. No additional mitigation measures are feasible and available; therefore, these impacts would remain significant and unavoidable.

Mitigation Measure TRANS-6b:

The City of Menlo Park shall update the existing Shuttle Fee program to guarantee funding for citywide operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements and right-of-way acquisition. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Shuttle fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Shuttle fees to fund operations of City-sponsored shuttle service to meet the increased demand.

As part of the update to the Shuttle Fee program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the transit improvements and facilities required to mitigate the transit impacts of new development pursuant to the proposed project. The types of transit-related improvements and facilities that would reduce impacts to acceptable standards including increasing the fleet of City-sponsored Shuttles and adding additional transit stop facilities within one-quarter mile from residential and employment centers. These, among other improvements, could be included in the Shuttle Fee program impact fees nexus study.

L. IMPACT TRANS-6c: THE PROJECT WOULD RESULT IN INCREASED PEAK-HOUR TRAFFIC DELAY AT INTERSECTIONS ON BAYFRONT EXPRESSWAY, UNIVERSITY AVENUE AND WILLOW ROAD, AS IDENTIFIED IN TRANS-1, THAT COULD DECREASE THE PERFORMANCE OF TRANSIT SERVICE AND INCREASE THE COST OF TRANSIT OPERATIONS.

The Final EIR finds that would result in increased peak-hour traffic delay at intersections on Bayfront Expressway, University Avenue and Willow Road that

could decrease the performance of transit service and increase the cost of transit operations. Implementation of Mitigation Measure TRANS-6c set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure TRANS-6c, which could result in the provision transit service on the on the Dumbarton Corridor could mitigate this impact, because provision of Dumbarton transit service would require approval of other public agencies and is not under the jurisdiction of the City of Menlo Park, implementation of this mitigation cannot be guaranteed and this impact would remain is significant and unavoidable. No additional mitigation measures are feasible and available.

Mitigation Measure TRANS-6c:

The City should continue to support the Dumbarton Corridor Study, evaluating the feasibility of providing transit service to the existing rail corridor and/or operational improvements to Bayfront Expressway, Marsh Road and Willow Road, such as a dedicated high-occupancy vehicle (HOV) lane, bus queue-jump lanes, or transit-signal priority that could reduce travel time for current bus operations.

VII. FINDINGS FOR SIGNIFICANT IMPACTS REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES

The Final EIR identifies the following significant impacts associated with the Project. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less than significant level or avoided by adopting and incorporating these mitigation measures conditions into the Project. Public Resources Code Section 21081(a)(1). As explained in Section X, below, the findings in this Section VII are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

- A. IMPACT AQ-3a: WAREHOUSING OPERATIONS COULD GENERATE A SUBSTANTIAL AMOUNT OF DIESEL PARTICULATE MATTER (DPM) EMISSIONS FROM OFF-ROAD EQUIPMENT USE AND TRUCK IDLING. IN ADDITION, SOME WAREHOUSING, RESEARCH AND DEVELOPMENT, AND INDUSTRIAL FACILITIES MAY INCLUDE USE OF TRANSPORT REFRIGERATION UNITS (TRUs) FOR COLD STORAGE THAT COULD EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.**

The Final EIR finds that the buildout of the Project could result in new sources of criteria air pollutant emissions and/or toxic air contaminants near existing or planned sensitive receptors. Existing and Project policies would reduce concentrations of TACs and PM_{2.5} generated by new development. Review of projects by BAAQMD for permitted sources of air toxics (e.g., industrial facilities, dry cleaners, and gasoline dispensing facilities) would ensure health risks are minimized. Mitigation Measure AQ-3a would ensure that mobile sources of TACs not covered under BAAQMD permits are considered during subsequent project-level environmental review. Development of individual projects would be required to achieve the incremental risk thresholds established by BAAQMD. Implementation of the Mitigation Measures AQ-3a, set forth below, which are hereby adopted and incorporated into the Project, would reduce this impact to a less-than-significant level.

Mitigation Measure AQ-3a:

Applicants for future non-residential land uses within the city that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Menlo Park prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:

- *Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.*
- *Electrifying warehousing docks.*
- *Requiring use of newer equipment and/or vehicles.*
- *Restricting off-site truck travel through the creation of truck routes.*

Mitigation measures identified in the project-specific HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of a proposed project.

B. IMPACT AQ-3B: PLACEMENT OF NEW SENSITIVE LAND USES NEAR MAJOR SOURCES OF AIR POLLUTION COULD BE EXPOSED TO ELEVATED CONCENTRATIONS OF AIR POLLUTANTS.

The Final EIR finds that the placement of new sensitive receptors near major sources of TACs and PM_{2.5} could expose people to substantial pollutant concentrations. General Plan policies would reduce concentrations of criteria air pollutant emissions and air toxics generated by new development. Mitigation Measure AQ-3b would ensure that placement of sensitive receptors near major sources of air pollution would achieve the incremental risk thresholds established by BAAQMD.

Mitigation Measure AQ-3b:

As part of the discretionary review process for development applications, applicants for all non-residential projects within the City that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City's Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:

- *Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.*
- *Electrifying warehousing docks.*
- *Requiring use of newer equipment and/or vehicles.*
- *Restricting off-site truck travel through the creation of truck routes.*

Mitigation measures identified in the project-specific HRA shall be incorporated into the site development plan as a component of a proposed project, subject to the review and approval of the Community Development Department.

C. IMPACT BIO-1: IMPACTS TO SPECIAL-STATUS SPECIES OR THE INADVERTENT LOSS OF BIRD NESTS IN ACTIVE USE, WHICH WOULD CONFLICT WITH THE FEDERAL MIGRATORY BIRD TREATY ACT AND CALIFORNIA FISH AND GAME CODE COULD OCCUR AS A RESULT OF NEW DEVELOPMENT POTENTIAL IN THE BAYFRONT AREA AND FROM EXISTING AND ONGOING DEVELOPMENT POTENTIAL IN THE REMAINDER OF THE CITY IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that potential for occurrence of special-status species in developed areas is generally very remote in comparison to undeveloped lands with natural habitat that contain essential habitat characteristics for the range of species known in the Menlo Park vicinity; however, the western snowy plover, Santa Cruz kangaroo rat, salt-marsh harvest mouse and California least tern, among others, have the potential for occurrence in the remaining undeveloped lands in Bayfront Area and special-status species, including the Alameda song sparrow, American Badger, hoary bat, Santa Cruz kangaroo rat, pallid bat, California tiger salamander, western pond turtle, California red-legged frog have the potential for occurrence elsewhere in the study area. Implementation of Mitigation Measure BIO-1, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-1:

As part of the discretionary review process for development projects, new construction and building additions, regardless of size, in addition to appropriate CEQA review, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status species, other sensitive biological resources, and/or active nests of common birds protected under Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA shall include: wetlands, occurrences or suitable habitat for special-status species, sensitive natural communities, and important movement corridors for wildlife such as creek corridors and shorelines.

The baseline BRA shall be prepared by a qualified biologist.

The baseline BRA shall provide a determination on whether any sensitive biological resources are present on the site, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If jurisdictional wetlands and/or waters are suspected to be present on the site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA.

The baseline BRA shall also include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project and lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).

The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan and the USFWS Recovery Plan for the Pacific Coast Population of the Western Snowy Plover, for determining the potential presence or absence of sensitive biological resources, however, the presence or absence of sensitive biological resources will be determined by on-site surveys. If the adjacent property is the Refuge, Refuge staff shall be contacted regarding the presence or absence of sensitive biological resources.

*If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. Appropriate measures, such as preconstruction surveys, establishing no-disturbance zones and restrictive time periods during construction, protective development setbacks and restrictions, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist in consultations with the regulatory and resource agencies to provide adequate avoidance, or provide compensatory mitigation if avoidance is infeasible. With respect to fully protected species, if the BRA for any development project determines that any of the following Fully Protected Species are present, then neither take of such species will be permitted nor will mitigation measures including species collection or relocation. The Fully Protected Species include American Peregrine Falcon (*Falco peregrinus anatum*), California Black Rail (*Laterallus jamaicensis coturniculus*), California Clapper Rail – Ridgway's Rail (*Rallus longirostris obsoletus*), California Least Tern (*Sterna albifrons browni*), White-tail Kite (*Elanus leucurus*), Salt-*

marsh harvest mouse (Reithrodontomys raviventris), and San Francisco garter snake (Thamnophis sirtalis tetrataenia).

The qualified biologist shall consult with the Refuge management and, where appropriate, the Endangered Species Office of the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW) for determining the potential presence or absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required.

Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations, i.e. the USACE, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), USFWS, NMFS, Refuge and CDFW, shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits.

For sites that are adjacent to undeveloped lands with federally and/or State-listed special status species, or sensitive habitats, or lands of the Refuge, the BRA shall include evaluation of the potential effects of:

- additional light,*
- glare,*
- shading (i.e. shadow analysis),*
- noise,*
- urban runoff,*
- water flow disruption,*
- water quality degradation/sedimentation,*
- attraction of nuisance species/predators (e.g. attraction of refuse) and their abatement (e.g. adverse impacts of rodenticides), and*
- pesticides*

generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. The BRA shall include proposed avoidance, minimization and mitigation of these adverse impacts.

The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA

shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department and the appropriate regulatory and resource agencies.

The following zoning regulations enacted by ordinances (including, but not limited to, 16.XX O-Office District, 16.XX.080 Corporate housing, 16.XX.140 Green and sustainable building; 16.XX LS-Life Science District, 16.XX.130 Green and sustainable building) to minimize impacts to biological resources are incorporated by reference into this mitigation measure and shall be a component of the project building permits:

- 1. Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.*
- 2. Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.*
 - a. Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.*
 - b. Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.*
 - c. Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.*
- 3. Bird-friendly design.*
 - a. No more than ten percent (10%) of façade surface area shall have non-bird- friendly glazing.*
 - b. Bird- friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.*
 - c. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.*
 - d. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.*

- e. *Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.*
- f. *Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.*

If it is determined through the BRA or CEQA review that further assessment/monitoring/reporting is required by appropriate regulatory or resource agencies, it shall be the responsibility of the City to ensure all project requirements are implemented.

D. IMPACT BIO-2: IMPACTS TO COASTAL SALT MARSH VEGETATION IN THE BAYLANDS, AND POSSIBLY AREAS OF RIPARIAN SCRUB AND WOODLAND ALONG SAN FRANCISQUITO CREEK AND OTHER DRAINAGES IN THE STUDY AREA COULD OCCUR AS A RESULT OF NEW DEVELOPMENT POTENTIAL IN THE BAYFRONT AREA AND FROM EXISTING AND ONGOING DEVELOPMENT POTENTIAL IN THE REMAINDER OF THE CITY IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that impacts to riparian habitats and other sensitive natural communities include both direct and indirect impacts that may occur. Direct impacts occur as a result of converting natural resources to developed properties, including the addition of impervious surfaces or hydrologic alterations. Habitat loss and degradation of existing habitat are direct impacts. Direct impacts may also be temporary impacts if they disturb a habitat that is subsequently restored after construction. An indirect impact is a physical change in the environment, which is not immediately related to, but is caused by the project. For example, if development results in reducing the sizes of remaining habitats, the values and functions of that habitat would be reduced and indirect impacts would occur. Increased stormwater runoff could potentially contribute to the loss of wetland habitat, affecting special status species that rely on this habitat.

Sensitive natural communities in the study area include areas of coastal salt marsh vegetation in the baylands, native valley oaks dominate the 88-acre Saint Patrick's Seminary in central Menlo Park and possibly areas of riparian scrub and woodland along San Francisquito Creek and other drainages. A portion of the Bayfront Area along University Avenue has a designation of Life Sciences over areas of marshland cover. These marshlands appear to be primarily freshwater and brackish in nature, but would still be a sensitive natural community type and are most likely regulated wetlands as discussed further under Impact Discussion

BIO 3 below. Implementation of Mitigation Measure BIO-2, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-2:

Implement Mitigation Measure BIO-1.

E. IMPACT BIO-3: IMPLEMENTATION OF THE PROJECT COULD RESULT IN DIRECT AND INDIRECT IMPACTS TO WETLAND HABITAT IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that development and land use activities consistent with the Project could result in direct loss or modification to existing wetlands and unvegetated other waters, as well as indirect impacts due to water quality degradation. Affected wetlands could include both the wetland-related sensitive natural community types described above, as well as areas of open water, degraded and modified streams and channels, unvegetated waters, and isolated seasonal wetlands or freshwater seeps. Implementation of Mitigation Measure BIO-3, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-3:

Implement Mitigation Measure BIO-1.

F. IMPACT BIO-4: IMPLEMENTATION OF THE PROJECT COULD RESULT IN IMPACTS ON THE MOVEMENT OF FISH AND WILDLIFE, WILDLIFE CORRIDORS, OR WILDLIFE NURSERY SITES IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that development and land use activities consistent with the Project would result in a reduction in the remaining natural habitat in the study area. However, most wildlife in these areas are already acclimated to human activity in the urbanized portions of the study area. Implementation of Mitigation Measure BIO-4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-4:

Implement Mitigation Measure BIO-1.

G. IMPACT BIO-6: IMPACTS TO SENSITIVE HABITAT IN THE STANFORD HABITAT CONSERVATION PLAN (HCP) AREA COULD OCCUR AS A RESULT OF EXISTING DEVELOPMENT POTENTIAL IN THE STUDY AREA THAT IS LOCATED WITHIN THE STANFORD HCP AREA IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that development within sensitive habitats within the Stanford Habitat Conservation Plan area could occur under the Project. Implementation of Mitigation Measure BIO-6 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-6:

Implement Mitigation Measure BIO-1.

H. IMPACT BIO-7: IMPLEMENTATION OF THE PROJECT IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO BIOLOGICAL RESOURCES.

The Final EIR finds that implementation of the Project could result in further conversion of existing natural habitats to urban and suburban conditions, limiting the existing habitat values of the surrounding area and potentially resulting in significant cumulative impacts with respect to biological resources.

With implementation of Mitigation Measure BIO-1, set forth and incorporated above, the Project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

Mitigation Measure BIO-7:

Implement Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-6.

I. IMPACT CULT-1: FUTURE DEVELOPMENT IN MENLO PARK COULD LEAD TO DEMOLITION AND ALTERATION THAT HAS THE POTENTIAL TO CHANGE THE HISTORIC FABRIC OR SETTING OF HISTORIC ARCHITECTURAL RESOURCES SUCH THAT THE RESOURCE'S ABILITY TO CONVEY ITS SIGNIFICANCE MAY BE MATERIALLY IMPAIRED.

The Final EIR finds that implementation of the Project could result in new development and that could impair the historic integrity of resources are generally more important with larger and denser new construction and the impacts on historical resources would be significant. Implementation of Mitigation Measure CULT-1 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-1:

At the time that individual projects are proposed on any site citywide with a building more than 50 years old or any site adjoining a property with a building more than 50 years old, the City shall require the project applicant to prepare a site-specific evaluation to determine if the project is subject to completion of a site-specific historic resources study. If it is determined that a site-specific historic resources study is required, the study shall be prepared by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the study shall consist of a records search of the California Historical Resources Information System, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The study shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If applicable, the specific requirements for inventory areas and documentation format required by certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), shall be adhered to.

If the project site or adjacent properties are found to be eligible for listing on the California Register, the project shall be required to conform to the current Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings, which require the preservation of character defining features which convey a building's

historical significance, and offers guidance about appropriate and compatible alterations to such structures.

J. IMPACT CULT-2A: IMPLEMENTATION OF THE PROJECT COULD HAVE THE POTENTIAL TO CAUSE A SIGNIFICANT IMPACT TO AN ARCHAEOLOGICAL RESOURCE PURSUANT TO CEQA GUIDELINES SECTION 15064.5.

The Final EIR finds that implementation of the Project could result in new development and that could impair the historic integrity of unknown archaeological deposits associated with the historic period of Menlo Park and Native American prehistoric archeological sites. Implementation of Mitigation Measure CULT-2a set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-2a:

If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.

K. IMPACT CULT-2b: FUTURE DEVELOPMENT IN MENLO PARK COULD IMPACT ARCHEOLOGICAL RESOURCES WITHOUT PROPER CONSULTATION WITH NATIVE AMERICAN TRIBES.

The Final EIR finds that implementation of the Project could result in new development and that could impair the historic integrity of unknown

archaeological deposits associated with the historic period of Menlo Park and Native American prehistoric archeological sites. Implementation of Mitigation Measure CULT-2b set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-2b:

As part of the City's application approval process and prior to project approval, the City shall consult with those Native American Tribes with ancestral ties to the Menlo Park city limits regarding General Plan Amendments in the city and land use policy changes. Upon receipt of an application for proposed project that requires a General Plan Amendment or a land use policy change, the City shall submit a request for a list of Native American Tribes to be contacted about the proposed project to the Native American Heritage Commission (NAHC). Upon receipt of the list of Native American Tribes from the NAHC, the City shall submit a letter to each Tribe on the provided list requesting consultation with the Native American Tribe about the proposed project via the City's preferred confirmation of receipt correspondence tracking method (e.g., Federal Express, United States Postal Service Certified Mail, etc.).

L. IMPACT CULT-3: IMPLEMENTATION OF THE PROJECT WOULD HAVE THE POTENTIAL TO DIRECTLY OR INDIRECTLY AFFECT A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE, OR UNIQUE GEOLOGIC FEATURE.

The Final EIR finds that implementation of the Project could result in new development and that could impair unknown fossils or unique paleontological resources or unique geologic features in the study area. Implementation of Mitigation Measure CULT-3 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-3:

In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities anywhere in the city, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to

determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.

M. IMPACT CULT-4: GROUND-DISTURBING ACTIVITIES AS A RESULT OF FUTURE DEVELOPMENT IN MENLO PARK COULD ENCOUNTER HUMAN REMAINS THE DISTURBANCE OF THOSE REMAINS COULD RESULT IN A SIGNIFICANT IMPACT UNDER CEQA.

The Final EIR finds that implementation of the Project could result in new development and that could impair human remains, including those of Native Americans, associated with pre-contact archaeological deposits in the study area. Implementation of Mitigation Measure CULT-4 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-4:

Procedures of conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

N. IMPACT CULT-5: GROUND-DISTURBING ACTIVITIES AS A RESULT OF FUTURE DEVELOPMENT IN MENLO PARK COULD ENCOUNTER TRIBAL CULTURAL RESOURCES (TCRS) THE DISTURBANCE OF WHICH COULD RESULT IN A SIGNIFICANT IMPACT UNDER CEQA.

The Final EIR finds that implementation of the Project could result in new development and that could impair unknown archeological resources including Native American artifacts and human remains, which could be defined as tribal cultural resources (TCRs). Implementation of Mitigation Measure CULT-5a through CULT-5c set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-5a:

Implement Mitigation Measures CULT-2a.

Mitigation Measure CULT-5b:

Implement Mitigation Measures CULT-2b.

Mitigation Measure CULT-5c:

Implement Mitigation Measures CULT-4.

O. IMPACT CULT-6: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN A SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO CULTURAL RESOURCES.

The Final EIR finds that implementation of the Project could impair cultural resources, including unknown archaeological resources, paleontological resources, human remains, or TCR's historic building and potentially resulting in significant cumulative impacts with respect to biological resources. Implementation of Mitigation Measure CULT-6, set forth and incorporated below, the Project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

Mitigation Measure CULT-6:

Implement Mitigation Measures CULT-1, CULT-2a, CULT-2b, CULT-3, and CULT-4.

P. IMPACT HAZ-4: IMPLEMENTATION OF THE PROJECT COULD OCCUR ON SITES WITH KNOWN HAZARDOUS MATERIALS AND, AS A RESULT, CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT.

The Final EIR finds that because hazardous materials are known to be present in soil, soil gas, and/or groundwater due to past land uses at certain sites that may be redeveloped as part of the Project, the direct contact, inhalation, or ingestion of hazardous materials could potentially cause adverse health effects to construction workers and future site users. The severity of health effects would depend on the contaminant(s), concentration, use of personal protective equipment during construction, and duration of exposure. The disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, nearby receptors, and the environment and impacts could be potentially significant. Implementation of Mitigation Measures HAZ-4a and HAZ-4b, set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure HAZ-4a:

Construction at the sites of any site in the City with known contamination, shall be conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared in consultation with the Regional Water Quality Control Board (RWQCB) or the Department of Toxic Substances Control (DTSC), as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations.

The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall: 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; 2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with

State and federal worker safety regulations; and 3) designate personnel responsible for implementation of the ESMP.

Mitigation Measure HAZ-4b:

For those sites throughout the city with potential residual contamination in soil, gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ-4a).

Q. IMPACT HAZ-9: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO HAZARDS AND HAZARDOUS MATERIALS.

The Final EIR takes into account growth projected by the Project within the Menlo Park city boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of San Mateo County and the surrounding region, as forecast by the Association of Bay Area of Governments (ABAG). Potential cumulative hazardous materials impacts could arise from a combination of the development of the Project together with the regional growth in the immediate vicinity of the study area. As discussed under Impact HAZ-4, disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, nearby receptors, and the environment and impacts could be potentially significant. Implementation of Mitigation Measures HAZ-9, set forth and incorporated below, in conjunction with compliance with General Plan policies and strategies, other local, regional, State, and federal regulations, the proposed project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

Mitigation Measure HAZ-9:

Implement Mitigation Measures HAZ-4a and HAZ-4b.

R. IMPACT LU-2: FUTURE DEVELOPMENT PROPOSALS IN MENLO PARK COULD BE INCONSISTENT WITH THE APPLICABLE GOALS, POLICIES AND PROGRAMS IN THE GENERAL PLAN THAT HAVE BEEN PREPARED TO REDUCE AND/OR AVOID IMPACTS TO THE ENVIRONMENT AND THE SUPPORTING ZONING STANDARDS.

The Final EIR finds that future projects that are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards would be considered a significant impact. Implementation of Mitigation Measures LU-2, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure LU-2:

As part of the discretionary review process for development projects, all proposed development anywhere in Menlo Park is required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park's Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.

S. IMPACT LU-4: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO LAND USE AND PLANNING.

The Final EIR finds that implementation of the Project could result in a cumulative land use impact if future projects under the proposed project are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards. Implementation of Mitigation Measure LU-4 set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure LU-4:

Implement Mitigation Measure LU-2.

T. IMPACT NOISE-1: FUTURE PROJECTS IN MENLO PARK COULD RESULT IN DEVELOPMENT THAT EXCEEDS NOISE LIMITS REQUIRED UNDER TITLE 24 AND THE CITY'S REGULATIONS.

The Final EIR finds that if future projects in Menlo Park exceed the noise limits required under Title 24 or the City's regulations as set forth in the Zoning regulations this would result in a significant impact. Implementation of Mitigation Measures NOISE-1a, NOISE-1b, and NOISE-1c, set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure NOISE-1a:

To meet the requirements of Title 24 and General Plan Program N1.A, project applicants shall perform acoustical studies prior to issuance of building permits for citywide development of new noise-sensitive uses. New residential dwellings, hotels, motels, dormitories, and school classrooms must meet an interior noise limit of 45 dBA CNEL or Ldn. Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. Where exterior noise levels are projected to exceed 60 dBA CNEL or Ldn at the façade of a building, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the 45 dBA noise limit. Project applicants for all new multi-family residential projects subject to the review and approval of the Community Development Department, prior to building permit issuance, must perform acoustical studies within the projected Ldn 60 dB noise contours, so that noise mitigation measures can be incorporated into project design and site planning, subject to the review and approval of the Community Development Department.

Mitigation Measure NOISE-1b:

Stationary noise sources and landscaping and maintenance activities citywide shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.

Mitigation Measure NOISE-1c:

Project applicants for all development projects in the city shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval and/or enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during on-going grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

- *Construction activity is limited to the daytime hours between 8:00 a.m. to 6:00 p.m. on Monday through Friday, as prescribed in the City's municipal code.*
- *All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer.*
- *Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.*
- *Stockpiling is located as far as feasible from nearby noise-sensitive receptors.*
- *Limit unnecessary engine idling to the extent feasible.*
- *Limit the use of public address systems.*
- *Construction traffic shall be limited to the haul routes established by the City of Menlo Park.*

U. IMPACT NOISE-2: FUTURE PROJECTS IN MENLO PARK COULD CAUSE EXPOSURE OF PEOPLE TO, OR GENERATION OF, EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.

The Final EIR finds that if future projects in Menlo Park could cause exposure of people to, or generation of, excessive groundborne vibration or groundborne noise levels. Implementation of Mitigation Measure NOISE-2a and NOISE-2b, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure NOISE-2a:

To prevent architectural damage citywide as a result of construction-generated vibration:

- *Prior to issuance of a building permit for any development project requiring pile driving or blasting, the project applicant/developer shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. The maximum levels shall not exceed 0.2 inch/second, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed these thresholds, alternative methods such static rollers, non-explosive blasting, and drilling piles as opposed to pile driving shall be used.*

To prevent vibration-induced annoyance as a result of construction-generated vibration:

- *Individual projects that involve vibration-intensive construction activities, such as blasting, pile drivers, jack hammers, and vibratory rollers, within 200 feet of sensitive receptors shall be evaluated for potential vibration impacts. A vibration study shall be conducted for individual projects where vibration-intensive impacts may occur. The study shall be prepared by an acoustical or vibration engineer holding a degree in engineering, physics, or allied discipline and who is able to demonstrate a minimum of two years of experience in preparing technical assessments in acoustics and/or groundborne vibrations. The study is subject to review and approval of the Community Development Department.*

Vibration impacts to nearby receptors shall not exceed the vibration annoyance levels (in RMS inches/second) as follows:

- *Workshop = 0.126*
- *Office = 0.063*
- *Residential Daytime (7:00 AM–10:00 PM)= 0.032*
- *Residential Nighttime (10:00 PM to 700 AM) = 0.016*

If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., nonexplosive blasting methods, drilled piles as opposed to pile driving, preclusion for using vibratory rollers, use of small- or medium-sized bulldozers, etc.). Vibration reduction measures shall be incorporated into the site development plan as a component of the project and applicable building plans, subject to the review and approval of the Community Development Department.

Mitigation Measure NOISE-2b:

To reduce long-term vibration impacts of future development citywide on existing or potential future sensitive uses:

- *Locate sensitive uses away from vibration sources.*
- *Design industrial development to minimize vibration impacts on nearby uses. Where vibration impacts may occur, reduce impacts on residences and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration near rail lines and industrial uses.*

- *Work with the railroad operators (e.g., Caltrain, Union Pacific, etc.) to reduce, to the extent possible, the contribution of railroad train noise and vibration to Menlo Park's noise environment.*

V. IMPACT NOISE-4: FUTURE PROJECTS IN MENLO PARK COULD RESULT IN CONSTRUCTION-RELATED NOISE THAT EXCEEDS NOISE LIMITS REQUIRED UNDER THE CITY'S REGULATIONS.

The Final EIR finds that future projects would be required to demonstrate compliance with the City's required standards to ensure they do not result in the generation of construction noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies. Implementation of Mitigation Measure NOISE-4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure NOISE-4:

Implement Mitigation Measure NOISE-1c.

W. IMPACT NOISE-7: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO NOISE.

The Final EIR finds that implementation of the Project could result in a cumulative noise impact if future projects under the proposed project are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards related to maintaining acceptable noise operational and construction-related impacts. Implementation of Mitigation Measure NOISE-7, set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure NOISE-7:

Implement Mitigation Measures NOISE-1a through NOISE-1c, NOISE-2a, NOISE-2b, and NOISE-4.

X. IMPACT UTIL-10: IMPLEMENTATION OF THE PROJECT, WHEN CONSIDERED WITH THE OTHER JURISDICTIONS THAT DIVERT SOLID WASTE TO THE OX MOUNTAIN LANDFILL, COULD RESULT

IN POTENTIAL LACK OF LANDFILL CAPACITY FOR DISPOSAL OF SOLID WASTE UNDER CUMULATIVE CONDITIONS.

The Final EIR finds that anticipated rates of solid waste disposal would have a less-than-significant impact with regard to target disposal rates, and that the City would continue its current recycling ordinances and waste management policies. Nevertheless, the 2034 estimated closure date for the Ox Mountain Landfill would result in insufficient solid waste disposal capacity at buildout of the proposed project when considered with other development in the service area of the Ox Mountain Landfill, resulting in a significant cumulative impact. Implementation of Mitigation Measure UTIL-10, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure UTIL-10:

The City shall continue its reduction programs and diversion requirements in an effort to further reduce solid waste that is diverted to the landfill and lower its per capita disposal rate citywide. In addition, the City shall monitor solid waste generation volumes in relation to capacities at receiving landfill sites to ensure that sufficient capacity exists to accommodate future growth. The City shall ensure any waste management firm it contracts with has access to a new landfill site(s) to replace the Ox Mountain landfills, at such time that this landfill is closed.

VIII. ALTERNATIVES

The Final EIR analyzed three alternatives to the Project, examining the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet Project objectives. The Project objectives are listed in Chapter 3 (Project Description) of the Draft EIR; the potentially significant environmental effects of the Project, including feasible mitigation measures identified to avoid these impacts, are analyzed in Chapter 4 (Environmental Evaluation) of the Draft EIR; and the alternatives are described in detail in Chapter 5 (Alternatives to the Proposed Project) of the Draft EIR.

Brief summaries of the alternatives are provided below. A brief discussion of the Environmentally Superior Alternative follows the summaries of the alternatives. As explained in Section IX, below, the findings in this Section VII are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. THE NO PROJECT ALTERNATIVE: CURRENT GENERAL PLAN

CEQA requires evaluation of the “no project” alternative. State CEQA Guidelines section 15126.6(e). Consistent with State CEQA Guidelines section 15126.6(e)(3)(A), the No Project Alternative assumes that growth and development would continue to occur under the provisions of the current General Plan, including the development allocations non-residential space, hotel and residential unit allocations. Thus, no new development potential beyond what is currently permitted in the current General Plan would occur.

As shown in Draft EIR Table 5-1, the No Project Alternative would allow for the following new development allocations:

- Non-residential allocation: 1.8 million square feet (no net increase from current General Plan)
- Hotel allocation: 0 rooms (no net increase from current General Plan)
- Residential allocation: 1,000 units (no net increase from current General Plan)

When compared to the Project, implementation of the No Project Alternative would result in less development potential, and therefore fewer impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, population and housing, public services and recreation, and utilities and services systems. However, each of these topic areas were found to be less than significant under the Project with implementation of the Project’s goals, policies and programs and Mitigation Measures BI0-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a through NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10. Therefore, adoption of the No Project Alternative does not strictly reduce impacts merely because it allows for less development. For example, the Project includes land uses that plan to improve the balance between jobs and housing—the result is 14 Vehicles Miles Traveled (VMT) per service population, which is lower than the 19 miles anticipated with the No Project Alternative. The No Project Alternative would continue the business-as-usual land use imbalance related to jobs and housing and would not foster a live/work/play environment in the M-2 Area and therefore, impacts related to VMT and consequently, air quality and GHG emissions would be greater than the Project.

While the current General Plan includes goals, policies, and programs that reduce impacts to the environment, the No Project Alternative does not include the improved and enhanced goals, policies, and programs that address the distinct issues and opportunities that the Menlo Park community is likely to face during the updated planning horizon of the General Plan. The proposed policies

of the Land Use and Circulation Elements have been carefully prepared to reduce and/or avoid impacts to the environment as a result of future development in the City to the extent feasible. The proposed policies aim to reduce VMT, greenhouse gas emissions, air quality pollutants, energy consumption, water demand, and solid waste generation by promoting infill development; increasing opportunities for alternative modes of transportation, pedestrian, and bicycle access and connectivity, and local jobs; protecting open space; conserving natural resources; and requiring adherence to green building practices. General Plan policies aim to avoid hazardous conditions and facilitate a healthy and safe environment for residents and visitors to Menlo Park. In addition, General Plan policies aim to protect cultural resources and ensure that new development and redevelopment is compatible with neighboring land uses.

Furthermore, the proposed Zoning update includes regulations for development in the M-2 Area that would introduce Residential and Non-Residential Green Building Requirements, installation of electric vehicle (EV) chargers and meeting 100 percent of electricity and natural gas demand through either onsite generation and/or purchase of renewable electricity or electricity credits to offset energy use. The Zoning Ordinance update also requires that future development project applicants submit a zero-waste management plan to the City, which will cover how the applicant plans to minimize waste to landfill and incineration. The continuation of the ongoing General Plan and Zoning in the M-2 Area do not allow the City to stay current and address the evolving needs of its residents and employees.

As discussed in Section 5.4.3 of the Draft EIR, the No Project Alternative would not satisfy the Project objectives. One Project objective was to plan for changes to land uses in the M-2 Area. The No Project Alternative would not plan for any changes to the M-2 Area. Another Project objective was to achieve the community's vision. The No Project Alternative would not plan for a live/work/play environment in the M-2 Area that was envisioned by the community. The No Project Alternative does not achieve the community's vision or the Project objective to improve mobility for all travel modes. The No Project Alternative would not implement the new proposed General Plan goals, policies and programs, and Zoning regulations that would implement the community's vision for Menlo Park moving into the future. Another Project objective was to realize economic and revenue potential. With the No Project Alternative, there would be no new potential for housing which generates property tax revenue, for commercial uses that generate sales tax revenue, or for new hotel rooms that generate transient occupancy taxes for the City. Finally, the No Project Alternative would not meet the Project objective streamline environmental review and proposed projects

would continue to undergo full environmental review under the outdated General Plan. For the foregoing reasons, the No Project Alternative is hereby rejected as infeasible.

B. REDUCED NON-RESIDENTIAL INTENSITY ALTERNATIVE

Under the Reduced Non-Residential Intensity Alternative, the updated goals, policies and programs of the General Plan Land Use Element and Circulation Element the updated M-2 Area Zoning Ordinance would be implemented. All net new non-residential development under the Project in the M-2 Area would be reduced by 50 percent and the ongoing development potential under the existing General Plan would continue under this Alternative. In other words, all potential development under the existing General Plan would not be reduced. All other components under the Project as described under Section 3.7 of Chapter 3, Project Description, of this Draft EIR, would occur, such as an update to the City's Zoning Ordinance for the M-2 Area to ensure consistency with the General Plan Update and previously adopted ordinances and policies.

As shown in Draft EIR Table 5-1, the Reduced Non-Residential Intensity Alternative would allow for the following new development allocations:

- Non-residential allocation: 2.9 million square feet (net increase of 1.1 million square feet from current General Plan)
- Hotel allocation: 200 rooms (net increase of 200 rooms from current General Plan)
- Residential: 5,500 units (net increase of 4,500 from current General Plan)

When compared to the Project, implementation of this alternative would result in less development potential and impacts related to air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, noise, public services and recreation, transportation and circulation, and utilities and services systems. However, because the Reduced Non-Residential Intensity Alternative assumes that the same General Plan goals, policies, and programs, updated Zoning regulation, and recommended Mitigation Measures AQ-3a, AQ-3b, BIO-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a through NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10 for the Project would apply, the impacts would not be less in these categories simply because less development is proposed. In other words, impacts would be reduced under both scenarios with the application of the mitigating features of the Project and the mitigation measures enforced through the MMRP. Mitigating Project features and Mitigation Measures AQ-2a, AQ-2b1, AQ-2b2, and AQ-5, and TRANS-1a, TRANS-1b, and

TRANS-6a through TRANS-6c, would not reduce impacts because some aspects of the measures are not within the City's jurisdiction to implement. Development under the Reduced Non-Residential Intensity Alternative would result in less non-residential development but maintain the same level of residential as the Project, and therefore has the potential to improve the existing land use to job balance in the study area necessary to ensure that VMT-related impacts such as air quality, GHG emissions, and transportation and circulation would be lower when compared to the Project. It is for this reason this alternative was identified as the environmentally superior alternative. However, this identification does not in and of itself mean this is the most appropriate alternative to fulfill the vision and Project objectives for ConnectMenlo.

The Project is a reflection of the community's vision as identified through ConnectMenlo, which was a robust community engagement process. Under the Reduced Non-Residential Intensity Alternative, the total number of non-residential square footage, hotel rooms, and employees in the M-2 Area would be 50 percent less than anticipated under the Project. This alternative, therefore, does not fully achieve the community's vision because it is a reduction from that vision. Under this alternative, the 50 percent reduction in non-residential development would commensurately reduce economic and revenue potential as compared to the Project, especially from primary sources such as sales tax, business-to-business transaction taxes, and transient occupancy tax. Therefore, this alternative would not fully achieve the economic and revenue potential objective set forth for the Project. The Project and its live/work/play vision oriented toward pedestrian, transit and bicycle use (especially for commuting to nearby jobs) for the M-2 Area was developed working with M-2 Area property owners. Reducing the envisioned non-residential development potential will not achieve the vision of those property owners or the public who participated in ConnectMenlo to create that vision or the objective to improve mobility for all travel modes. For the foregoing reasons, Reduced Non-Residential Intensity Alternative is hereby rejected as infeasible.

C. REDUCED INTENSITY ALTERNATIVE

Under the Reduced Intensity Alternative, the updated goals, policies and programs of the General Plan Land Use Element and Circulation Element the updated M-2 Area Zoning Ordinance would be implemented. In addition, all net new development in the M-2 Area under the Project would be reduced by 25 percent. Potential development under the existing General Plan would not be reduced. All other components proposed by the Project as described under Section 3.7 of Chapter 3, Project Description, of this Draft EIR, would occur, such

as an update to the City's Zoning Ordinance for the M-2 Area to ensure consistency with the General Plan Update and previously adopted ordinances and policies.

As shown in Draft EIR Table 5-1, the Reduced Intensity Alternative would allow for the following new development allocations:

- Non-residential allocation: 3.5 million square feet (net increase of 1.7 million square feet from current General Plan)
- Hotel allocation: 300 rooms (net increase of 300 rooms from current General Plan)
- Residential: 4,375 units (net increase of 3,375 units from current General Plan)

Like the Reduced Non-residential Intensity Alternative, when compared to the Project, implementation of the Reduced Intensity Alternative would result in less development potential and impacts related to air quality, biological resources, hazards and hazardous materials, noise, public services and recreation, and utilities and services systems. However, because the Reduced Intensity Alternative assumes that the same General Plan goals, policies, and programs, updated Zoning regulation, and recommended Mitigation Measures AQ-3a, AQ-3b, BI0-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a through NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10 for the Project would apply, the impacts would not be less in these categories simply because less development is proposed. In other words, impacts would be reduced under both scenarios with the application of the mitigating features of the Project and the mitigation measures enforced through the MMRP. Mitigating Project features and Mitigation Measures AQ-2a, AQ-2b1, AQ-2b2, and AQ-5, and TRANS-1a, TRANS-1b, and TRANS-6a through TRANS-6c, would not reduce impacts because some aspects of the measures are not within the City's jurisdiction to implement.

Under the Reduced Intensity Alternative the total number of residential and non-residential square footage, hotel rooms, and employees in the M-2 Area would be 25 percent less than anticipated under the Project and would generally meet all of the project objectives, but not to the same extent as the Project. As described above under the Reduced Non-Residential Intensity Alternative, the reduced economic and revenue potential from that of the Project would not fully achieve the economic and revenue potential objective set forth by the Project and consequently, would not fully establish and achieve the community's vision for jobs that would support and promote live/work/play environments oriented

toward pedestrians, transit, and bicycle use (especially for commuting to nearby jobs) to the same extent as the Project. For the foregoing reasons, Reduced Intensity Alternative is hereby rejected as infeasible.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

In addition to the discussion and comparison of impacts of the Project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an “environmentally superior” alternative be selected and the reasons for such a selection be disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets the goals or needs of Menlo Park. The project under consideration cannot be identified as the environmentally superior alternative. Additionally, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the “No Project” Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

As shown in Table 5-2 in Chapter 5 of the Draft EIR, the No Project Alternative would, in comparison to the Project, result in reduced environmental impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, population and housing (cumulative), public services, and utilities and service systems, but would ultimately result in greater impacts related to aesthetics, air quality, greenhouse gas emissions and transportation and traffic. Neither the Reduced Non-Residential Alternative nor the Reduced Intensity Alternative would result in greater impacts when compared to the Project. Therefore, as shown on Table 5-2, the Reduced Non-Residential Intensity Alternative would be the environmentally superior alternative because it would result in fewer significant impacts than the Reduced Intensity Alternative. This is in part because the equal reduction of jobs and housing in the Reduced Intensity Alternative would maintain the imbalance that currently exists in the city, which could result in a higher VMT than both the proposed project and the Reduced Non-Residential Intensity Alternative.

For the foregoing reasons, the Reduced Non-Residential Intensity Alternative is considered the environmentally superior alternative.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth above, the City has found that the Project will result in project and cumulative significant adverse environmental impacts related to air quality, greenhouse gas emissions, population and housing, and traffic and circulation that cannot be avoided following adoption, incorporation into the Project, and implementation of mitigation measures described in the EIR. In addition, there are no feasible project alternatives that would mitigate or avoid all of the Project's significant environmental impacts. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. See also Public Resources Code Section 21081(b). Having balanced the economic, legal, social, technological or other benefits of the Project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts, the City finds that the Project benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statement identifies the reasons why, in the City's judgment, specific benefits of the Project outweigh the significant and unavoidable effects. The City finds that each of the Project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

ECONOMIC BENEFITS

1. The Project would promote a vibrant economy by supporting a diversity of business and employment opportunities.
2. The Project provides for the greatest and most balanced economic growth alternative by creating 2.3 million square feet of new employment-related land uses and allowing the City greater opportunities to remain a competitive and innovative business destination in the regional development environment, which would support increased property and sales tax revenues.
3. The Project plans for 400 additional hotel rooms that will generate transient occupancy tax revenue for the City.
4. The Project updates the Transportation Impact Fee (TIF) program to guarantee funding for bicycle and pedestrian facilities and roadway and infrastructure improvements that are necessary to mitigate impacts from future projects.

ENVIRONMENTAL BENEFITS

1. The Project is environmentally superior to the existing General Plan, as discussed in Draft EIR Chapter 5 and summarized above in Section VII(A).
2. The Project recognizes the importance of linking land use and transportation planning.
3. The Project concentrates growth in existing urbanized areas and thereby results in fewer impacts from the construction of new infrastructure, maximizes use of existing impervious surfaces, provides multi-modal transportation opportunities, and reduces vehicle miles traveled, which translates into air quality and greenhouse gas emissions benefits and increases in resources and energy efficiency.
4. The Project largely concentrates growth at locations with existing uses and, as a result, potential future development would consist largely of either redevelopment of existing buildings and/or sites, and selective demolition of existing structures and replacement with new construction.
5. The Project includes policies that encourage conservation of water and energy resources in conformance with the City's sustainability goals.
6. The Project includes policies and mitigation measures, enforceable through the MMRP, that protect the Don Edwards Bay National Wildlife Refuge and other sensitive habitat areas.
7. The Project is in conformance with the principles of planning sustainable communities by meeting both the present and future housing needs of the City.
8. The Project is consistent with Plan Bay Area, which is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS), as well as SB 375, the Sustainable Communities and Climate Protection Act.

SOCIAL BENEFITS

1. The Project plans for citywide equity by providing the greatest job and housing opportunities in the M-2 Area to support a greater balance of land uses in this area of the City.
2. The Project includes up to 5,500 new residential units of which 4,500 would be in the M-2 Area, which represent significant new housing opportunities and include built in incentives for affordable housing.
3. The Project would result in reduced environmental justice inequities by facilitating and promoting the abatement of incompatible land uses and providing an equitable distribution of public amenities.

4. The Project would encourage mixed-use development in the M-2 Area to help improve walkability and quality of life for Menlo Park residents and the region by providing the opportunity for a better jobs/housing balance.
5. The Project provides opportunities for increased building heights and makes additional building height and residential density increases contingent on future development projects in Menlo Park providing the City with community benefits through corporate contributions.
6. The Project plans for M-2 Area residents to receive community benefits through corporate contributions as a result of the live/work/play environment envisioned.
7. The Project maintains investment backed expectations for the community at large.
8. The Project includes goals, policies, and programs that encourage social (and health) benefits associated with improved multi-modal transportation enhancements.

XII. ADOPTION OF THE MMRP

The City Council hereby adopts the mitigation measures set forth for the Project in the Final EIR and the MMRP attached hereto as Exhibit A and incorporated herein by this reference.

VI. SEVERABILITY

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

I, 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 _____ day of _____, 2016, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of _____, 2016.

Mitigation Monitoring or Reporting Program

This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the proposed Menlo Park General Plan (Land Use & Circulation Elements) and M-2 Area Zoning Update (proposed project). The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The mitigation measures in this MMRP shall be applied to all future development anywhere in the city unless otherwise specified in the specific mitigation measure. The City of Menlo Park must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
Air Quality						
AQ-2a: Prior to issuance of a building permits, all development projects in the city that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines shall prepare and submit to the City’s Planning Division a technical assessment evaluating potential project-related operational air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD’s CEQA Guidelines, the project applicant is required to incorporate mitigation measures into the development project to reduce air pollutant emissions during operation. The identified measures shall be incorporated into all appropriate construction documents, subject to the review and approval of the Planning Division prior to building permit issuance.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of the technical assessment	Initials: _____ Date: _____
AQ-2b1: Prior to building permit issuance, the City shall require applicants for all development projects in the city to comply with the current Bay Area Air Quality Management District’s (BAAQMD) basic control measures for reducing construction emissions of PM10 (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Prior to approval and during scheduled site visits	Initials: _____ Date: _____
AQ-2b2: Prior to issuance of a building permit, development projects in the City that are subject to CEQA and exceed the screening sizes in the BAAQMD’s CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of the technical assessment	Initials: _____ Date: _____

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the project applicant is required to incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds (e.g., Table 8-2, Additional Construction Mitigation Measures Recommended for projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans), subject to the review and approval of the Planning Division prior to building permit issuance.</p>						
<p>AQ-3a: As part of the discretionary review process for development applications, applicants for all non-residential projects within the City that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City's Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), PM2.5 concentrations exceed 0.3 µg/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:</p>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of the HRA	Initials: _____ Date: _____

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<ul style="list-style-type: none"> ▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible. ▪ Electrifying warehousing docks. ▪ Requiring use of newer equipment and/or vehicles. ▪ Restricting off-site truck travel through the creation of truck routes. <p>Mitigation measures identified in the project-specific HRA shall be incorporated into the site development plan as a component of a proposed project, subject to the review and approval of the Community Development Department.</p>						
<p>AQ-3b: As part of the discretionary review process, applicants for all residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) anywhere in the City within 1,000 feet of a major sources of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City's Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM2.5 concentrations exceed 0.3 µg/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not</p>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of the HRA	Initials: _____ Date: _____

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>limited to:</p> <ul style="list-style-type: none"> ▪ Air intakes located away from high volume roadways and/or truck loading zones. ▪ Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. <p>Measures identified in the HRA shall be incorporated into the site development plan as a component of the proposed project subject to the review and approval of the Community Development Department. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City, subject to the review and approval of the Community Development Department.</p>						
<p>AQ-5: Implementation of Mitigation Measures AQ-2a through AQ-3b.</p>						<p>Initials: _____ Date: _____</p>
<p>Biological Resources</p>						
<p>BIO-1: As part of the discretionary review process for development projects, new construction and building additions regardless of size, in addition to appropriate CEQA review, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status bat species, other sensitive biological resources, and/or active nests of common birds protected under the Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA shall include: wetlands, occurrences or suitable habitat for special-status species, sensitive natural communities, and important movement corridors for wildlife such as creek corridors and shorelines.</p>	<p>Project applicant</p>	<p>During the building permit and site development review process and prior to permit issuance</p>	<p>A qualified biologist approved by the City of Menlo Park Planning Division</p>	<p>Plan review and approval</p>	<p>Once for the preparation of a biological assessment and again, if determined further assessment is required as specified in this mitigation measure</p>	<p>Initials: _____ Date: _____</p>

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>The baseline BRA shall be prepared by a qualified biologist.</p>						
<p>The baseline BRA shall provide a determination on whether any sensitive biological resources are present on the site, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If jurisdictional wetlands and/or waters are suspected to be present on the site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA.</p>						
<p>The baseline BRA shall also include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project, and lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).</p>						
<p>The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan and the United States Fish and Wildlife Service (USFWS) Recovery Plan for the Pacific Coast Population of the Western Snowy Plover, for determining the potential presence or absence of sensitive biological resources; however, the presence or absence of sensitive biological resources will be determined by on-site surveys. If the adjacent property is the Refuge, Refuge staff shall be contacted regarding the presence or absence of sensitive biological resources.</p>						
<p>If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. Appropriate measures, such as</p>						

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>preconstruction surveys, establishing no-disturbance zones and restrictive time periods during construction, protective development setbacks and restrictions, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist in consultation with the regulatory and resource agencies to provide adequate avoidance, or provide compensatory mitigation if avoidance is infeasible. With respect to fully protected species, if the BRA for any development project determines that any of the following Fully Protected Species are present, then neither take of such species will be permitted nor will mitigation measures including species collection or relocation. The Fully Protected Species include American Peregrine Falcon (<i>Falco peregrinus anatum</i>), California Black Rail (<i>Laterallus jamaicensis coturniculus</i>), California Clapper Rail - Ridgway's Rail (<i>Rallus longirostris obsoletus</i>), California Least Tern (<i>Sterna albifrons browni</i>), White-tailed Kite (<i>Elanus leucurus</i>), Salt-marsh harvest mouse (<i>Reithrodontomys raviventris</i>), and San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>).</p> <p>The qualified biologist shall consult with the Refuge management and where appropriate, the Endangered Species Office of the USFWS, the National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW) for determining the potential presence or absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required.</p> <p>Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations (i.e., the USACE, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), USFWS, NMFS, Refuge and CDFW), shall be obtained by the project applicant, and</p>						

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>evidence of such authorization provided to the City prior to issuance of grading or other construction permits.</p>						
<p>For sites that are adjacent to undeveloped lands with federally and/or State-listed special status species, or sensitive habitats, or lands of the Refuge, the BRA shall include evaluation of the potential effects of:</p>						
<ul style="list-style-type: none"> ▪ additional light, ▪ glare, ▪ shading (i.e., shadow analysis), ▪ noise, ▪ urban runoff, ▪ water flow disruption, ▪ water quality degradation/sedimentation, ▪ attraction of nuisance species/predators (e.g., attraction to refuse) and their abatement (e.g., adverse impacts of rodenticides), ▪ and pesticides, 						
<p>generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. The BRA shall include proposed avoidance, minimization, and mitigation of these adverse impacts.</p>						
<p>The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department and the appropriate regulatory and resource agencies.</p>						

MITIGATION MONITORING OR REPORTING PROGRAM

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>The following zoning regulations enacted by ordinances (including but not limited to 16.43 O-Office District, 16.43.080 Corporate housing, 16.43.140 Green and sustainable building; 16.44 LS-Life Science District, 16.44.130 Green and sustainable building) to minimize impacts to biological resources are incorporated by reference into this mitigation measure and shall be a component of the project building permits:</p> <ol style="list-style-type: none"> 1. Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee. 2. Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat. <ol style="list-style-type: none"> a. Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary. b. Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources. c. Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources. 3. Bird-friendly design. <ol style="list-style-type: none"> a. No more than ten percent (10%) of façade surface area shall have non-bird- friendly glazing. b. Bird- friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit 						

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<p>or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.</p> <p>c. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.</p> <p>d. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.</p> <p>e. Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.</p> <p>f. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.</p> <p>If it is determined through the BRA or CEQA review that further assessment/monitoring/reporting is required by appropriate regulatory or resource agencies, it shall be the responsibility of the City to ensure all project requirements are implemented.</p>						
Cultural Resources						
<p>CULT-1: At the time that individual projects are proposed on any site citywide with a building more than 50 years old or any site adjoining a property with a building more than 50 years old, the City shall require the project applicant to prepare a site-specific evaluation to determine if the project is subject to completion of a site-specific historic resources study. If it is determined that a site-specific historic resources study is required, the study shall be prepared by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the study shall consist of a records search of the California Historical Resources Information</p>	Project applicant	During the building permit and site development review process and prior to permit issuance	Qualified archeologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once at time of preliminary assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials: _____ Date: _____

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<p>System, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The study shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If applicable, the specific requirements for inventory areas and documentation format required by certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), shall be adhered to.</p> <p>If the project site or adjacent properties are found to be eligible for listing on the California Register, the project shall be required to conform to the current <i>Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings</i>, which require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures.</p>						
<p>CULT-2a: If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under</p>	Project applicant	During construction	Qualified archaeologist approved by the City of Menlo Park Planning Division	Initiated after a find is made during construction	During regularly scheduled site inspections that would be initiated after a find is made during construction	Initials: _____ Date: _____

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CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.						
CULT-2b: As part of the City’s application approval process and prior to project approval, the City shall consult with those Native American Tribes with ancestral ties to the Menlo Park city limits regarding General Plan Amendments in the city and land use policy changes. Upon receipt of an application for proposed project that requires a General Plan Amendment or a land use policy change, the City shall submit a request for a list of Native American Tribes to be contacted about the proposed project to the Native American Heritage Commission (NAHC). Upon receipt of the list of Native American Tribes from the NAHC, the City shall submit a letter to each Tribe on the provided list requesting consultation with the Native American Tribe about the proposed project via the via the City’s preferred confirmation of receipt correspondence tracking method (e.g., Federal Express, United States Postal Service Certified Mail, etc.).	The City of Menlo Park	During the project approval process	The City of Menlo Park Planning Division in conjunction with Native American Tribes with ancestral ties to the Menlo Park city limits	Initiated once Native American Tribes request consultation	To be determined by consulting parties	Initials: _____ Date: _____
CULT-3: In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities anywhere in the city, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource,	Project applicant	During construction	Qualified paleontologist approved by the City of Menlo Park Planning Division	Initiated after a find is made during construction	During regularly scheduled site inspections initiated after a find is made during construction	Initials: _____ Date: _____

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<p>and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.</p>						
<p>CULT-4: Procedures of conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.</p>	Project applicant	During construction	The San Mateo County Coroner	Initiated after a find is made during construction	During regularly scheduled site inspections initiated after a find is made during construction	Initials: _____ Date: _____

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Greenhouse Gas Emissions						
GHG-1: Prior to January 1, 2020, the City of Menlo Park shall update the Climate Action Plan (CAP) to address the GHG reduction goals of Executive Order B-30-15 and Executive Order S-03-05 for GHG sectors that the City has direct or indirect jurisdictional control over. The City shall identify a GHG emissions reduction target for year 2030 and 2040 that is consistent with the GHG reduction goals identified in Executive Order B-30-15 and Executive Order S-03-05. The CAP shall be updated to include measures to ensure that the City is on a trajectory that aligns with the state’s 2030 GHG emissions reduction target.	City of Menlo Park	Prior to January 1, 2020	City of Menlo Park Planning Division	Update the Climate Action Plan (CAP)	Once for update to the CAP	Initials: _____ Date: _____
GHG-2: Implement of Mitigation Measure GHG-1.						
Hazards and Hazardous Materials						
HAZ-4a: Construction at the sites of any site in the City with known contamination, shall be conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared in consultation with the Regional Water Quality Control Board (RWQCB) or the Department of Toxic Substances Control (DTSC), as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations. The ESMP shall include measures for identifying, testing, and	Project applicant	During the building permit and site development review process and prior to permit issuance	The appropriate “Oversight Agency” designated by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials: _____ Date: _____

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managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall: 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; 2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and 3) designate personnel responsible for implementation of the ESMP.						
HAZ-4b: For those sites throughout the city with potential residual contamination in soil, gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ-4a).	Project applicant	During the building permit and site development review process and prior to permit issuance	Licensed environmental professional in accordance with RWQCB, DTSC, and SMCEHD approved by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials: _____ Date: _____
Land Use Planning						
LU-2: As part of the discretionary review process for development projects, all proposed development anywhere in Menlo Park is required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park's Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once prior to plan review and approval	Initials: _____ Date: _____

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Noise						
NOISE-1a: To meet the requirements of Title 24 and General Plan Program N1.A, project applicants shall perform acoustical studies prior to issuance of building permits for citywide development of new noise-sensitive uses. New residential dwellings, hotels, motels, dormitories, and school classrooms must meet an interior noise limit of 45 dBA CNEL or L_{dn} . Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. Where exterior noise levels are projected to exceed 60 dBA CNEL or L_{dn} at the façade of a building, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the 45 dBA noise limit. Project applicants for all new multi-family residential projects subject to the review and approval of the Community Development Department, prior to building permit issuance, must perform acoustical studies within the projected L_{dn} 60 dB noise contours, so that noise mitigation measures can be incorporated into project design and site planning, subject to the review and approval of the Community Development Department.	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	Once for preparation of acoustical studies as outlined in the mitigation measure	Initials: _____ Date: _____
NOISE-1b: Stationary noise sources and landscaping and maintenance activities citywide shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	During construction	Initials: _____ Date: _____
NOISE-1c: Project applicants for all development projects in the city shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval and/or enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during on-going	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	During construction	Initials: _____ Date: _____

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<p>grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:</p> <ul style="list-style-type: none"> ▪ Construction activity is limited to the daytime hours between 8:00 a.m. to 6:00 p.m. on Monday through Friday, as prescribed in the City's municipal code. ▪ All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer. ▪ Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses. ▪ Stockpiling is located as far as feasible from nearby noise-sensitive receptors. ▪ Limit unnecessary engine idling to the extent feasible. ▪ Limit the use of public address systems. ▪ Construction traffic shall be limited to the haul routes established by the City of Menlo Park. 						
<p>NOISE-2a: To prevent architectural damage citywide as a result of construction-generated vibration:</p> <ul style="list-style-type: none"> ▪ Prior to issuance of a building permit for any development project requiring pile driving or blasting, the project applicant/developer shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. The maximum levels shall not exceed 0.2 inch/second, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed these thresholds, alternative methods such static rollers, non-explosive blasting, and drilling piles as opposed to pile driving shall be used <p>To prevent vibration-induced annoyance as a result of</p>	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	During construction	Initials: _____ Date: _____

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<p>construction-generated vibration:</p> <ul style="list-style-type: none"> Individual projects that involve vibration-intensive construction activities, such as blasting, pile drivers, jack hammers, and vibratory rollers, within 200 feet of sensitive receptors shall be evaluated for potential vibration impacts. A vibration study shall be conducted for individual projects where vibration-intensive impacts may occur. The study shall be prepared by an acoustical or vibration engineer holding a degree in engineering, physics, or allied discipline and who is able to demonstrate a minimum of two years of experience in preparing technical assessments in acoustics and/or groundborne vibrations. The study is subject to review and approval of the Community Development Department. <p>Vibration impacts to nearby receptors shall not exceed the vibration annoyance levels (in RMS inches/second) as follows:</p> <ul style="list-style-type: none"> Workshop = 0.126 Office = 0.063 Residential Daytime (7AM–10PM)= 0.032 Residential Nighttime (10PM to 7 AM) = 0.016 <p>If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., nonexplosive blasting methods, drilled piles as opposed to pile driving, preclusion for using vibratory rollers, use of small- or medium-sized bulldozers, etc.). Vibration reduction measures shall be incorporated into the site development plan as a component of the project and applicable building plans, subject to the review and approval of the Community Development Department.</p>	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	Once prior to plan review and approval	Initials: _____ Date: _____
<p>NOISE-2b: To reduce long-term vibration impacts of future development citywide on existing or potential future sensitive uses:</p> <ul style="list-style-type: none"> Locate sensitive uses away from vibration sources. 						

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<ul style="list-style-type: none"> ▪ Design industrial development to minimize vibration impacts on nearby uses. Where vibration impacts may occur, reduce impacts on residences and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration near rail lines and industrial uses. ▪ Work with the railroad operators (e.g., Caltrain, Union Pacific, etc.) to reduce, to the extent possible, the contribution of railroad train noise and vibration to Menlo Park's noise environment. 						
Transportation and Circulation						
TRANS-1a: Widen impacted roadway segments at appropriate locations throughout the city to add travel lanes and capacity to accommodate the increase in net daily trips.	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials: _____ Date: _____
TRANS-1b: The City of Menlo Park shall update the existing Transportation Impact Fee (TIF) program to guarantee funding for citywide roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Transportation Impact Fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified below, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials: _____ Date: _____

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<p>proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary transportation mitigations that are to be funded by that project.</p> <p>As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the improvements and facilities required to mitigate the impacts of new development pursuant to the proposed project. The following examples of improvements and facilities would reduce impacts to acceptable level of service standards and these, among other improvements, could be included in the TIF program impact fees nexus study:</p> <ul style="list-style-type: none"> ▪ Sand Hill Road (westbound) and I-280 Northbound On-ramp (#1): Modify the signal-timing plan during the PM peak hour to increase the maximum allocation of green time to the westbound approach during the PM peak hour. ▪ Sand Hill Road (eastbound) and I-280 Northbound Off-ramp (#2): Add an additional northbound right-turn lane on the off-ramp to improve operations to acceptable LOS D during the AM peak hour. ▪ El Camino Real and Ravenswood Avenue (#28): One eastbound right-turn lane on Menlo Avenue to improve conditions. ▪ Willow Road and Newbridge Street (#33): Implement measures on Chilco Street south of Constitution Drive to reduce or prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from 						

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<p>Constitution Drive to southbound Chilco Street, and measures to enhance east/west circulation from Willow Road via O'Brien Drive and the proposed mixed-use collector street opposite Ivy Drive, extending east to University Avenue, to discourage use of Newbridge Street.</p> <ul style="list-style-type: none"> ▪ Willow Road and Hamilton Avenue (#36): Provide primary access to potential future development sites east of Willow Road via O'Brien Drive and/or the proposed Mixed-Use Collector that would intersect Willow Road between Hamilton Avenue and O'Brien Drive. Implement measures on Chilco Street south of Constitution Drive to prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street. Although the provision of an eastbound left-turn lane on Hamilton Avenue where it approaches Willow Road would reduce the delay, this potential mitigation is not recommended because it would encourage cut-through traffic via Chilco Street and Hamilton Avenue, potentially affecting the Belle Haven neighborhood. Therefore, to avoid facilitating the use of Chilco Street and Hamilton Avenue as cut-through routes in the adjacent residential neighborhood, mitigating this traffic impact is not recommended at this time, consistent with City policies that discourage cut-through traffic in residential neighborhoods. The improvements should be incorporated into the updated fee program for ongoing consideration. ▪ Bayfront Expressway and Willow Road (#37): Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair- 						

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<p>share contributions from future development towards grade separation.</p> <ul style="list-style-type: none"> ▪ Bayfront Expressway and University Avenue (#38): Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation. ▪ Chilco Street and Constitution Drive (#45): Install a traffic signal and signalized crosswalks at the intersection. Construct three southbound lanes on the one-block segment of Chilco Street, between Bayfront Expressway and Chilco Street, to include two southbound left-turn lanes to accommodate the volume of left-turning vehicles entering the project site. In addition, during the AM peak hour, provide a “split-phase” signal operation on Chilco Street. Construct a northbound left-turn lane on Chilco Street approaching Constitution Drive. Construct two outbound lanes on Chilco Street between Constitution Drive and Bayfront Expressway. If the Facebook Campus Expansion Project is approved, this mitigation measure would be required to be constructed as a requirement of that project. ▪ Chrysler Drive and Constitution Drive (#46): Construct a southbound left-turn on Chrysler Drive, approaching Constitution Drive. ▪ University Avenue and Adams Drive (#47): Install a traffic signal at this intersection. ▪ University Avenue and Bay Road (#51): Realign the eastbound and westbound approaches to allow replacement 						

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<p>of the east/west “split-phase” signal on Bay Street with standard protected signal phases in order to allow eastbound and westbound pedestrian crossings to occur simultaneously, which would allow for an increase in green time allocated to northbound/southbound movements on University Avenue and reduce peak-hour delay at this intersection. This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to collect fair-share contributions from future development towards such improvements.</p>						
<ul style="list-style-type: none"> ▪ University Avenue and Donohoe Street (#54): Mitigating this impact would require providing additional westbound lane capacity on Donohoe Street, including an extended dual left-turn pocket, dedicated through lane, and dual right-turn lanes; providing a southbound right-turn lane on University Avenue and lengthening the northbound turn pockets. However, this mitigation is likely to be infeasible given right-of-way limitations, proximity to existing US 101 on- and off-ramps, and adjacent properties. In addition, this intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to collect fair-share contributions from future development towards such improvements. 						
<ul style="list-style-type: none"> ▪ University Avenue and US 101 Southbound Ramps (#56): Mitigating this impact would require modifications to the US 101 Southbound On/Off Ramps and at this location This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee 						

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<p>program to collect fair-share contributions from future development towards such improvements.</p> <ul style="list-style-type: none"> ▪ Chilco Street and Hamilton Avenue (#60): Installation of a traffic signal would mitigate this impact to less than significant levels, but would have the undesirable secondary effect of encouraging the use of Chilco Street as a cut-through route, which conflicts with City goals that aim to reduce cut-through traffic in residential neighborhoods. Therefore, to avoid facilitating cut-through traffic, mitigating this traffic impact by increasing capacity is not recommended at this time, but should be incorporated into the updated fee program for ongoing consideration. 						
<p>TRANS-6a: The City of Menlo Park shall update the Transportation Impact Fee (TIF) program to provide funding for citywide bicycle and pedestrian facilities that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward improvements that will connect development sites within the area circulation system, including the elimination of gaps in the citywide pedestrian and bicycle network. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the transportation Impact fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified in this mitigation measure, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact</p>	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials: _____ Date: _____

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>Assessment to determine the impacts and necessary pedestrian or bicycle facilities mitigations that are to be funded by that project.</p> <p>As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the bicycle and pedestrian improvements and facilities required to mitigate the traffic impacts of new development pursuant to the proposed project. The following examples of pedestrian and bicycle improvements would reduce impacts to acceptable standards, and these, among others improvements, could be included in the updated TIF program, also described under TRANS-1:</p> <ul style="list-style-type: none"> ▪ US 101 Pedestrian & Bicycle Overcrossing at Marsh Road, and Marsh Road Corridor Pedestrian & Bicycle Improvements (Haven Avenue to Marsh Road/Bay Road): Provide pedestrian and bicycle circulation between the Bayfront Area east of US 101 with the area circulation system west of US 101 along Marsh Road, including access to schools and commercial sites west of Marsh Road that are accessed via Bay Road and Florence Street. Improvements should facilitate pedestrian and bicycle circulation between Haven Avenue and across US 101 near Marsh Road. The recommended improvement would include a dedicated pedestrian and bicycle crossing adjacent to Marsh Road. Alternatively, the provision of continuous sidewalks with controlled pedestrian crossings and Class IV protected bicycle lanes on the Marsh Road overpass, if feasible, could mitigate this impact. ▪ Ringwood Avenue Corridor Pedestrian & Bicycle 						

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>Improvements (Belle Haven to Middlefield Road): Eliminate pedestrian and bicycle facility gaps on primary access routes to the Ringwood Avenue bicycle/pedestrian overcrossing of US 101 (located near the terminus of Ringwood Avenue and Market Place). Improvements should include complete sidewalks on the north side of Pierce Road and bicycle facility improvements on the proposed Ringwood Avenue-Market Place-Hamilton Avenue bicycle boulevard (see Street Classification Map in Chapter 3, Project Description). These improvements would also enhance pedestrian and bicycle access to Menlo-Atherton High School.</p> <ul style="list-style-type: none"> ▪ University Avenue Pedestrian Improvements: Eliminate gaps in the sidewalk network on those portions of University Avenue that are within the Menlo Park City limits. The TIF Program should also include a contribution towards elimination of sidewalk gaps outside the City limits (within the City of East Palo Alto) to ensure that continuous sidewalks are provided on the west University Avenue between Adams Drive and the Bay Trail, located north of Purdue Avenue. ▪ Willow Road Bikeway Corridor (Bayfront Expressway to Alma Street): Provide a continuous bikeway facility that eliminates bicycle lane gaps, provides Class IV bicycle lanes on the US 101 overpass and where Willow Road intersects US 101 northbound and southbound ramps, and upgrades existing Class II bicycle lanes to Class IV protected bicycle lanes where feasible, particularly where the speed limit exceeds 35 miles per hour (mph). ▪ Willow Road Pedestrian Crossings (Bayfront Expressway to Newbridge Street): Provide enhanced pedestrian crossings of Willow Road at Hamilton Avenue, Ivy Drive (including proposed new street connection opposite Ivy Drive), O'Brien Drive and Newbridge Street. Enhanced crossings should include straightened crosswalks provided on each leg, high visibility crosswalk striping, accessible pedestrian signals, and 						

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>pedestrian head-start signal timing (leading pedestrian intervals) where feasible. These enhanced crossings would provide improved access between the Belle Haven neighborhood and potential future development between Willow Road and University Avenue.</p> <ul style="list-style-type: none"> ▪ Dumbarton Corridor Connections: Through separate projects, Samtrans is currently considering the potential for a bicycle/pedestrian shared-use trail along the Dumbarton Corridor right-of-way between Redwood City and East Palo Alto, through Menlo Park. If found feasible, the City's TIF Program should incorporate walking and bicycling access and connections to the proposed trail, including a potential rail crossing between Kelly Park and Onetta Harris Community Center and Chilco Street and pedestrian and bicycle improvements on streets that connect to the Dumbarton Corridor: Marsh Road, Chilco Street, Willow Road, and University Avenue. 						
<p>TRANS-6b: The City of Menlo Park shall update the existing Shuttle Fee program to guarantee funding for citywide operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements and right-of-way acquisition. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Shuttle fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Shuttle fees to fund operations of City-sponsored shuttle service to meet the increased demand.</p> <p>As part of the update to the Shuttle Fee program, the City shall</p>	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials: _____ Date: _____

MITIGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the transit improvements and facilities required to mitigate the transit impacts of new development pursuant to the proposed project. The types of transit-related improvements and facilities that would reduce impacts to acceptable standards including increasing the fleet of City-sponsored Shuttles and adding additional transit stop facilities within one-quarter mile from residential and employment centers These, among other improvements, could be included in the Shuttle Fee program impact fees nexus study.</p>						<p>Initials: _____ Date: _____</p>
<p>TRANS-6c: The City should continue to support the Dumbarton Corridor Study, evaluating the feasibility of providing transit service to the existing rail corridor and/or operational improvements to Bayfront Expressway, Marsh Road and Willow Road, such as a dedicated high-occupancy vehicle (HOV) lane, bus queue-jump lanes, or transit-signal priority that could reduce travel time for current bus operations.</p>	<p>City of Menlo Park</p>	<p>Ongoing</p>	<p>City of Menlo Park Transportation Division</p>	<p>Ongoing</p>	<p>Ongoing</p>	<p>Initials: _____ Date: _____</p>
<p>Utilities and Service Systems</p>						<p>Initials: _____ Date: _____</p>
<p>UTIL-10: The City shall continue its reduction programs and diversion requirements in an effort to further reduce solid waste that is diverted to the landfill and lower its per capita disposal rate citywide. In addition, the City shall monitor solid waste generation volumes in relation to capacities at receiving landfill sites to ensure that sufficient capacity exists to accommodate future growth. The City shall ensure any waste management firm it contracts with has access to a new landfill site(s) to replace the Ox Mountain landfills, at such time that this landfill is closed.</p>	<p>City of Menlo Park</p>	<p>Ongoing</p>	<p>City of Menlo Park Planning Division</p>	<p>Ongoing</p>	<p>Ongoing</p>	<p>Initials: _____ Date: _____</p>

MITIGATION MONITORING OR REPORTING PROGRAM

DRAFT – November 29, 2016

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK APPROVING THE UPDATE TO THE LAND USE ELEMENT AND CIRCULATION ELEMENT OF THE MENLO PARK GENERAL PLAN

WHEREAS, the City of Menlo Park recently updated the Housing, Open Space and Conservation, Noise, and Safety Elements of the General Plan; and

WHEREAS, the Land Use and Circulation Elements of the General Plan have not been updated since 1994 and the City desires to complete the next phase in its update of the General Plan; and

WHEREAS, in December 2014, the City Council accepted the guiding principles for the ConnectMenlo General Plan Update, which were crafted through a rigorous community outreach and engagement process; and

WHEREAS, subsequent to the acceptance of the guiding principles, the City embarked on a multi-year process to update the Land Use and Circulation Elements of the General Plan known as ConnectMenlo; and

WHEREAS, the ConnectMenlo General Plan and M-2 Area Zoning Update included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee (GPAC) composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings; and

WHEREAS, the updated Land Use Element including the General Plan Land Use Diagram and the updated Circulation Element including the Circulation Diagram, attached hereto as Exhibit A, reflect the guiding principles, and input from the community and the GPAC; and

WHEREAS, the updated Land Use Element preserves the character of the existing residential neighborhoods within the City and focuses land use changes in the M-2 Area to promote a live, work, play environment; and

WHEREAS, the updated Circulation Element describes the distinct circulation issues and opportunities that Menlo Park will face, as well as the key strategies for addressing them;

WHEREAS, the community's vision for mobility in Menlo Park includes an increasingly important focus on walking, bicycling, and public transit in an effort to provide residents and employees transportation options and reduce the dependency on private automobiles; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, an Environmental Impact Report was prepared for the project, including the Land Use and Circulation Elements, and certified by the City Council on November , 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. Findings and a statement of overriding considerations were adopted by the City Council on November _____, 2016 by Resolution No. _____; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the Planning Commission of the City of Menlo Park on October 19, 2016 and October 24, 2016 whereat all persons interested therein might appear and be heard; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to approve the updated Land Use Element and Circulation Element of the General Plan; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on November 15, 2016 and November 29, 2016 whereat all persons interested therein might appear and be heard; and

WHEREAS, the City Council of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to approve the updated Land Use Element and Circulation Elements of the General Plan; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby approves the update to the Land Use Element and Circulation Element of the General Plan, attached hereto as Exhibit A, and incorporated herein by this reference.

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 _____ day of _____, 2016, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

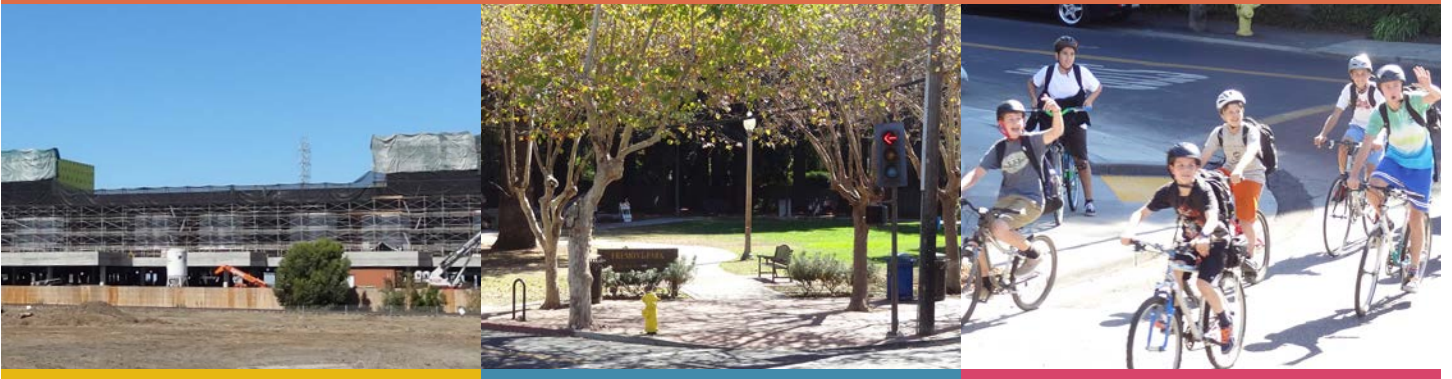
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of _____, 2016.

Pamela Aguilar, MMC City Clerk

GENERAL PLAN

PUBLIC HEARING DRAFT

City of Menlo Park
NOVEMBER 2016



CONNECTMENLO
menlo park land use & mobility update

ACKNOWLEDGEMENTS

CITY COUNCIL

Richard Cline, *Mayor*
Kirsten Keith, *Mayor Pro Tem*
Catherine Carlton
Ray Mueller
Peter I. Ohtaki

PLANNING COMMISSION

Katherine Strehl, *Chair*
Drew Combs, *Vice Chair**
Andrew Barnes
Susan Goodhue*
Larry Kahle
John Onken*
Henry Riggs

FORMER PLANNING COMMISSION MEMBERS

Vincent Bressler
John Kadvany, Katie Ferrick
Ben Eiref

GENERAL PLAN ADVISORY COMMITTEE (GPAC)

Harry Bims
David Bohannon II
James Cebrian
Kristin Duriseti
Adina Levin
Roger Royse
Michele Tate
Matthew Zumstein
Heidi Butz
Cindy Welton
Ray Mueller
Peter I. Ohtaki
Katherine Strehl
Vincent Bressler

CITY COMMISSIONS

Bicycle Commission
Environmental Quality Commission
Housing Commission
Library Commission
Parks and Recreation Commission
Transportation Commission



CONNECTMENLO

menlo park land use & mobility update

ACKNOWLEDGEMENTS *(Continued)*

KEY CITY STAFF

Alex D. McIntyre, *City Manager*
Chip Taylor, *Assistant City Manager*
Bill McClure, *City Attorney*
Leigh F. Prince, *Assistant City Attorney*
Arlinda Heineck, *Community Development Director*
Ron J. LaFrance, *Assistant Community Development Director*
Justin Murphy, *Public Works Director*
Deanna Chow, *Principal Planner*
Nikki Nagaya, *Transportation Manager*
Jim Cogan, *Housing and Economic Development Manager*
Heather Abrams, *Sustainability Manager*
Azalea Mitch, *Senior Civil Engineer*
Ori Paz, *Planning Technician*
Vanh Malathong, *Technical Services Coordinator*

CONSULTANT TEAM

PlaceWorks
BAE Economics, Inc.
Nelson\Nygaard Consulting Associates
TJKM Transportation Consultants
Peninsula Resolution Conflict Center (PCRC)
Alejandro Vilchez

** Recused from voting on approval due to conflict of interest.*



CONNECTMENLO

menlo park land use & mobility update

INTRODUCTION

PUBLIC HEARING DRAFT

NOVEMBER 2016



CONNECTMENLO

menlo park land use & mobility update

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GENERAL PLAN INTRODUCTION

WHAT IS A GENERAL PLAN?

A general plan is a road map for the city's future. It embodies a community's proud heritage as well as its aspirations for the future. It recognizes change over time and the opportunities and challenges that can come with change. It includes specific and actionable programs to make the most of those opportunities and address challenges.

Preparation of a general plan is an inclusive activity, based on extensive public participation that highlights community hopes and concerns, but also provides a framework for coalescing often-competing objectives into a common vision for the future. By focusing attention on both near- and longer-term solutions, the general plan helps people see the community as a complex system that continually changes in response to opportunities and challenges, and therefore it helps forge agreement on a course for action.

At its core, a General Plan embraces and carry's out through its goals, policies and programs, the community's vision for the future physical development of the city.

"I wish Menlo Park had a 21st-Century vision for its industrial employment center."

*Community Workshop
Participant,
September 2014*

WHAT THE STATE REQUIRES

Sometimes described as a city's "Constitution," general plans are required by California law to guide land use and development over an extended period of time. Each general plan in California is required to address specific provisions for seven mandated "elements" listed in Government Code Section 65302 — land use, circulation, housing, conservation, open space, noise, and safety.

Each element must include goals, policies, and programs that explain how the City will address local issues relating to preservation, growth, change, and environmental quality. A **goal** expresses a desired outcome or end-state; a **policy** sets a direction for the City to follow in order to meet one or more goals; and a **program** is an action carried out pursuant to a policy to achieve a specific goal.

Beyond the goals, policies and programs, each element embraces a specific function. At its core, the Land Use Element outlines land uses and standards for physical development through “land use designations” applied throughout the city. The Circulation Element establishes a complete street classification system including a full range of different travel modes. The Housing Element includes quantified housing production objectives and explanations of how those may be achieved, and the Open Space/Conservation, Noise, and Safety Elements contain programs to ensure the protection of persons and property from a variety of environmental risks.

WHY HAVE A GENERAL PLAN?

In addition to being required by state law, the central purpose of the Menlo Park General Plan is to maintain the community's special character that includes a range of residential, business, and employment opportunities, and to accommodate change that will help maintain a vital community. All of the General Plan elements in combination seek to create a vibrant city, with neighborhoods, shopping, entertainment, and employment destinations that together comprise a sustainable, healthy environment for all community members both now and in the future.

Many issues addressed in the Menlo Park General Plan center on the connection between land use and transportation, as exemplified by the impacts of regional commuting, which at peak-travel times can account for most traffic in the city. Issues related to the potential effects of climate change also influence planning in Menlo Park, especially along its border with San Francisco Bay, where expected sea level rise and coastal flooding require innovative means to protect property and occupants.

In addition, the General Plan reflects ever-increasing awareness of the importance of energy and water conservation, as well as the need to reduce greenhouse gas emissions to meet City and statewide goals.

“Enabling the M-2 Area to flourish into a more diverse area would make it a better place to live and one that’s more self-sustaining.”

*Land Use Survey Response,
January 2015*

Efforts to increase community resiliency and to adapt sustainably to environmental change touch all General Plan elements.

The General Plan is used by the City Council and Planning Commission to evaluate land use changes and to make funding and budget decisions. It is used by City staff to regulate building and development and to make recommendations on projects. It is used by the community to understand the City's long-range plans and proposals for different geographic areas. The Plan provides the basis for the City's development regulations and the foundation for its Capital Improvement Programs.

HOW MENLO PARK CAME TO BE

It is important to think about the history of Menlo Park as we plan for its future. The city developed over time due to a number of critical factors. These factors have shaped the city into what it is today and influence the vision for its future.

The arrival of the railroad in 1863 and its connection to San Jose in 1864 dramatically cut the time it took to travel the Peninsula and cemented Menlo Park's role as an easily accessible rural getaway from San Francisco. Ten years later, Menlo Park incorporated in 1874. The opening of Stanford University in 1891 changed the course of history for Menlo Park and the San Francisco Peninsula. The growth of the University itself and the research and business it generated would become integral to the economy and character of Menlo Park. Perhaps just as transformative was the opening of Camp Fremont, a training ground for US Soldiers to be sent off to World War I, which temporarily increased Menlo Park's population, previously less than 2,000 people, by as much as 40,000 according to some estimates. After the end of World War I, Camp Fremont closed and later became the Veterans Medical Center. The closure of the camp returned the town to more incremental growth, but left behind a number of new businesses and city improvements.

The modern era brought considerable change and growth to Menlo Park, taking it from a small town to a major player in an increasingly urbanized region. Menlo Park's population marched steadily upward, increasing from 2,414 in 1930 to 26,826 in 1970. In 1923, the citizens of Atherton voted to effectively secede from Menlo Park, formally incorporating as Atherton. Efforts to bring Atherton into a broader reincorporation of

"I love Menlo Park's community – I see people I know around town – and convenience: I can live and work here."

*Community Workshop
Participant,
September 2014*

Menlo Park were unsuccessful, and in 1927, Menlo Park voted to incorporate as a municipality independent of Atherton.^{1,2}

THE MODERN ERA

The 1920s and 1930s saw the expansion of both Menlo Park's transportation infrastructure and its residential neighborhoods. In 1927, the same year as Menlo Park's official incorporation, the original Dumbarton Bridge opened, creating a new link between the East Bay and the Peninsula. Between 1929 and 1931, the Bayshore Highway (now US 101) was constructed and expanded to Menlo Park. Even then, the new bridges and freeways were subject to traffic and agitated drivers, especially when roads leading to the bridge proved inadequate and football games brought traffic to a standstill. Other roadways underwent similar expansions. In the late 1930s, El Camino Real was paved and widened from two lanes to four. This change meant the closure, demolition, or relocation of many Menlo Park businesses and structures. This time period also saw the beginnings of the Belle Haven neighborhood, with two-bedroom homes in the new development selling for as low as \$2,950 (\$50,000 in 2014 dollars).³ Belle Haven was the only major housing development undertaken locally during the worst of the Great Depression, and it was not fully built out until the 1950s.⁴

The mid-twentieth century witnessed Menlo Park becoming a major regional and global leader in technology and the broader economy. In 1946, the Stanford Research Institute was established, making Menlo Park a center of research and innovation. Although the Stanford Research Institute separated from Stanford University and changed its name to SRI International in 1970, this institution is still headquartered in Menlo Park and has contributed innovations ranging from the computer



El Camino Real in the late 1960s



Menlo Park in the 1960s

¹ Svanevik, Michael and Shirley Burgett, 2000. *Menlo Park California Beyond the Gate*, San Francisco: Custom & Limited Editions.

² US Department of Commerce Economics and Statistics Administration Bureau of the Census, 1990. CPH-2-1 1990 Census of Population and Housing Population and Housing Unit Counts United States.

³ Bureau of Labor Statistics CPI Inflation Calculator. http://www.bls.gov/data/inflation_calculator.htm, accessed October 13, 2014.

⁴ Svanevik, Michael and Shirley Burgett, 2000. *Menlo Park California Beyond the Gate*, San Francisco: Custom & Limited Editions.

mouse to the 9-1-1 emergency call system. The 1950s brought increased industrial development to Menlo Park near the San Francisco Bay. Job opportunities in what is now the M-2 Area led to an increasingly diverse population in Menlo Park, especially in the areas between US 101 and the Bay. By 2000, the Belle Haven housing stock that had been valued at \$6,000 in the 1930s was now valued as high as \$375,000.⁵

THE INFLUENCE OF SILICON VALLEY

The expansion of the Silicon Valley economy in the 1980s and 1990s made Menlo Park and the entire San Francisco Peninsula increasingly popular and an expensive place to live. The “Dot-Com Boom” in the late 1990s drove up demand for housing in Menlo Park and similar areas with good schools, convenient access to job centers, and high quality of life. Although the recessions that began in 2001 and more recently in 2008 slowed or even temporarily reversed regional job growth, Menlo Park has remained a highly desired community. The latest and ongoing economic expansion has brought new growth and real estate demand to Menlo Park. The bayside campus that once hosted Sun Microsystems is now the international headquarters of Facebook, one of the world’s leading tech firms, which continues to grow and build additional office facilities.



Office construction in the 1980s



Development of tech firm offices continue today

EVOLUTION OF MENLO PARK'S PLANNING

Menlo Park first issued a citywide “Master Plan” in 1952, which was updated as a General Plan in 1966 after a two-year process involving a citizen committee of more than 100 members. A subsequent effort began in 1972 when the City Council and members from City commissions, boards, and advisory committees formed a task force to examine pressing issues. The “Toward 2000” General Plan adopted in 1974 included an Open Space and Conservation Element for the first time. New State mandates led to updates of the Safety (1976) and Noise (1978) Elements. Review in 1984 by an ad hoc committee of Planning Commission and City Council members concluded that while most of the General Plan remained valid, the Land Use, Circulation, and Housing

⁵ Svanevik, Michael and Shirley Burgett, 2000. *Menlo Park California Beyond the Gate*, San Francisco: Custom & Limited Editions.

Elements required updating. A series of community forums in 1984 led to updates of those elements by 1986, and a subsequent update of the Housing Element in 1992.

In 1988 the City initiated another General Plan update largely to incorporate new standards for development that could be used to conduct traffic analyses. This was a six year undertaking with updated Land Use and Circulation Elements adopted in 1994. The Open Space/Conservation, Noise, and Safety, Elements were consolidated and updated in 2013. Updating of the Housing Element follows a separate State-mandated cycle, and an update was adopted in 2014 for the 2015–2023 planning period.

A variety of additional plans and studies have supplemented the General Plan since the 1994 update, including:

- Center City Design Plan (1996–1998)
- Willow Road Land Use Plan (1997)
- Smart Growth Initiative (1999)
- Land Use and Circulation Study (2000)
- Comprehensive Bicycle Development Plan (2004)
- Commercial Streamlining and Zoning (2004–2006)
- Imagine a Downtown (2005)
- El Camino Real and Downtown Vision Plan (2008)
- City Sidewalk Master Plan (2008)
- El Camino Real/Downtown Specific Plan (2012)
- Belle Haven Vision Plan (2013)

In addition, the City first adopted a Climate Action Plan (CAP) in 2009 designed to help reduce local greenhouse gas (GHG) emissions. In 2011 the City Council adopted a GHG reduction target of 27 percent below 2005 levels by 2020. The CAP strategies, updated periodically (including in 2015), focus on areas such as energy use, transportation, solid waste, and recycling to help meet emission reduction goals.

In Menlo Park, the Land Use and Circulation Elements are part of this document while the Housing and a combined Open Space/Conservation, Noise and Safety Elements are maintained as stand-alone documents.



El Camino Real and Downtown Specific Plan

CONNECTMENLO

The 2014-2016 update of the Land Use and Circulation Elements, identified as ConnectMenlo, was initiated with a broad and comprehensive public outreach program, and guided by a General Plan Advisory Committee comprised of Council members, representatives of various City Commissions, and community members.

FOCUS AREAS

The City Council identified the area generally between US 101 and the Bay adjoining the Belle Haven Neighborhood, where the transition from traditional industrial uses was well underway, as the primary location for potential change in the city over the coming decades. This is an area with a unique opportunity to foster a sustainable environment that balances growth, creates a sense of place, enhances the quality of life, and minimizes impacts

COMMUNITY ENGAGEMENT

A combination of in-person and survey-based public engagement and community workshops led to a community vision in the form of Guiding Principles (see following section) for maintaining and enhancing the quality of life in Menlo Park in the face of unprecedented growth and desirability of the city as a place to live and do business. Through ConnectMenlo, it became clear that area property owners, major companies, their employees, and nearby residents shared a strong vision for creating “live/work/play” environments with a comfortable and attractive mixture of employment, housing, and retail and service uses.

COMMUNITY BENEFITS

As embodied in the Guiding Principles, the Menlo Park community also concluded that any new significant development should be required to provide tangible community amenities as part of the right to proceed. Of course, these live/work/play environments must also be carefully planned to complement and not detract from the highly-valued residential character of Menlo Park’s many and diverse neighborhoods, nor the well-established live/work/play environment in the downtown.



Transitioning industrial area

*“Mas escuelas; mas parques
ninos puedan jugar areas
cerradas; menos
contaminacion; menos trafico.”*

*“More schools; more parks
where children can play in
closed areas; less pollution; less
traffic.”*

*Land Use Survey Response,
January 2015*

*“I wish Menlo Park had more
restaurants, cafes, and retail in
Belle Haven, as well as a full
service grocery store and better
elementary schools.”*

*Community Workshop
Participant,
September 2014*

“Set clear requirements for public benefits and fees up front rather than requiring a long, drawn-out negotiation with developers.”

*Land Use Survey Response,
January 2015*

Consistent with this preferred approach, as new development occurs, the City may grant added development potential in exchange for community benefits provided by individual projects and acquired through implementation of General Plan programs by way of the Zoning Ordinance. These amenities will support key resources of the community, including jobs, housing, schools, libraries, neighborhood retail, childcare, public open space, telecommunications access, and transportation choices. Zoning provisions include specific formulas and processes for providing amenities.

DRAFT

GUIDING PRINCIPLES

Guiding Principles were established by the Menlo Park community. These principles emanated from numerous community meetings and workshops, the recommendations of the General Plan Advisory Committee, review by the Planning Commission, and acceptance by the City Council. Each policy statement in the Land Use and Circulation Element supports at least one, and often many, of the Guiding Principles. The goals, policies, and programs in the Housing Element and Open Space/Conservation, Noise and Safety Elements were carefully analyzed to ensure consistency between them and the Guiding Principles. The goals, policies, and programs promote the values established in the Guiding Principles.

The Guiding Principles describe the kind of place that community members want Menlo Park to be. City representatives and community members developed them collaboratively to guide growth and preserve the city's unique features. Future change in Menlo Park will involve a careful balance of benefits and impacts, as charted in the General Plan goals, policies, and programs. While growth is planned to occur generally between US 101 and the Bay, the nine inspirational Principles have community-wide application, including protecting the character of residential neighborhoods and expanding transportation options.

The Guiding Principles embody the notion that sustainability involves a balanced array of land use including strong residential neighborhoods and a diversified business base that can survive economic cycles, as well as equity in the provision of education, and public services for all community members.

The City's nine Guiding Principles are as follows.



**Citywide
Equity**

Menlo Park neighborhoods are protected from unreasonable development and unreasonable cut-through traffic, share the benefits and impacts of local growth, and enjoy equal access to quality services, education, public open space, housing that complements local job opportunities with affordability that limits displacement of current residents, and convenient daily shopping such as grocery stores and pharmacies.

**Healthy
Community**

Everyone in Menlo Park enjoys healthy living spaces, high quality of life, and can safely walk or bike to fresh food, medical services, employment, recreational facilities, and other daily destinations; land owners and occupants take pride in the appearance of property; Menlo Park achieves code compliance and prioritizes improvements that promote safety and healthy living; and the entire city is well-served by emergency services and community policing.

**Competitive
and
Innovative
Business
Destination**

Menlo Park embraces emerging technologies, local intelligence, and entrepreneurship, and welcomes reasonable development without excessive traffic congestion that will grow and attract successful companies and innovators that generate local economic activity and tax revenue for the entire community.

**Corporate
Contribution**

In exchange for added development potential, construction projects provide physical benefits in the adjacent neighborhood (such as Belle Haven for growth north of US 101), including jobs, housing, schools, libraries, neighborhood retail, childcare, public open space, high speed internet access, and transportation choices.

Menlo Park children and young adults have equal access to excellent childcare, education, meaningful employment opportunities, and useful training, including internship opportunities at local companies.

**Youth Support
and Education
Excellence**

Menlo Park provides thoroughly-connected, safe and convenient transportation, adequate emergency vehicle access, and multiple options for people traveling by foot, bicycle, shuttle, bus, car, and train, including daily service along the Dumbarton Rail Corridor.

**Great
Transportation
Options**

Menlo Park neighborhoods are complete communities, featuring well integrated and designed development along vibrant commercial corridors with a live-work-play mix of community-focused businesses that conveniently serve adjacent neighborhoods while respecting their residential character.

**Complete
Neighborhoods
and
Commercial
Corridors**

Menlo Park provides safe and convenient access to an ample amount of local and regional parks and a range of public open space types, recreational facilities, trails, and enhancements to wetlands and the Bay.

**Accessible
Open Space
and Recreation**

Menlo Park is a leader in efforts to address climate change, adapt to sea-level rise, protect natural and built resources, conserve energy, manage water, utilize renewable energy, and promote green building.

**Sustainable
Environmental
Planning**

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LAND USE ELEMENT

PUBLIC HEARING DRAFT

NOVEMBER 2016



CONNECTMENLO

menlo park land use & mobility update

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LAND USE

OVERVIEW

Menlo Park is a unique and wonderful place, but of course not without challenges related to land use, most prominent among them a lack of housing options (at all income levels) and traffic that at times seems unbelievable. Not surprisingly, these issues are inextricably linked: job growth in Menlo Park and the surrounding region steadily increases traffic, especially when not enough housing supply exists to accommodate people working locally. The goals of this Land Use Element are aspirational, as they essentially call for resolving the combined issue of traffic and jobs/housing balance. The policies and programs to support those goals offer a variety of feasible actions that in combination may transform those aspirations into reality in the coming years.

Land use policy guides the physical development of a community. The Land Use Element reflects the existing pattern of land use in Menlo Park, which is highly valued by the community, and embodies the community's vision for change over the coming decades, as expressed over more than two years and 65 public meetings during the ConnectMenlo general plan update. The Land Use Element includes goals, policies, and programs supporting the character and quality of life enjoyed in existing residential and commercial neighborhoods, as well as embracing opportunities for creating a new live/work/play environment in the area bounded by the San Francisco Bay and Highway 101. The Land Use Element also seeks to encourage commercial uses that serve existing neighborhoods, retain and attract businesses citywide, and make Menlo Park a leader in sustainable development through conservation of resources and alternative energy use.

Menlo Park's unique identity is expressed not only by its mosaic of distinctive and diverse neighborhoods, but also by the community's central role in the dynamic culture and economy of the San Francisco Bay Area. The city's long-established residential neighborhoods create



Facebook Building 20 and East Campus

the strong sense of community found in Menlo Park. Preserving and building on this foundation while also creating new opportunities for a range of housing types is an important focus of the City's land use policies.

Also of key importance is the health of the commercial and business centers providing services to the residential neighborhoods and revenue for a variety of City services. Situated in the heart of the "Mid-Peninsula," halfway between San Francisco and San Jose (see Figure 1), Menlo Park is also a hub of investment and scientific innovation, economic engine of Silicon Valley.



Offices originally constructed for Intuit

Menlo Park has also forged its own character through its contributions to the economic and intellectual landscape, both regionally and globally by hosting renowned institutions. SRI International has been a world leader in science and technology for more than 50 years and Sand Hill Road, hosting many influential investment firms, is known as *the* venture capital corridor. The city is also home to an emerging life sciences district as well as the expansion of major companies, drawing international attention and even corporate tourism to the Bayfront Area. The new live/work/play environment will place residential and commercial uses in close proximity to one another, thereby fostering economic growth and increased tangible benefits to nearby neighborhoods.

PLANNING BOUNDARIES

Menlo Park shares the City's borders with unincorporated San Mateo County, the municipalities of Atherton, Palo Alto, East Palo Alto, and Redwood City, and Stanford University. San Francisco Bay and adjacent wetlands comprise about 12 square miles or two-thirds of Menlo Park's total area. In some places, the city limit coincides with important natural features, such as the Atherton Channel and San Francisquito Creek, while in others it follows street alignments where jurisdiction may not be clear to most people, such as near Menlo-Atherton High School or Alameda de las Pulgas, neither of which are within Menlo Park.

The Menlo Park city limit encompasses the physical area under the jurisdiction of the City and to which its land use designations, zoning restrictions, municipal code, and other regulations are applicable. However, Menlo Park also has a variety of political, administrative, and

service area boundaries that go beyond the city limit and have implications for land use planning (see Figure 2). Planning for orderly development that benefits the community in all of these areas is important to preserving quality of life in Menlo Park, and is therefore an overarching objective of this Land Use Element.

The City's "Planning Area" extends beyond the city boundary to include areas that could impact or be impacted by land use activities either within the city or neighboring jurisdictions. The Planning Area for Menlo Park includes portions of Palo Alto, East Palo Alto, Atherton, and unincorporated San Mateo County, as well as portions of the San Francisquito Creek and Atherton Channel watersheds. Although City General Plan policies and zoning regulations do not apply in these locations, General Plan policies do take into account activity in these areas and their relationship to the incorporated areas of Menlo Park.

The "Sphere of Influence" is an area outside the city limits and within the Planning Area where potential annexations into the City are most likely to occur. Established through the San Mateo County Local Agency Formation Commission, the Sphere of Influence includes Menlo Oaks, Alameda de las Pulgas, and SLAC National Accelerator Laboratory. The primary purpose of the Sphere of Influence is to aid thoughtful and comprehensive regional planning, in part by giving the City of Menlo Park elevated status in discussions regarding future land uses in these areas currently outside City jurisdiction.

In addition to the mapped areas relevant to the General Plan, Menlo Park is subject to a number of boundaries relating to utilities and community services. These boundaries are generally not aligned with Menlo Park's other administrative boundaries and include such entities as the Menlo Park Fire Protection District, sanitary service providers, and water service providers. Five separate school districts serve portions of the city, including the Menlo Park City, Las Lomas Elementary, Ravenswood City, Redwood City, and Sequoia Union High School Districts.

REGIONAL PLANS

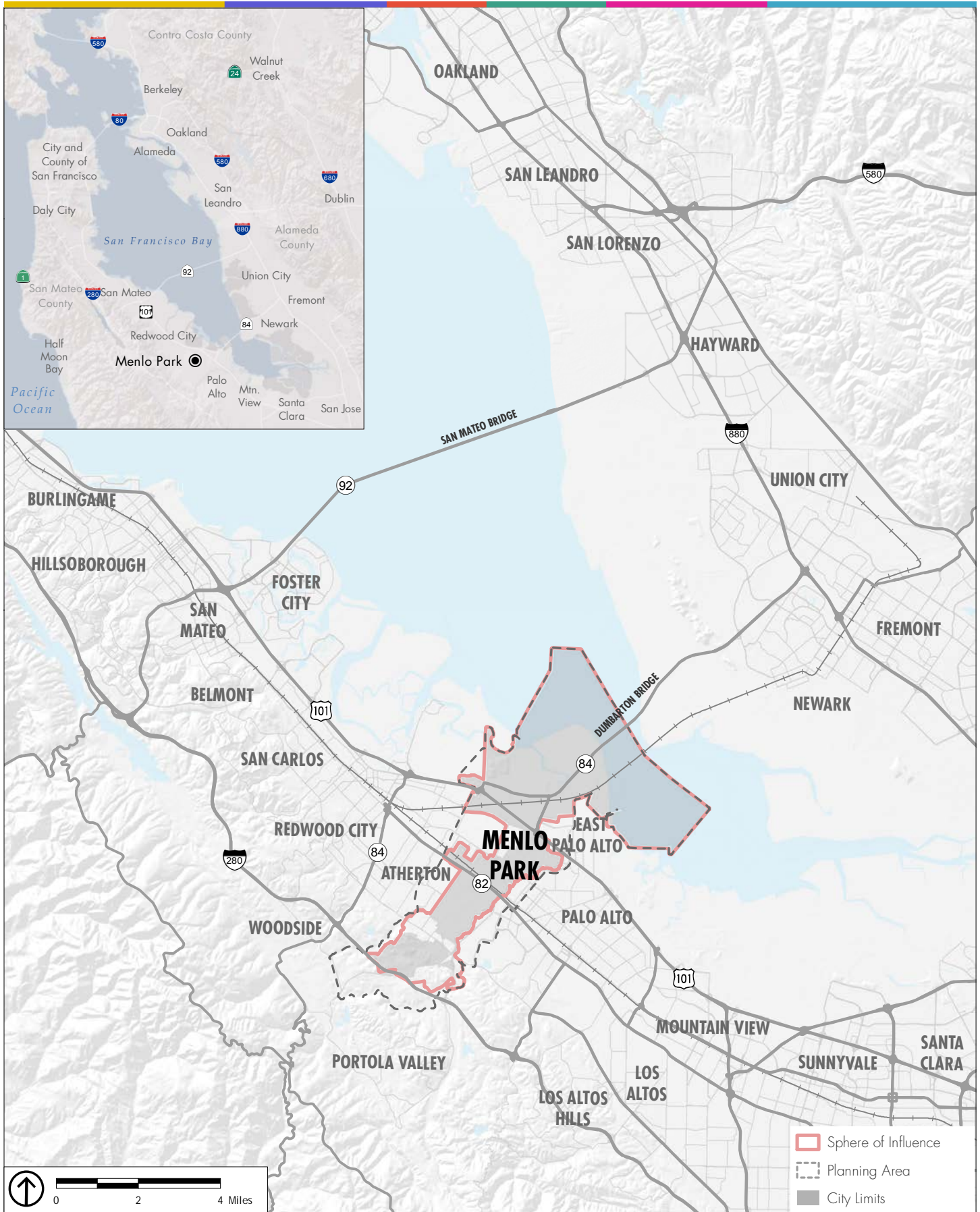
Land use planning efforts in Menlo Park also are influenced by a number of regional programs, perhaps foremost of which is Plan Bay Area, overseen by the four primary regional planning agencies: the Association

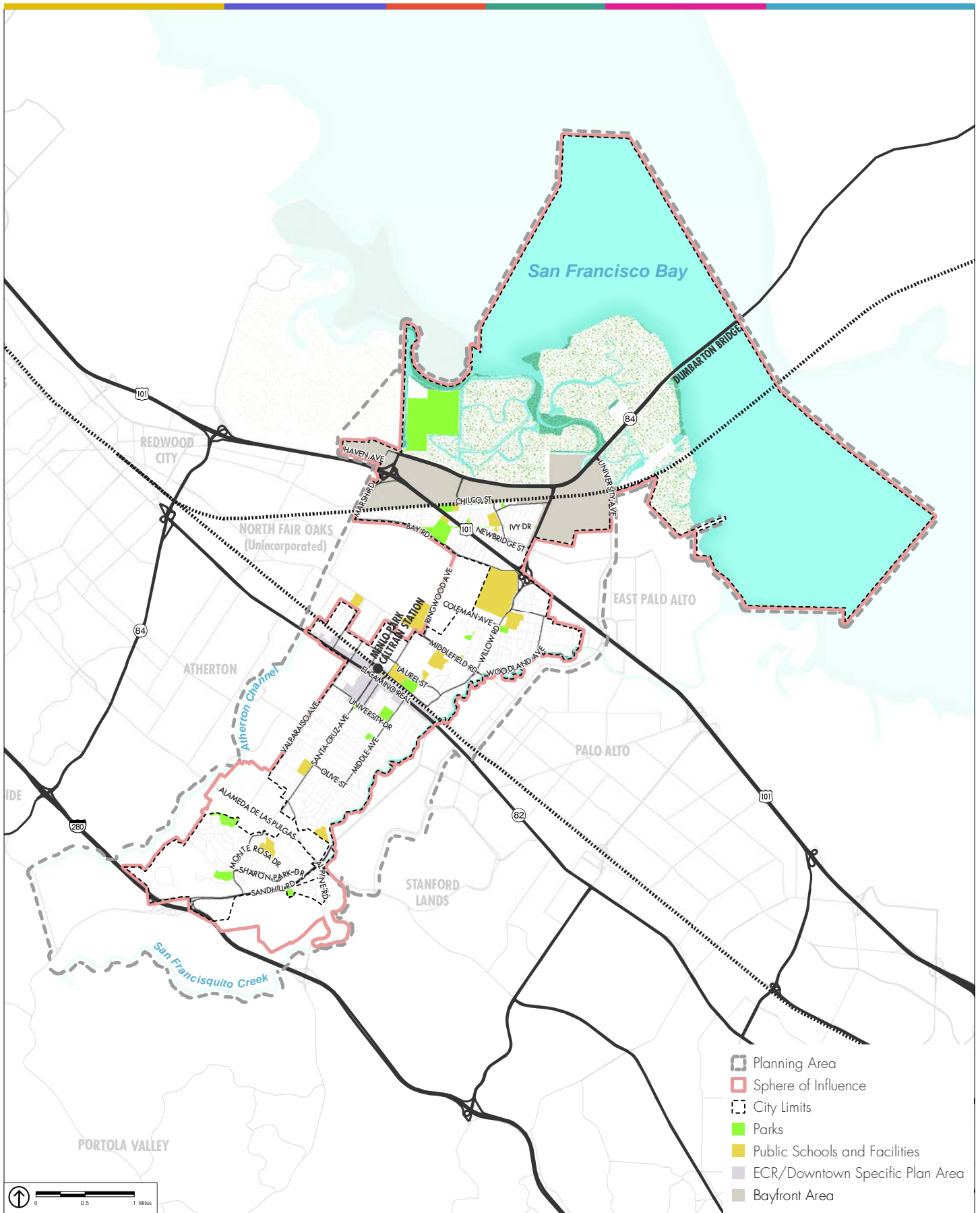
of Bay Area Governments, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. Plan Bay Area is the “Sustainable Communities Strategy” required for the nine-county Bay Area region pursuant to Senate Bill 375 (effective 2008), which directs the California Air Resources Board to set targets for reducing greenhouse gas emissions from cars and light trucks.

Plan Bay Area ties funding for local transportation projects to meeting regional emission reduction targets. One way to reduce emissions is to locate travel origins and destinations together, such as in live/work/play environments, and another way is to protect open space areas. The Menlo Park General Plan strives to achieve both of these objectives. The El Camino Real/Downtown Specific Plan Area falls within a “Priority Development Area” recognized under Plan Bay Area as appropriately concentrating both trip origins and destinations.

Another regional plan that affects Menlo Park is the Water Quality Control Plan for the San Francisco Bay Basin administered by the San Francisco Bay Regional Water Quality Control Board. The Basin Plan establishes watershed management programs to protect water quality that include examining inputs into drainages and downstream water bodies. Compliance with the Basin Plan involves adherence to stormwater control requirements for land use activities in Menlo Park.

The San Mateo County General Plan governs land use in several areas within the City’s Planning Area and Sphere of Influence (see Figure 2). Land use activities in these unincorporated areas, especially around Alameda de Las Pulgas, influence conditions in Menlo Park. The County also oversees a Congestion Management Program applicable to all the jurisdictions in the County and aimed at reducing traffic congestion and improving air quality. The program promotes infill development along major transit corridors, as well as alternative forms of transportation, and encourages the integration of land use and transportation planning efforts, all themes that are echoed and in this Land Use Element.





- Planning Area
- Sphere of Influence
- City Limits
- Parks
- Public Schools and Facilities
- ECR/Downtown Specific Plan Area
- Bayfront Area

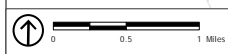


FIGURE 2: PLANNING BOUNDARIES

CITY COMPOSITION

Menlo Park is known for its diverse urban, suburban, and natural features, including high quality residential neighborhoods, attractive downtown, beautiful parks and open spaces, established business centers, and an emerging epicenter for innovation and technology (see Figure 3). The General Plan land use designations, goals, policies, and programs seek both to preserve the cherished qualities of the city and to accommodate change benefitting the community through increased revenue supporting services and amenities that enhance quality of life.

NEIGHBORHOODS

Menlo Park's many residential neighborhoods are distinguished by a wide array of characteristics expressed through architectural styles, streetscapes, topography, street trees, lot sizes, building forms, landscaping, public art, and open spaces. In fact, as Figure 3 shows, more than half of the developable land in Menlo Park is in residential use. Preserving the unique qualities of the city's neighborhoods is an important objective of this Land Use Element.

COMMERCIAL CENTERS

Menlo Park's varied commercial centers include retail, service, and business uses creating hubs of community activity. An important function of commercial uses in Menlo Park is providing goods and services supporting surrounding neighborhoods. Neighborhood-serving retail areas include the intersection of Menalto and Gilbert Avenues, as well as a number of small retail clusters along Willow Road, such as at Middlefield Road, Ivy Drive, Newbridge Street, Hamilton Avenue, and between O'Keefe Street and US 101.

Downtown and the El Camino Real corridor represent a key concentration of commercial uses in Menlo Park, serving both nearby neighborhoods and regional customers. In addition to being an important thoroughfare in downtown, Santa Cruz Avenue serves as Menlo Park's primary shopping and dining destination. El Camino Real hosts a number of commercial uses and also serves as a major thoroughfare connecting Menlo Park to Atherton, Redwood City, Palo Alto, and other Peninsula and South Bay cities. Together, Santa Cruz Avenue and El Camino Real feature a variety of uses, including



West Menlo



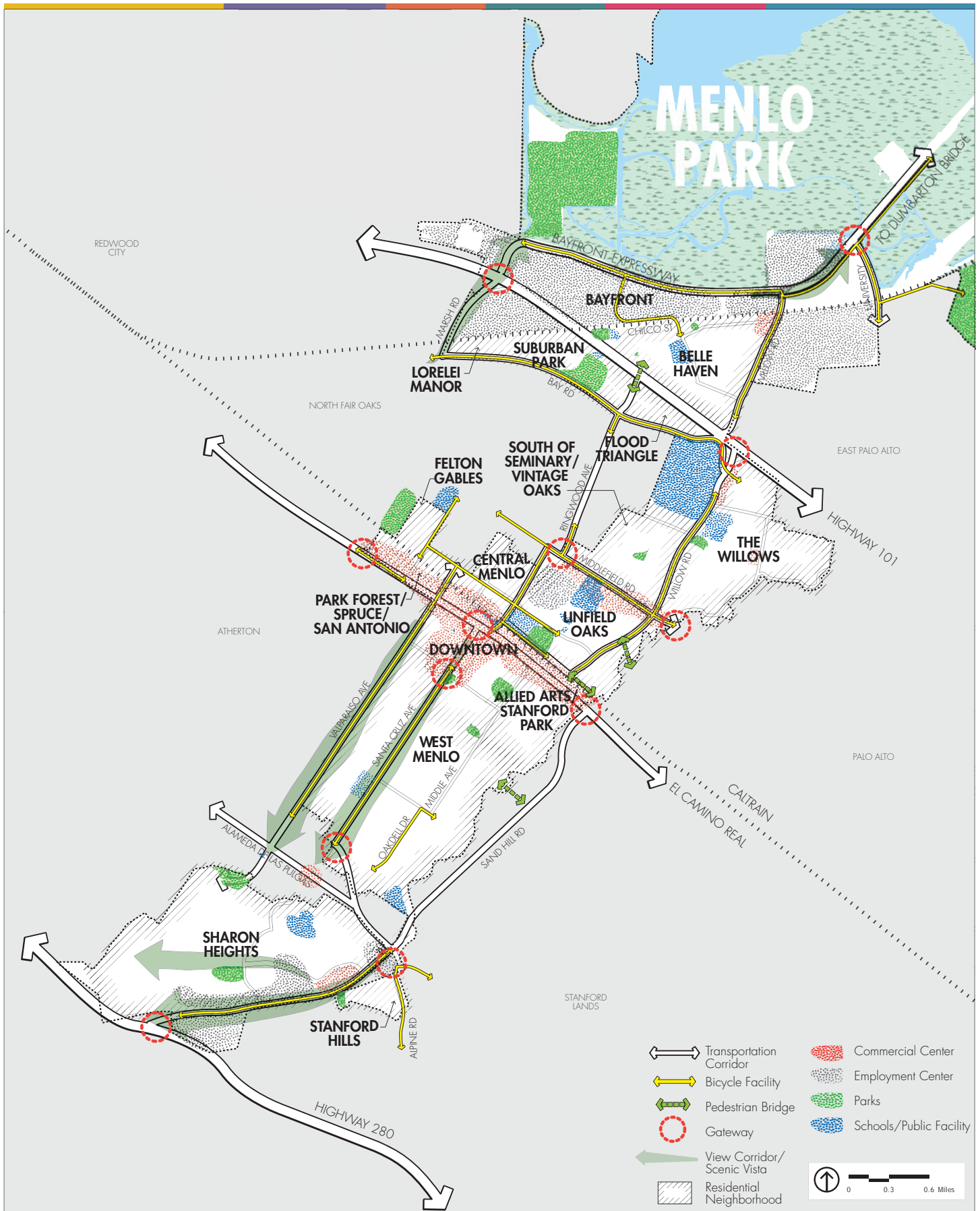
The Willows



Suburban Park



Downtown's Santa Cruz Avenue



restaurants, shops, offices, hotels, residences, places of worship, and mixed-use sites, making the area a bustling and diverse focal point of the City.

Although considerably smaller and less heavily trafficked than downtown, the Sharon Heights Shopping Center is the only major shopping center in Menlo Park outside of downtown and off of El Camino Real. Located along Sand Hill Road, the Sharon Heights Shopping Center contains primarily neighborhood-serving retail, including a grocery store, gas station, pharmacy, and restaurants.



A mix of businesses on El Camino Real

Although the commercial and mixed uses along Alameda de Las Pulgas are not within Menlo Park, the area is bounded on three sides by city neighborhoods. The corridor features a variety of restaurants, shops, and other services. Stanford Shopping Center is another center outside of Menlo Park that provides important retail and other services for the Menlo Park community. Located at El Camino Real and Sand Hill Road, Stanford Shopping Center is a large, open-air mall with a wide variety of restaurants and retail stores serving as a regional draw.



Employment center on El Camino Real

EMPLOYMENT CENTERS

Businesses are an essential component of the local economy. They have the potential to employ local residents and generate a significant portion of the revenue the City of Menlo Park depends on to provide quality services. Menlo Park is home to a number of large employers, which are generally concentrated in several clusters: the area fronting the Bay, the Veterans Administration Medical Center, central/downtown Menlo Park, and the venture capital corridor along Sand Hill Road. Major employers can generate demand for services and housing, but also provide needed community amenities through land use incentives.



Sand Hill Road offices

OPEN SPACE

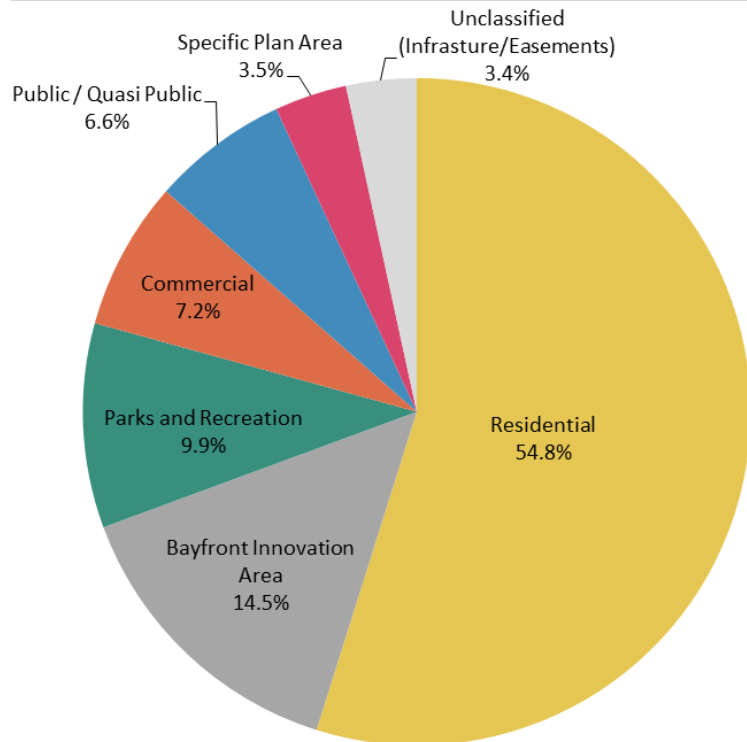
Preservation of scenic, habitat, and recreational resources in Menlo Park is key to retaining the city's special sense of place. Among its many natural features, Menlo Park is known for its high-quality active and passive recreation areas, including Bedwell Bayfront Park, which is a regional draw. Menlo Park highly values ongoing restoration and conservation efforts in the Baylands, which provide habitat for a wide variety of plants and animals in the Don Edwards National Wildlife Refuge.



Don Edwards National Wildlife Refuge

Menlo Park’s land use designation percentages are compared below in Figure 4. Residential uses make up the majority of the city’s land area, while the remaining 45 percent is split among the other allowed uses.

Figure 4 Comparison of Land Uses



Source: City of Menlo Park

LAND USE DESIGNATIONS

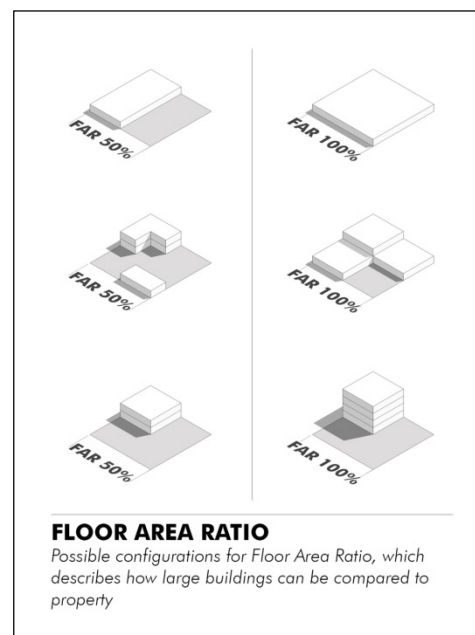
The physical components of the city can be grouped into broad land use categories, such as residential and commercial. Distinct types of land uses are grouped into categories called “designations” under the General Plan. Each designation establishes the general types of uses and a range of development intensities. Residential development is usually described in terms of “density,” measured in dwelling units per acre, while nonresidential uses are typically characterized by “intensity” expressed in floor area ratio (FAR), which determines the amount of building square footage relative to lot area.

In Menlo Park, zoning districts and General Plan land use designations are closely aligned. The City’s General Plan Land Use Diagram is integrated with the City’s Zoning Map, which shows the parcel-specific delineation of the zoning districts throughout the city and depicts the land use pattern for future development in Menlo Park. Table 1 shows the correspondence between General Plan land use designations and zoning districts.

Zoning is a means to implement the General Plan by refining the specific uses and development standards within a designation. Zoning districts specify regulatory standards such as allowed uses, FAR, minimum setbacks, parking requirements, height restrictions, and other aspects of development. For example, a one-story building that covers half a parcel would have an FAR of 50 percent, while a three-story building that covers 25 percent of a lot would have an FAR of 75 percent. A development can take different shapes and forms, even with the same FAR, given other development regulations that also must be considered.

At the time of the ConnectMenlo update of the General Plan Land Use and Circulation Elements in 2016, there were approximately 13,000 housing units and 14.5 million square feet of non-residential development in Menlo Park. The following land use designations, as updated through ConnectMenlo, carry forward the added development potential from the prior general plan of approximately 1,000 additional dwelling units and 1.8 million nonresidential square feet citywide, along with a new, additional potential capped at 4,500 more housing units, 400 hotel rooms, and 2.3 million nonresidential square feet – all in the Bayfront area between Highway 101 and the Bay. Any future proposals that would exceed those levels would require additional review under the California Environmental Quality Act.

The General Plan land use designations and standards of density and building intensity are described below. Figure 5 shows the general locations of land use designations but is not intended to portray zoning districts on a parcel-by-parcel basis. Land uses in the El Camino Real and downtown area are governed by the El Camino Real/Downtown Specific Plan.



Bayfront Additional Development Cap:

- 4,500 housing units
- 400 hotel rooms
- 2,300,000 nonresidential sq. ft.

Any future proposal to exceed the cap would require additional environmental review,

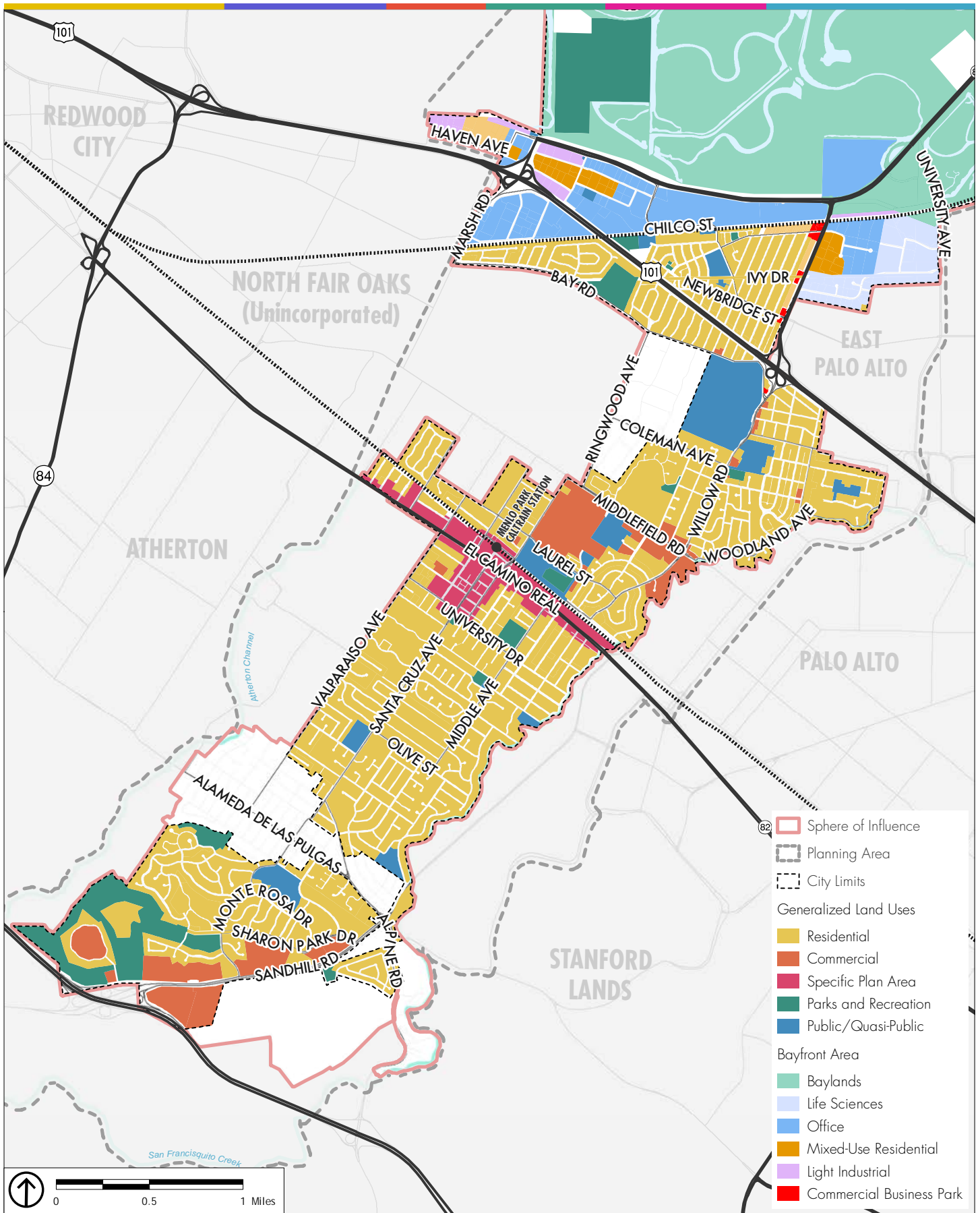


TABLE 1 LAND USE DESIGNATIONS AND ZONING DISTRICTS

General Plan Land Use Designation	Applicable Zoning Districts	Acreage	Percentage of Non-Baylands Area
Residential		1,930	54.9%
Very Low Density Residential	Residential Estate (R-E) Residential Estate Suburban (R-E-S)	168	4.8%
Low Density Residential	Single Family Suburban Residential (R-1-S) Single Family Suburban Residential (Felton Gables) (R-1-S (FG)) Single Family Urban Residential (R-1-U) Single Family Urban Residential (Lorelei Manor) (R-1-U (LM))	1,372	39.0%
Medium Density Residential	Low Density Apartment (R-2) Apartment (R-3) Garden Apartment Residential (R-3-A) Historic Site (H)	355	10.1%
High Density Residential	High-Density Residential (R-4) High-Density Residential, Special (R-4-S) High-Density Residential, Special, Affordable Housing Overlay (R-4-S (AHO)) Retirement Living Units (R-L-U)	35	1.0%
Commercial		254	7.2%
Retail/ Commercial	Neighborhood Shopping (C-2) Neighborhood Shopping, Restrictive (C-2-A) Neighborhood Mixed Use, Restrictive (C-2-B) Neighborhood Commercial, Special (C-2-S) General Commercial (C-4) Parking (P)	42	1.2%
Professional and Administrative Offices	Administrative and Professional, Restrictive (C-1) Administrative and Professional (C-1-A) Administrative, Professional and Research, Restrictive (C-1-C) Apartment Office (R-3-C)**	212	6%
Bayfront Area		511	14.5%
Office	Office (O) – Base/Bonus/Commercial/Hotel/Corp. Housing		
Life Sciences	Life Sciences (LS) – Base/Bonus/Commercial		
Mixed Use Residential	Residential – Mixed Use (R-MU) – Base/Bonus/Nonres.		
Light Industrial	General Industry (M-2)		
Commercial Business Park	Commercial Business Park (M-3)		
Specific Plan Area	El Camino Real/Downtown Specific Plan (SP-ECR/D)	122	3.5%
Parks and Recreation*	Open Space and Conservation (OSC) Flood Plain (FP)	349	9.9%
Public / Quasi-Public	Public Facilities (P-F) Allied Arts Guild Preservation (AAGP)	231	6.6%
No Designation	Unclassified Utilities and Rail Rights-of-Way (U)	121	3.4%
	Total Non-Baylands Area	3,517	
Baylands	Flood Plain (FP)	2,194	
	<i>Area within SF Bay</i>	4,965	
	Total	10,676	

*Includes Bedwell Bayfront Park and the Stanford Golf Course area between Junipero Serra Boulevard and Sand Hill Road.

**The R-3-C Zoning District may have residential uses, but at densities covered by the Professional and Administrative Offices Land Use Designation.

RESIDENTIAL



Low Density Residential

Residential land uses are those where people live, such as single-family homes, duplexes, or apartment/condominium buildings. Single-family neighborhoods comprise more than two-thirds of residential land in Menlo Park. Residential land use designations in the city are discussed below. Maximum residential densities may be increased with application of the City's Below Market Rate Program or Affordable Housing Overlay or the State Density Bonus law, if applicable.

Very Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 2.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 8.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.



Medium Density Residential

Medium Density Residential. This designation provides for single family detached and attached homes, duplexes, multi-family apartments, condominiums, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 18.5 units per acre as identified in the applicable zoning district, and up to 30 units per acre in designated areas around the El Camino Real/Downtown Specific Plan boundary. FAR shall be in the range of 40 to 75 percent, as identified in the applicable zoning district.

High Density Residential. This designation provides for multi-family apartments, condominiums, senior rental housing, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 40 units per acre as identified in the applicable zoning district, and may be up to 97 units per net acre for senior rental housing. The maximum FAR shall be 150 percent.

COMMERCIAL

Commercial designations accommodate a range of business types, from neighborhood-serving retail and services, to shopping centers, to a variety of office uses. Commercial uses may occur independently or in mixed-use configurations, including alongside or in the same buildings as residential dwellings. Commercial designations in Menlo Park are:

Retail/Commercial. This designation provides for retail services, personal services, professional offices, banks, savings and loans, restaurants, cafes, theaters, residences, public and quasi-public uses, and similar and compatible uses. Residential density shall not exceed 30 units per acre, as identified in the applicable zoning district. The maximum FAR for non-residential uses shall be 50 percent, 90 percent for residential uses, and 100 percent for mixed uses, as identified in the applicable zoning district.

Professional and Administrative Office. This designation provides for professional, executive, general, and administrative offices, banks, savings and loans, R&D facilities, convalescent homes, residential uses, public and quasi-public uses, and similar and compatible uses. Residential density shall not exceed 18.5 units per acre. The maximum FAR for non-residential uses shall be a maximum of 40 percent, as identified in the applicable zoning district.

BAYFRONT AREA

The purpose of the Bayfront Area designation is to create live/work/play environments. This designation encourages office, research and development, residential, commercial uses, and hotels, all in close proximity or integrated with one another. These designations are intended to foster innovation and emerging technologies; promote the creation of an employment district with travel patterns that are oriented toward pedestrian, transit, and bicycle use; and provide amenities to surrounding neighborhoods and fiscal support to the City leveraged through development intensity bonuses. The Office and Life Sciences designations allow increased development intensities with the provision of community amenities. Master planned projects on parcels that are in the same designation that are in close proximity or large contiguous parcels with different zoning designations and that are owned by the same entity may calculate residential density, FAR and open space based on aggregate lot area provided that the underlying development



Retail



Research & Development (R&D)

regulations are satisfied and the vision for the Bayfront Area identified in the General Plan is maintained and the maximum overall residential density and/or FAR of the combined parcels is not exceeded.

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

Life Sciences. This designation provides for new life sciences and R&D uses, along with high-tech office and supportive sales and personal services. The designation also accommodates existing light-industrial uses and new light-industrial uses that are not in conflict with existing or planned commercial or residential uses in the vicinity. The maximum base FAR shall be 55 percent and the maximum bonus FAR with community amenities shall be 125 percent. Maximum FAR for retail and service uses shall be 10 percent.

Mixed Use Residential. This designation provides for higher density housing to meet the needs of all income levels. It also allows mixed use developments with integrated or stand-alone supportive sales and service uses, and uses that are consistent with the Office Designation. Sales uses can range from small-scale businesses that serve nearby employment to a large-format grocery to serve adjacent neighborhoods. This designation is intended to promote live/work/play environments oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs. The maximum base residential density shall not exceed 30 units per acre, and the maximum bonus FAR is 100 units per acre. Maximum base FAR for residential uses shall be 90 percent, and a maximum of 225 percent for bonus FAR. Non-residential uses shall have a maximum base FAR of 15 percent and bonus FAR of 25 percent.

Light Industrial. This designation provides for light manufacturing and assembly, distribution of manufactured products, R&D facilities,



Mixed Use Residential



Light Industrial

industrial supply, incidental warehousing, offices, supportive sales and personal services, public and quasi-public uses, and similar and compatible uses. The maximum FAR shall be in the range of 45 percent to 55 percent.

Commercial Business Park. This designation provides for light manufacturing and assembly, distribution of manufactured products, R&D facilities, industrial supply, incidental warehousing, offices, supportive sales and personal services, hotels, public and quasi-public uses, and similar and compatible uses. The maximum FAR shall be 45 percent, except through a negotiated Development Agreement, which could allow a maximum FAR of 137.5 percent, with office uses limited to 100 percent.

SPECIFIC PLAN AREA

El Camino Real/Downtown Specific Plan. This designation provides for a variety of retail, office, residential, personal services, and public and semipublic uses, as specified in the El Camino Real/Downtown Specific Plan. Residential density shall be in the range of between 18.5 to 50 units per acre (base-level maximum) or 25 to 60 units per acre (public benefit bonus-level maximum). The maximum FAR shall be in the range of 85 percent to 200 percent (base-level maximum) or 100 percent to 225 percent (public benefit bonus-level maximum). Office (inclusive of medical and dental offices) FAR is limited to one-half of the appropriate total FAR, and medical and dental office FAR is limited to one-third of the appropriate total FAR.

PARKS AND RECREATION

This designation provides for open space and conservation areas, public and private golf courses, and passive and active recreation uses. The maximum FAR shall be 2.5 percent.

PUBLIC /QUASI-PUBLIC

This category accommodates facilities such as schools, libraries, government offices, and community facilities as follows:

Public Facilities. This designation provides for public and quasi-public uses such as government offices, fire stations, schools, churches,



Kelly Park

hospitals, public utility facilities, sewage treatment facilities, reservoirs, and similar and compatible uses. The maximum FAR shall not exceed 30 percent. The City recognizes that it does not have the authority to regulate development by federal, State, or other certain governmental agencies, but the City will work cooperatively with these agencies in an effort to ensure their development is consistent with City goals and plans.

Allied Arts Guild. This designation applies to the Guild for artisans and craftsmen comprised of retail shops, workshops, restaurant, gardens and public grounds at 75 Arbor Road. The Guild was constructed in 1929 and has historic significance for both its relationship to the American Arts and Crafts Movement and the architecturally important buildings and gardens. Allowed uses shall be as established in the Allied Arts Guild Preservation Permit. The maximum FAR for the property shall be 15 percent.

BAYLANDS

This designation provides for the preservation and protection of wildlife habitat and ecological values associated with the marshlands and former salt ponds bordering San Francisco Bay and similar and compatible uses. The maximum amount of development allowed under this designation shall be 5,000 square feet of building floor area per parcel.

GOALS, POLICIES, AND PROGRAMS

ORDERLY DEVELOPMENT

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

POLICIES

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

Policy LU-1.2 **Transportation Network Expansion.** Integrate regional land use planning efforts with development of an expanded

transportation network focusing on mass transit rather than freeways, and encourage development that supports multimodal transportation.

Policy LU-1.3 **Land Annexation.** Work with interested neighborhood groups to establish steps and conditions under which unincorporated lands within the City's sphere of influence may be annexed.

Policy LU-1.4 **Unincorporated Land Development.** Request that San Mateo County consider Menlo Park's General Plan policies and land use regulations in reviewing and approving new developments in unincorporated areas in Menlo Park's sphere of influence.

Policy LU-1.5 **Adjacent Jurisdictions.** Work with adjacent jurisdictions to ensure that decisions regarding potential land use activities near Menlo Park include consideration of City and Menlo Park community objectives.

Policy LU-1.6 **Infill Development Environmental Review.** Streamline the environmental review process for eligible infill projects by focusing the topics subject to review where the effects of infill development have not been addressed in a planning level decision or by "uniformly applicable development policies or standards," in accordance with CEQA Guidelines Section 15183.3.

Policy LU-1.7 **School Facilities.** Encourage excellence in public education citywide, as well as use of school facilities for recreation by youth to promote healthy living.

PROGRAMS

Program LU-1.A **Zoning Ordinance Consistency.** Update the Zoning Ordinance as needed to maintain consistency with the General Plan.

Program LU-1.B **Capital Improvement Program.** Annually review progress implementing General Plan policies, and update the Capital Improvement Program to reflect the latest City and community priorities embodied in the General Plan, including for physical projects related to transportation, water supply, drainage, and other community-serving facilities and infrastructure.

Program LU-1.C Land Use Element Review. Conduct an in-depth review of the General Plan Land Use Element three years after its adoption and thereafter as directed by the City Council.

Program LU-1.D Infill Development Streamlined Review. Establish Zoning Ordinance provisions to streamline review of infill development through “uniformly applicable development policies or standards” (per CEQA Guidelines Section 15183.3) that reduce potential adverse environmental effects, such as: regulations governing grading, construction activities, storm water runoff treatment and containment, hazardous materials, and greenhouse gas emissions; and impact fees for public improvements, including safety and law enforcement services, parks and open space, and transit, bicycle, and pedestrian infrastructure.

Program LU-1.E School District Partnership. Meet regularly with the school districts to aid in identifying opportunities for partnership with the City in promoting excellence in education and recreation at all schools serving Menlo Park residents.

Program LU-1.F Assessment Districts and Impact Fees. Pursue the creation of assessment districts and/or the adoption of development impact fees to address infrastructure and service needs in the community.

NEIGHBORHOOD PRESERVATION

GOAL LU-2 Maintain and enhance the character, variety and stability of Menlo Park’s residential neighborhoods.

POLICIES

Policy LU-2.1 Neighborhood Compatibility. Ensure that new residential development possesses high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the city’s residential character.

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

- Policy LU-2.3** **Mixed Use Design.** Allow mixed-use projects with residential units if project design addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transport and use of potentially hazardous materials.
- Policy LU-2.4** **Second Units.** Encourage development of second residential units on single family lots consistent with adopted City standards.
- Policy LU-2.5** **Below-Market Rate Housing.** Require residential developments of five or more units to comply with the provisions of the City's Below-Market Rate (BMR) Housing Program, including eligibility for increased density above the number of market rate dwellings otherwise permitted by the applicable zoning and other exceptions and incentives.
- Policy LU-2.6** **Underground Utilities.** Require all electric and communications lines serving new development to be placed underground.
- Policy LU-2.7** **Conversion of Residential Units.** Limit the loss in the number of residential units or conversion of existing residential units to nonresidential uses, unless there is a clear public benefit or equivalent housing can be provided to ensure the protection and conservation of the City's housing stock to the extent permitted by law.
- Policy LU-2.8** **Property Maintenance.** Require property owners to maintain buildings, yards, and parking lots in a clean and attractive condition.
- Policy LU-2.9** **Compatible Uses.** Promote residential uses in mixed-use arrangements and the clustering of compatible uses such as employment centers, shopping areas, open space and parks, within easy walking and bicycling distance of each other and transit stops.

PROGRAMS

- Program LU-2.A** **Property Maintenance Compliance.** Work with property owners to understand City codes and to ensure that buildings, yards, landscaping, and trees are well maintained, and that property is free of litter, in prompt compliance with City codes.

Program LU-2.B Single-Family Residential Development. Update the Zoning Ordinance requirements for single-family residential developments to create a more predictable and expeditious process while providing a method for encouraging high-quality design in new and expanded residences.

Program LU-2.C Address Residential Displacement. Identify, understand and implement best practices, including but not limited to funding mechanisms, affordable housing policies and strategies, anti-displacement policies, and local housing implementation strategies within a regional setting, to address residential displacement from non-residential development.

NEIGHBORHOOD-SERVING USES

GOAL LU-3 Retain and enhance existing and encourage new neighborhood-serving commercial uses, particularly retail services, to create vibrant commercial corridors.

POLICIES

Policy LU-3.1 Underutilized Properties. Encourage underutilized properties in and near existing shopping districts to redevelop with attractively designed commercial, residential, or mixed-use development that complements existing uses and supports pedestrian and bicycle access.

Policy LU-3.2 Neighborhood Shopping Impacts. Limit the impacts from neighborhood shopping areas, including traffic, parking, noise, light spillover, and odors, on adjacent uses.

Policy LU-3.3 Neighborhood Retail. Preserve existing neighborhood-serving retail, especially small businesses, and encourage the formation of new neighborhood retail clusters in appropriate areas while enhancing and preserving the character of the neighborhood.

PROGRAMS

Program LU-3.A Commercial Zoning Provisions. Review, and update as necessary, Zoning Ordinance provisions related to neighborhood-serving commercial uses, in part to ensure

that an appropriate and attractive mix of uses can be provided.

BUSINESS DEVELOPMENT AND RETENTION

GOAL LU-4 Promote and encourage existing and new business to be successful and attract entrepreneurship and emerging technologies for providing goods, services amenities, local job opportunities and tax revenue for the community while avoiding or minimizing potential environmental and traffic impacts.

POLICIES

- Policy LU-4.1** **Priority Commercial Development.** Encourage emerging technology and entrepreneurship, and prioritize commercial development that provides fiscal benefit to the City, local job opportunities, and/or goods or services needed by the community.
- Policy LU-4.2** **Hotel Location.** Allow hotel uses at suitable locations in mixed-use and nonresidential zoning districts.
- Policy LU-4.3** **Mixed Use and Nonresidential Development.** Limit parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses, and promote high-quality architectural design and effective transportation options.
- Policy LU-4.4** **Community Amenities.** Require mixed-use and nonresidential development of a certain minimum scale to support and contribute to programs that benefit the community and the City, including education, transit, transportation infrastructure, sustainability, neighborhood-serving amenities, child care, housing, job training, and meaningful employment for Menlo Park youth and adults.
- Policy LU-4.5** **Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.
- Policy LU-4.6** **Employment Center Walkability.** Promote local-serving retail and personal service uses in employment centers and transit areas that support walkability and reduce auto trips.

Policy LU-4.7 Fiscal Impacts. Evaluate proposed mixed-use and nonresidential development of a certain minimum scale for its potential fiscal impacts on the City and community.

PROGRAMS

Program LU-4.A Fiscal Impact Analysis. Establish Zoning Ordinance requirements for mixed-use, commercial, and industrial development proposals of a certain minimum scale to include analysis of potential fiscal impact on the City, school districts, and special districts, and establish guidelines for preparation of fiscal analyses.

Program LU-4.B Economic Development Plan. Update the strategic policies in the City's Economic Development plan periodically as needed to reflect changing economic conditions or objectives in Menlo Park and/or to promote land use activities desired by the community, including small businesses and neighborhood-serving retail.

Program LU-4.C Community Amenity Requirements. Establish Zoning Ordinance requirements for new mixed-use, commercial, and industrial development to support and contribute to programs that benefit the community and City, including public or private education, transit, transportation infrastructure, public safety facilities, sustainability, neighborhood-serving amenities, child care, housing for all income levels, job training, parks and meaningful employment for Menlo Park youth and adults (e.g., first source hiring). The list of specific benefits may be modified over time to reflect changes in community priorities and desired amenities.

Program LU-4.D Sign Requirements. Update the Municipal Code requirements and design guidelines for off-site and on-site signage in compliance with Federal and State laws while providing a method for encouraging high-quality design in advertising for Menlo Park businesses.

DOWNTOWN/EL CAMINO REAL

GOAL LU-5 Strengthen Downtown and the El Camino Real Corridor as a vital, competitive shopping area and center for community gathering, while encouraging preservation and enhancement of Downtown's atmosphere and character as well as creativity in development along El Camino Real.

POLICIES

- Policy LU-5.1** **El Camino Real/Downtown Specific Plan.** Implement the El Camino Real/Downtown Specific Plan to ensure a complementary mix of uses with appropriate siting, design, parking, and circulation access for all travel modes.
- Policy LU-5.2** **El Camino Real/Downtown Housing.** Encourage development of a range of housing types in the El Camino Real/Downtown Specific Plan area, consistent with the Specific Plan's standards and guidelines, and the areas near/around the Specific Plan area.

OPEN SPACE

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

POLICIES

- Policy LU-6.1** **Parks and Recreation System.** Develop and maintain a parks and recreation system that provides areas, play fields, and facilities conveniently located and properly designed to serve the recreation needs of all Menlo Park residents.
- Policy LU-6.2** **Open Space in New Development.** Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.

- Policy LU-6.3** **Public Open Space Design.** Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.
- Policy LU-6.4** **Park and Recreational Land Dedication.** Require new residential development to dedicate land, or pay fees in lieu thereof, for park and recreation purposes.
- Policy LU-6.5** **Open Space Retention.** Maximize the retention of open space on larger tracts (e.g., portions of the St. Patrick's Seminary site) through means such as rezoning consistent with existing uses, clustered development, acquisition of a permanent open space easement, and/or transfer of development rights.
- Policy LU-6.6** **Public Bay Access.** Protect and support public access to the Bay for the scenic enjoyment of open water, sloughs, and marshes, including restoration efforts, and completion of the Bay Trail.
- Policy LU-6.7** **Habitat Preservation.** Collaborate with neighboring jurisdictions to preserve and enhance the Bay, shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas to the maximum extent possible.
- Policy LU-6.8** **Landscaping in Development.** Encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.
- Policy LU-6.9** **Pedestrian and Bicycle Facilities.** Provide well-designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.
- Policy LU-6.10** **Stanford Open Space Maintenance.** Encourage the maintenance of open space on Stanford lands within Menlo Park's unincorporated sphere of influence.
- Policy LU-6.11** **Baylands Preservation.** Allow development near the Bay only in already developed areas.

PROGRAMS

- Program LU-6.A San Francisquito Creek Setbacks.** Establish Municipal Code requirements for minimum setbacks for new structures or impervious surfaces within a specified distance of the top of the San Francisquito Creek bank.
- Program LU-6.B Open Space Requirements and Standards.** Review, and update as necessary, Zoning Ordinance requirements for provision of open space in all multiple dwelling, mixed-use and nonresidential development of a certain minimum scale that encourages active and passive uses and human presence during daytime and appropriate nighttime hours.
- Program LU-6.C Space for Food Production.** Establish Zoning Ordinance requirements for new residential developments over a certain minimum scale to include space that can be used to grow food, and to establish a process through which a neighborhood can propose a site as a community garden.
- Program LU-6.D Design for Birds.** Require new buildings to employ façade, window, and lighting design features that make them visible to birds as physical barriers and eliminate conditions that create confusing reflections to birds.
- Program LU-6.E Don Edwards National Wildlife Refuge.** Consider the most appropriate zoning designation for the Don Edwards San Francisco National Wildlife Refuge to achieve the preservation and protection of wildlife habitat and ecological values associated with the marshlands and former salt ponds bordering the San Francisco Bay.

SUSTAINABLE SERVICES

GOAL LU-7 Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

POLICIES

- Policy LU-7.1 Sustainability.** Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.

- Policy LU-7.2** **Water Supply.** Support the efforts of the Bay Area Water Supply and Conservation Agency or other appropriate agencies to secure adequate water supplies for the Peninsula, to the extent that these efforts are in conformance with other City policies.
- Policy LU-7.3** **Supplemental Water Supply.** Explore and evaluate development of supplemental water sources and storage systems, such as wells and cisterns, for use during both normal and dry years, in collaboration with water providers and users.
- Policy LU-7.4** **Water Protection.** Work with regional and local jurisdictions and agencies responsible for ground water extraction to develop a comprehensive underground water protection program in accordance with the San Francisquito Creek Watershed Policy, which includes preservation of existing sources and monitoring of all wells in the basin to evaluate the long term effects of water extraction.
- Policy LU-7.5** **Reclaimed Water Use.** Implement use of adequately treated “reclaimed” water (recycled/nonpotable water sources such as, graywater, blackwater, rainwater, stormwater, foundation drainage, etc.) through dual plumbing systems for outdoor and indoor uses, as feasible.
- Policy LU-7.6** **Sewage Treatment Facilities.** Support expansion and improvement of sewage treatment facilities to meet Menlo Park’s needs, as well as regional water quality standards, to the extent that such expansion and improvement are in conformance with other City policies.
- Policy LU-7.7** **Hazards.** Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.
- Policy LU-7.8** **Cultural Resource Preservation.** Promote preservation of buildings, objects, and sites with historic and/or cultural significance.
- Policy LU-7.9** **Green Building.** Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy

requirements for residential construction in 2020 and commercial construction in 2030.

PROGRAMS

- Program LU-7.A Green Building Operation and Maintenance.** Employ green building and operation and maintenance best practices, including increased energy efficiency, use of renewable energy and reclaimed water, and install drought-tolerant landscaping for all projects.
- Program LU-7.B Groundwater Wells.** Monitor pumping from existing and new wells to identify and prevent potential ground subsidence, salinity intrusion into shallow aquifers (particularly in the Bayfront Area), and contamination of deeper aquifers.
- Program LU-7.C Sustainability Criteria.** Establish sustainability criteria and metrics for resource use and conservation and monitor performance of projects of a certain minimum size.
- Program LU-7.D Performance Standards.** Establish performance standards in the Zoning Ordinance that requires new development to employ environmentally friendly technology and design to conserve energy and water, and minimize the generation of indoor and outdoor pollutants.
- Program LU-7.E Greenhouse Gas Emissions.** Develop a Greenhouse Gas (GHG) standard for development projects that would help reduce communitywide GHG emissions to meet City and Statewide reduction goals.
- Program LU-7.F Adaptation Plan.** Work with emergency service providers to develop an adaptation plan, including funding mechanisms, to help prepare the community for potential adverse impacts related to climate change, such as sea level rise, extreme weather events, wildfire, and threats to ecosystem and species health.
- Program LU-7.G SAFER Bay Process.** Coordinate with the SAFER Bay process to ensure that the Menlo Park community's objectives for sea level rise/flood protection, ecosystem enhancement, and recreational trails are adequately taken into consideration.

Program LU-7.H Sea Level Rise. Establish requirements based on State Sea Level Rise Policy Guidance for development projects of a certain minimum scale potentially affected by sea level rise to ensure protection of occupants and property from flooding and other potential effects.

Program LU-7.I Green Infrastructure Plan. Develop a Green Infrastructure Plan that focuses on implementing City-wide projects that mitigate flooding and improve storm water quality.

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CIRCULATION

ELEMENT

PUBLIC HEARING DRAFT

NOVEMBER 2016



CONNECTMENLO

menlo park land use & mobility update

CIRCULATION

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CIRCULATION

OVERVIEW

The Circulation Element describes distinct issues and opportunities the Menlo Park community is likely to face during the 2040 horizon of the General Plan, as well as key strategies for addressing them. The focus of the goals, policies, and programs in this Element will create the most functional circulation system possible for the full range of users and travel modes.

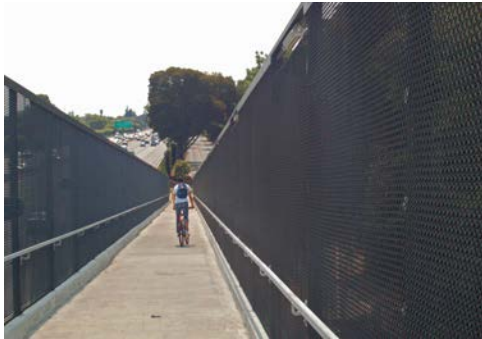
Menlo Park has a high-quality transportation system connecting well internally and to the region, but can be overmatched at times by the volume of vehicle traffic, most commonly due to regional commute traffic at peak travel times. Shifting some of that volume into other travel modes, such as walking, biking, transit, and high-occupancy vehicles, can reduce vehicle travel demand and help establish more vibrant, sustainable, comfortable, safe, and economically productive streets.

The community’s mobility vision includes an important focus on walking, bicycling, and public transit in an effort to provide residents and employees transportation options and reduce the dependency on private automobiles. These travel modes improve street safety, reduce greenhouse gas emissions, and improve Menlo Park’s overall health and livability. By making corridors and neighborhoods more pleasant and attractive places, improving access for all modes of travel can significantly support environmental and economic sustainability.

SAFETY FOR ALL

Menlo Park has a diverse circulation system used for local and regional travel. It consists of a network of roadways, transit routes, bicycle facilities, sidewalks, and pathways for bicycle and pedestrian use. The top transportation-related priority for the community is safety. The geography of the city inherently creates potential safety issues, as the

The Menlo Park Circulation Element meets State requirements, containing “the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan” per Government Code Section 65302(b). Further, it satisfies additional “complete streets” requirements (effective 2011), of “planning for a balanced, multi-modal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.”



Pedestrian and bicycle Highway 101 overpass

relatively narrow band that comprises Menlo Park traverses a major freeway and two rail arteries, and depends on several thoroughfares to serve school, commercial, neighborhood, crosstown, and regional traffic.

The City has installed a range of features promoting safety for pedestrians and bicyclists, from vehicle turn barriers to rail crossing gates, crosswalk lighting and pedestrian visibility flags, a bicycle/pedestrian freeway overpass, bicycle and pedestrian paths, and on-street bicycle lanes. The City also has installed speed tables, traffic circles, medians, landscaping, and other streetscape features to not only promote pedestrian and bicycle safety but also encourage slower driving to reduce collisions.

VISION ZERO

Still, transportation safety can always be improved. “Vision Zero” is the simple notion that any loss of life on city streets is unacceptable. Humans, by nature make mistakes, and Vision Zero includes design practices to keep road networks safe and protect all users of the street and adjacent spaces. Menlo Park has established a Vision Zero goal incorporating four key efforts: (1) project prioritization through Capital Improvement Plan projects, (2) engineering, (3) education, and (4) enforcement to create safer streets by slowing vehicle traffic and reducing the impacts associated with vehicle travel.



Bicyclist navigating traffic

Project prioritization through the City’s Capital Improvement Plan promotes review of projects to ensure that the needs of non-motorized travelers are met in all stages of the design and implementation process. This effort also aims to upgrade existing infrastructure before incurring the costs associated with building new infrastructure. By using data driven findings, engineering efforts can more easily focus on critical safety components.

Education and enforcement addresses human behavior on roadways. The City of Menlo Park promotes education efforts introducing safety programs for adults and youth to educate road users on their responsibilities. Enforcement encourages safety and reduces unsafe behavior among pedestrians, bicyclists, and drivers.

EMERGENCY SERVICES

Emergency response coordination is also part of planning for a safe transportation system. The Emergency Routes map in Figure 1 shows routes identified by the Menlo Park Fire Protection District. These routes are used in response to emergency medical calls, vehicle collisions, hazardous material incidents, and fire incidents.

STREET NETWORK

As measured in land coverage and usage, the primary component of the Menlo Park circulation system is the city street network. Streets consist of more than just the pavement over which cars travel. Streets and the spaces adjacent to them can be environments for all kinds of activity, from fairs and block parties, to dog walking, ad hoc sidewalk conversations with neighbors, and even comfortable places to enjoy a meal. The significance of streets in determining the quality of neighborhoods and commercial areas depends on them being “complete,” by providing safe, convenient, and attractive transportation options for all users and all travel modes.

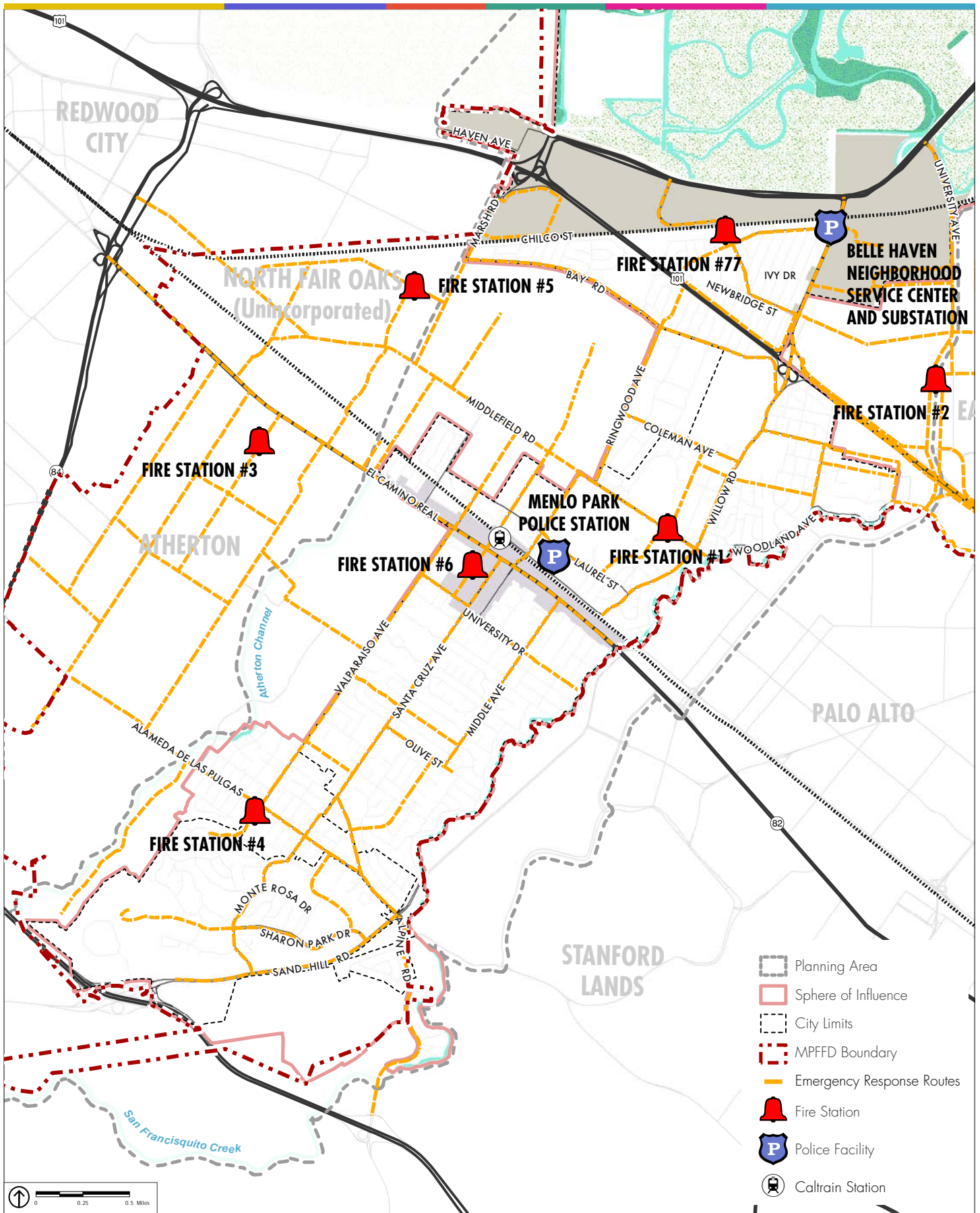
COMPLETE STREETS

First adopted in 2013, the complete streets policy of the City of Menlo Park expresses the City’s commitment to create and maintain streets that are routinely planned, designed, operated, and maintained with consideration of the needs and safety of all travelers along and across the entire public right of way. This includes people of all ages and abilities who are walking, bicycling, using transit, traveling with mobility aids, driving vehicles, and transporting commercial freight.

Complete streets establish comprehensive, integrated transportation networks and allow users to move easily around the City using multiple modes of transportation. Successful design of complete streets involves “livable street” design practices to preserve and enhance the aesthetics of the city. Carefully crafted design components can also support equity within Menlo Park by identifying low-income and transit-dependent areas and establishing attractive pedestrian and bicycle facilities to, from, and within these neighborhoods.

“Develop a cycling network of connected infrastructure to make bicycling a safe and viable option to help mitigate traffic congestion.”

*Land Use Survey Response,
January 2015*



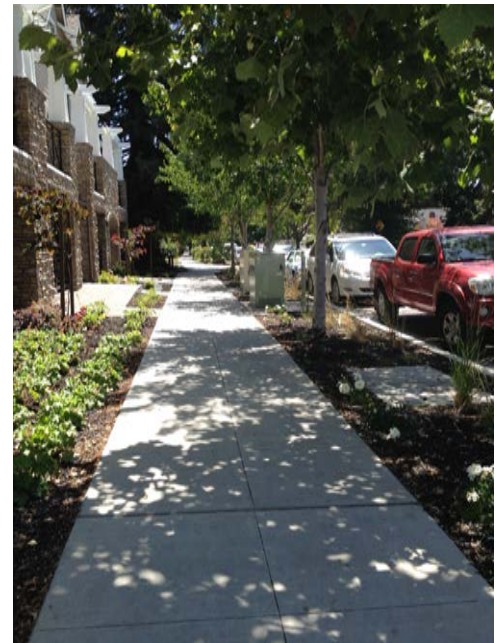
In addition to completing the streets, Menlo Park has the opportunity to incorporate “green street” designs when retrofitting and designing streets. Green streets contain environmental features like trees, rain gardens, and infiltration planters to slow the course of runoff and filter it naturally before it reaches major waterways and sensitive plant and animal life.

STREET CLASSIFICATIONS

Another key component of providing complete streets is establishing and promoting the suitability of streets for various travel modes and adjacent land uses. The Street Classifications map in Figure 2 and Table 1 depict and explain how the classifications are applied to the Menlo Park roadway network and define objectives to be met when the City resurfaces or redesigns a specific street.

The list of objectives in the Street Classifications Table 1 is one means of ensuring the City fulfills its complete streets mission. Prior to the adoption of this multi-modal approach, Menlo Park, like most cities, relied on classifications required by the Federal Highway Administration (FHWA) for projects seeking federal funding. This system is primarily automobile focused and does not take into consideration local context, land use, or built form. The Street Classifications table retains a correlation to the FHWA classification to ensure that Menlo Park remains eligible for federal transportation funds.

Some uses are independent of a street's normal form and function, such as routes for emergency vehicles, streets adjacent to major transit stations or school zones, and bicycle priority streets. These uses do not necessarily dictate the specific design of a street, but instead encourage design flexibility to better serve the specific purposes. For example, local access streets that can best serve bicycles should be clearly identified so that roadway and intersection features that would discourage bicyclists are not emphasized in their design. Similarly, emergency routes may require width and design exceptions to accommodate movements of emergency vehicles; for example, where a roundabout is appropriate for a particular intersection, its edges may need to be rounded so that large fire trucks can roll over rather than have to swerve around them.



Appropriate classifications lead to context-sensitive street infrastructure for existing and new neighborhoods

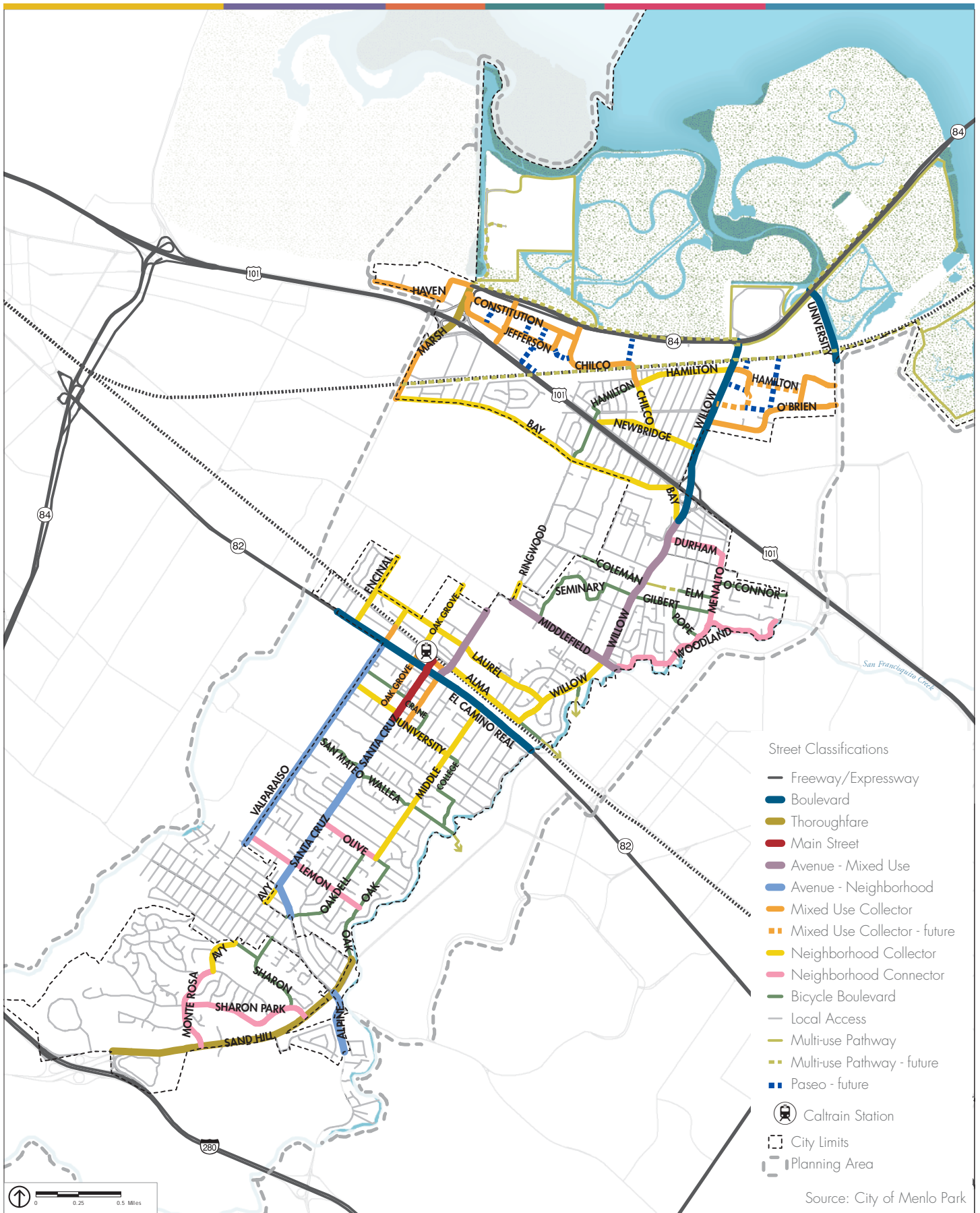


TABLE 1 DESCRIPTION OF STREET CLASSIFICATIONS

Classification	Mode Priority	Description and Guidelines	Examples	FHWA Category
Freeway/ Expressway	Vehicle: ● Other modes: N/A	<i>Limited access, major regional freeways and expressways that are part of the state and regional network of highways and subject to state design standards.</i>	Bayfront Expressway	Expressway
Boulevard	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>Major thoroughfare with higher frequency of transit service and mixed commercial and retail frontages.</i> Provides access and safe crossings for all travel modes along a regional transportation corridor. Emphasizes walking and transit and accommodates regional vehicle trips in order to discourage such trips on nearby local roadways, through collaborations with other cities and agencies. In areas of significant travel mode conflict, bicycle improvements may have lower priority if appropriate parallel corridors exist.	El Camino Real	Primary Arterial
Thoroughfare	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>Major thoroughfare, limited mixed commercial frontages.</i> Provides access and safe crossings for all travel modes along a regional transportation corridor. Emphasizes regional vehicle trips in order to discourage such trips on nearby local roadways, through collaborations with other cities and agencies.	Marsh Road, Sand Hill Road	Primary Arterial
Main Street	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>High intensity, pedestrian-oriented retail street.</i> Provides access to all travel modes in support of Downtown, includes on-street parking. Service to pedestrian-oriented retail is of prime importance. Vehicle performance indicators may be lowered to improve the pedestrian experience. Bicycle priority may be lower where appropriate parallel bicycle corridors exist.	Santa Cruz Avenue	Minor Arterial
Avenue – Mixed Use	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>Streets with mixed residential and commercial frontages that serve as a main route for multiple modes.</i> Distributes trips to residential and commercial areas. Provides a balanced level of service for vehicles, transit, bicycles, and pedestrians, wherever possible. Bicycle priority is greater along identified bicycle corridors. Pedestrian improvements are comfortable to walk along, and provide safe crossings at designated locations.	Willow Road (south of Bay), Middlefield Road	Minor Arterial
● = High Priority ● = Medium Priority ○ = Low Priority				

TABLE 1 DESCRIPTION OF STREET CLASSIFICATIONS (CONTINUED)

Classification	Mode Priority	Description and Guidelines	Examples	FHWA Category
Avenue – Neighborhood	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>Streets with residential frontages that serve as a main route for multiple modes.</i> Distributes trips to residential areas. Provides a balanced level of service for vehicles, transit, bicycles, and pedestrians, wherever possible. Bicycle priority is greater along identified bicycle corridors. Pedestrian improvements are comfortable to walk along, and provide safe crossings at designated locations.	Santa Cruz Avenue (south of University Drive), Valparaiso Avenue	Minor Arterial
Mixed-Use Collector	Bicycle: ● Pedestrian: ● Transit: ◐ Vehicle: ◐	<i>Mixed-use street that serves a significant destination.</i> Prioritizes walking and bicycling. Accommodates intra-city trips while also distributing local traffic to other streets and areas.	Chilco St (north of rail corridor), O'Brien Drive, Haven Avenue	Collector
Neighborhood Collector	Bicycle: ● Pedestrian: ● Transit: ◐ Vehicle: ◐	<i>Primarily residential street that serves a significant destination.</i> Prioritizes walking and bicycling. Accommodates intra-city trips while also distributing local traffic to other streets and areas. Accommodating vehicle traffic while ensuring a high quality of life for residents is a key design challenge.	Bay Road, Laurel Street, Hamilton Avenue	Collector
Neighborhood Connector	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◐	<i>Low-medium volume residential through street.</i> Primarily serves residential neighborhoods. Provides high quality conditions for walking and bicycling and distributes vehicle, pedestrian, and bicycle trips to and from other streets.	Monte Rose Avenue, Woodland Avenue	Local
Bicycle Boulevard	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◐	<i>Low volume residential street, serving mostly local traffic, connecting key bicycle facilities.</i> Provides access primarily to abutting uses. These streets should offer safe and inviting places to walk and bike.	San Mateo Drive, Hamilton Avenue	Local
Local Access	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◐	<i>Low volume residential street, serving mostly local traffic.</i> Provides access primarily to abutting uses. These streets should offer safe and inviting places to walk and bike.	San Mateo Drive	Local
Multi-Use Pathway	Bicycle: ● Pedestrian: ● Transit: N/A Vehicle: N/A	<i>Pedestrian and bicycle pathway.</i> Provides priority access to pedestrians and bicycles only, per Caltrans pathway minimum standards. Multi-use pathways feature high-quality crossings where they traverse major roadways.	Bay Trail	N/A

● = High Priority ◐ = Medium Priority ○ = Low Priority

MOBILITY OPTIONS

Providing transportation options for the Menlo Park community is essential to maintaining and enhancing quality of life in the city. Even with a strong multi-modal transportation network, some single-occupant vehicle trips may still be necessary and must be considered in the design and modification of the circulation system. The nature of single-occupant vehicles may change significantly over the timeframe of the General Plan, with non-emitting, self-propelling, and other vehicle technology advances on the horizon. For people to be able to use travel means other than driving alone, those other options must be safe, convenient, and if possible, even fun.

“I wish Menlo Park had better, safer, more convenient bike corridors.”

*Community Workshop
Participant, September 2014*

SUSTAINABLE TRANSPORTATION

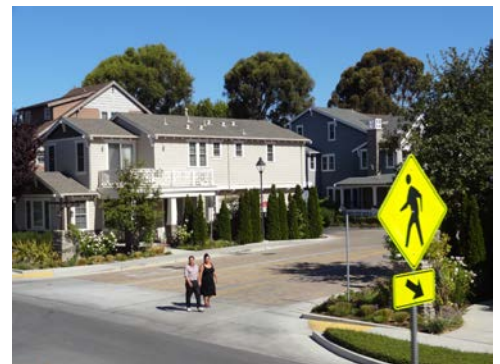
Sustainable transportation systems are those supporting safe and healthy transportation, active living, and a sense of community where walking, bicycling, and transit are integral parts of daily life. Sustainable transportation promotes the reduction of greenhouse gas (GHG) emissions and per capita vehicle-miles traveled (VMT), which are major goals of the City’s Climate Action Plan. Both GHG and VMT can be reduced through transportation improvements making travel modes other than driving alone more accessible and safe to use. GHG can be further reduced through “green” vehicle technologies, including electric vehicles, bicycles, and scooters, and transportation advancements such as connected and autonomous vehicles, and the sharing economy (e.g., ride sharing, bike sharing, and car sharing).



Walking and biking route under Bayfront Expressway

HEALTH AND WELLNESS

The complete streets approach is also a public health initiative, as it promotes walking, bicycling, and access to public transit, which help increase recreation and also reduce local vehicle trips and vehicle-miles traveled, as well as local air pollution and GHG emissions. When people have safe places to walk near their homes, they are more likely to meet recommended levels of physical activity, ultimately improving public health through reduced rates of obesity and chronic disease, and increased life expectancy.



Pedestrian-friendly streetscape design

Complete streets and sustainable transportation systems also improve traffic safety by reducing speeds and making drivers more aware of other

roadway users. Streets designed with public health and wellness in mind are associated with lower rates of vehicle collisions and pedestrian/bicyclist injuries than are street systems focused only on moving automobiles most efficiently. By slowing traffic and improving visibility for pedestrians and bicyclists, complete, livable, green, and therefore sustainable, streets decrease the severity of injuries sustained by bicyclists and pedestrians. The Bicycle Infrastructure map (Figure 3) highlights routes in Menlo Park promoting travel by bicycle.

Reducing vehicle trips and vehicle-miles traveled leads directly to a reduction in local air pollution. People experiencing chronic exposure to pollution from heavy truck traffic, freeways, and other high-traffic arterials face an increased risk of respiratory diseases, chronic illnesses, and premature death. Traffic-related air pollution is linked to asthma, especially among children.

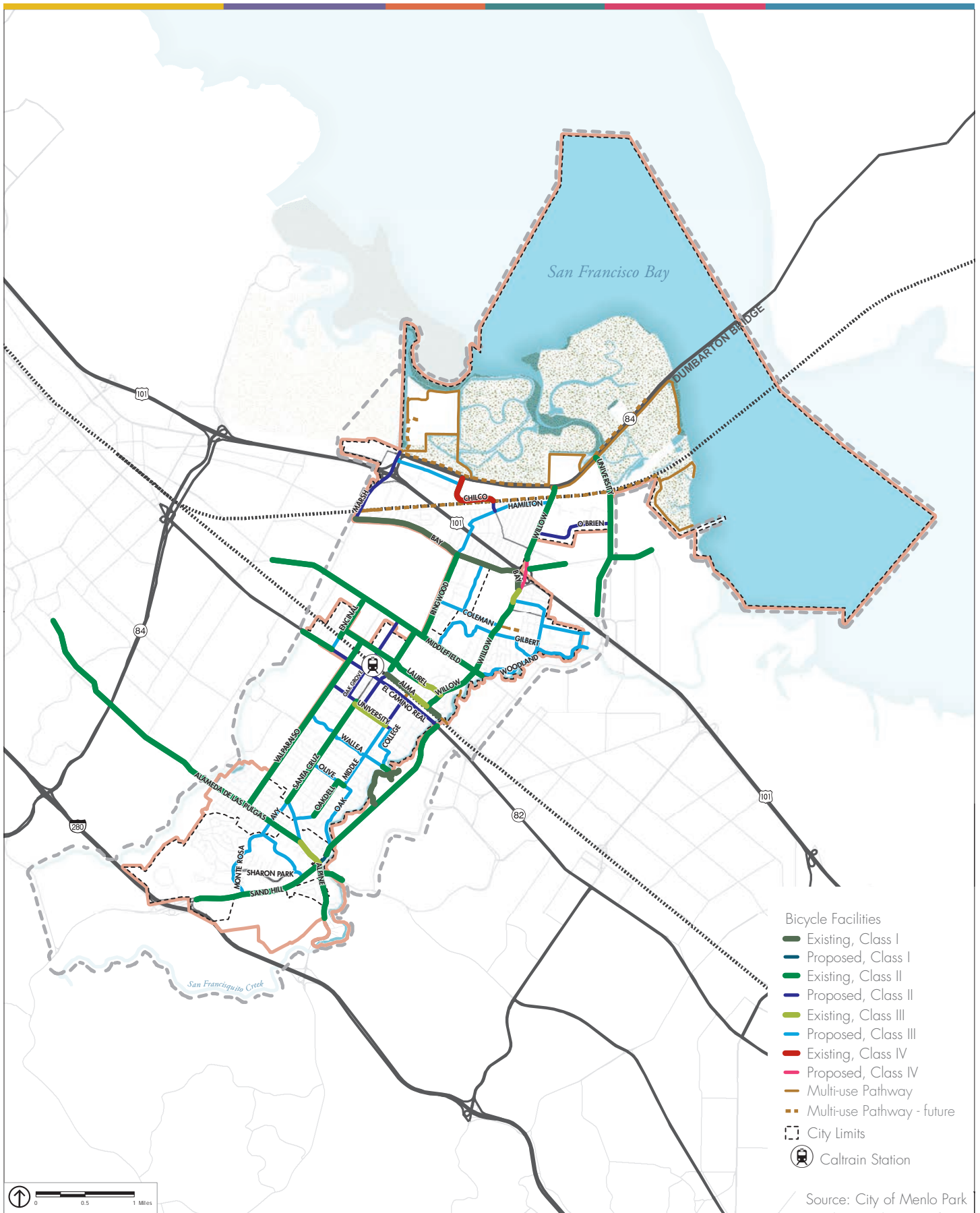
TRANSIT

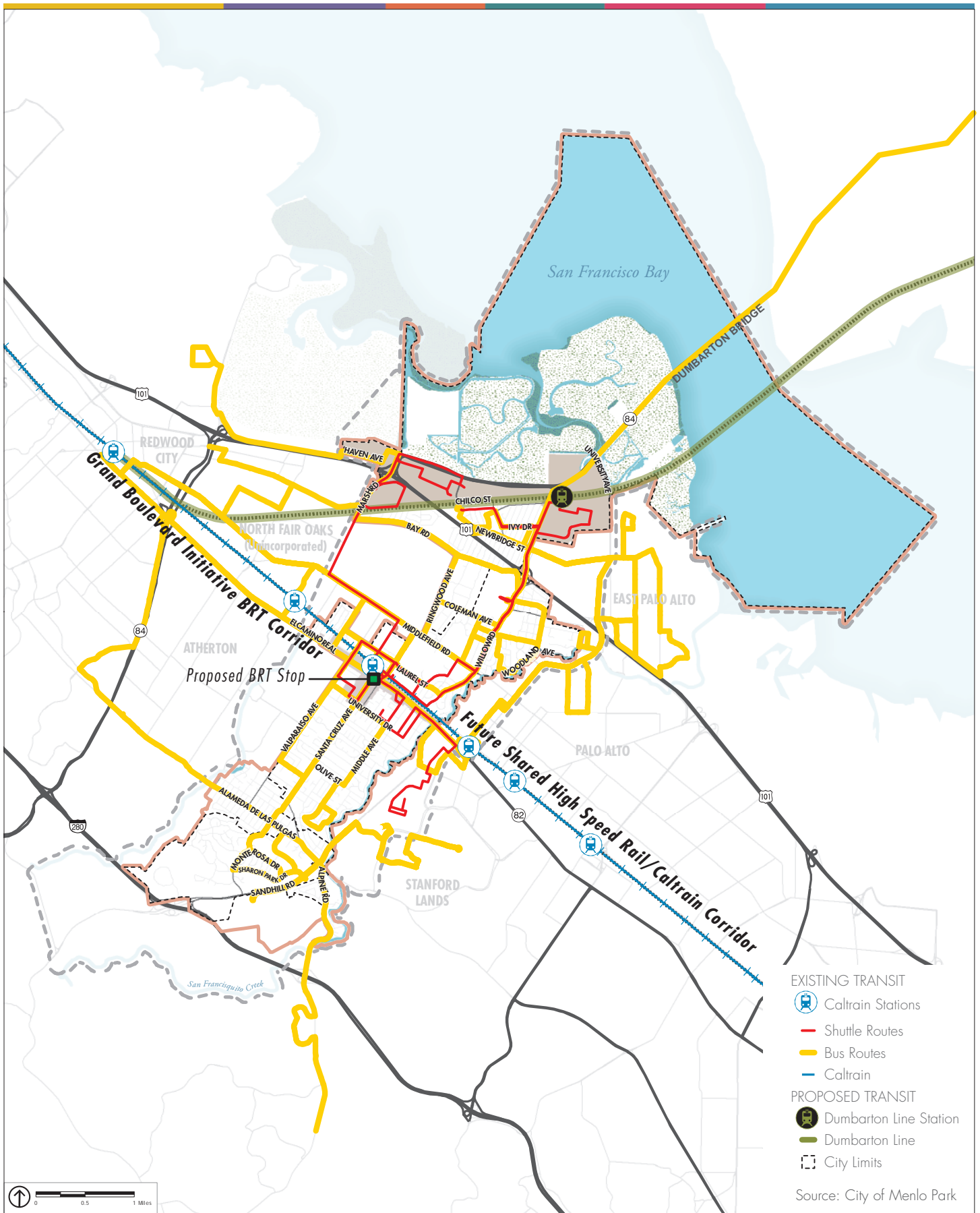
Transit service is an essential component of the Menlo Park transportation system. Encouraging the use of transit can help reduce vehicular emissions and pollution, increase access to employment and activity centers for those without a car, and help individuals meet daily needs of physical activity. Increased transit frequency and corridor improvements are critical to the City's efforts to improve public transportation choices and regional access. The Transit Infrastructure map (Figure 4) shows both the existing and planned transit routes in Menlo Park.

The City can improve local and regional bus service by collaborating with San Mateo County Transit (SamTrans), the Santa Clara Valley Transportation Authority (VTA), Stanford University, and private organizations to expand public and private service and to improve stops near attractors such as employment centers, commercial destinations, schools, and public facilities.

“No matter where a transit station is added, it should be co-located with retail –coffee shop, restaurant, dry cleaner– and anything else the commuters may want on their way to or from work.”

*Land Use Survey Response,
January 2015*





Electrification of Caltrain between San Jose and San Francisco is planned to improve travel times and increase service frequency in the Caltrain corridor, and lays the framework for a future Caltrain/High Speed Rail blended system operating within the Caltrain right-of-way. Electrified rail service allows faster speeds, shorter travel times, reduced wait times, and better overall connectivity with other regional transit systems. An increase in train frequency also supports an increased number of trains stopping at Menlo Park.

The City of Menlo Park has formed a City Council Rail Subcommittee to advocate for reducing the negative impacts and enhancing the benefits of High Speed Rail in Menlo Park. The Subcommittee has also established principles based on the City Council's position on High Speed Rail. Menlo Park supports the extension of Caltrain to Downtown San Francisco's Transbay Terminal, as well as grade separation efforts to make crossing the rail corridor safer. Reactivation of the Dumbarton Rail Corridor between Redwood City and Menlo Park is another means to provide additional fast and reliable transportation, by rail, bus rapid transit and/or pedestrian and bicycle paths that may ultimately connect to the Dumbarton Bridge.

"Activate Dumbarton Rail!"

*Guiding Principles Survey
Response, October 2014*

TRANSPORTATION DEMAND MANAGEMENT

Transportation Demand Management (TDM) programs are intended to reduce vehicle trips and parking demand by promoting the use of a variety of transportation options and shifting travel mode and time of day to take advantage of available capacity to reduce crowding and congestion. By implementing TDM programs, municipalities and private entities can use available transportation resources more efficiently.

TDM programs can incorporate intelligent transportation systems and other technological solutions to offer applications providing real-time information on transportation options. To ensure effectiveness, the City of Menlo Park can also encourage the development and maintenance of a Transportation Management Association (TMA). The primary goal of a TMA is to reduce vehicle trips to existing and planned developments in a particular area. A TMA can also assist residents, employees, business owners, and other community members in identifying and taking advantage of transportation options between activity centers and public transportation hubs. The City of Menlo Park can coordinate efforts with other agencies providing similar service within San Mateo and Santa

Clara Counties and participate in efforts to increase transportation options near major activity centers.

PARKING

Encouraging the development of an efficient and adequate parking supply can reduce the negative effects of parking on the pedestrian environment and surrounding neighborhoods, and support the City's goals for complete streets, walkability, bikeability, and effective transit. The cost of providing parking can significantly affect the economic feasibility of both private development and City projects. Allowing appropriately sized parking requirements can reduce barriers to new development and renovation of existing buildings while creating a healthy market for parking where parking spaces may be bought, sold, rented, and leased like any other commodity.



Electric vehicle charging at City Hall

New developments can be encouraged to provide appropriate parking ratios with “unbundled” (separately costed) spaces while also making space for car sharing and electric-vehicle charging stations. A shared public parking approach and “park-once” strategies allow motorists to complete multiple daily tasks before moving their vehicle, thereby reducing both vehicle trips and parking demand, particularly in mixed-use areas. With decreased parking demand and establishment of public parking management strategies, the on- and off-street parking supply can be used more efficiently, ensuring that adequate parking is available for short-term and nearby uses. The inclusion of parking pricing at new developments or public parking facilities may be considered as part of a public parking management strategy to further manage this resource.

The Goals, Policies, and Programs on the following pages are intended to provide the Menlo Park community with quality services that encompass all of the mobility options outlined above, and as called for in the ConnectMenlo Guiding Principles.

GOALS, POLICIES, AND PROGRAMS

SAFE TRANSPORTATION SYSTEM

GOAL CIRC-1 Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.

POLICIES

- Policy CIRC-1.1** **Vision Zero.** Eliminate traffic fatalities and reduce the number of non-fatal collisions by 50 percent by 2040.
- Policy CIRC-1.2** **Capital Project Prioritization.** Maintain and upgrade existing rights-of-way before incurring the cost of constructing new infrastructure, and ensure that the needs of non-motorized travelers are considered in planning, programming, design, reconstruction, retrofit, maintenance, construction, operations, and project development activities and products.
- Policy CIRC-1.3** **Engineering.** Use data-driven findings to focus engineering efforts on the most critical safety projects.
- Policy CIRC-1.4** **Education and Encouragement.** Introduce and promote effective safety programs for adults and youths to educate all road users as to their responsibilities.
- Policy CIRC-1.5** **Enforcement Program.** Develop and implement an enforcement program to encourage safe travel behavior and to reduce aggressive and/or negligent behavior among drivers, bicyclists, and pedestrians.
- Policy CIRC-1.6** **Emergency Response Routes.** Identify and prioritize emergency response routes in the citywide circulation system.
- Policy CIRC-1.7** **Bicycle Safety.** Support and improve bicyclist safety through roadway maintenance and design efforts.
- Policy CIRC-1.8** **Pedestrian Safety.** Maintain and create a connected network of safe sidewalks and walkways within the public right of way ensuring that appropriate facilities, traffic control, and

street lighting are provided for pedestrian safety and convenience, including for sensitive populations.

Policy CIRC-1.9 Safe Routes to Schools. Support Safe Routes to School programs to enhance the safety of school children who walk and bike to school.

PROGRAMS

Program CIRC-1.A Pedestrian and Bicyclist Safety. Include pedestrian and bicyclist safety in the design of streets, intersections, and traffic control devices.

Program CIRC-1.B Safe Routes to Schools. Work with schools and neighboring jurisdictions to develop, implement and periodically update Safe Routes to School programs. Schools that have not completed a Safe Routes to Schools plan should be prioritized before previously completed plans are updated.

Program CIRC-1.C Capital Improvement Program. Annually review progress implementing General Plan policies, and update the Capital Improvement Program to reflect the latest City and community priorities embodied in the General Plan, including for physical projects related to transportation.

Program CIRC-1.D Travel Pattern Data. Bi-annually update data regarding travel patterns for all modes to measure circulation system efficiency (e.g., vehicle miles traveled per capita, traffic volumes) and safety (e.g., collision rates) standards. Coordinate with Caltrans to monitor and/or collect data on state routes within Menlo Park.

Program CIRC-1.E Emergency Response Routes Map. In collaboration with the Menlo Park Fire Protection District and Menlo Park Police Department, adopt a map of emergency response routes that considers alternative options, such as the Dumbarton Corridor, for emergency vehicle access. Modifications to emergency response routes should not prevent or impede emergency vehicle travel, ingress, and/or egress.

Program CIRC-1.F Coordination with Emergency Services. Coordinate and consult with the Menlo Park Fire Protection District in establishing circulation standards to assure the provision of

high quality fire protection and emergency medical services within the City.

COMPLETE STREETS

GOAL CIRC-2 Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.

POLICIES

- Policy CIRC-2.1 Accommodating All Modes.** Plan, design and construct transportation projects to safely accommodate the needs of pedestrians, bicyclists, transit riders, motorists, people with mobility challenges, and persons of all ages and abilities.
- Policy CIRC-2.2 Livable Streets.** Ensure that transportation projects preserve and improve the aesthetics of the city.
- Policy CIRC-2.3 Street Classification.** Utilize measurements of safety and efficiency for all travel modes to guide the classification and design of the circulation system, with an emphasis on providing “complete streets” sensitive to neighborhood context.
- Policy CIRC-2.4 Equity.** Identify low-income and transit-dependent districts that require pedestrian and bicycle access to, from, and within their neighborhoods.
- Policy CIRC-2.5 Neighborhood Streets.** Support a street classification system with target design speeds that promotes safe, multimodal streets, and minimizes cut-through and high-speed traffic that diminishes the quality of life in Menlo Park’s residential neighborhoods.
- Policy CIRC-2.6 Local Streets as Alternate Routes.** Work with appropriate agencies to discourage use of city streets as alternatives to, or connectors of, State and federal highways; to encourage improvement of the operation of US 101; and to explore improvements to Bayfront Expressway (State Route 84) and Marsh Road (and its connection to US 101), with environmental protection for adjacent marsh and wetland areas, to reduce regional traffic on Willow Road (State Route 114).

- Policy CIRC-2.7** **Walking and Biking.** Provide for the safe, efficient, and equitable use of streets by pedestrians and bicyclists through appropriate roadway design and maintenance, effective traffic law enforcement, and implementation of the City's Transportation Master Plan (following completion; until such time the Comprehensive Bicycle Development Plan, Sidewalk Master Plan and the El Camino Real/Downtown Specific Plan represent the City's proposed walking and bicycling networks).
- Policy CIRC-2.8** **Pedestrian Access at Intersections.** Support full pedestrian access across all legs of signalized intersections.
- Policy CIRC-2.9** **Bikeway System Expansion.** Expand the citywide bikeway system through appropriate roadway design, maintenance, effective traffic law enforcement, and implementation of the City's Transportation Master Plan (following completion; until such time the Comprehensive Bicycle Development Plan and the El Camino Real/Downtown Specific Plan represent the City's proposed bicycle network).
- Policy CIRC-2.10** **Green Infrastructure.** Maximize the potential to implement green infrastructure by: a) Reducing or removing administrative, physical, and funding barriers; b) Setting implementation priorities based on stormwater management needs, as well as the effectiveness of improvements and the ability to identify funding; and c) Taking advantage of opportunities such as grant funding, routine repaving or similar maintenance projects, funding associated with Priority Development Areas, public private partnerships, and other funding opportunities.
- Policy CIRC-2.11** **Design of New Development.** Require new development to incorporate design that prioritizes safe pedestrian and bicycle travel and accommodates senior citizens, people with mobility challenges, and children.
- Policy CIRC-2.12** **State-Controlled Signals.** Work with Caltrans to ensure use of appropriate modern technology traffic signal equipment on State routes with the objective of meeting Caltrans' adopted performance metrics for state-controlled facilities in conjunction with good fiscal planning.

Policy CIRC-2.13 County Congestion Management. Work with the County Congestion Management Agency to implement the Countywide Congestion Management Program and Deficiency Plans for City and State facilities, and avoid adding any Menlo Park streets or intersections to the Countywide Congestion Management Program.

Policy CIRC-2.14 Impacts of New Development. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per service population or other efficiency metric) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

Policy CIRC-2.15 Regional Transportation Improvements. Work with neighboring jurisdictions and appropriate agencies to coordinate transportation planning efforts and to identify and secure adequate funding for regional transportation improvements to improve transportation options and reduce congestion in Menlo Park and adjacent communities.

PROGRAMS

Program CIRC-2.A Manage Neighborhood Traffic. Following the adoption of a street classification system with target design speeds, establish design guidelines for each street classification. Periodically review streets for adherence to these guidelines, with priority given to preserve the quality of life in Menlo Park's residential neighborhoods and areas with community requests. Utilize a consensus-oriented process of engagement to develop an appropriate set of modifications when needed to meet the street classification guidelines.

Program CIRC-2.B NACTO Design Guidelines. Adopt the National Association of City Transportation Officials (NACTO) Urban Street Design Guide and Urban Bikeway Design Guide as supplements to the California Manual for Uniform Traffic Control Devices to enhance safety for users of all travel modes and improve aesthetics.

- Program CIRC-2.C Transportation Master Plan.** Prepare a citywide Transportation Master Plan that includes roadway system improvements and combines and updates the existing Bicycle Plan, includes provisions for overcoming barriers and identifying safe multi-modal routes to key destinations in the City, and replaces the existing Sidewalk Master Plan with a section that identifies areas in Menlo Park where the community and neighborhood have expressed a desire for sidewalk improvements. Update the Transportation Master Plan at least every five years, or as necessary.
- Program CIRC-2.D Pedestrian and Bicycle Facility Maintenance.** Remove debris on roadways and pedestrian/bike facilities, monitor intersection sight clearance, and repair pavement along all roadways and sidewalks; prioritize improvements along bicycle routes and at pedestrian crossing locations.
- Program CIRC-2.E Bikeway System Planning.** Review the citywide bikeway system pursuant to the Transportation Master Plan (following completion; until such time the Comprehensive Bicycle Development Plan and El Camino Real/Downtown Specific Plan represent the City's proposed bicycle network), and other recent planning efforts every five years and update as necessary.
- Program CIRC-2.F Bicycle Improvement Funding.** Pursue funding for improvements identified in the Transportation Master Plan (following completion; until such time, the Comprehensive Bicycle Development Plan and El Camino Real/Downtown Specific Plan represent the City's proposed bicycle network).
- Program CIRC-2.G Zoning Requirements for Bicycle Storage.** Establish Zoning Ordinance requirements for new development to provide secure bicycle and convenient storage and/or bike-sharing facilities.
- Program CIRC-2.H Zoning Requirements for Paseos.** Establish Zoning Ordinance requirements for new development to include public easements for paseos.
- Program CIRC-2.I Bike Sharing Program.** Work with local and regional organizations to develop and implement a citywide bike sharing program.

- Program CIRC-2.J Multi-modal Stormwater Management.** Identify funding opportunities for stormwater management that can be used to support implementation of multimodal improvements to Menlo Park’s streets.
- Program CIRC-2.K Zoning Ordinance Requirements.** Establish Zoning Ordinance requirements for all new development to incorporate safe and attractive pedestrian and bicycle facilities, including continuous shaded sidewalks, pedestrian lighting, and other amenities.
- Program CIRC-2.L Transportation Impact Analysis Guidelines.** Review and update the City’s Transportation Impact Analysis (TIA) Guidelines, as needed. Consider factors such as preserving residential quality of life, appropriate accounting for mixed land uses, use of multiple transportation modes, and induced travel demand.
- Program CIRC-2.M Transportation Management Program.** Establish goals and metrics for the City’s Transportation Management Program, and annually assess progress toward meeting those objectives.
- Program CIRC-2.N Transportation Design Details.** Develop a signage and pavement marking inventory. Prepare and periodically update design details for transportation improvements.
- Program CIRC-2.O Traffic Signal Timing.** Periodically adjust traffic signal timing to support efficient and safe travel for all modes and emergency vehicles, including in conjunction with Caltrans on its rights-of-way.
- Program CIRC-2.P Plan Lines.** Review all “plan lines” indicating where City-owned rights-of-way exist but have not been constructed to determine whether those alignments should be maintained, modified, or abandoned, and identify locations where additional right-of-way is needed to accommodate roadway or bicycle/pedestrian improvements.
- Program CIRC-2.Q Caltrans.** Collaborate with Caltrans to achieve and maintain travel efficiency along Caltrans rights-of-way in Menlo Park consistent with the San Mateo County Congestion Management Plan.

Program CIRC-2.R Caltrans Relinquishment. Investigate the potential for relinquishment by Caltrans of State Route 114 (the portion of Willow Road between Bayfront Expressway and US 101 near Bay Road).

SUSTAINABLE TRANSPORTATION

GOAL CIRC-3 Increase mobility options to reduce traffic congestion, greenhouse gas emissions, and commute travel time.

POLICIES

- Policy CIRC-3.1 Vehicle-Miles Traveled.** Support development and transportation improvements that help reduce per service population (or other efficiency metric) vehicle miles traveled.
- Policy CIRC-3.2 Greenhouse Gas Emissions.** Support development, transportation improvements, and emerging vehicle technology that help reduce per capita (or other efficiency metric) greenhouse gas emissions.
- Policy CIRC-3.3 Emerging Transportation Technology.** Support efforts to fund emerging technological transportation advancements, including connected and autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options.
- Policy CIRC-3.4 Level of Service.** Strive to maintain level of service (LOS) D at all City-controlled signalized intersections during peak hours, except at the intersection of Ravenswood Avenue and Middlefield Road and at intersections along Willow Road from Middlefield Road to US 101. The City shall work with Caltrans to ensure that average stopped delay on local approaches to State-controlled signalized intersections does not exceed LOS E.

PROGRAMS

Program CIRC-3.A Transportation Impact Metrics. Supplement Vehicle Miles Traveled (VMT) and greenhouse gas emissions per service population (or other efficiency metric) metrics with Level of Service (LOS) in the transportation impact review process, and utilize LOS for identification of potential operational improvements, such as traffic signal upgrades and coordination, as part of the Transportation Master Plan.

Program CIRC-3.B Emergency Response Coordination. Equip all new traffic signals with pre-emptive traffic signal devices for emergency services. Existing traffic signals without existing pre-emptive devices will be upgraded as major signal modifications are completed.

HEALTH AND WELLNESS

GOAL CIRC-4 Improve Menlo Park's overall health, wellness, and quality of life through transportation enhancements.

POLICIES

Policy CIRC-4.1 Global Greenhouse Gas Emissions. Encourage the safer and more widespread use of nearly zero-emission modes, such as walking and biking, and lower emission modes like transit, to reduce greenhouse gas emissions.

Policy CIRC-4.2 Local Air Pollution. Promote non-motorized transportation to reduce exposure to local air pollution, thereby reducing risks of respiratory diseases, other chronic illnesses, and premature death.

Policy CIRC-4.3 Active Transportation. Promote active lifestyles and active transportation, focusing on the role of walking and bicycling, to improve public health and lower obesity.

Policy CIRC-4.4 Safety. Improve traffic safety by reducing speeds and making drivers more aware of other roadway users.

PROGRAMS

Program CIRC-4.A Partnerships. Explore partnerships with private and public organizations (e.g., the County of San Mateo Health Department) to fund incentive programs and events that encourage multimodal transportation.

TRANSIT

GOAL CIRC-5 Support local and regional transit that is efficient, frequent, convenient, and safe.

POLICIES

Policy CIRC-5.1 Transit Service and Ridership. Promote improved public transit service and increased transit ridership, especially to employment centers, commercial destinations, schools, and public facilities.

Policy CIRC-5.2 Transit Proximity to Activity Centers. Promote the clustering of as many activities as possible within easy walking distance of transit stops, and locate any new transit stops as close as possible to housing, jobs, shopping areas, open space, and parks.

Policy CIRC-5.3 Rail Service. Promote increasing the capacity and frequency of commuter rail service, including Caltrain; protect rail rights-of-way for future transit service; and support efforts to reactivate the Dumbarton Corridor for transit, pedestrian, bicycle, and emergency vehicle use.

Policy CIRC-5.4 Caltrain Enhancements. Support Caltrain safety and efficiency improvements, such as positive train control, grade separation (with priority at Ravenswood Avenue), electrification, and extension to Downtown San Francisco (Transbay Terminal), provided that Caltrain service to Menlo Park increases and use of the rail right-of-way is consistent with the City's Rail Policy.

Policy CIRC-5.5 Dumbarton Corridor. Work with SamTrans and appropriate agencies to reactivate the rail spur on the Dumbarton Corridor with appropriate transit service from Downtown

Redwood City to Willow Road with future extension across the San Francisco Bay.

Policy CIRC-5.6 Bicycle Amenities and Transit. Encourage transit providers to improve bicycle amenities to enhance convenient access to transit, including bike share programs, secure storage at transit stations and on-board storage where feasible.

Policy CIRC-5.7 New Development. Ensure that new nonresidential, mixed-use, and multiple-dwelling residential development provides associated needed transit service, improvements and amenities in proportion with demand attributable to the type and scale of the proposed development.

PROGRAMS

Program CIRC-5.A Long-Term Transit Planning. Work with appropriate agencies to agree on long-term peninsula transit service that reflects Menlo Park's desires and is not disruptive to the city.

Program CIRC-5.B SamTrans. Work with SamTrans to provide appropriate community-serving transit service and coordination of schedules and services with other transit agencies.

TRANSPORTATION DEMAND MANAGEMENT

GOAL CIRC-6 Provide a range of transportation choices for the Menlo Park community.

POLICIES

Policy CIRC-6.1 Transportation Demand Management. Coordinate Menlo Park's transportation demand management efforts with other agencies providing similar services within San Mateo and Santa Clara Counties.

Policy CIRC-6.2 Funding Leverage. Continue to leverage potential funding sources to supplement City and private monies to support transportation demand management activities of the City and local employers.

Policy CIRC-6.3 Shuttle Service. Encourage increased shuttle service between employment centers and the Downtown Menlo Park Caltrain station.

Policy CIRC-6.4 Employers and Schools. Encourage employers and schools to promote walking, bicycling, carpooling, shuttles, and transit use.

PROGRAMS

Program CIRC-6.A Transportation Demand Management Guidelines. Update the City's Transportation Demand Management Guidelines to require new non-residential, mixed use and multi-family residential development to provide facilities and programs that ensure a majority of associated travel can occur by walking, bicycling, and/or transit, and that include vehicle trip reduction reporting goals, requirements, and monitoring and enforcement mechanisms.

Program CIRC-6.B Transportation Management Association. Participate in the formation of a Transportation Management Association (TMA) to assist local residents, employees, students, and other community members in identifying and taking advantage of travel options between employment centers and rail connections, downtown, and nearby cities. Require new, large commercial and residential development to participate in the TMA. Establish goals for the TMA, such as those for mode share, vehicle trips, or VMT by geographic areas in the City. Collaborate or partner with adjacent cities' TMAs to ensure regional consistency.

Program CIRC-6.C Transportation Impact Fee. Require new and expanded development to pay a transportation impact fee, and update the fee periodically to ensure that development is paying its fair share of circulation system improvement costs for all modes of transportation.

Program CIRC-6.D Peninsula Traffic Congestion Relief Alliance. Consider joining the Peninsula Traffic Congestion Relief Alliance ("commute.org") to assist local employers with increasing biking and walking, transit, carpool, and vanpool and shuttle use for their employees.

Program CIRC-6.E Employer Programs. Work with local employers to develop programs that encourage walking, bicycling, and transit use.

Program CIRC-6.F Trip Reduction Goals. Maintain an adopted vehicle trip reduction goal in the Zoning Ordinance to encourage transportation demand management programs and reduce vehicle traffic and update the goal with major changes in transit service, every five years, or as needed.

PARKING

GOAL CIRC-7 Utilize innovative strategies to provide efficient and adequate vehicle parking.

POLICIES

- Policy CIRC-7.1 Parking and New Development.** Ensure new development provides appropriate parking ratios, including application of appropriate minimum and/or maximum ratios, unbundling, shared parking, electric car charging, car sharing, and Green Trip Certified strategies to accommodate residents, employees, customers and visitors.
- Policy CIRC-7.2 Off-Street Parking.** Ensure both new and existing off-street parking is properly designed and used efficiently through shared parking agreements and, if appropriate, parking in-lieu fees.
- Policy CIRC-7.3 Park Once.** Support the establishment of shared public parking, particularly in mixed-use and retail areas, and of Park-Once strategies that allow motorists to park once and complete multiple daily tasks on foot before returning to their vehicle, helping to reduce vehicle trips and parking demand.
- Policy CIRC-7.4 Public Parking Management.** Improve the efficiency of the on- and off-street public parking system via parking management strategies that ensure adequate parking is available for nearby uses. Prioritize allocation of short-term retail customer parking in convenient on-street and off-street facilities. Locate long-term employee parking in such a manner that it does not create a shortage of customer parking adjacent to retail. Consider utilizing parking pricing as a strategy to balance demand and supply.
- Policy CIRC-7.5 Parking Technology.** Utilize real-time wayfinding and parking technology to guide drivers to facilities with available parking.

Policy CIRC-7.6 Caltrain Parking and Access. Work with the Joint Powers Board to improve bicycle and pedestrian access to Caltrain stations while providing adequate parking at the Menlo Park Caltrain station that does not negatively impact nearby uses.

PROGRAMS

Program CIRC-7.A Parking Requirements. Periodically evaluate and update parking requirements, including bicycle and electric vehicle spaces. Update the Parking Stall and Driveway Design Guidelines. Consider the effect on demand due to various contextual conditions such as parking pricing, transportation demand management strategies, transit accessibility, walkability and bikeability.

Program CIRC-7.B Parking In-Lieu Fees. Explore adoption of a parking in-lieu fee to fund a variety of tools that provide additional parking, improve access to parking, or reduce parking demand.

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DRAFT – November 29, 2016

ORDINANCE NO. ____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADDING THE O (OFFICE) ZONING DISTRICT TO TITLE 16 OF THE
MUNICIPAL CODE**

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.
- B. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- C. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- D. After consideration of all the evidence in the record, including public testimony, the City Council certified the Final Environmental Impact Report and adopted resolutions approving the updates to the Land Use and Circulation Elements of the General Plan.
- E. The City desires to add Chapter 16.43 (Offices) to Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs including LU-1.A *Zoning Ordinance Consistency*, LU-4.3 *Mixed Use and Nonresidential Development*, LU-4.4 *Community Amenities*, LU-4.6 *Employment Center Walkability*, LU-6.D *Design for Birds*, LU-7.1 *Sustainability*, LU-7.D *Performance Standards*, LU-7.A *Green Building Operation and Maintenance*, LU-7.H *Sea Level Rise*, and CIRC-2.G *Zoning Requirements for Bicycle Storage*, which limit impacts of development on adjacent uses, encourage development that benefits the community and the City through a mix of uses and scales, promote neighborhood serving uses to increase walkability, include bird friendly and sustainable design measures, identify performance standards for environmentally friendly technology and design, require bicycle parking for developments, and protect occupants and residents against sea level rise.

F. After due consideration of the proposed addition of Chapter 16.43 (Office) to Title 16, public comments, the Planning Commission's recommendation, and the staff report, the City Council finds that the proposed addition is consistent with the updated General Plan and is appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November ____, 2016, in accordance with the provisions of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The Environmental Impact Report considered the addition of Chapter 16.43 (Offices) to Title 16 of the Menlo Park Municipal Code. Findings and a statement of overriding considerations were adopted by the City Council on November ____, 2016 by Resolution No._____.

SECTION 3. Chapter 16.43, Office, of the Menlo Park is hereby added to Title 16, Zoning, of the Municipal Code:

**Chapter 16.43
O – OFFICE DISTRICT**

Sections:

- 16.43.010 Purpose.
- 16.43.015 Definitions.
- 16.43.020 Permitted uses.
- 16.43.030 Administratively permitted uses.
- 16.43.040 Conditional uses.
- 16.43.050 Development regulations.
- 16.43.055 Master planned projects.
- 16.43.060 Bonus level development.
- 16.43.070 Community amenities required for bonus development.
- 16.43.080 Corporate housing
- 16.43.090 Parking standards.
- 16.43.100 Transportation demand management.
- 16.43.110 New connections.
- 16.43.120 Required street improvements.
- 16.43.130 Design standards.
- 16.43.140 Green and sustainable building.

16.XX.010 Purpose.

The purpose and intent of the Office district is to:

- (1) Accommodate large-scale administrative and professional office development;
- (2) Allow retail and service uses at administrative and professional office sites and nearby;
- (3) Provide opportunities for quality employment and development of emerging technology, entrepreneurship, and innovation;

- (4) Facilitate the creation of a “live/work/play” environment with goods and services that support adjacent neighborhoods and the employment base;
- (5) Accommodate light industrial and research and development uses that do not pose hazards to or disrupt adjacent businesses or neighborhoods.

16.XX.015 Definitions.

Terms are as defined in Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

16.XX.020 Permitted uses.

Permitted uses in the Office district are as follows:

- (1) Administrative and professional offices and accessory uses, two hundred fifty thousand (250,000) or less square feet of gross floor area;
- (2) Light industrial and research and development uses, two hundred fifty thousand (250,000) or less square feet of gross floor area, except when requiring hazardous material review;
- (3) Hotel, in a location identified as O-H on the adopted City of Menlo Park Zoning Map;
- (4) Banks and other financial institutions. For purposes of this chapter, “financial institutions” include only those institutions providing retail banking services engaged in the on-site circulation of money, including credit unions;
- (5) Retail sales establishments, excluding the sale of beer, wine and alcohol;
- (6) Eating establishments, excluding the sale of beer, wine and alcohol, live entertainment, and/or establishments that are portable. For purposes of this chapter, an eating establishment is primarily engaged in serving prepared food for consumption on or off the premises;
- (7) Personal services, excluding tattooing, piercing, palm-reading, or similar services;
- (8) Recreational facilities privately operated, twenty thousand (20,000) or less square feet of gross floor area;
- (9) Community education/training center that provides free or low-cost educational and vocational programs to help prepare local youth and adults for entry into college and/or the local job market.

16.XX.030 Administratively permitted uses.

Uses allowed in the Office district, subject to obtaining an administrative permit per Municipal Code Chapter 16.82, are as follows:

- (1) Any outside storage of material, equipment or vehicles associated with the main use;
- (2) Child care center;
- (3) Eating establishments, including beer and wine only, and/or that have live entertainment;
- (4) Outdoor seating;

- (5) Research and development and light industrial uses, requiring hazardous material review;
- (6) Diesel generators.

16.XX.040 Conditional uses.

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

- (1) Administrative and professional offices and accessory uses , greater than two hundred fifty thousand (250,000) square feet of gross floor area;
- (2) Hotel, in a location not specifically shown on the adopted City of Menlo Park Zoning Map;
- (3) Eating establishments, including alcohol, and/or establishments that are portable;
- (4) Drinking establishments, including beer, wine and alcohol. For purposes of this chapter, a drinking establishment is a business serving beverages for consumption on the premise as a primary use;
- (5) Retail sales establishments, including the sale of beer, wine and alcohol;
- (6) Movie theater;
- (7) Automobile dealership, provided that all vehicles for sale or being serviced are contained entirely in enclosed buildings;
- (8) Recreational facilities, privately operated, greater than twenty thousand (20,000) square feet of gross floor area;
- (9) Special uses, in accordance with Chapter 16.78 of this title;
- (10) Uses identified in Sections 16.43.020, 16.43.030, and 16.43.040 proposing bonus level development, in accordance with Section 16.43.060 of this Chapter;
- (11) Corporate housing, in a location identified as O-CH on the adopted City of Menlo Park Zoning Map, in accordance with Section 16.43.080 of this Chapter;
- (12) Public utilities, in accordance with Chapter 16.76 of this title.

16.XX.050 Development regulations.

Development regulations in the Office district are as follows:

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
<i>Minimum lot area</i>	Minimum area of building site (includes public access easements).	25,000 square feet	25,000 square feet	
<i>Minimum lot dimensions</i>	Minimum size of a lot calculated using lot lines.	100 feet width 100 feet depth	100 feet width 100 feet depth	
<i>Minimum setback at street</i>	Minimum linear feet building can be sited from property line	5 feet	5 feet	Setbacks shall be measured from the property line. In instances where there will be a public access easement, measure the setback from the back of the easement.

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
	adjacent to street.			See build-to area requirements in Section 16.43.130 (1).
<i>Maximum setback at street</i>	Maximum linear feet building can be sited from property line adjacent to street.	25 feet	25 feet	See build-to area requirements in Section 16.43.130 (1). Maximum setback requirement does not apply to additions of less than 10,000 square feet.
<i>Minimum interior side and rear setbacks</i>	Minimum linear feet building can be sited from interior and rear property lines.	10 feet	10 feet	See Section 16.43.130 (5) when property is required to have a paseo. Interior side setback may be reduced to zero feet for the entire building mass where there is retail frontage.
<i>Maximum floor area ratio (FAR)</i>	Maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.	45% (plus 10% commercial); 175% hotel, if allowed	100% (plus 25% commercial)	For purposes of this chapter, "Commercial" is defined as uses enumerated in this chapter, except office, light industrial, and research and development uses.
<i>Height</i>	Height is defined as average height of all buildings on one site where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.	Height: 35 feet, except hotels Maximum height: 35 feet; hotels: 110 feet	Height: 67.5 feet, except hotels Maximum height: 110 feet	A parapet used to screen mechanical equipment is not included in the height or maximum height. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase <u>in height and maximum height</u> .
<i>Minimum open space requirement</i>	Minimum portion of the building site open and unobstructed by fully enclosed buildings.	30%	30%	See Section 16.43.120 (4) for open space requirements.

16.XX.055 Master planned projects.

The purpose of a master planned project is to provide flexibility for creative design, more orderly development, and optimal use of open space, while maintaining and achieving the General Plan vision for the Bayfront Area. Master planned projects for sites with the same zoning designation (O, LS or R-MU) in close proximity or for contiguous sites that have a mix of zoning designations (O or R-MU) that exceed 15 acres in size and that are held in common ownership (or held by wholly owned affiliated entities) and are proposed for development as a single project or single phased development project

are permitted as a conditional use, provided that sites with mixed zoning are required to obtain a conditional development permit and enter into a development agreement. For master planned projects meeting these criteria, residential density, FAR and open space requirements and residential density, FAR and open space requirements at the bonus level, if applicable, may be calculated in the aggregate across the site provided the overall development proposed does not exceed what would be permitted if the site were developed in accordance with the zoning designation applicable to each portion of the site and the proposed project complies with all other design standards identified for the applicable zoning districts.

16.XX.060 Bonus level development.

A development in a location identified as Office-Bonus (O-B) on the adopted City of Menlo Park Zoning Map may seek an increase in floor area ratio and/or height per Section 16.43.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.43.070.

16.XX.070 Community amenities required for bonus development.

Bonus level development allows a project to develop at a greater level of intensity with an increased floor area ratio and/or increased height. There is a reasonable relationship between the increased intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. To be eligible for bonus level development, an applicant shall provide one or more community amenities. Construction of the amenity is preferable to the payment of a fee.

- (1) **Amenities.** Community needs were initially identified through the robust community engagement process generally referred to as ConnectMenlo. The City Council of the City of Menlo Park adopted by resolution those identified community needs as community amenities to be provided in exchange for bonus level development. The identified community amenities may be updated from time to time by City Council resolution. All community amenities, except for affordable housing, shall be provided within the area between U.S. Highway 101 and the San Francisco Bay in the City of Menlo Park. Affordable housing may be located anywhere housing is allowed in the City of Menlo Park.
- (2) **Application.** An application for bonus level development is voluntary. In exchange for the voluntary provision of community amenities, an applicant is receiving a benefit in the form of an increased floor area ratio and/or increased height. An applicant requesting bonus level development shall provide the City with a written proposal, which includes but is not limited to the specific amount of bonus development sought, the value of the amenity as calculated pursuant to section (3) below, and adequate information identifying the value of the proposed community amenities. An applicant's proposal for community amenities shall be subject to review by the Planning Commission in conjunction with a use permit or conditional development permit. Consideration by the Planning Commission shall include differentiation between amenities proposed to be provided on-site and amenities proposed to be provided off-site, which may require a separate discretionary review and environmental review per the California Environmental Quality Act.
- (3) **Value of Amenity.** The value of the community amenities to be provided shall equal fifty percent (50%) of the fair market value of the additional gross floor area of the bonus level development. The value shall be calculated as follows: The applicant shall provide, at their expense, an appraisal performed within ninety (90) days of the application date by a licensed appraisal firm that

sets a fair market value in cash of the gross floor area of the bonus level of development ("bonus value"). The form and content of the appraisal, including any appraisal instructions, must be approved by the Community Development Director. The appraisal shall determine the total bonus value without consideration of the community amenities requirement established under Section 16.43.070. Fifty percent (50%) of the total bonus value is the value of the community amenity to be provided.

- (4) **Form of Amenity.** A community amenity shall be provided utilizing any one of the following mechanisms:
- (A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall be from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of the Final Occupancy Permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.
 - (B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay 120% of the fee, provided that the fee adopted by the City Council is less than full cost recovery.
 - (C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.

16.XX.080 Corporate housing.

A development in a location identified as O-CH district on the adopted City of Menlo Park Zoning Map may include corporate housing, subject to obtaining a use permit per Chapter 16.82 and the requirements of this section. Any use permit issued for corporate housing shall include a requirement to record a deed restriction to the satisfaction of the City Attorney prior to occupancy that limits the occupants of the corporate housing units to individuals who work on the project site. Unless otherwise stated in this section, corporate housing is subject to the Office district standards.

- (1) Setbacks.
 - (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.
 - (B) Minimum of twenty-five (25) feet from property lines.
- (2) Build-to Area Requirement. Corporate housing is not required to meet this requirement.
- (3) Floor Area Ratio. Maximum sixty percent (60%) ratio of residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.
- (4) Density. Maximum 30 dwelling units per acre, in no case to exceed 1,500 units in the district.

- (5) Height. Maximum height of forty (40) feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.
- (6) Modulation.
 - (A) A minimum of one recess of fifteen (15) feet wide by ten (10) feet deep per two hundred (200) feet of façade length is required on a building's facade from the ground level to the top of the building to provide visual variety, reduce large building volumes, and provide spaces for entryways and publicly accessible spaces.
 - (B) In addition, a minimum recess of five (5) feet wide by five (5) feet deep is required every fifty (50) feet of façade length, or building projections spaced no more than fifty (50) feet apart with a minimum of 3-foot depth and 5-foot width may satisfy this requirement.
 - (C) Parking is not allowed in these recesses.
- (7) Open Space. Corporate housing must provide a minimum amount of open space equal to twenty-five (25) percent of the total lot area and shall have common and private open spaces.
 - (A) Sixty (60) square feet of open space per unit shall be created as common open space or a minimum of thirty-six (36) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet;
 - (B) Depending on the number of dwelling units, common open space shall be provided to meet the following criteria:
 - (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum);
 - (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum);
 - (iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).
- (8) Connections. Entrances to corporate housing must connect to onsite pedestrian/bicycle pathways and to the public right-of-way to provide safe and easy non-vehicular means of travel.
- (9) Parking. Residential units may not include any additional parking.
- (10) Bicycle Parking. Minimum of 1.5 long-term bicycle parking spaces per unit and 10% additional short-term bicycle parking spaces for guests.
- (11) Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.
 - (A) Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.
 - (B) Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.
 - (C) Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.

16.XX.090 Parking standards.

Development in the Office district shall meet the following parking requirements.

<i>Land Use</i>	<i>Minimum Spaces (Per 1,000 Sq. Ft.)</i>	<i>Maximum Spaces (Per 1,000 Sq. Ft.)</i>	<i>Minimum Bicycle Parking¹</i>
<i>Office</i>	2	3	
<i>Light Industrial, Research and Development</i>	1.5	2.5	1 per 5,000 sq. ft. of gross floor area; Minimum two spaces
<i>Retail</i>	2.5	3.3	For Office and Research Development:
<i>Banks and financial institutions</i>	2	3.3	80% for long-term ² and 20% for short-term ²
<i>Eating and drinking establishments</i>	2.5	3.3	For all other commercial uses:
<i>Personal services</i>	2	3.3	20% for long-term ² and 80% for short-term ²
<i>Private recreation</i>	2	3.3	
<i>Child care center</i>	2	3.3	
<i>Hotel</i>	0.75 spaces per guest room	1.1 spaces per guest room	
<i>Public parking lot or structure</i>			One space per 20 vehicle spaces
<i>Other</i>	At Transportation Manager's discretion	At Transportation Manager's discretion	At Transportation Manager's discretion

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

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

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

16.XX.100 Transportation demand management.

New construction and additions to an existing building involving ten thousand (10,000) or more square feet of gross floor area, or a change of use of ten thousand (10,000) or more square feet of gross floor area shall develop a Transportation Demand Management (TDM) plan necessary to reduce associated vehicle trips to at least twenty percent (20%) below standard generation rates for uses on the project

site. Each individual applicant will prepare its own TDM plan and provide an analysis to the satisfaction of the City's Transportation Manager of the impact of that TDM program.

(1) Eligible TDM measures may include but are not limited to:

- (A) Participation in a local Transportation Management Association (TMA) that provides documented, ongoing support for alternative commute programs;
- (B) Appropriately located transit shelter(s);
- (C) Preferred parking for carpools or vanpools;
- (D) Designated parking for car-share vehicles;
- (E) Requiring drivers to pay directly for using parking facilities;
- (F) Public and/or private bike share program;
- (G) Provision or subsidy of carpool, vanpool, shuttle, or bus service, including transit passes for site occupants;
- (H) Required alternative work schedules and/or telecommuting;
- (I) Passenger loading zones for carpools and vanpools at main building entrance;
- (J) Safe, well-lit, accessible, and direct route to the nearest transit or shuttle stop or dedicated, fully accessible bicycle and pedestrian trail;
- (K) Car share membership for employees or residents;
- (L) Emergency Ride Home programs;
- (M) Green Trip Certification.

(2) Measures receiving TDM credit shall be:

- (A) Documented in a TDM plan developed specifically for each project and noted on project site plans, if and as appropriate;
- (B) Guaranteed to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided to the satisfaction of the City's Transportation Manager;
- (C) Required to be replaced by appropriate substitute measures if unable to achieve intended trip reduction in any reporting year;
- (D) Administered by a representative whose updated contact information is provided to the Transportation Manager.

16.XX.110 New connections.

Proposed development will be required to provide new pedestrian, bicycle, and/or vehicle connections to support connectivity and circulation as denoted in the adopted City of Menlo Park Zoning Map. These connections may be in the form of either a public street or a paseo as denoted in the adopted City of Menlo Park Zoning Map and are pursuant to the standards in Section 16.43.120. Streets shall meet the requirements of the adopted City of Menlo Park street classification map in the General Plan Circulation Element.

- (1) If the location of a new connection is split between parcel/ownership, the first applicant must set aside the required right-of-way through dedication or a public access easement and bond for the

completion of the new connection, or reach agreement with the other property owner(s) to allow the first applicant to complete the entire new connection;

- (2) If the location of a new connection is located on multiple properties with the same owner, applicant may move the connection up to 50 feet in either direction from what is shown on the City Zoning Map for enhanced connectivity, and/or other considerations, subject to the review and approval of the City's Public Works Director;
- (3) For phased implementation of a development project, applicant must show an implementation plan for the new connection and the City may require a bond or right of way dedication or public access easement prior to the completion of the first phase;
- (4) The land area dedicated for new connections in the form of public streets (right-of-way) will be subtracted from the total lot area to determine the site's Floor Area Ratio;
- (5) The land area dedicated for new connections in the form of paseos will require a public access easement (PAE). The area of the PAE is included in the total lot area to determine the site's Floor Area Ratio.

16.XX.120 Required street improvements.

For new construction and/or building additions of ten thousand (10,000) or more square feet of gross floor area or for tenant improvements on a site where the cumulative construction value exceeds \$500,000 over a five year period, the Public Works Director shall require the project to provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type. When these are required by the Public Works Director, the improvements do not count as community amenities pursuant to Section 16.43.070. The threshold for the value of improvements shall be adjusted annually on the first of July, based on the ENR Construction Cost Index.

- (1) Improvements shall include curb, gutter, sidewalk, street trees, and street lights;
- (2) Overhead electric distribution lines of less than sixty (60) kilovolts and communication lines shall be placed underground along the property frontage;
- (3) The Public Works Director may allow a Deferred Frontage Improvement Agreement, including a bond to cover the full cost of the improvements and installation to accomplish needed improvements in coordination with other street improvements at a later date.

16.XX.130 Design standards.

All new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For building additions, the applicable design standards apply only to the new construction. The existing building and new addition shall have an integrated design. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Relationship to the street. The following standards regulate the siting and placement of buildings, parking areas, and other features in relation to the street. The dimensions between building facades and the street and types of features allowed in these spaces are critical to the quality of the pedestrian experience.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
Build-to Area Requirement Figure 1	The minimum building frontage at the ground floor or podium level, as a percentage of the street frontage length, that must be located within the area of the lot between the minimum and maximum setback lines parallel to the street.	Minimum 40% of street frontage	Minimum 40% of street frontage	Minimum 60% of street frontage	
Frontage Landscaping	The percentage of the setback area devoted to ground cover and vegetation. Trees may or may not be within the landscaped area. For this requirement, the setback area is the area between the property line and the face of the building.	Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff).	Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff).	Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff).	Setback areas adjacent to active ground-floor uses, including lobbies, retail sales, and eating and drinking establishments are excepted.
Frontage Uses	Allowable frontage uses in order to support a positive integration of new buildings into the streetscape character.	No restrictions	No restrictions	Setback areas parallel to street not used for frontage landscaping must provide pedestrian circulation (e.g., entryways, stairways, accessible ramps), other publicly accessible open spaces (e.g., plazas, gathering areas, outdoor seating areas), access to parking, bicycle parking, or other uses that the Planning Commission deems appropriate.	Hotels are allowed to use this area for guest arrivals/drop-off zone. Commercial uses shall be a minimum of 50 feet in depth. Publicly accessible open space is further defined and regulated in Section 16.43.130 (4).
Surface Parking Along Street Frontage Figure 2, label A	Surface parking may be located along the street if set back appropriately. The maximum percentage of linear frontage of property adjacent to the street allowed to be off-street surface parking.	Maximum of 35%	Maximum of 35%	Maximum of 25%	
Minimum surface parking setback Figure 2, label B	The minimum dimension from property line adjacent to the street that surface parking must be set back.	Minimum 20 feet	Minimum 20 feet	Minimum 20 feet	

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 1. Build-to Area

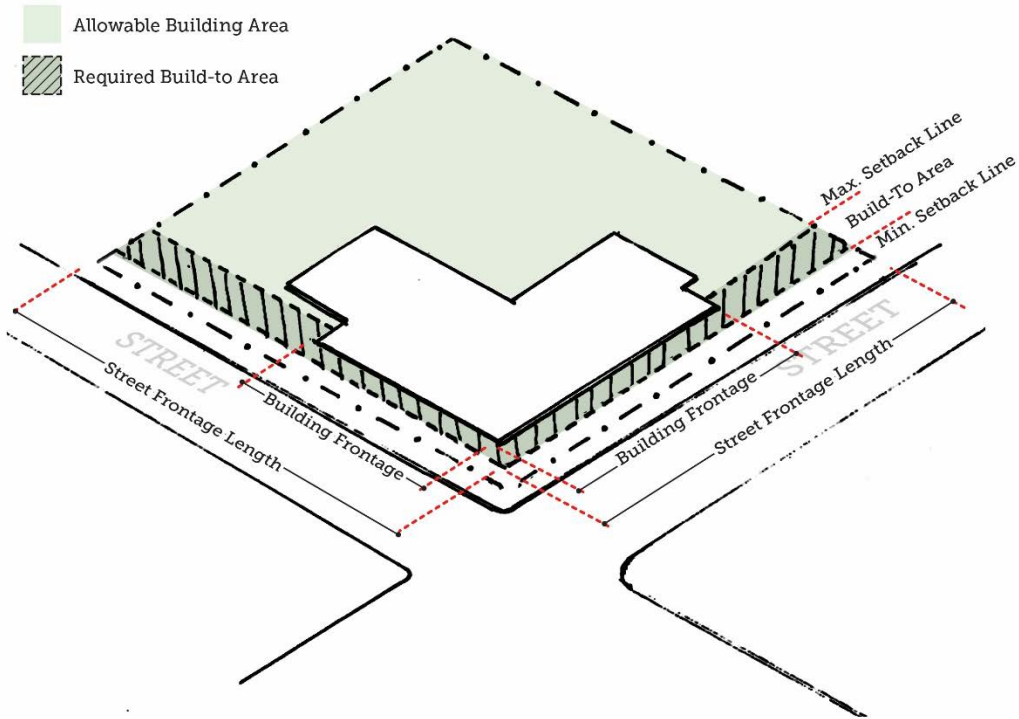
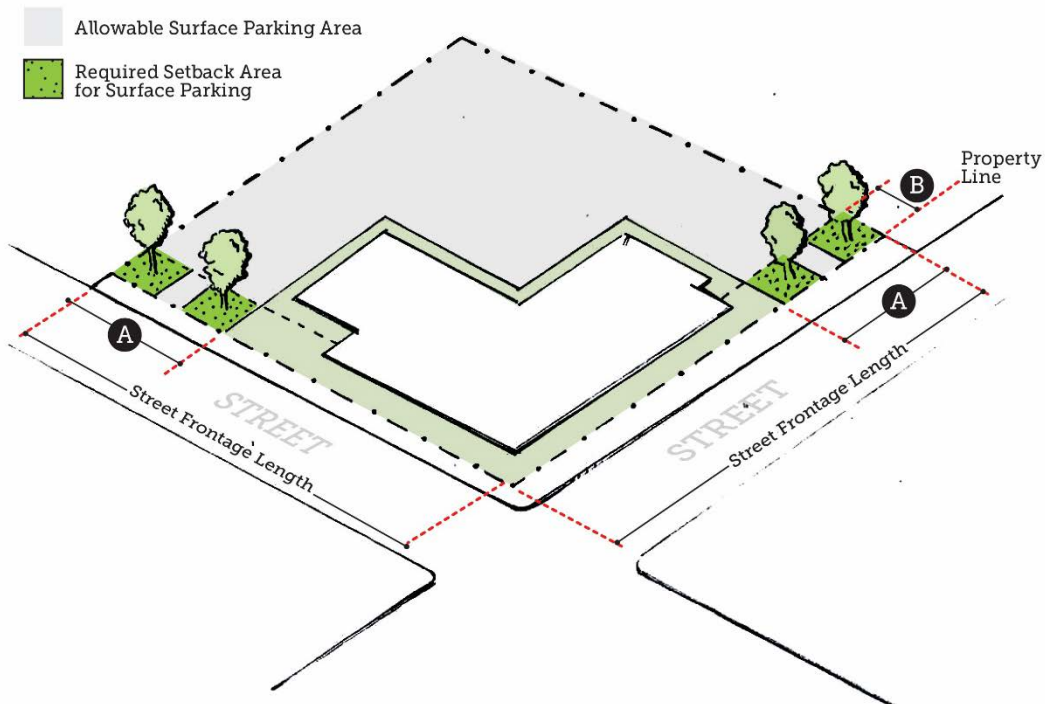


Figure 2. Surface Parking

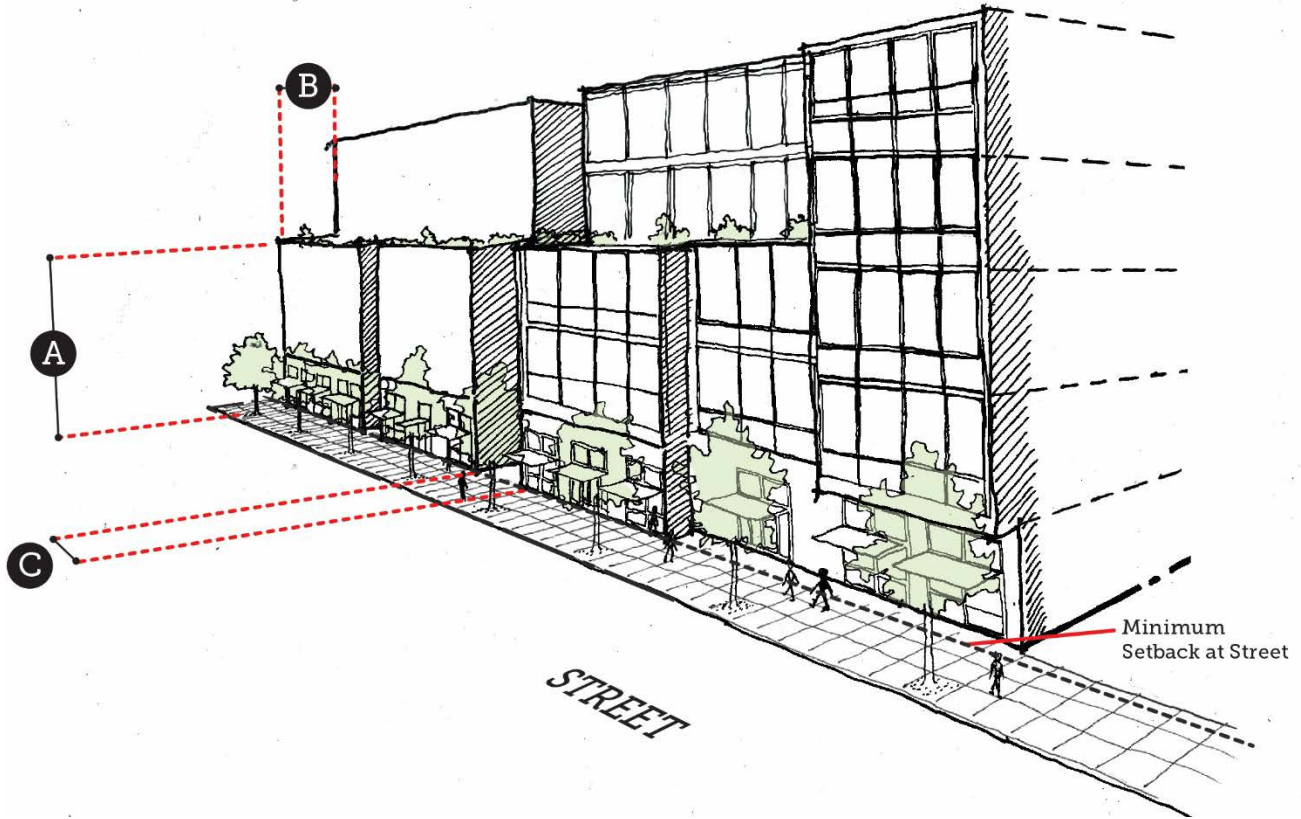


- (2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
Base Height Figure 3, label A	The maximum height of a building at the minimum setback at street or before the building steps back the minimum horizontal distance required.	35 feet; except hotels	45 feet	45 feet	Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.
Minimum Stepback Figure 3, label B	The horizontal distance a building's upper story(ies) must be set back above the base height.	N/A	10' for a minimum of 75% of the building face along public street(s)	10' for a minimum of 75% of the building face along public street(s)	A maximum of 25% of the building face along public streets may be excepted from this standard in order to provide architectural variation. . Exception: hotels shall step back a minimum of 15 feet above 60 feet and an additional 10 feet for buildings 75 feet.
Building Projections	The maximum depth of allowable building projections, such as balconies or bay windows, from the required stepback for portions of the building above the ground floor.	6 feet	6 feet	6 feet	
Building Modulations Figure 3, label C	A building modulation is a break in the building plane from the ground level to the top of the buildings' base height that provides visual variety, reduces large building volumes and provides spaces for entryways and publicly accessible spaces.	One every 200 feet ,with a minimum of one per façade	One every 200 feet, with a minimum of one per façade	One every 200 feet, with a minimum of one per façade	Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos). Parking is not allowed in the modulation recess. When more than 50% of façade an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 3. Building Mass and Scale



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- (3) Ground-floor exterior. The following standards regulate the ground-floor façade of buildings in order to enhance pedestrian experience, as well as visual continuity along the street.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
<i>Building Entrances</i> Figure 4, label A	The minimum ratio of entrances to building length along a public street or paseo.	One entrance per public street frontage	One entrance per public street frontage	One entrance per public street frontage	Entrances at a building corner may be used to satisfy this requirement for both frontages. Stairs must be located in locations convenient to building users.
<i>Ground-floor Transparency</i> Figure 4, label B	The minimum percentage of the ground-floor façade (finished floor to ceiling) that must provide visual transparency, such as clear-glass windows, doors, etc.	30%; 50% for commercial uses	50%	50%	Windows shall not be opaque or mirrored. For the purpose of this chapter, "Commercial" is defined as uses enumerated in this chapter, except office, light industrial, and research and development.
<i>Minimum Ground Floor Height Along Street Frontage</i> Figure 4, label C	The minimum height between the ground-level finished floor to the second level finished floor along the street.	n/a	15 feet	15 feet	
<i>Garage Entrances</i>	Width of garage entry/door along street frontage.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Garage entrances must be separated by a minimum of 100 feet to ensure all entrances/exits are not grouped together or resulting in an entire stretch of sidewalk unsafe and undesirable for pedestrians.
<i>Awnings, Signs, and Canopies</i> Figure 4, label D	The maximum depth of awnings, signs, and canopies that project horizontally from the face of the building.	7 feet	7 feet	7 feet	Horizontal projections shall not extend into the public right-of-way. A minimum vertical clearance of 8 feet from finished grade to the bottom of the projection is required.

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 4. Ground-Floor Exterior



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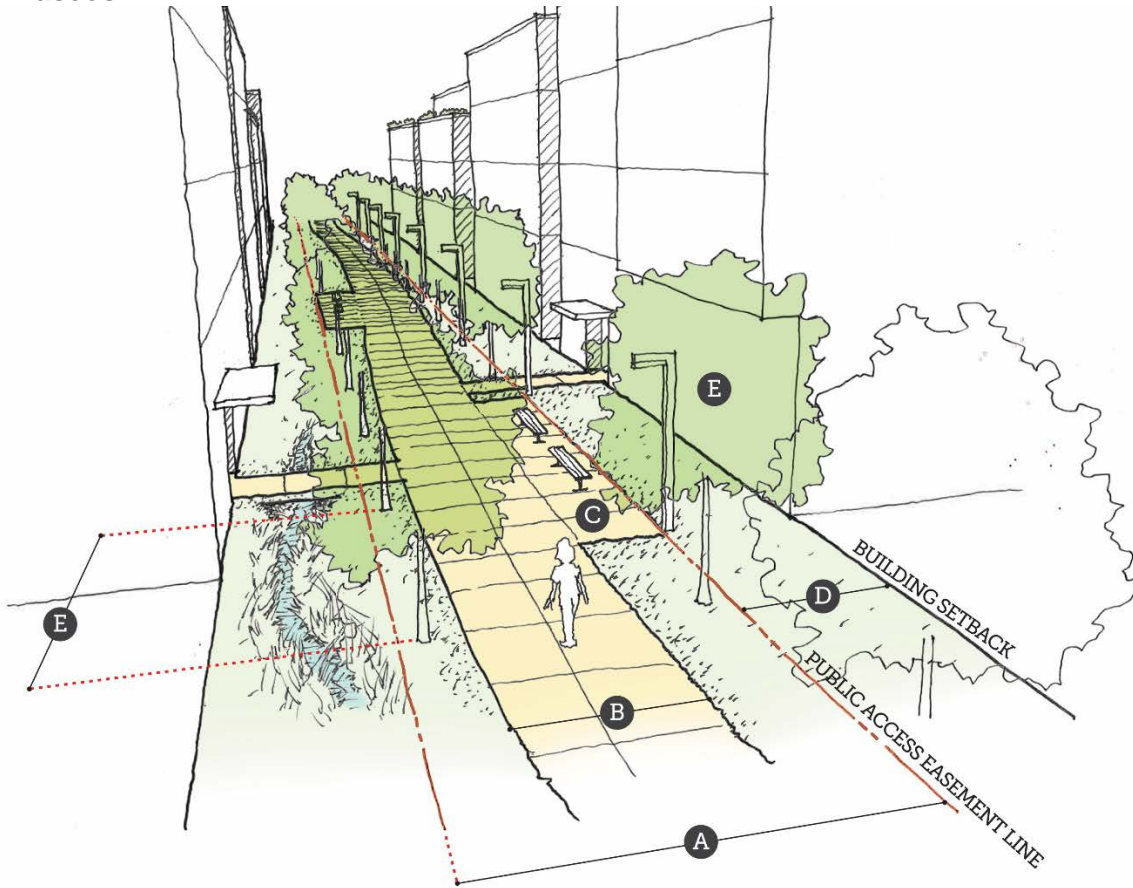
- (4) Open space. All development in the Office district shall provide a minimum amount of open space equal to thirty percent (30%) of the total lot area, with a minimum amount of publicly accessible open space equal to fifty percent (50%) of the total required open space area.
- (A) Publicly accessible open space consists of areas unobstructed by fully enclosed structures with a mixture of landscaping and hardscape that provides seating and places to rest, places for gathering, passive and/or active recreation, pedestrian circulation, or other similar use as determined by the Planning Commission. Publicly accessible open space types include, but are not limited to paseos, plazas, forecourts and entryways, and outdoor dining areas. Publicly accessible open space must:
- (i) Contain site furnishings, art, or landscaping;
 - (ii) Be on the ground floor or podium level;
 - (iii) Be at least partially visible from a public right-of-way such as a street or paseo;
 - (iv) Have a direct, accessible pedestrian connection to a public right-of-way or easement.
- (B) Quasi-public and private open spaces, which may or may not be accessible to the public, include patios, balconies, roof terraces, and courtyards.
- (C) All open spaces shall:
- (i) Interface with adjacent buildings via direct connections through doors, windows, and entryways;
 - (ii) Be integrated as part of building modulation and articulation to enhance building façade and should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses;
 - (iii) Incorporate landscaping design that includes:
 - (a) Sustainable stormwater features;
 - (b) A minimum landscaping bed no less than three (3) feet in length or width and five (5) feet in depth for infiltration planting;
 - (c) Native species able to grow to their maximum size without shearing.
- (D) All exterior landscaping counts towards open space requirements.

- (5) Paseos. A paseo is defined as a pedestrian and bicycle path, as shown on the adopted City of Menlo Park Zoning Map, that provides a member of the public access through one or more parcels and to public streets and/or other paseos. Paseos must meet the following standards:
- (A) Paseos must be publicly accessible established through a public access easement, but they remain private property;
 - (B) Paseos count as publicly accessible open space.

Standard	Definition	Base and Bonus levels	Notes/Additional Requirements
<i>Paseo Width</i> Figure 5, label A	The minimum dimension in overall width of the paseo, including landscaping and hardscape components.	20 feet	
<i>Pathway Width</i> Figure 5, label B	The minimum and maximum width of the paved, hardscape portion of the paseo..	10 feet minimum; 14 feet maximum	The paseo pathway shall be connected to building entrances with hardscaped pathways. Pathways may be used for emergency vehicle access use and allowed a maximum paved width exemption to accommodate standards of the Menlo Park Fire Protection District with prior approval by Transportation Manager.
<i>Furnishing Zones</i> Figure 5, label C	Requirements for pockets of hardscape areas dedicated to seating, adjacent to the main pedestrian pathway area.	Minimum dimension of 5 feet wide by 20 feet long, provided at a minimum interval of 100 feet.	Furnishing zones must include benches or other type of seating and pedestrian-scaled lighting.
<i>Paseo Frontage Setback</i> Figure 5, label D	The minimum setback for adjacent buildings from the edge of the paseo property line.	10 feet	A minimum of 50% of the setback area between the building and paseo shall be landscaped (50% of which should provide on-site infiltration of stormwater runoff.) Plants should be climate-adapted species up to 3 feet in height.
<i>Trees</i> Figure 5, label E	The size and spacing of trees that are required along the paseo.	Small canopy trees with a maximum mature height of 40 feet and canopy diameter of 25 feet, planted at maximum intervals of 40 feet.	Trees must be planted within the paseo width, with the tree canopy allowed to overhang into the setback.
<i>Landscaping</i>	The minimum percentage of the paseo that is dedicated to vegetation.	20%	On-site infiltration of stormwater runoff is required.
<i>Lighting</i>	Pedestrian-oriented street lamps.	One light fixture every 40 feet.	Use energy efficient lighting per Title 24. Lights shall be located a minimum of 20 feet from trees.

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Figure 5. Paseos



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- (6) Building design.
- (A) Main building entrances shall face the street or a publicly accessible courtyard. Building and/or frontage landscaping shall bring the human scale to the edges of the street. Retail building frontage shall be parallel to the street.
 - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the Public Works Director.
 - (C) Projects shall include dedicated, screened, and easily accessible space for recycling, compost, and solid waste storage and collection.
 - (D) Trash and storage shall be enclosed and attractively screened from public view.
 - (E) Materials and colors of utility, trash, and storage enclosures shall match or be compatible with the primary building.
 - (F) Building materials shall be durable and high-quality to ensure adaptability and re-use over time. Glass paneling and windows shall be used to invite outdoor views and introduce natural light into interior spaces. Stucco shall not be used on more than fifty percent (50%) of the building facade. When stucco is used, it must be smooth troweled.
 - (G) Roof lines and eaves adjacent to street-facing facades shall vary across a building, including a four-foot minimum height modulation to break visual monotony and create a visually interesting skyline as seen from public streets (see Figure 6). The variation of the roofline's horizontal distance should match the required modulations and step backs.
 - (H) Rooftop elements, including stair and elevator towers, shall be concealed in a manner that incorporates building color and architectural and structural design.
 - (I) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

Figure 6. Roof Lines



- (7) Access and parking.
- (A) Shared entrances to retail and office uses shall be used where possible.
 - (B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings, and shall not be located along a publicly accessible open space.
 - (C) Above-ground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
 - (D) Garage and surface parking access shall be screened or set behind buildings located along a publicly accessible open space or paseo.
 - (E) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway or landscaped area (see Figure 7, label A).
 - (F) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation, including a twenty (20) foot deep landscaped area along sidewalks, as measured from the property line or public access easement adjacent to the street or paseos (see Figure 7, label B). The portion of this area not devoted to driveways shall be landscaped. Trees shall be planted at a ratio of 1 per 400 square feet of required setback area for surface parking.
 - (G) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces (see Figure 7, label C). Required plantings may be grouped where carports with solar panels are provided.
 - (H) Surface parking can be located along a paseo for a maximum of forty percent (40%) of a paseo's length (see Figure 7, label D).
 - (I) Short-term bicycle parking shall be located within fifty (50) feet of lobby or main entrance. Long-term bicycle parking facilities shall protect against theft and inclement weather, and consist of a fully enclosed, weather-resistant locker with key locking mechanism or an interior locked room or enclosure. Long-term parking shall be provided in locations that are convenient and functional for cyclists. Bicycle parking shall be (see Figure 8):
 - (i) Consistent with the latest edition of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guide;
 - (ii) Designed to accommodate standard six (6) foot bicycles;
 - (iii) Paved or hardscaped;
 - (iv) Accessed by an aisle in the front or rear of parked bicycles of at least five (5) feet;
 - (v) At least five (5) feet from vehicle parking spaces;
 - (vi) At least thirty (30) inches of clearance in all directions from any obstruction, including but not limited to other racks, walls, and landscaping;
 - (vii) Lit with no less than one (1) foot candle of illumination at ground level;
 - (viii) Space-efficient bicycle parking such as double-decker lift-assist and vertical bicycle racks are also permitted.
 - (J) Pedestrian access shall be provided, with a minimum hardscape width of six (6) feet, from sidewalks to all building entries, parking areas, and publicly accessible open spaces, and shall be clearly marked with signage directing pedestrians to common destinations.
 - (K) Entries to parking areas and other important destinations shall be clearly identified for all travel modes with such wayfinding features as marked crossings, lighting, and clear signage.

Figure 7. Surface Parking Access

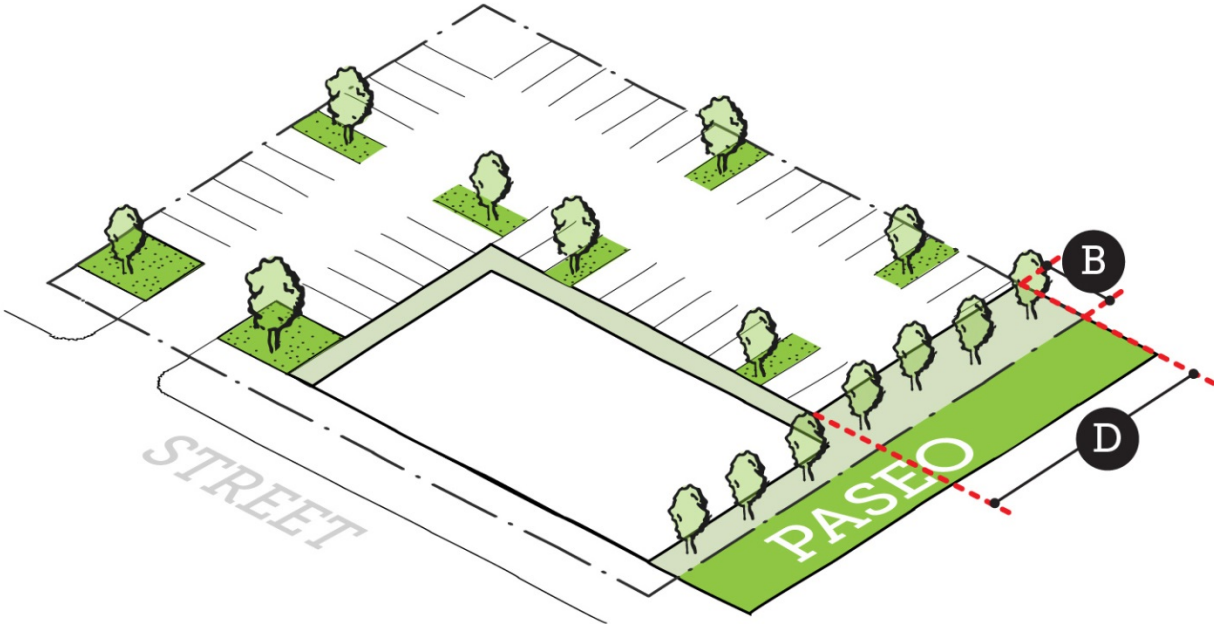
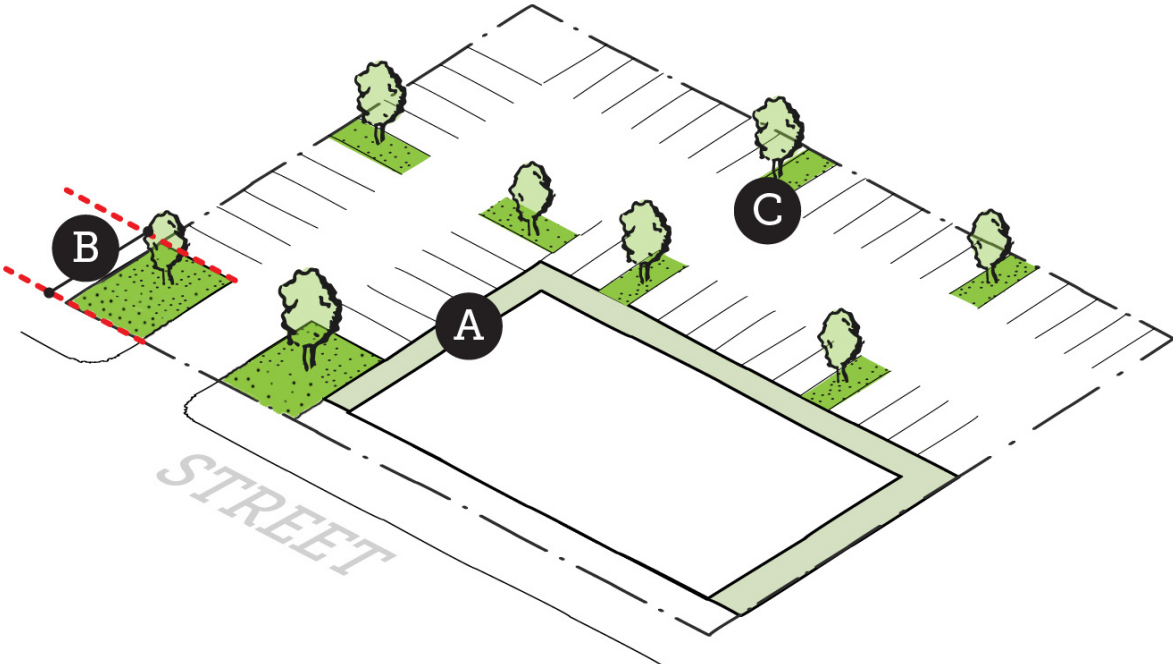
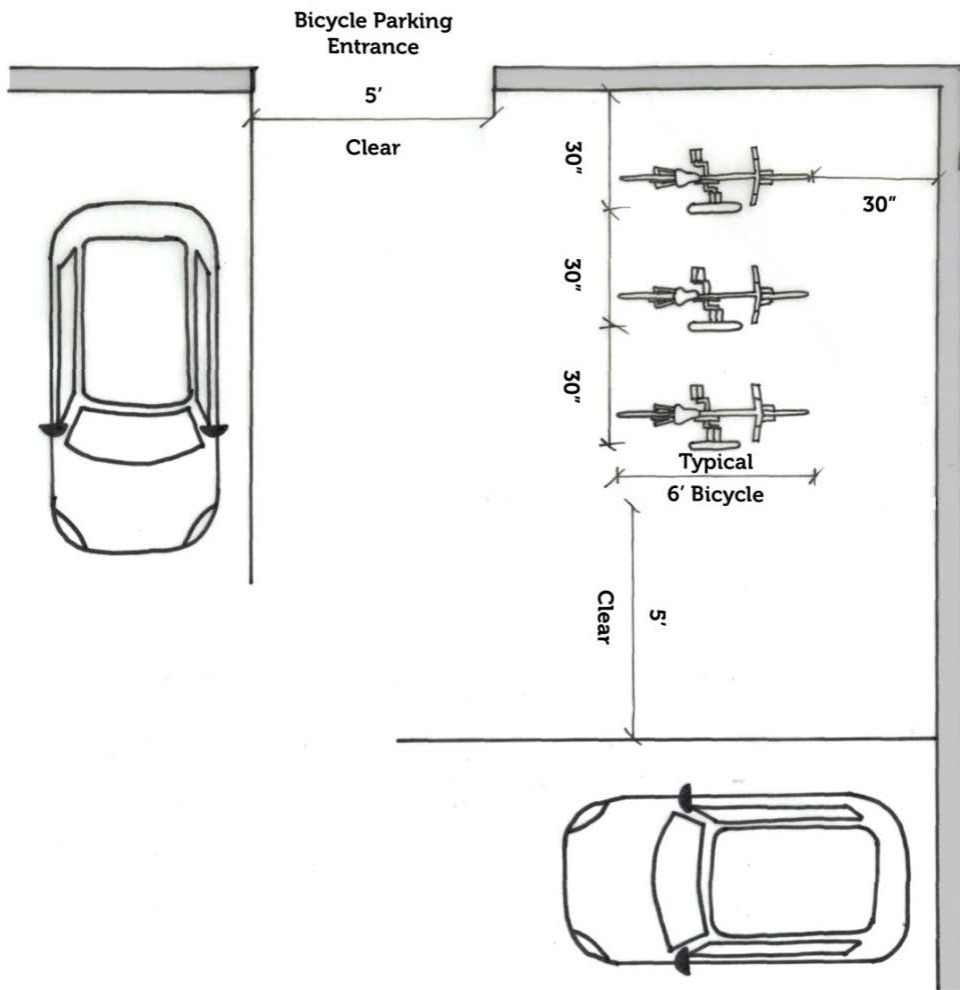


Figure 8. Bicycle Parking



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16.XX.140 Green and sustainable building.

In addition to meeting all applicable regulations specified in Municipal Code Title 12 (Buildings and Construction), the following provisions shall apply to projects. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green building.

- (A) Any new construction, addition or alteration of a building shall be required to comply with tables 16.43.140(1)(B).

(2) Energy.

(i)

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

- (i) On-site energy generation;
- (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
- (iii) Purchase and installation of local renewable energy generation within the City of Menlo Park in an amount equal to the annual energy demand of the project;
- (iv) Purchase of certified renewable energy credits and/or certified renewable energy off-sets annually in an amount equal to the annual energy demand of the project.

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

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of 30% of the maximum feasible on-site energy generation, as determined by an On-Site Renewable Energy Feasibility Study and any combination of measures ii to iv above. The On-Site Renewable Energy Feasibility Study shall demonstrate the following cases at a minimum: 1. Maximum on-site generation potential. 2. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment). 3. Maximum solar generation potential solely on the roof area.

- (B) Alterations and/or additions of 10,000 square feet or larger where the building owner elects to update the core and shell through the option presented in tables 16.43.140(1)(B) and 16.43.140(1)(C):

- (i) The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures i to iv listed in 16.43.014(2)(A).

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TABLE 16.43.010(1)(B): NON-RESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.– 25,000 sq. ft. of conditioned area, volume or size****	25,001 sq. ft. and above of conditioned area, volume or size****
Green Building	Designed to meet LEED Silver BD+C *	Designed to meet LEED Silver BD+C *	Designed to meet LEED Gold BD+C *	CALGreen Mandatory	Designed to meet LEED Silver ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.43.140(2)(B)	Designed to meet LEED Gold ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.43.140(2)(B)
Electric Vehicle (EV) Chargers	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> Minimum of 2 in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations. 	N/A (Voluntary)	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> Minimum of 2 chargers in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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

**Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

***Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 240 V and 40 AMPs such that it can be used by all electric vehicles.

****Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.43.140.(2).(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.43.140.(2).(B), additions and alterations of that building will be exempt from

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

***** If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

- (3) Water use efficiency and recycled water.
- (A) Single pass cooling systems shall be prohibited in all new buildings.
 - (B) All new buildings shall be built and maintained without the use of well water.
 - (C) Applicants for a new building more than one hundred thousand (100,000) square feet of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the City. For all new buildings two hundred and fifty (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all City approved non-potable applications. The water budget and calculations shall be reviewed and approved by the City's Public Works Director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the City to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the City's Public Works Director, shall be implemented. Twelve (12) months after City approval of the water conservation program, the building owner shall submit data and information sufficient to allow the City to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the City's Public Works Director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 of the Municipal Code until compliance with the water budget is achieved.
 - (D) All new buildings shall be dual plumbed for the internal use of recycled water.
 - (E) All new buildings two hundred and fifty (250,000) square feet or more in gross floor area shall use an alternate water source for all City approved non-potable applications. An alternative water source may include, but is not limited to, treated non-potable water such as graywater. An Alternate Water Source Assessment shall be submitted that describes the alternative water source and proposed non-potable application. Approval of the Alternate Water Source Assessment, the alternative water source and its proposed uses shall be approved by the City's Public Works Director and Community Development Director. If the Menlo Park Municipal Water District has not designated a Recycled Water Purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the City Council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of City approved non-potable applications, but in no case shall the reduction be less than 30 percent compared to the water budget in Section C. The conservation measures may include on-site measures, off-site measures or a combination thereof.
 - (F) Potable water shall not be used for dust control on construction projects.
 - (G) Potable water shall not be used for decorative features, unless the water recirculates.
- (4) Hazard mitigation and sea level rise resiliency.
- (A) The first floor elevation of all new buildings shall be twenty-four (24) inches above the Federal Emergency Management Agency base flood elevation (BFE) to account for sea level rise. Where no BFE exists, the first floor (bottom of floor beams) elevation shall be twenty-four (24) inches above the existing grade. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.
 - (B) Prior to building permit issuance, all new buildings shall pay any required fee or proportionate fair share for the funding of sea level rise projects, if applicable.

(5) Waste management.

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

(6) Bird-friendly design.

- (A) No more than ten percent (10%) of façade surface area shall have non-bird-friendly glazing.
- (B) Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.
- (C) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.
- (D) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.
- (E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
- (F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.
- (G) A project may receive a waiver from one or more of the items in (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

SECTION 4. This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

SECTION 5. Projects that receive discretionary approvals and/or submitted a building permit prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

INTRODUCED on the _____ day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ___ day of November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Richard Cline
Mayor, City of Menlo Park

ATTEST:

Pamela Aguilar
City Clerk

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DRAFT –November 29, 2016

ORDINANCE NO. ____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING THE LS (LIFE SCIENCES) ZONING DISTRICT TO TITLE 16 OF THE MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.
- B. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- C. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- D. After consideration of all the evidence in the record, including public testimony, the City Council certified the Final Environmental Impact Report and adopted resolutions approving the updates to the Land Use and Circulation Elements of the General Plan.
- E. The City desires to add Chapter 16.44 (Life Sciences) to Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs including LU-4.4 *Community Amenities*, LU-4.C *Community Amenity Requirements*, LU-6.D *Design for Birds*, LU-7.1 *Sustainability*, LU-7.A *Green Building Operation and Maintenance*, LU-7.D *Performance Standards*, LU-7.H *Sea Level Rise*, and CIRC 2.G *Zoning Requirements for Bicycle Storage*, which encourage development that benefits the community and the City through a mix of uses and scales, include bird friendly and sustainable design measures, identify performance standards for environmentally friendly technology and design, require bicycle parking for developments, and protect occupants and residents against sea level rise.
- F. After due consideration of the proposed addition of Chapter 16.44 (Life Sciences) to Title 16, public comments, the Planning Commission's recommendation, and the staff report, the City

Council finds that the proposed addition is consistent with the updated General Plan and is appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November ____, 2016, in accordance with the provisions of the California Environmental Quality Act (“CEQA”) and CEQA Guidelines. The Environmental Impact Report considered the addition of Chapter 16.44 (Life Sciences) to Title 16 of the Menlo Park Municipal Code. Findings and a statement of overriding considerations were adopted by the City Council on November ____, 2016 by Resolution No._____.

SECTION 3. Chapter 16.44, Life Sciences, of the Menlo Park is hereby added to Title 16, Zoning, of the Municipal Code:

**Chapter 16.44
LS – LIFE SCIENCES DISTRICT**

Sections:

- 16.44.010 Purpose.
- 16.44.015 Definitions.
- 16.44.020 Permitted uses.
- 16.44.030 Administratively permitted uses.
- 16.44.040 Conditional uses.
- 16.44.050 Development regulations.
- 16.44.055 Mater planned development.
- 16.44.060 Bonus level development.
- 16.44.070 Community amenities required for bonus development.
- 16.44.080 Parking standards.
- 16.44.090 Transportation demand management
- 16.44.100 New connections.
- 16.44.110 Required street improvements.
- 16.44.120 Design standards.
- 16.44.130 Green and sustainable building.

16.XX.010 Purpose.

The purpose and intent of the Life Sciences district is to:

- (1) Attract research and development and light industrial and uses particularly those that support bioscience and biomedical product development, and manufacturing and/or are potentially revenue generating businesses;
- (2) Allow administrative and professional office uses and other services that support light industrial and research and development sites and nearby;
- (3) Provide opportunities for quality employment and development of emerging technology, entrepreneurship, and innovation;

- (4) Facilitate the creation of a thriving business environment with goods and services that support adjacent neighborhoods as well as the employment base.

16.XX.015 Definitions.

Terms are as defined in the Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

16.XX.020 Permitted uses.

Permitted uses in the Life Sciences district are as follows:

- (1) Light industrial and research and development and accessory uses, except when requiring hazardous material review;
- (2) Administrative and professional offices in buildings, twenty thousand (20,000) or less square feet of gross floor area;
- (3) Retail sales establishments, excluding the sale of beer, wine and alcohol;
- (4) Eating establishments, excluding the sale of beer, wine, and alcohol or live entertainment, and/or establishments that are portable. For the purpose of this chapter, an eating establishment is primarily engaged in serving prepared food for consumption on or off the premises;
- (5) Personal services, excluding tattooing, piercing, palm-reading, or similar services;
- (6) Recreational facilities privately operated, twenty thousand (20,000) or less square feet of gross floor area;
- (7) Community education/training center that provides free or low-cost educational and vocational programs to help prepare local youth and adults for entry into college and/or the local job market.

16.XX.030 Administratively permitted uses.

Uses allowed in the Life Sciences district, subject to obtaining an administrative permit, are as follows:

- (1) Any outside storage of material, equipment or vehicles associated with the main use;
- (2) Eating establishments, including the sale of beer and wine only, and/or that have live entertainment;
- (3) Outdoor seating;
- (4) Research and development and light industrial uses, requiring hazardous material review;
- (5) Diesel generators.

16.XX.040 Conditional uses.

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

- (1) Administrative and professional offices and accessory uses, greater than twenty thousand (20,000) square feet of gross floor area;
- (2) Eating establishments, including alcohol, and/or establishments that are portable;

- (3) Drinking establishments, including beer, wine and alcohol. For purposes of this chapter, a drinking establishment is a business serving beverages for consumption on the premise as a primary use;
- (4) Retail sales establishments, including the sale of beer, wine and alcohol;
- (5) Recreational facilities, privately operated, greater than twenty thousand (20,000) square feet of gross floor area;
- (6) Special uses, in accordance with Chapter 16.78 of this title;
- (7) Uses identified in Sections 16.44.020, 16.44.030, and 16.44.040 proposing bonus level development, in accordance with Section 16.44.060;
- (8) Public utilities, in accordance with Chapter 16.76 of this title.

16.XX.050 Development regulations.

Development regulations in the Life Sciences district are as follows:

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
<i>Minimum lot area</i>	Minimum area of building site (includes public access easements).	25,000 square feet	25,000 square feet	
<i>Minimum lot dimensions</i>	Minimum size of a lot calculated using lot lines.	100 feet width 100 feet depth	100 feet width 100 feet depth	
<i>Minimum setback at street</i>	Minimum linear feet building can be sited from property line adjacent to street.	5 feet	5 feet	Setbacks shall be measured from the property line. In instances where there will be a public access easement, measure the setback from the back of the easement. See build-to area requirements in Section 16.44.120 (1).
<i>Minimum interior side and rear setbacks</i>	Minimum linear feet building can be sited from interior and rear property lines.	10 feet	10 feet	See Section 16.44.120 (5) when property is required to have a paseo. Interior side setback may be reduced to zero feet for the entire building mass where there is retail frontage.
<i>Maximum floor area ratio</i>	Maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.	55% plus 10% commercial	125% plus 10% commercial	For purposes of this chapter, "Commercial" is defined as uses enumerated in this chapter, except office, light industrial, and research and development.
<i>Height</i>	Height is defined as average height of all buildings on one site, where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.	Height: 35 feet Maximum Height: 35 feet	Height: 67.5 feet Maximum height: 110 feet	For calculation purposes, a story is defined as 15 feet. A parapet used to screen mechanical equipment is not included in the maximum height. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase in height and maximum

<i>Regulation</i>	<i>Definition</i>	<i>Base level</i>	<i>Bonus level</i>	<i>Notes/Additional Requirements</i>
<i>Minimum open space requirement</i>	Minimum portion of the building site open and unobstructed by fully enclosed buildings.	20%	20%	See Section 16.44.120 (4) for open space requirements.

16.XX.055 Master planned projects.

The purpose of a master planned project is to provide flexibility for creative design, more orderly development, and optimal use of open space, while maintaining and achieving the General Plan vision for the Bayfront Area. Master planned projects for sites with the same zoning designation (O, LS or R-MU) in close proximity or for contiguous sites that have a mix of zoning designations (O or R-MU) that exceed 15 acres in size and that are held in common ownership (or held by wholly owned affiliated entities) and are proposed for development as a single project or single phased development project are permitted as a conditional use, provided that sites with mixed zoning are required to obtain a conditional development permit and enter into a development agreement. For master planned projects meeting these criteria, residential density, FAR and open space requirements and residential density, FAR and open space requirements at the bonus level, if applicable, may be calculated in the aggregate across the site provided the overall development proposed does not exceed what would be permitted if the site were developed in accordance with the zoning designation applicable to each portion of the site and the proposed project complies with all other design standards identified for the applicable zoning districts.

16.XX.060 Bonus level development.

A development in a location identified as Life Sciences-Bonus (LS-B) on the adopted City of Menlo Park Zoning Map may seek an increase in floor area ratio and/or height per Section 16.44.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.44.070.

16.XX.070 Community amenities required for bonus development.

Bonus level development allows a project to develop at a greater level of intensity with an increased floor area ratio and/or increased height. There is a reasonable relationship between the increased intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. To be eligible for bonus level development, an applicant shall provide one or more community amenities. Construction of the amenity is preferable to the payment of a fee.

- Amenities.** Community needs were initially identified through the robust community engagement process generally referred to as ConnectMenlo. The City Council of the City of Menlo Park adopted by resolution those identified community needs as community amenities to be provided in exchange for bonus level development. The identified community amenities may be updated from

time to time by City Council resolution. All community amenities, except for affordable housing, shall be provided within the area between U.S. Highway 101 and the San Francisco Bay in the City of Menlo Park. Affordable housing may be located anywhere housing is allowed in the City of Menlo Park.

- (2) **Application.** An application for bonus level development is voluntary. In exchange for the voluntary provision of community amenities, an applicant is receiving a benefit in the form of an increased floor area ratio and/or increased height. An applicant requesting bonus level development shall provide the City with a written proposal, which includes but is not limited to the specific amount of bonus development sought, the value of the amenity as calculated pursuant to section (3) below, and adequate information identifying the value of the proposed community amenities. An applicant's proposal for community amenities shall be subject to review by the Planning Commission in conjunction with a Use Permit or Conditional Development Permit. Consideration by the Planning Commission shall include differentiation between amenities proposed to be provided on-site and amenities proposed to be provided off-site, which may require a separate discretionary review and environmental review per the California Environmental Quality Act.
- (3) **Value of Amenity.** The value of the community amenities to be provided shall equal fifty percent (50%) of the fair market value of the additional gross floor area of the bonus level development. The value shall be calculated as follows: The applicant shall provide, at their expense, an appraisal performed within ninety (90) days of the application date by a licensed appraisal firm that sets a fair market value in cash of the gross floor area of the bonus level of development ("bonus value"). The form and content of the appraisal must be approved by the Community Development Director. The appraisal shall determine the total bonus value without consideration of the community amenities requirement established under Section 16.44.070. Fifty percent (50%) of the total bonus value is the value of the community amenity to be provided.
- (4) **Form of Amenity.** A community amenity shall be provided utilizing any one of the following mechanisms:
 - (A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall be from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of the Final Occupancy Permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.
 - (B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay 120% of the fee, provided that the fee adopted by the City Council is less than full cost recovery.
 - (C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.

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16.XX.080 Parking standards.

Development in the Life Sciences district shall meet the following parking requirements.

<i>Land Use</i>	<i>Minimum Spaces (Per 1,000 Sq. Ft.)</i>	<i>Maximum Spaces (Per 1,000 Sq. Ft.)</i>	<i>Minimum Bicycle Parking¹</i>
<i>Office</i>	2	3	
<i>Light Industrial, Research and Development</i>	1.5	2.5	1 per 5,000 sq. ft. of gross floor area; Minimum 2 spaces
<i>Retail</i>	2.5	3.3	For Office and Research Development:
<i>Banks and financial institutions</i>	2	3.3	80% for long-term ² and 20% for short-term ²
<i>Eating and drinking establishments</i>	2.5	3.3	For all other commercial uses:
<i>Personal services</i>	2	3.3	20% for long-term ² and 80% for short-term ²
<i>Private recreation</i>	2	3.3	
<i>Child care center</i>	2	3.3	
<i>Public parking lot or structure</i>			1 space per 20 vehicle spaces
<i>Other</i>	At Transportation Manager's discretion	At Transportation Manager's discretion	At Transportation Manager's discretion

¹ See Section 16.44.120 (7) and the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

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

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

16.XX.090 Transportation demand management.

All new construction, regardless of size, and building additions of ten thousand (10,000) or more square feet of gross floor area, or a change of use of ten thousand (10,000) or more square feet of gross floor area shall develop a Transportation Demand Management (TDM) plan necessary to reduce associated vehicle trips to at least twenty percent (20%) below standard generation rates for uses on the project site.

- (1) Eligible TDM measures may include but are not limited to:
 - (A) Participation in a local Transportation Management Association (TMA) that provides documented, ongoing support for alternative commute programs;
 - (B) Appropriately located transit shelter(s);

- (C) Preferred parking for carpools or vanpools;
 - (D) Designated parking for car-share vehicles;
 - (E) Requiring drivers to pay directly for using parking facilities;
 - (F) Public and/or private bike share program; Provision or subsidy of carpool, vanpool, shuttle, or bus service, including transit passes for site occupants;
 - (G) Required alternative work schedules and/or telecommuting;
 - (H) Passenger loading zones for carpools and vanpools at main building entrance;
 - (I) Safe, well-lit, accessible, and direct route to the nearest transit or shuttle stop or dedicated, fully accessible bicycle and pedestrian trail;
 - (J) Car share membership for employees or residents;
 - (K) Emergency Ride Home programs;
 - (L) Green Trip Certification.
- (2) Measures receiving TDM credit shall be:
- (A) Documented in a TDM plan developed specifically for each project and noted on project site plans, if and as appropriate;
 - (B) Guaranteed to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided to the satisfaction of the City's Transportation Manager;
 - (C) Required to be replaced by appropriate substitute measures if unable to achieve intended trip reduction in any reporting year, failure to do so will result in revocation of permit;
 - (D) Administered by a representative whose updated contact information is provided to the Transportation Manager.

16.XX.100 New connections.

Proposed development will be required to provide new pedestrian, bicycle, and/or vehicle connections to support connectivity and circulation as denoted in the City Zoning Map. These connections may be in the form of either a public street or a paseo as denoted in the City Zoning Map and are pursuant to the standards in Section 16.44.120. Streets shall meet the requirements of the adopted City of Menlo Park street classification map in the General Plan Circulation Element.

- (1) If the location of a new connection is split between parcel/ownership, the first applicant must set aside the required right-of-way through dedication or a public access easement and bond for the completion of the new connection, or reach agreement with the other property owner(s) to allow the first applicant to complete the entire new connection;
- (2) If the location of a new connection is located on multiple properties with the same owner, applicant may move the connection up to 50 feet in either direction from what is shown on the City Zoning Map for enhanced connectivity, and/or other considerations, subject to the review and approval of the City's Public Works Director;
- (3) For phased implementation of a development project, applicant must show an implementation plan for the new connection and the City may require a bond or right of way dedication or public access easement prior to the completion of the first phase;
- (4) The land area dedicated for new connections in the form of public streets (right-of-way) will be subtracted from the total lot area to determine the site's Floor Area Ratio;

- (5) The land area dedicated for new connections in the form of paseos will require a public access easement (PAE). The area of the PAE is included in the total lot area to determine the site's Floor Area Ratio.

16.XX.110 Required street improvements.

For new construction and/or building additions of ten thousand (10,000) or more square feet of gross floor area or for tenant improvements on a site where the cumulative construction value exceeds \$500,000 over a five year period, the Public Works Director shall require the project to provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type. When these are required by the Public Works Director, the improvements do not count as community amenities pursuant to Section 16.44.070. The threshold for the value of improvements shall be adjusted annually on the first of July, based on the ENR Construction Cost Index.

- (1) Improvements shall include curb, gutter, sidewalk, street trees, and street lights;
- (2) Overhead electric distribution lines of less than sixty (60) kilovolts and communication lines shall be placed underground along the property frontage;
 - (A) The Public Works Director may allow a Deferred Frontage Improvement Agreement, including a bond to cover the full cost of the improvements and installation to accomplish needed improvements in coordination with other street improvements at a later date.

16.XX.120 Design standards.

All new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For building, the applicable design standards apply only to the new construction. The existing building and new addition shall have an integrated design. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Relationship to the street. The following standards regulate the siting and placement of buildings, parking areas, and other features in relation to the street. The dimensions between building facades and the street and types of features allowed in these spaces are critical to the quality of the pedestrian experience.

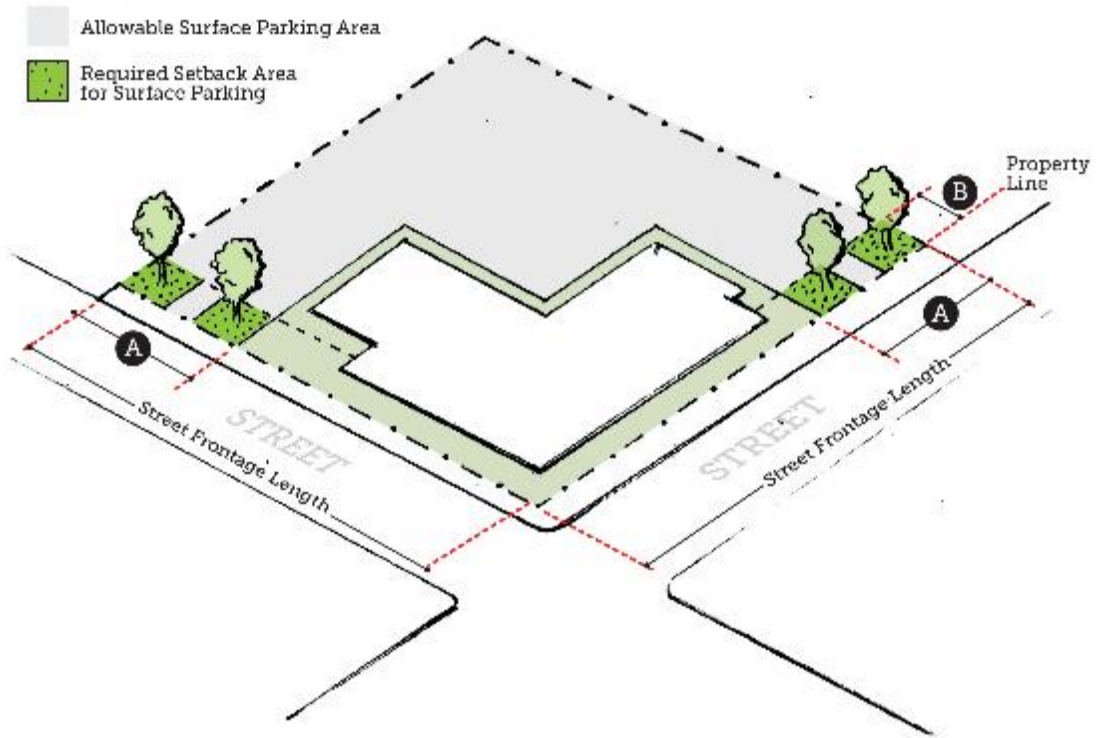
Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
<i>Frontage Landscaping</i>	The percentage of the setback area devoted to groundcover and vegetation. Trees may or may not be within the landscaped area. For this requirement, the setback area is the area between the property line and the face of the building.	Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff).	Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff).	Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff).	Setback areas adjacent to active ground-floor uses, including lobbies, retail sales, and eating and drinking establishments are exempted.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
<i>Frontage Uses</i>	Allowable frontage uses in order to support a positive integration of new buildings into the streetscape character.	No restrictions	No restrictions	Setback areas parallel to street not used for frontage landscaping must provide pedestrian circulation (e.g., entryways, stairways, accessible ramps), other publicly accessible open spaces (e.g., plazas, gathering areas, outdoor seating areas), access to parking, bicycle parking, or other uses that the Planning Commission deems appropriate.	Commercial uses shall be a minimum of 50 feet in depth. Publicly accessible open space is further defined and regulated in Section 16.44.120 (4).
<i>Surface Parking Along Street Frontage</i> Figure 1, label A	Surface parking may be located along the street if set back appropriately. The maximum percentage of linear frontage of property adjacent to the street allowed to be off-street surface parking.	Maximum of 35%	Maximum of 35%	Maximum of 25%	
<i>Minimum surface parking setback</i> Figure 1, label B	The minimum dimension from property line adjacent to the street that surface parking must be set back.	Minimum 20 feet	Minimum 20 feet	Minimum 20 feet	

*See the General Plan Circulation Element Street Classification Map for street types.

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Figure 1. Surface Parking



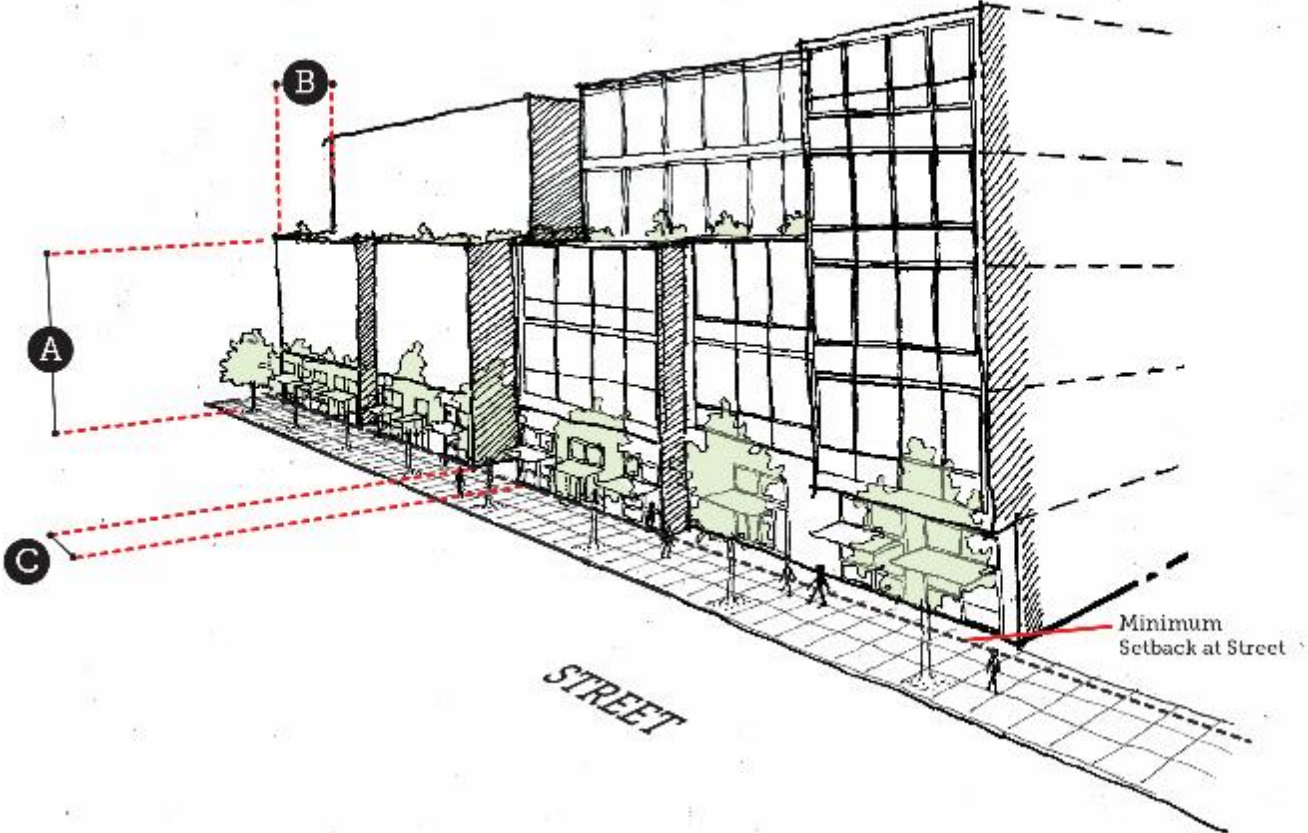
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- (2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

Standard and Figure	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
<i>Base Height</i> Figure 2, label A	The maximum height of a building at the minimum setback at street or before the building steps back the minimum horizontal distance required.	35 feet	45 feet	45 feet	Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.
<i>Building Projections</i>	The maximum depth of allowable building projections, such as balconies or bay windows, from the required stepback for portions of the building above the ground floor.	6 feet	6 feet	6 feet	
<i>Building Modulations</i> Figure 2, label C	A building modulation is a break in the building plane from the ground level to the top of the buildings' base height that provides visual variety, reduces large building volumes, and provides spaces for entryways and publicly accessible spaces.	Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length	Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length	Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length	Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos). Parking is not allowed in the modulation recess. When more than 50% of façade an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 2. Building Mass and Scale



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(3) Ground-floor exterior. The following standards regulate the ground-floor façade of buildings in order to enhance pedestrian experience, as well as visual continuity along the street.

Standard	Definition	Base level	Bonus level fronting a Local or Interior Access street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
Building Entrances <i>Figure 3, label A</i>	The minimum ratio of entrances to building length along a public street or paseo.	One entrance per public street frontage	One entrance per public street frontage	One entrance per public street frontage	Entrances at a building corner may be used to satisfy this requirement for both frontages. Stairs must be located in locations convenient to building users.
Ground-floor Transparency <i>Figure 3, label B</i>	The minimum percentage of the ground-floor façade (finished floor to ceiling) that must provide visual transparency, such as clear glass windows, doors, etc.	25%; 50% for commercial uses	25%; 50% for commercial uses	40%; 50% for commercial uses	Windows shall not be opaque or mirrored. For the purpose of this chapter, "Commercial" is defined as uses enumerated in this chapter, except office, light industrial, and research and development.
Minimum Ground Floor Height Along Street Frontage <i>Figure 3, label C</i>	The minimum height between the ground-level finished floor to the second level finished floor along the street.	N/A	15 feet	15 feet	
Garage Entrances	Width of garage entry/door along street frontage.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Garage entrances must be separated by a minimum of 100 feet to ensure all entrances/exits are not grouped together or resulting in an entire stretch of sidewalk unsafe and undesirable for pedestrians.
Awnings, Signs, and Canopies <i>Figure 3, label D</i>	The maximum depth of awnings, signs, and canopies that project horizontally from the face of the building.	7 feet	7 feet	7 feet	Horizontal projections shall not extend into the public right-of-way. A minimum vertical clearance of 8 feet from finished grade to the bottom of the projection is required.

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 3. Ground-Floor Exterior



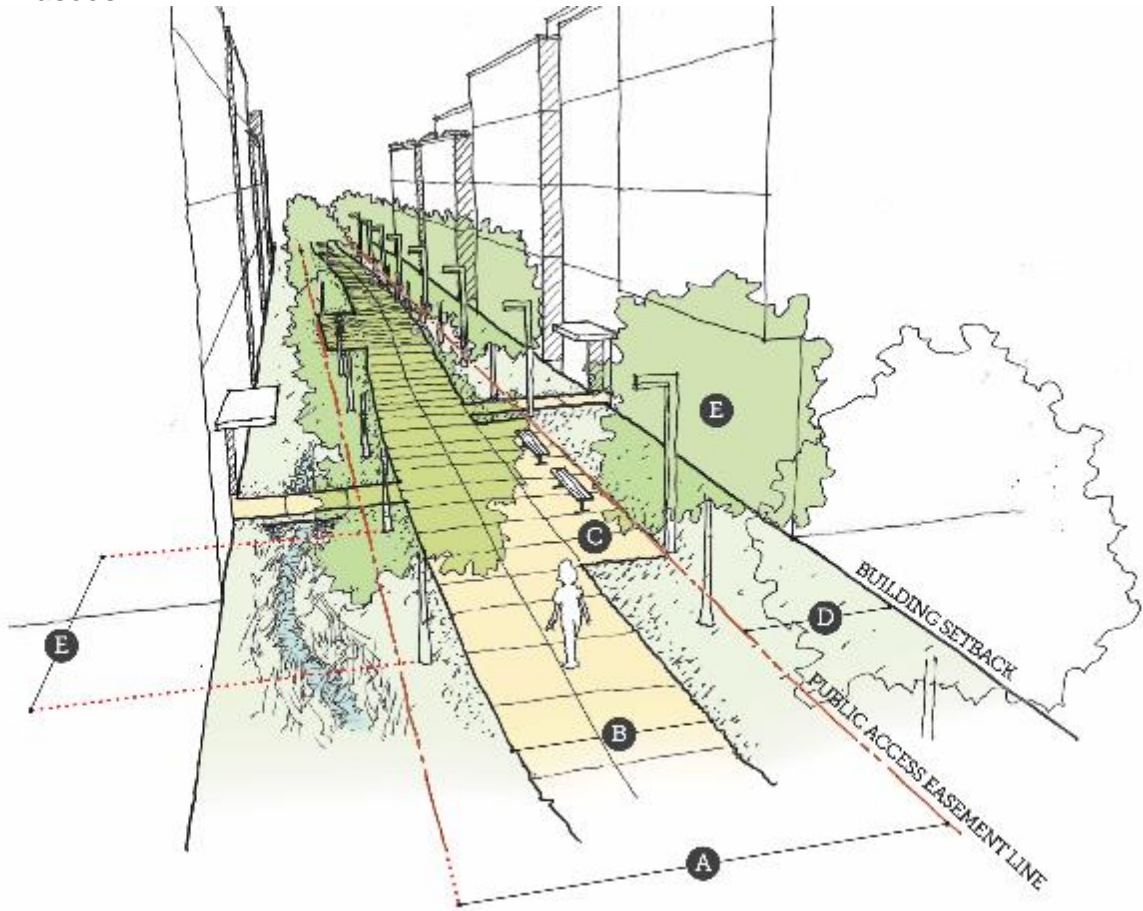
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- (4) Open space. All development in the Life Sciences district shall provide a minimum amount of open space equal to twenty percent (20%) of the total lot area, with a minimum amount of publicly accessible open space equal to fifty percent (50%) of the total required open space area.
- (A) Publicly accessible open space consists of areas unobstructed by fully enclosed structures with a mixture of landscaping and hardscape that provides seating and places to rest, places for gathering, passive and/or active recreation, pedestrian circulation, or other similar use as determined by the Planning Commission. Publicly accessible open space types include, but are not limited to paseos, plazas, forecourts and entryways, and outdoor dining areas. Publicly accessible open space must:
- (i) Contain site furnishings, art, or landscaping;
 - (ii) Be on the ground floor or podium level;
 - (iii) Be at least partially visible from a public right-of-way such as a street or paseo;
 - (iv) Have a direct, accessible pedestrian connection to a public right-of-way or easement.
- (B) Quasi-public and private open spaces, which may or may not be accessible to the public, include patios, balconies, roof terraces, and courtyards.
- (C) All open space shall:
- (i) Interface with adjacent buildings via direct connections through doors, windows, and entryways;
 - (ii) Be integrated as part of building modulation and articulation to enhance building façade and should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses;
 - (iii) Incorporate landscaping design that includes:
 - (a) Sustainable stormwater features;
 - (b) A minimum landscaping bed no less than three (3) feet in length or width and five (5) feet in depth for infiltration planting;
 - (c) Native species able to grow to their maximum size without shearing.
- (D) All exterior landscaping counts towards open space requirements.

- (5) Paseos. A paseo is defined as a pedestrian and bicycle path, as shown on the adopted of City of Menlo Park Zoning Map, that provides a member of the public access through one or more parcels and to public streets and/or other paseos. Paseos must meet the following standards:
- (A) Paseos must be publicly accessible established through a public access easement, but they remain private property;
 - (B) Paseos count as publicly accessible open space.

Standard	Definition	Base and Bonus levels	Notes/Additional Requirements
<i>Paseo Width</i> Figure 4, label A	The minimum dimension in overall width of the paseo, including landscaping and hardscape components.	20 feet	
<i>Pathway Width</i> Figure 4, label B	The minimum and maximum width of the paved, hardscape portion of the paseo.	10 feet minimum; 14 feet maximum	The paseo pathway shall be connected to building entrances with hardscaped pathways. Pathways may be used for emergency vehicle access use and allowed a maximum paved width exemption to accommodate standards of the Menlo Park Fire Protection District with prior approval by Transportation Manager.
<i>Furnishing Zones</i> Figure 4, label C	Requirements for pockets of hardscape areas dedicated to seating, adjacent to the main pedestrian pathway area.	Minimum dimension of 5 feet wide by 20 feet long, provided at a minimum interval of 100 feet.	Furnishing zones must include benches or other type of seating and pedestrian-scaled lighting.
<i>Paseo Frontage Setback</i> Figure 4, label D	The minimum setback for adjacent buildings from the edge of the paseo property line.	10 feet	A minimum of 50% of the setback area between the building and paseo shall be landscaped (50% of which should provide on-site infiltration of stormwater runoff.) Plants should be climate-adapted species up to 3 feet in height.
<i>Trees</i> Figure 4, label E	The size and spacing of trees that are required along the paseo.	Small canopy trees with a maximum mature height of 40 feet and canopy diameter of 25 feet, planted at maximum intervals of 40 feet.	Trees must be planted within the paseo width, with the tree canopy allowed to overhang into the setback.
<i>Landscaping</i>	The minimum percentage of the paseo that is dedicated to vegetation.	20%	On-site infiltration of stormwater runoff is required.
<i>Lighting</i>	Pedestrian-oriented street lamps.	One light fixture every 40 feet.	Use energy efficient lighting per Title 24. Lights shall be located a minimum of 20 feet from trees.

Figure 4. Paseos



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- (6) Building design.
- (A) Main building entrances shall face the street or a publicly accessible courtyard. Building and/or frontage landscaping shall bring the human scale to the edges of the street. Retail building frontage shall be parallel to the street.
 - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the Public Works Director.
 - (C) Projects shall include dedicated, screened, and easily accessible space for recycling, compost, and solid waste storage and collection.
 - (D) Trash and storage shall be enclosed and attractively screened from public view.
 - (E) Materials and colors of utility, trash, and storage enclosures shall match or be compatible with the primary building.
 - (F) Building materials shall be durable and high-quality to ensure adaptability and re-use over time. Glass paneling and windows shall be used to invite outdoor views and introduce natural light into interior spaces. Stucco shall not be used on more than fifty percent (50%) of the building facade. When stucco is used, it must be smooth troweled.
 - (G) Roof lines and eaves adjacent to street-facing facades shall vary across a building, including a four-foot minimum height modulation to break visual monotony and create a visually interesting skyline as seen from public streets (see Figure 5). The variation of the roofline's horizontal distance should match the required modulations and step backs.
 - (H) Rooftop elements, including stair and elevator towers, shall be concealed in a manner that incorporates building color and architectural and structural design.
 - (I) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

Figure 5. Roof Lines



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- (7) Access and parking.
- (A) Shared entrances to retail and office uses shall be used where possible.
 - (B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings, and shall not be located along a publicly accessible open space.
 - (C) Above-ground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
 - (D) Garage and surface parking access shall be screened or set behind buildings located along a publicly accessible open space or paseo.
 - (E) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway or landscaped area (see Figure 6, label A).
 - (F) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation, including a twenty (20) foot deep landscaped area along sidewalks, as measured from the property line or public access easement adjacent to the street or paseos (see Figure 6, label B). The portion of this area not devoted to driveways shall be landscaped. Trees shall be planted at a ratio of 1 per 400 square feet of required setback area for surface parking.
 - (G) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces (see Figure 6, label C). Required plantings may be grouped where carports with solar panels are provided.
 - (H) Surface parking can be located along a paseo for a maximum of forty percent (40%) of a paseo's length (see Figure 6, label D).
 - (I) Short-term bicycle parking shall be located within fifty (50) feet of lobby or main entrances. Long-term bicycle parking facilities shall protect against theft and inclement weather, and consist of a fully enclosed, weather-resistant locker with key locking mechanism or an interior locked room or enclosure. Long-term parking shall be provided in locations that are convenient and functional for cyclists. Bicycle parking shall be (See Figure 7):
 - (i) Consistent with the latest edition of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guide;
 - (ii) Designed to accommodate standard six (6) foot bicycles;
 - (iii) Paved or hardscaped;
 - (iv) Accessed by an aisle in the front or rear of parked bicycles of at least five (5) feet;
 - (v) At least five (5) feet from vehicle parking spaces;
 - (vi) At least thirty (30) inches of clearance in all directions from any obstruction, including but not limited to other racks, walls, and landscaping;
 - (vii) Lit with no less than one (1) foot candle of illumination at ground level;
 - (viii) Space-efficient bicycle parking such as double-decker lift-assist and vertical bicycle racks are also permitted.
 - (J) Pedestrian connections shall be provided, with a minimum hardscape width of six (6) feet, from sidewalks to all building entries, parking areas, and publicly accessible open spaces, and shall be clearly marked with signage directing pedestrians to common destinations.
 - (K) Entries to parking areas and other important destinations shall be clearly identified for all travel modes with such wayfinding features as marked crossings, lighting, and clear signage.

Figure 6. Surface Parking Access

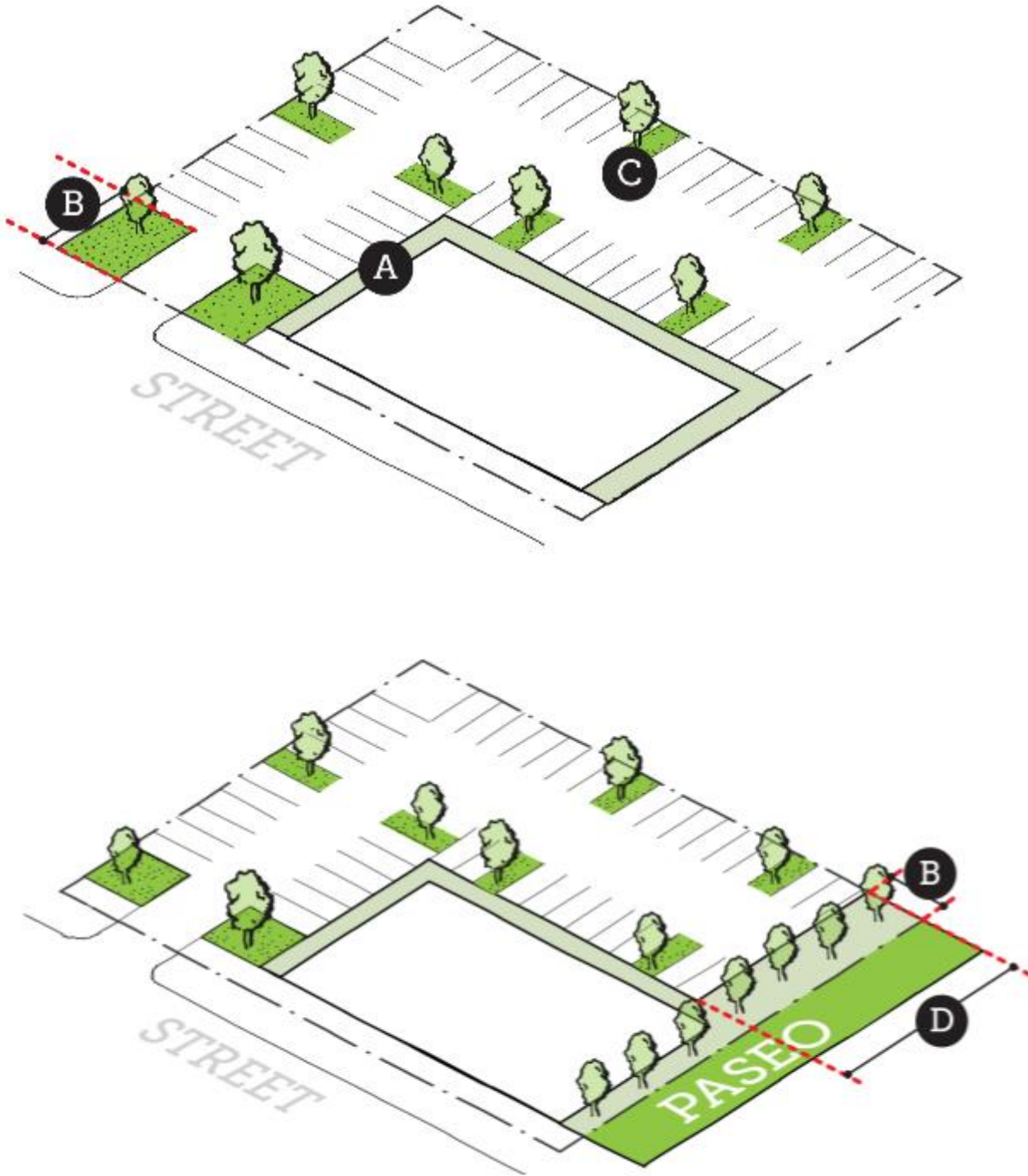
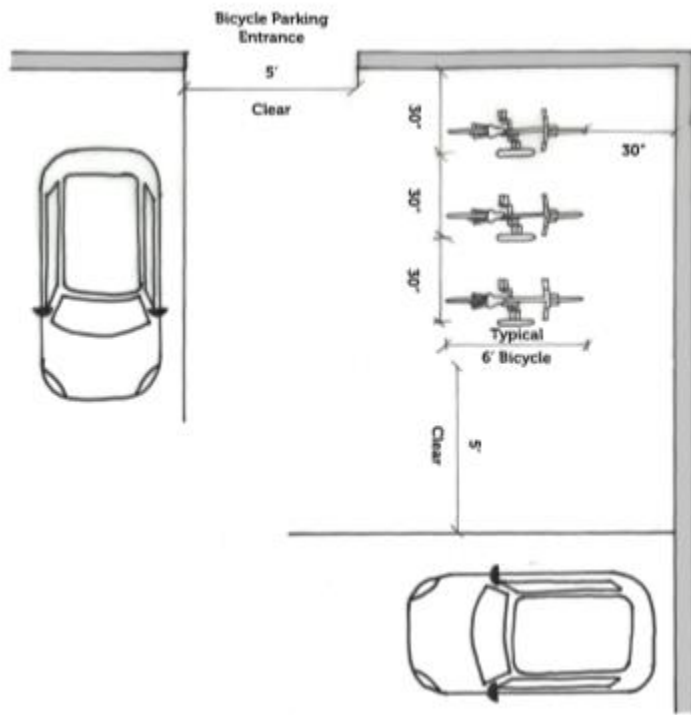


Figure 7. Bicycle Parking



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16.XX.130 Green and sustainable building.

In addition to meeting all applicable regulations specified in Municipal Code Title 12 (Buildings and Construction), the following provisions shall apply to projects. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green building.

(A) Any new construction, addition or alteration of a building shall be required to comply with tables 16.44.130(1)(B).

(2) Energy.

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

- (i) On-site energy generation;
- (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
- (iii) Purchase and installation of local renewable energy generation within the City of Menlo Park in an amount equal to the annual energy demand of the project;
- (iv) Purchase of certified renewable energy credits and/or certified renewable energy off-sets annually in an amount equal to the annual energy demand of the project.

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

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of 30% of the maximum feasible on-site energy generation, as determined by an On-Site Renewable Energy Feasibility Study and any combination of measures ii to iv above. The On-Site Renewable Energy Feasibility Study shall demonstrate the following cases at a minimum: 1. Maximum on-site generation potential. 2. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment). 3. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of 10,000 square feet or larger where the building owner elects to update the core and shell through the option presented in tables 16.44.140(1)(B) and 16.44.140(1)(C):

- (i) The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures i to iv listed in 16.44.140(2)(A).

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TABLE 16.44.130(1)(B): NON-RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.– 25,000 sq. ft. of conditioned area, volume or size****	25,001 sq. ft. and above of conditioned area, volume or size****
Green Building	Designed to meet LEED Silver BD+C *	Designed to meet LEED Silver BD+C *	Designed to meet LEED Gold BD+C *	CALGreen Mandatory	Designed to meet LEED Silver ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.44.140(2)(B)	Designed to meet LEED Gold ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.44.140(2)(B)
(Electric Vehicle (EV) Chargers	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p><u>Install EV Chargers***</u></p> <p>Minimum of 2 in the pre-wire locations.</p>	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p><u>Install EV Chargers***</u></p> <p>Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.</p>	N/A (Voluntary)	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> Minimum of 2 chargers in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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

**Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

***Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 240 V and 40 AMPs such that it can be used by all electric vehicles.

****Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.44.140.(2).(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.44.140.(2).(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action. .

***** If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e.10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

- (3) Water use efficiency and recycled water.
- (A) Single pass cooling systems shall be prohibited in all new buildings.
 - (B) All new buildings shall be built and maintained without the use of well water.
 - (C) Applicants for a new building more than one hundred thousand (100,000) square feet of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the City. For all new buildings two hundred and fifty (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all City approved non-potable applications. The water budget and calculations shall be reviewed and approved by the City's Public Works Director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the City to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the City's Public Works Director, shall be implemented. Twelve (12) months after City approval of the water conservation program, the building owner shall submit data and information sufficient to allow the City to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the City's Public Works Director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 of the Municipal Code until compliance with the water budget is achieved.
 - (D) All new buildings shall be dual plumbed for the internal use of recycled water.
 - (E) All new buildings two hundred and fifty (250,000) square feet or more in gross floor area shall use an alternate water source for all City approved non-potable applications. An alternative water source may include, but is not limited to, treated non-potable water such as graywater. An Alternate Water Source Assessment shall be submitted that describes the alternative water source and proposed non-potable application. Approval of the Alternate Water Source Assessment, the alternative water source and its proposed uses shall be approved by the City's Public Works Director and Community Development Director. If the Menlo Park Municipal Water District has not designated a Recycled Water Purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the City Council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of City approved non-potable applications, but in no case shall the reduction be less than 30 percent compared to the water budget in Section C. The conservation measures may include on-site measures, off-site measures or a combination thereof.
 - (F) Potable water shall not be used for dust control on construction projects.
 - (G) Potable water shall not be used for decorative features, unless the water recirculates.
- (4) Hazard mitigation and sea level rise resiliency.
- (A) The first floor elevation of all new buildings shall be twenty-four (24) inches above the Federal Emergency Management Agency base flood elevation (BFE) to account for sea level rise. Where no BFE exists, the first floor (bottom of floor beams) elevation shall be twenty-four (24) inches above the existing grade. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.
 - (B) Prior to building permit issuance, all new buildings shall pay any required fee or proportionate fair share for the funding of sea level rise projects, if applicable.

(5) Waste management.

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

(6) Bird-friendly design.

- (A) No more than ten percent (10%) of façade surface area shall have non-bird-friendly glazing.
- (B) Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.
- (C) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.
- (D) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.
- (E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
- (F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.
- (G) A project may receive a waiver from one or more of the items in (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

SECTION 4. This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

SECTION 5. Projects that receive discretionary approvals and/or submitted a building permit prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

INTRODUCED on the _____ day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the _____ day of November, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Richard Cline
Mayor, City of Menlo Park

ATTEST:

Pamela Aguilar
City Clerk

DRAFT – November 29, 2016

ORDINANCE NO. ____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING THE R-MU (RESIDENTIAL MIXED USE) ZONING DISTRICT TO TITLE 16 OF THE MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.
- B. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- C. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- D. After consideration of all the evidence in the record, including public testimony, the City Council certified the Final Environmental Impact Report and adopted resolutions approving the updates to the Land Use and Circulation Elements of the General Plan.
- E. The City desires to add Chapter 16.45 (Residential Mixed Use) to Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs including LU-2.9 *Compatible Uses*, LU-4.4 *Community Amenities*, LU-4.6 *Employment Center Walkability*, LU-4.C *Community Amenity Requirements*, LU-6.D *Design for Birds*, LU-7.1 *Sustainability*, LU-7.A *Green Building Operation and Maintenance*, LU-7.D *Performance Standards*, LU-7.H *Sea Level Rise* and CIRC 2.G *Zoning Requirements for Bicycle Storage*, which promote mixed-use development that includes residential and a mix of compatible uses encourage development that benefits the community and the City through a mix of uses and scales, promote neighborhood serving uses to increase walkability, include bird friendly and sustainable design measures, identify performance standards for environmentally friendly technology and design, require bicycle parking for developments, and protect occupants and residents against sea level rise.

F. After due consideration of the proposed addition of Chapter 16.45 (Residential, Mixed Use) to Title 16, public comments, the Planning Commission’s recommendation, and the staff report, the City Council finds that the proposed addition is consistent with the updated General Plan and is appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November ____, 2016, in accordance with the provisions of the California Environmental Quality Act (“CEQA”) and CEQA Guidelines. The Environmental Impact Report considered the addition of Chapter 16.45 (Residential Mixed Use) to Title 16 of the Menlo Park Municipal Code. Findings and a statement of overriding considerations were adopted by the City Council on November ____, 2016 by Resolution No._____.

SECTION 3. Chapter 16.45, Residential Mixed Use, of the Menlo Park is hereby added to Title 16, Zoning, of the Municipal Code:

**Chapter 16.45
R-MU – RESIDENTIAL MIXED USE DISTRICT**

Sections:

- 16.45.010 Purpose.
- 16.45.015 Definitions.
- 16.45.020 Permitted uses.
- 16.45.030 Administratively permitted uses.
- 16.45.040 Conditional uses.
- 16.45.050 Development regulations.
- 16.45.055 Master planned projects.
- 16.45.060 Bonus level development.
- 16.45.070 Community amenities required for bonus development.
- 16.45.080 Parking standards.
- 16.45.090 Transportation demand management.
- 16.45.100 New connections.
- 16.45.110 Required street improvements.
- 16.45.120 Design standards.
- 16.45.130 Green and sustainable building.

16.45.010 Purpose.

The purpose and intent of the Residential Mixed Use district is to:

- (1) Provide high density housing to complement nearby employment;
- (2) Encourage mixed-use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public, and promote a live/work/play environment with pedestrian activity;
- (3) Blend with and complement existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses.

16.45.015 Definitions.

Terms are as defined in the Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

16.45.020 Permitted uses.

Permitted uses in the Residential-Mixed Use district are as follows:

- (1) Multiple dwellings, which is a required component of any development in the R-MU district;
- (2) Administrative and professional offices and accessory uses, twenty thousand (20,000) or less square feet of gross floor area;
- (3) Banks and other financial institutions. For purposes of this chapter, “financial institutions” include only those institutions providing retail banking services engaged in the on-site circulation of money, including credit unions);
- (4) Retail sales establishments, twenty thousand (20,000) or less square feet of gross floor area and excluding the sale of beer, wine and alcohol;
- (5) Eating establishments, excluding the sale of beer, wine and alcohol, live entertainment, and/or establishments that are portable. For purposes of this chapter, an eating establishment is primarily engaged in serving prepared food for consumption on or off the premises;
- (6) Personal services, excluding tattooing, piercing, palm-reading, or similar services;
- (7) Recreational facilities privately operated, twenty thousand (20,000) or less square feet of gross floor area;
- (8) Community education/training center that provides free or low-cost educational and vocational programs to help prepare local youth and adults for entry into college and/or the local job market.

16.45.030 Administratively permitted uses.

Uses allowed in the Residential-Mixed Use district, subject to obtaining an administrative permit per Municipal Code Chapter 16.82, or in the case of home occupations, a home occupation permit, are as follows:

- (1) Eating establishments, including beer and wine only, and/or that have live entertainment;
- (2) Child care center;
- (3) Outdoor seating;
- (4) Diesel generators.

16.45.040 Conditional uses.

Conditional uses allowed in the Residential-Mixed Use district, subject to obtaining a use permit per Municipal Code Chapter 16.82, are as follows:

- (1) Home occupations in accordance with Section 16.04.340;
- (2) Administrative and professional offices and accessory uses, greater than twenty thousand (20,000) square feet of gross floor area;
- (3) Research and development uses, excluding uses involving hazardous materials;
- (4) Eating and drinking establishments, including alcohol, or establishments that are portable;
- (5) Retail sales establishments, including the sale of beer, wine and alcohol, greater than twenty thousand (20,000) square feet of gross floor area;
- (6) Personal services, including tattooing, piercing, palm-reading, or similar services;
- (7) Movie theater;
- (8) Recreational facilities, privately operated, greater than twenty thousand (20,000) square feet of gross floor area;
- (9) Special uses, in accordance with Chapter 16.78 of this title;
- (10) Uses identified in Sections 16.45.020, 16.45.030, and 16.45.040 proposing bonus level development, in accordance with Section 16.45.060;
- (11) Public utilities, in accordance with Chapter 16.76 of this title.

16.45.050 Development regulations.

Development regulations in the Residential-Mixed Use district are as follows:

<i>Regulation</i>	<i>Definition</i>	<i>Base level</i>	<i>Bonus level</i>	<i>Notes/Additional Requirements</i>
<i>Minimum lot area</i>	Minimum area of building site (includes public access easements).	20,000 square feet	25,000 square feet	
<i>Minimum lot dimensions</i>	Minimum size of a lot calculated using lot lines	100 feet width 100 feet depth	100 feet width 100 feet depth	
<i>Minimum setback at street</i>	Minimum linear feet building can be sited from property line adjacent to street.	0 feet	0 feet	Setbacks shall be measured from the property line. In instances where there will be a public access easement, measure the setback from the back of the easement. See build-to area requirements in Section 16.45.120 (1).

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
<i>Maximum setback at street</i>	Maximum linear feet building can be sited from property line adjacent to street.	25 feet	25 feet	See build-to area requirements in Section 16.45.120 (1). Maximum setback may be 50 feet along Willow Road for surface parking where ground floor commercial uses are provided. Maximum setback requirement does not apply to additions of less than 10,000 square feet.
<i>Minimum interior side and rear setbacks</i>	Minimum linear feet building can be sited from interior and rear property lines.	10 feet	10 feet	See Section 16.45.120 (5) when property is required to have a paseo. Interior side setback may be reduced to zero feet for the entire building mass where there is retail frontage.
<i>Maximum residential floor area ratio (FAR)</i>	Maximum permitted ratio of residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.	60% to 90%	>90% to 225%	Floor area ratio shall increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac. Floor area ratio shall increase on an even gradient from >90% for >30 du/ac to 225% for 100 du/ac.
<i>Density</i>	The number of dwelling units in an acre.	20 du/acre to 30 du/acre	>30 du/acre to 100 du/acre	A percentage of total dwelling units built in bonus level shall be affordable per Section 16.45.060.
<i>Maximum non-residential floor area ratio</i>	Maximum permitted ratio of non-residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.	15%	25%	Non-residential uses permitted subject to residential development. FAR may be calculated across contiguous properties of the same zoning district designation and owned by the same entity or wholly owned affiliated entities.
<i>Height</i>	Height is defined as average height of all buildings on one site, where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.	Height: 35 feet Maximum Height: 40 feet	Height 52.5 feet Maximum Height: 70 feet	A parapet used to screen mechanical equipment is not included in the height or maximum height. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase in height and maximum height. Bonus level development on Jefferson Drive, Constitution Drive or Independence Drive is allowed to be a maximum height of 85 feet.
<i>Minimum open space requirement</i>	Minimum portion of the building site open	25%	25%	See Section 16.45.120 (4) for open space requirements.

<i>Regulation</i>	<i>Definition</i>	<i>Base level</i>	<i>Bonus level</i>	<i>Notes/Additional Requirements</i>
	and unobstructed by fully enclosed buildings.			

16.45.055 Master planned projects.

The purpose of a master planned project is to provide flexibility for creative design, more orderly development, and optimal use of open space, while maintaining and achieving the General Plan vision for the Bayfront Area. Master planned projects for sites with the same zoning designation (O, LS, or R-MU) in close proximity or for contiguous sites that have a mix of zoning designations (O or R-MU) that exceed 15 acres in size and that are held in common ownership (or held by wholly owned affiliated entities) and are proposed for development as a single project or single phased development project are permitted as a conditional use, provided that sites with mixed zoning are required to obtain a conditional development permit and enter into a development agreement. For master planned projects meeting these criteria, residential density, FAR and open space requirements and residential density, FAR, and open space requirements at the bonus level, if applicable, may be calculated in the aggregate across the site provided the overall development proposed does not exceed what would be permitted if the site were developed in accordance with the zoning designation applicable to each portion of the site and the proposed project complies with all other design standards identified for the applicable zoning districts.

16.45.060 Bonus level development.

A development in a location identified as Residential Mixed Use-Bonus (R-MU-B) on the adopted City of Menlo Park Zoning Map may seek an increase in the density, floor area ratio and/or height per Section 16.45.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.45.070. As described in Section 16.45.070, the community amenity provided in the Residential Mixed Use-Bonus (R-MU-B) zoning district must include the provision of a minimum of fifteen (15) percent of the total units on-site for affordable housing units for moderate, low, and very low income households, with a preference for current or recently displaced Belle Haven residents, and commensurate to the City's Regional Housing Need Allocation distribution amongst the income categories at the time of a development application. Units for extremely low, very low, and low income may be substituted for any higher income categories requirement. This affordable unit requirement is in addition to the City's below market rate requirements per Section 16.96.

16.45.070 Community amenities required for bonus level development.

Bonus level development allows a project to develop at a greater level of intensity with an increase in density, floor area ratio and/or height. There is a reasonable relationship between the increased intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. To be eligible for bonus level development, an applicant shall provide one or more community amenities. Construction of the amenity is preferable to the payment of a fee.

- (1) **Amenities.** Community needs, specifically including affordable housing, were initially identified through the robust community engagement process generally referred to as ConnectMenlo. The City Council of the City of Menlo Park adopted by resolution those identified community needs as community amenities to be provided in exchange for bonus level development. The identified community amenities may be updated from time to time by City Council resolution. All community amenities, except for affordable housing, shall be provided within the area between U.S. Highway 101 and the San Francisco Bay in the City of Menlo Park. Affordable housing may be located anywhere housing is allowed in the City of Menlo Park.
- (2) **Application.** An application for bonus level development is voluntary. In exchange for the voluntary provision of community amenities, an applicant is receiving a benefit in the form of an increased floor area ratio, density, and/or increased height. An applicant requesting bonus level development shall provide the City with a written proposal, which includes but is not limited to the specific amount of bonus development sought, the value of the amenity as calculated pursuant to section (3) below, and adequate information identifying the value of the proposed community amenities. An applicant's proposal for community amenities shall be subject to review by the Planning Commission in conjunction with a use permit or conditional development permit. Consideration by the Planning Commission shall include differentiation between amenities proposed to be provided on-site and amenities proposed to be provided off-site, which may require a separate discretionary review and environmental review per the California Environmental Quality Act.
- (3) **Value of Amenity.** The value of the community amenities to be provided shall equal fifty percent (50%) of the fair market value of the additional gross floor area of the bonus level development. The value shall be calculated as follows: The applicant shall provide, at their expense, an appraisal performed within ninety (90) days of the application date by a licensed appraisal firm that sets a fair market value in cash of the gross floor area of the bonus level of development ("total bonus"). The form and content of the appraisal, including any appraisal instructions, must be approved by the Community Development Director. The appraisal shall (i) first determine the total bonus without consideration of the community amenities requirement established under Section 16.45.070, and (ii) second determine the change in total bonus with consideration of the fifteen percent (15%) affordable housing community amenity requirement ("affordable housing amenity value"). If the affordable housing amenity value is less than fifty percent (50%) of the total bonus value, the value of the community amenities to be provided in addition to the fifteen percent (15%) affordable housing is the difference between those two numbers.
- (4) **Form of Amenity.** A community amenity shall be provided utilizing any one of the following mechanisms:
 - (A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall first be the provision of a minimum of fifteen (15) percent of total units on-site for affordable housing units (or with approval of the Planning Commission in another location) for low, very low, and extremely low income households, with a preference for current or recently displaced Belle Haven residents, and shall second be the provision of additional affordable housing units or the provision of another amenity from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of the Final Occupancy Permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and

shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.

- (B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay 120% of the fee, provided that the fee adopted by the City Council is less than full cost recovery.
- (C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.

16.45.080 Parking standards.

Development in the R-MU district shall meet the following parking requirements.

<i>Land Use</i>	<i>Minimum Spaces (Per Unit or 1,000 Sq. Ft.)</i>	<i>Maximum Spaces (Per Unit or 1,000 Sq. Ft.)</i>	<i>Minimum Bicycle Parking¹</i>
<i>Residential Units</i>	1 per unit	1.5 per unit	1.5 long-term ² per unit; 10% additional short-term ² for guests
<i>Office</i>	2	3	1 per 5,000 sq.ft. of gross floor area
<i>Research and Development</i>	1.5	2.5	Minimum two spaces
<i>Retail</i>	2.5	3.3	For Office and Research Development:
<i>Banks and financial institutions</i>	2	3.3	80% for long-term ² and 20% for short-term ²
<i>Eating and drinking establishments</i>	2.5	3.3	For all other commercial uses:
<i>Personal services</i>	2	3.3	20% for long-term ² and 80% for short-term ²)
<i>Private recreation</i>	2	3.3	
<i>Child care center</i>	2	3.3	
<i>Public parking lot or structure</i>			One space per 20 vehicle spaces
<i>Other</i>	At Transportation Manager's discretion	At Transportation Manager's discretion	At Transportation Manager's discretion

¹ See Section 16.45.120 (7) and the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

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

- (1) Parking spaces shall be unbundled from the price of residential units such that parking is sold or rented separately, except in cases where parking is physically connected to only one unit. However, the Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.

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

16.45.090 Transportation demand management.

All new construction, regardless of size, and building additions of ten thousand (10,000) or more square feet of gross floor area, or a change of use of ten thousand (10,000) or more square feet of gross floor area shall develop a Transportation Demand Management (TDM) plan necessary to reduce associated vehicle trips to at least twenty percent (20%) below standard generation rates for uses on the project site. Each individual applicant will prepare its own TDM plan and provide an analysis to the satisfaction of the City's Transportation Manager of the impact of that TDM program.

- (1) Eligible TDM measures may include but are not limited to:
- (A) Participation in a local Transportation Management Association (TMA) that provides documented, ongoing support for alternative commute programs;
 - (B) Appropriately located transit shelter(s);
 - (C) Preferred parking for carpools or vanpools;
 - (D) Designated parking for car-share vehicles;
 - (E) Requiring drivers to pay directly for using parking facilities;
 - (F) Public and/or private bike share program;
 - (G) Provision or subsidy of carpool, vanpool, shuttle, or bus service, including transit passes for site occupants;
 - (H) Required alternative work schedules and/or telecommuting for non-residential uses;
 - (I) Passenger loading zones for carpools and vanpools at main building entrance;
 - (J) Safe, well-lit, accessible, and direct route to the nearest transit or shuttle stop or dedicated, fully accessible bicycle and pedestrian trail;
 - (K) Car share membership for employees or residents;
 - (L) Emergency Ride Home programs;
 - (M) Green Trip Certification.
- (2) Measures receiving TDM credit shall be:
- (A) Documented in a TDM plan developed specifically for each project and noted on project site plans, if and as appropriate;
 - (B) Guaranteed to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided to the satisfaction of City's Transportation Manager;
 - (C) Required to be replaced by appropriate substitute measures if unable to achieve intended trip reduction in any reporting year;

- (D) Administered by a representative whose updated contact information is provided to the Transportation Manager.

16.45.100 New connections.

Proposed development will be required to provide new pedestrian, bicycle, and/or vehicle connections to support connectivity and circulation as denoted in the City Zoning Map. These connections may be in the form of either a public street or a paseo as denoted in the City Zoning Map and are pursuant to the standards in Section 16.45.120. Streets shall meet the requirements of the adopted City of Menlo Park street classification map in the General Plan Circulation Element.

- (1) If the location of a new connection is split between parcel/ownership, the first applicant must set aside the required right-of-way through dedication or a public access easement and bond for the completion of the new connection, or reach agreement with the other property owner(s) to allow the first applicant to complete the entire new connection;
- (2) If the location of a new connection is located on multiple properties with the same owner, applicant may move the connection up to 50 feet in either direction from what is shown on the City Zoning Map for enhanced connectivity, and/or other considerations, subject to the review and approval of the City's Public Works Director;
- (3) For phased implementation of a development project, applicant must show an implementation plan for the new connection and the City may require a bond or right of way dedication or public access easement prior to the completion of the first phase;
- (4) The land area dedicated for new connections in the form of public streets (right-of-way) will be subtracted from the total lot area to determine the site's Floor Area Ratio;
- (5) The land area dedicated for new connections in the form of paseos will require a public access easement (PAE). The area of the PAE is included in the total lot area to determine the site's Floor Area Ratio.

16.45.110 Required street improvements.

For new construction and/or building additions of ten thousand (10,000) or more square feet of gross floor area or for tenant improvements on a site where the cumulative construction value exceeds \$500,000 over a five year period, the Public Works Director shall require the project to provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type. When these are required by the Public Works Director, the improvements do not count as community amenities pursuant to Section 16.45.070. The threshold for the value of improvements shall be adjusted annually on the first of July, based on the ENR Construction Cost Index.

- (1) Improvements shall include curb, gutter, sidewalk, street trees, and street lights;
- (2) Overhead electric distribution lines of less than sixty (60) kilovolts and communication lines shall be placed underground along the property frontage;
- (3) The Public Works Director may allow a Deferred Frontage Improvement Agreement, including a bond to cover the full cost of the improvements and installation to accomplish needed improvements in coordination with other street improvements at a later date.

16.45.120 Design standards.

All new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area adhere to the following design standards, subject to architectural control established in Section 16.68.020. For building additions, the applicable design standards apply only to the new construction. The existing building and new addition shall have an integrated design. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Relationship to the street. The following standards regulate the siting and placement of buildings, parking areas, and other features in relation to the street. The dimensions between building facades and the street and types of features allowed in these spaces are critical to the quality of the pedestrian experience.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
<i>Build-to Area Requirement</i> Figure 1	The minimum building frontage at the ground floor or podium level, as a percentage of the street frontage length, that must be located within the area of the lot between the minimum and maximum setback lines parallel to the street.	Minimum 40% of street frontage	Minimum 40% of street frontage	Minimum 60% of street frontage	
<i>Frontage Landscaping</i>	The percentage of the setback area devoted to ground cover and vegetation. Trees may or may not be within the landscaped area. For this requirement, the setback area is the area between the property line and the face of the building.	Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff.)	Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff.)	Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff.)	Setback areas adjacent to active ground-floor uses, including lobbies, retail, and eating and drinking establishments are excepted.
<i>Frontage Uses</i>	Allowable frontage uses in order to support a positive integration of new buildings into the streetscape character.	No restrictions	No restrictions	Setback areas parallel to street not used for frontage landscaping must provide pedestrian circulation (e.g., entryways, stairways, accessible ramps), other publicly accessible open spaces (e.g., plazas, gathering areas, outdoor seating areas), access to parking, bicycle parking, or other uses that the Planning Commission deems appropriate.	Non-residential uses shall be a minimum of 50 feet in depth. Publicly accessible open space is further defined and regulated in Section 16.45.120 (4).

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
<i>Surface Parking Along Street Frontage</i> Figure 2, label A	Surface parking may be located along the street if set back appropriately. The maximum percentage of linear frontage of property adjacent to the street allowed to be off-street surface parking.	Maximum of 35%	Maximum of 35%	Maximum of 25%	
<i>Minimum surface parking setback</i> Figure 2, label B	The minimum dimension from property line adjacent to the street that surface parking must be set back.	Minimum 20 feet	Minimum 20 feet	Minimum 20 feet	

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 1. Build-to Area

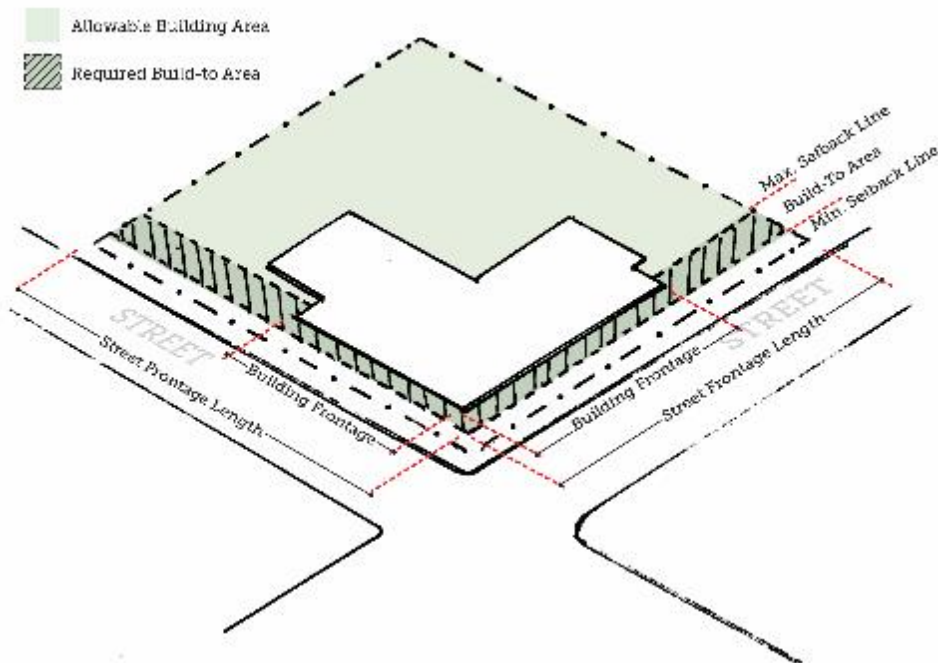
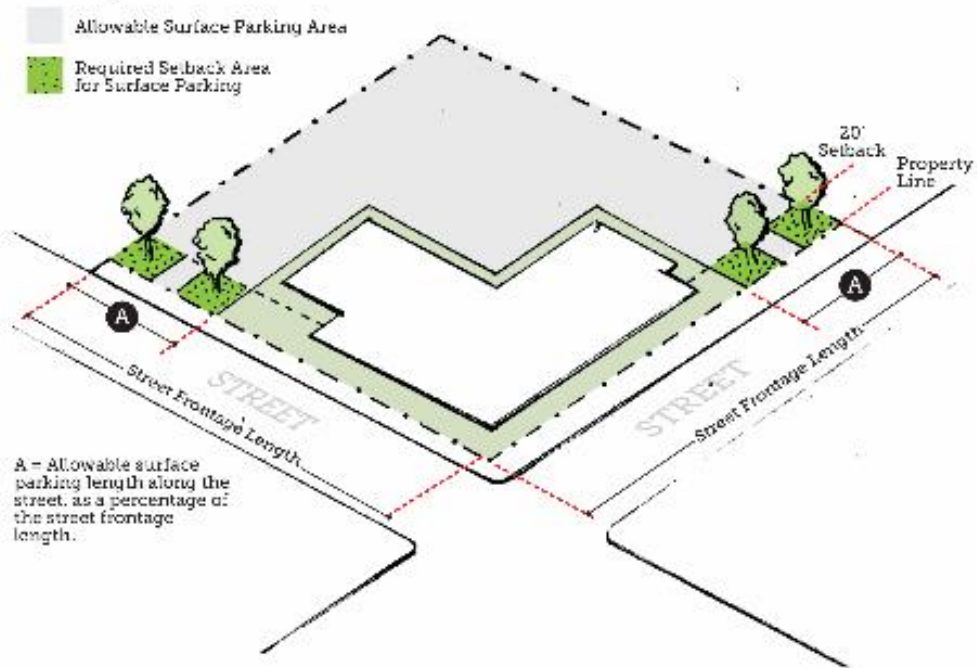


Figure 2. Surface Parking



(2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
Base Height Figure 3, label A	The maximum height of a building at the minimum setback at street or before the building steps back the minimum horizontal distance required.	40 feet	45 feet	45 feet	Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.
Minimum Stepback Figure 3 label B	The horizontal distance a building's upper story(ies) must be set back above the base height.	N/A	10' for a minimum of 75% of the building face along public street(s)	10' for a minimum of 75% of the building face along public street(s)	A maximum of 25% of the building face along public street(s) may be excepted from this standard in order to provide architectural variation.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
<i>Building Projections</i>	The maximum depth of allowable building projections, such as balconies or bay windows, from the required stepback for portions of the building above the ground floor.	6 feet	6 feet	6 feet	
<i>Major Building Modulations Figure 3, label C</i>	A major modulation is a break in the building plane from the ground level to the top of the buildings' base height that provides visual variety, reduces large building volumes, and provides spaces for entryways and publicly accessible spaces	Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length			<p>Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos).</p> <p>Parking is not allowed in the modulation recess.</p> <p>When more than 50% of an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.</p>
<i>Minor Building Modulations Figure 3, label D</i>		Minimum recess of 5 feet wide by 5 feet deep per 50 feet of façade length			<p>Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos).</p> <p>Parking is not allowed in the modulation recess.</p> <p>When more than 50% of an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.</p> <p>Building projections spaced no more than 50 feet apart with a minimum of 3-foot depth and 5-foot width may satisfy this requirement in-lieu of a recess.</p>

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 3. Building Mass and Scale



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- (3) Ground-floor exterior. The following standards regulate the ground-floor façade of buildings in order to enhance pedestrian experience, as well as visual continuity along the street.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
Building Entrances Figure 4, label A	The minimum ratio of entrances to building length along a public street or paseo.	One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.	One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.	One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.	Entrances at a building corner may be used to satisfy this requirement for both frontages. Stairs must be located in locations convenient to building users.
Ground-floor Transparency Figure 4, label B	The minimum percentage of the ground-floor façade (finished floor to ceiling) that must provide visual transparency, such as clear-glass windows, doors, etc.	30% for residential uses; 50% for commercial uses	30% for residential uses; 50% for commercial uses	30% for residential uses; 50% for commercial uses	Windows shall not be opaque or mirrored. For the purpose of this chapter, "Commercial" is defined as uses enumerated in this chapter, except office and research and development.
Minimum Ground Floor Height Along Street Frontage Figure 4, label C	The minimum height between the ground-level finished floor to the second level finished floor along the street.	N/A	10 feet for residential uses; 15 feet for commercial uses	10 feet for residential uses; 15 feet for commercial uses	Where individual residential units' entries face a street, finish floor shall be elevated 24 inches minimum above sidewalk level.
Garage Entrances	Width of garage entry/door along street frontage	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Garage entrances must be separated by a minimum of 100 feet to ensure all entrances/exits are not grouped together or resulting in an entire stretch of sidewalk unsafe and undesirable for pedestrians.
Awnings, Signs, and Canopies Figure 4, label D	The maximum depth of awnings, signs, and canopies that project horizontally from the face of the building.	7 feet	7 feet	7 feet	Horizontal projections shall not extend into the public right-of-way. A minimum vertical clearance of 8 feet from finished grade to the bottom of the projection is required.

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 4. Ground-floor Exterior



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- (4) Open space. All development in the Residential-Mixed Use district shall provide a minimum amount of open space equal to twenty-five percent (25%) of the total lot area, with a minimum amount of publicly accessible open space equal to twenty-five percent (25%) of the total required open space area.
- (A) Publicly accessible open space consists of areas unobstructed by fully enclosed structures with a mixture of landscaping and hardscape that provides seating and places to rest, places for gathering, passive and/or active recreation, pedestrian circulation, or other similar use as determined by the Planning Commission. Publicly accessible open space types include, but are not limited to paseos, plazas, forecourts and entryways, and outdoor dining areas. Publicly accessible open space must:
- (i) Contain site furnishings, art, or landscaping;
 - (ii) Be on the ground floor or podium level;
 - (iii) Be at least partially visible from a public right-of-way such as a street or paseo;
 - (iv) Have a direct, accessible pedestrian connection to a public right-of-way or easement.
- (B) Quasi-public and private open spaces, which may or may not be accessible to the public, include patios, balconies, roof terraces, and courtyards.
- (C) Residential developments shall have a minimum of common open space and private open space. These requirements are counted towards the minimum amount of open space equal to twenty-five (25) percent of the total lot area.
- (i) One hundred (100) square feet of open space per unit shall be created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet;
 - (ii) In the case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.
 - (iii) Depending on the number of dwelling units, common open space shall be provided to meet the following criteria:
 - (a) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum);
 - (b) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum);
 - (c) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).
- (D) All open spaces shall:
- (i) Interface with adjacent buildings via direct connections through doors, windows, and entryways;
 - (ii) Be integrated as part of building modulation and articulation to enhance building façade and should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses;
 - (iii) Incorporate landscaping design that includes:
 - (a) Sustainable stormwater features;

- (b) A minimum landscaping bed no less than three (3) feet in length or width and five (5) feet in depth for infiltration planting;
- (c) Native species able to grow to their maximum size without shearing.

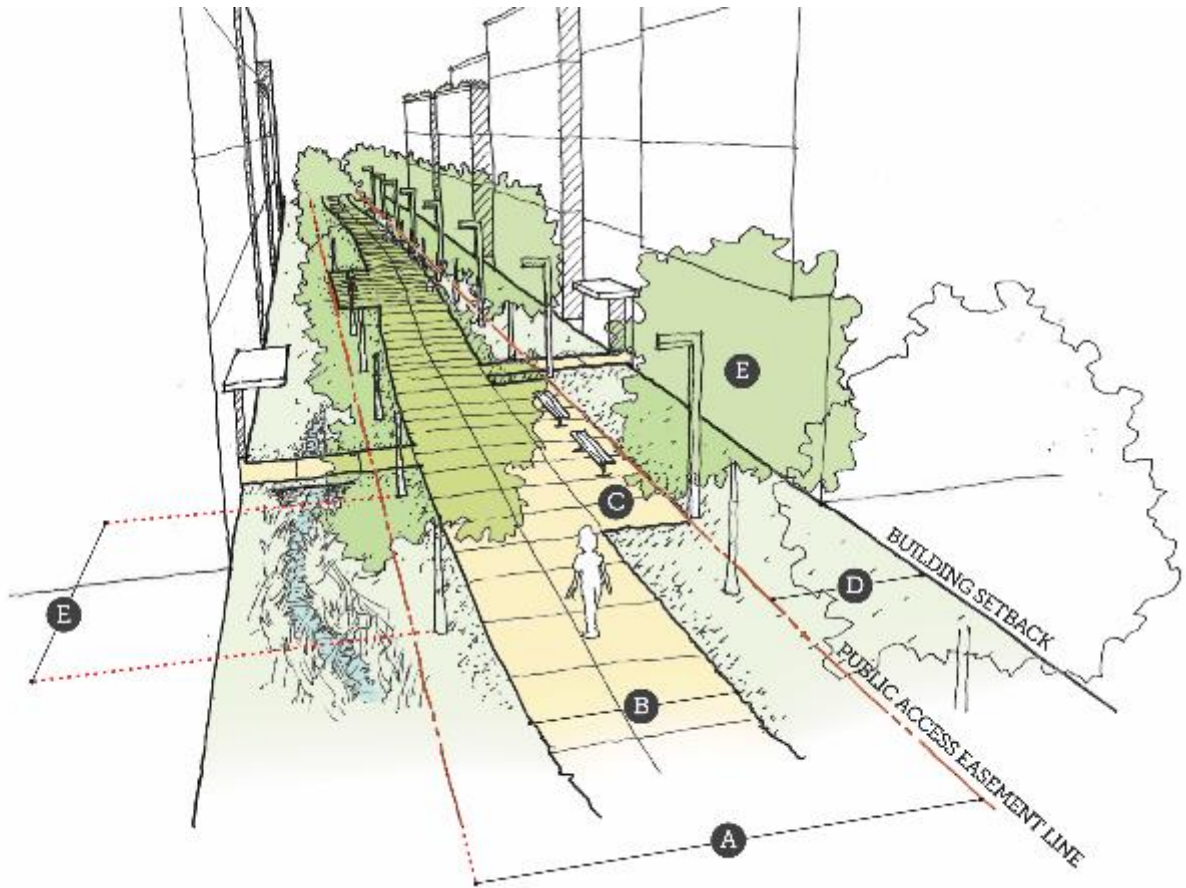
(E) All exterior landscaping counts towards open space requirements.

(5) Paseos. A paseo is defined as a pedestrian and bicycle path, as shown on the adopted City of Menlo Park Zoning Map, that provides a member of the public access through one or more parcels and to public streets and/or other paseos. Paseos must meet the following standards:

- (A) Paseos must be publicly accessible established through a public access easement, but they remain private property;
- (B) Paseos count as publicly accessible open space.

Standard	Definition	Base and Bonus levels	Notes/Additional Requirements
<i>Paseo Width</i> Figure 5, label A	The minimum dimension in overall width of the paseo, including landscaping and hardscape components.	20 feet	
<i>Pathway Width</i> Figure 5, label B	The minimum and maximum width of the hardscape portion of the paseo.	10 feet minimum; 14 feet maximum	The paseo pathway shall be connected to building entrances with hardscaped pathways. Pathways may be used for emergency vehicle access use and allowed a maximum paved width exemption to accommodate standards of the Menlo Park Fire Protection District with prior approval by Transportation Manager.
<i>Furnishing Zones</i> Figure 5, label C	Requirements for pockets of hardscape areas dedicated to seating, adjacent to the main pedestrian pathway area.	Minimum dimension of 5 feet wide by 20 feet long, provided at a minimum interval of 100 feet.	Furnishing zones must include benches or other type of seating and pedestrian-scaled lighting.
<i>Paseo Frontage Setback</i> Figure 5, label D	The minimum setback for adjacent buildings from the edge of the paseo property line.	5 feet	A minimum of 50% of the setback area between the building and paseo shall be landscaped (50% of which should provide on-site infiltration of stormwater runoff.) Plants should be climate-adapted species, up to 3 feet in height.
<i>Trees</i> Figure 5, label E	The size and spacing of trees that are required along the paseo.	Small canopy trees with a maximum mature height of 40 feet and canopy diameter of 25 feet, planted at maximum intervals of 40 feet.	Trees must be planted within the paseo width, with the tree canopy allowed to overhang into the setback.
<i>Landscaping</i>	The minimum percentage of the paseo that is dedicated to vegetation.	20%	On-site infiltration of stormwater runoff is required.
<i>Lighting</i>	Pedestrian-oriented street lamps.	One light fixture every 40 feet.	Use energy efficient lighting per Title 24. Lights shall be located a minimum of 20 feet from trees.

Figure 5. Paseos



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- (6) Building design.
- (A) Main building entrances shall face the street or a publicly accessible courtyard. Building and/or frontage landscaping shall bring the human scale to the edges of the street. Retail building frontage shall be parallel to the street.
 - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the Public Works Director.
 - (C) Projects shall include dedicated, screened, and easily accessible space for recycling, compost, and solid waste storage and collection.
 - (D) Trash and storage shall be enclosed and attractively screened from public view.
 - (E) Materials and colors of utility, trash, and storage enclosures shall match or be compatible with the primary building.
 - (F) Building materials shall be durable and high-quality to ensure adaptability and re-use over time. Glass paneling and windows shall be used to invite outdoor views and introduce natural light into interior spaces. Stucco shall not be used on more than fifty percent (50%) of the building facade. When stucco is used, it must be smooth troweled.
 - (G) Roof lines and eaves adjacent to street-facing facades shall vary across a building, including a four-foot minimum height modulation to break visual monotony and create a visually interesting skyline as seen from public streets (see Figure 6). The variation of the roofline's horizontal distance should match the required modulations and step backs.
 - (H) Rooftop elements, including stair and elevator towers, shall be concealed in a manner that incorporates building color and architectural and structural design.
 - (I) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

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Figure 6. Roof Lines



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- (7) Access and parking.
- (A) Shared entrances to parking for non-residential and residential uses shall be used where possible.
 - (B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings, and shall not be located along a publicly accessible open space.
 - (C) Above-ground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
 - (D) Garage and surface parking access shall be screened or set behind buildings located along a publicly accessible open space and paseos.
 - (E) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway or landscaped area (see Figure 7, label A).
 - (F) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation, including a twenty (20) foot deep landscaped area along sidewalks, as measured from the property line or public access easement adjacent to the street or paseos (see Figure 7, label B). The portion of this area not devoted to driveways shall be landscaped. Trees shall be planted at a ratio of 1 per 400 square feet of required setback area for surface parking.
 - (G) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces (see Figure 7, label C). Required plantings may be grouped where carports with solar panels are provided.
 - (H) Surface parking can be located along a paseo for a maximum of forty percent (40%) of a paseo's length (see Figure 7, label D).
 - (I) Short-term bicycle parking shall be located within fifty (50) feet of lobby or main entrance. Long-term bicycle parking facilities shall protect against theft and inclement weather, and consist of a fully enclosed, weather-resistant locker with key locking mechanism or an interior locked room or enclosure. Long-term parking shall be provided in locations that are convenient and functional for cyclists. Bicycle parking shall be (see Figure 8):
 - (i) Consistent with the latest edition of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guide;
 - (ii) Designed to accommodate standard six (6) foot bicycles;
 - (iii) Paved or hardscaped;
 - (iv) Accessed by an aisle in the front or rear of parked bicycles of at least five (5) feet;
 - (v) At least five (5) feet from vehicle parking spaces;
 - (vi) At least thirty (30) inches of clearance in all directions from any obstruction, including but not limited to other racks, walls, and landscaping;
 - (vii) Lit with no less than one (1) foot candle of illumination at ground level;
 - (viii) Space-efficient bicycle parking such as double-decker lift-assist and vertical bicycle racks are also permitted.
 - (J) Pedestrian access shall be provided, with a minimum hardscape width of six (6) feet, from sidewalks to all building entries, parking areas, and publicly accessible open spaces, and shall be clearly marked with signage directing pedestrians to common destinations.

(K) Entries to parking areas and other important destinations shall be clearly identified for all travel modes with such wayfinding features as marked crossings, lighting, and clear signage.

Figure 7. Surface Parking Access

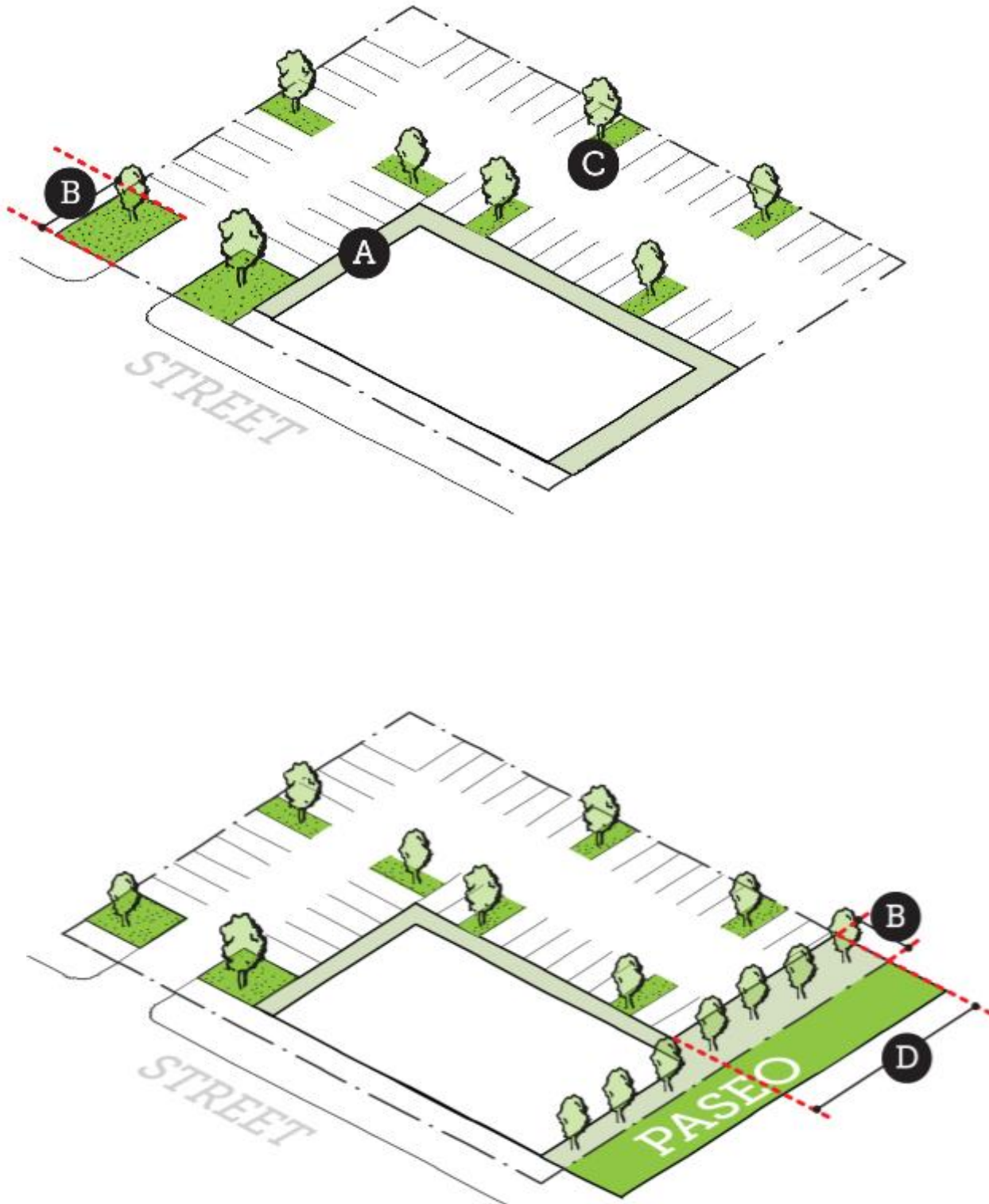
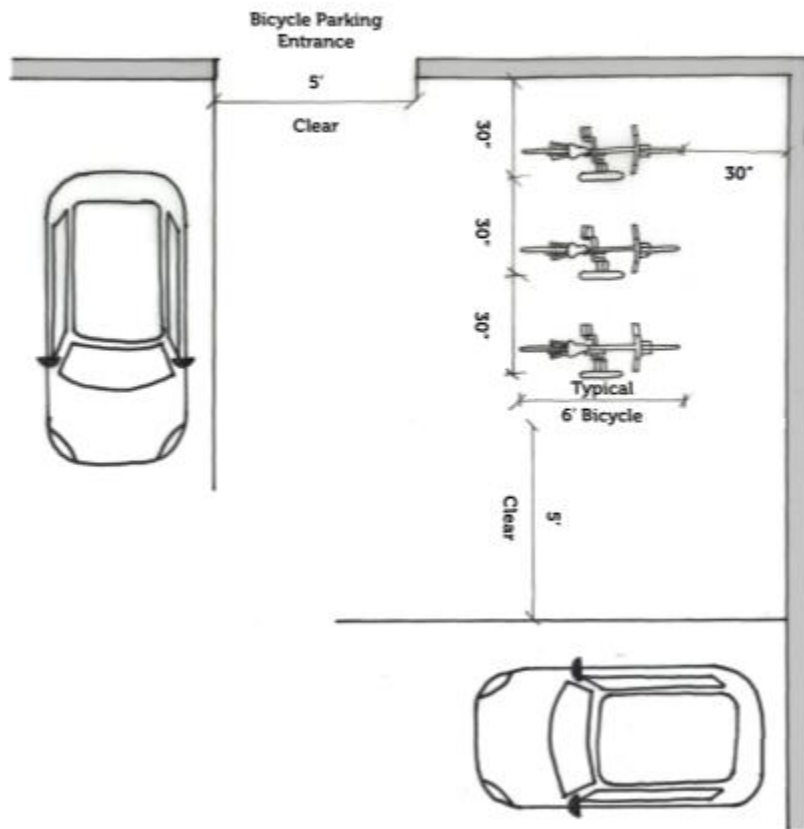


Figure 8. Bicycle Parking



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16.45.130 Green and sustainable building.

In addition to meeting all applicable regulations specified in Municipal Code Title 12 (Buildings and Construction), the following provisions shall apply to projects. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green building.

- (A) Any new construction, addition or alteration of a building shall be required to comply with tables 16.45.130(1)(B) and 16.45.130(1)(C).

(2) Energy.

- (A) 4545For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

- (i) On-site energy generation;
- (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
- (iii) Purchase and installation of local renewable energy generation within the City of Menlo Park in an amount equal to the annual energy demand of the project;
- (iv) Purchase of certified renewable energy credits and/or certified renewable energy off-sets annually in an amount equal to the annual energy demand of the project.

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

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of 30% of the maximum feasible on-site energy generation, as determined by an On-Site Renewable Energy Feasibility Study and any combination of measures ii to iv above. The On-Site Renewable Energy Feasibility Study shall demonstrate the following cases at a minimum: 1. Maximum on-site generation potential. 2. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment). 3. Maximum solar generation potential solely on the roof area.

- (B) Alterations and/or additions of 10,000 square feet or larger where the building owner elects to update the core and shell through the option presented in tables 16.45.140(1)(B) and 16.45.140(1)(C):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures i to iv listed in 16.45.0140(2)(A).

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TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. to 9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft. – 25,000 sq. ft. of conditioned area, volume or size****	25,001 sq. ft. and above of conditioned area, volume or size****
Green Building	Designed to meet LEED Silver BD+C*	Designed to meet LEED Silver BD+C*	Designed to meet LEED Gold BD+C*	CALGreen Mandatory	Designed to meet LEED Silver ID+C*_or update core and shell of entire building to current California Energy Code**** and meet section 16.45.140(2)(B)	Designed to meet LEED Gold ID+C*_or update core and shell of entire building to current California Energy Code**** and meet section 16.45.140(2)(B)
Electric Vehicles (EV) Chargers	<u>Pre-Wire**</u> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers***</u> • Minimum of 2 in the pre-wire locations.	<u>Pre-Wire**</u> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers***</u> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.	<u>Pre-Wire**</u> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers***</u> • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.	N/A (Voluntary)	N/A (Voluntary)	N/A (Voluntary)
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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

**Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

***Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 240 V and 40 AMPs such that it can be used by all electric vehicles.

****Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.xx.140.(2).(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.xx.140.(2).(B), additions and alterations of that building will be exempt

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

***** If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

TABLE 16.45.130(1)(C): NON-RESIDENTIAL GREEN BUILDING REQUIREMENTS						
	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.– 25,000 sq. ft. of conditioned area, volume or size	25,001 sq. ft. and above of conditioned area, volume or size
Green Building	Designed to meet LEED Silver BD+C *	Designed to meet LEED Silver BD+C *	Designed to meet LEED Gold BD+C *	CALGreen Mandatory	Designed to meet LEED Silver ID+C* or update core and shell of entire building to current California Energy Code**** and meet section 16.45.140(2)(B)	Designed to meet LEED Gold ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.45.140(2)(B)
Electric Vehicles (EV) Chargers	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations. 	N/A (Voluntary)	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum of 2 chargers in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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

**Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

***Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 240 V and 40 AMPs such that it can be used by all electric vehicles.

****Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.xx.140.(2).(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.xx.140.(2).(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action.

***** If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

- (3) Water use efficiency and recycled water.
- (A) Single pass cooling systems shall be prohibited in all new buildings.
 - (B) All new buildings shall be built and maintained without the use of well water.
 - (C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the City. For all new buildings two hundred and fifty (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all City approved non-potable applications. The water budget and calculations shall be reviewed and approved by the City's Public Works Director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the City to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the City's Public Works Director, shall be implemented. Twelve (12) months after City approval of the water conservation program, the building owner shall submit data and information sufficient to allow the City to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the City's Public Works Director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 of the Municipal Code until compliance with the water budget is achieved.
 - (D) All new buildings shall be dual plumbed for the internal use of recycled water.
 - (E) All new buildings two hundred and fifty (250,000) square feet or more in gross floor area shall use an alternate water source for all City approved non-potable applications. An alternative water source may include, but is not limited to, treated non-potable water such as graywater. An Alternate Water Source Assessment shall be submitted that describes the alternative water source and proposed non-potable application. Approval of the Alternate Water Source Assessment, the alternative water source and its proposed uses shall be approved by the City's Public Works Director and Community Development Director. If the Menlo Park Municipal Water District has not designated a Recycled Water Purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may proposed conservation measures to meet the requirements of this section subject to approval of the City Council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of City approved non-potable applications, but in no case shall the reduction be less than 30 percent compared to the water budget in Section C. The conservation measures may include on-site measures, off-site measures or a combination thereof.
 - (F) Potable water shall not be used for dust control on construction projects.
 - (G) Potable water shall not be used for decorative features, unless the water recirculates.
- (4) Hazard mitigation and sea level rise resiliency.
- (A) The first floor elevation of all new buildings shall be twenty four (24) inches above the Federal Emergency Management Agency base flood elevation (BFE) to account for sea level rise. Where no BFE exists, the first floor (bottom of floor beams) elevation shall be 24 inches above the existing grade. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.
 - (B) Prior to building permit issuance, all new buildings shall pay any required fee or proportionate fair share for the funding of sea level rise projects, if applicable.

(5) Waste management.

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

(6) Bird-friendly design.

- (A) No more than ten (10) percent of façade surface area shall have non-bird-friendly glazing.
- (B) Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.
- (C) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.
- (D) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.
- (E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
- (F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.
- (G) A project may receive a waiver from one or more of the items in (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

SECTION 4. This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

SECTION 5. Projects that receive discretionary approvals and/or submitted a building permit prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

INTRODUCED on the ___ day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ___ day of November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Richard Cline
Mayor, City of Menlo Park

ATTEST:

Pamela Aguilar
City Clerk

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DRAFT – November 29, 2016

ORDINANCE NO. ____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING CHAPTER 16.40, C-2-B (NEIGHBORHOOD COMMERCIAL
DISTRICT, RESTRICTIVE) AND CHAPTER 16.72 (OFF STREET
PARKING) OF TITLE 16 OF THE MENLO PARK MUNICIPAL CODE**

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.
- B. The Planning Commission held duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the proposed amendments to Chapter 16.40 and Chapter 16.72 of Title 16 of the Menlo Park Municipal Code, whereat all interested persons had the opportunity to appear and comment.
- C. The amendments to Chapter 16.40, C-2-B, would update the title of the chapter from Neighborhood Commercial District, Restrictive to Neighborhood Mixed Use District, Restrictive and allow for residential uses in the C-2-B zoning district and set the parking standards based on various land uses; and the amendments to Chapter 16.72 (Off Street Parking) would remove the C-2-B district from Chapter 16.72 and be replaced by the land use-based parking standards as incorporated into Chapter 16.40.
- D. The City desires to amend Chapter 16.40 C-2-B (Neighborhood Commercial District, Restrictive) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such as LU-3.A *Commercial Zoning Provisions*, which promotes an appropriate and attractive mix of uses.
- E. The City desires to amend Chapter 16.72 (Off Street Parking) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such as LU-2.3 *Mixed Used Design*, LU-3.2 *Neighborhood Shopping Impacts*, LU-4.3 *Mixed-use and Nonresidential Development*, which address compatibility issues and limit impacts from neighborhood shopping areas.

- F. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the proposed amendment to Chapter 16.40 and Chapter 16.72 of Title 16 of the Menlo Park Municipal Code, whereat all interested persons had the opportunity to appear and comment.
- G. After due consideration of the proposed amendment to Title 16, public comments, the Planning Commission recommendation, and the staff report, the City Council finds that the proposed amendment to Title 16 is consistent with the ConnectMenlo General Plan and M-2 Area Zoning Update and is appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November ____, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. The Environmental Impact Report considered the amendments to Chapter 16.40 C-2-B (neighborhood Commercial District, Restrictive) and Chapter 16.72 (Off Street Parking). Findings and a statement of overriding considerations were adopted by the City Council on November____, 2016 by Resolution No.____; and

SECTION 3. The following section of Title 16, Zoning, Chapter 16.40, *Neighborhood Commercial District, Restrictive*, of the Menlo Park Municipal Code is hereby amended to modify the name of the district, to allow mixed use developments, include multiple family residential uses as permitted uses, and set the parking standards based on land uses to read as follows (with the added text appearing in underline and deleted text in strikeout):

Chapter 16.40

C-2-B NEIGHBORHOOD COMMERCIAL MIXED USE DISTRICT, RESTRICTIVE

Sections:

- 16.40.010 Permitted uses.
- 16.40.015 Administratively permitted uses.
- 16.40.020 Conditional uses.
- 16.40.030 Development regulations.

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

- (1) Retail services;
- ~~(2) Financial services, unless an administrative permit is required pursuant to Section 16.40.015 of this chapter;~~
- ~~(3) Professional services, unless an administrative permit is required pursuant to Section 16.40.015 of this chapter;~~
- (4) Personal services;
- ~~(5)~~ Cafes and restaurants, excluding (a) fast food restaurants, (b) drive-in restaurants, (c) restaurants serving beer, wine or alcoholic beverages, and (d) restaurants providing live music or entertainment;
- (4) Multiple dwellings.

16.40.015 Administratively permitted uses. Uses allowed in the C-2-B district, subject to obtaining an administrative permit, are as follows:

- (1) Financial services, ~~when there is a structural alteration and a change in use to said use;~~
- (2) Professional offices, ~~when there is a structural alteration and a change in use to said use;~~
- (3) All of the specified uses in this Chapter between the hours of eight p.m. and eight a.m., or when not intended to serve the neighborhood.

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

- (1) ~~All of the uses listed in Section 16.40.010 of this chapter, for which new construction is required;~~
- (2) ~~All of the above specified uses between the hours of eight (8) p.m. and eight (8) a.m., or when not intended to serve primarily the immediate neighborhood;~~
- (31) Service stations;
- (42) Automotive repair with service station;
- (5) ~~Offices~~
- (53) Mortuaries;
- (64) Convalescent homes;
- (75) ~~Mini-warehouse storage facility for storage of personal belongings;~~
- (86) Cafes and restaurants serving beer, wine, or alcoholic beverages of any type are served and/or provides live music or entertainment;
- (97) Public utilities in accordance with Chapter 16.76 of this title;
- (408) ~~Special uses in accordance with Chapter 16.78 of this title.~~

16.40.030 Development regulations. Development regulations in the C-2-B district are as follows:

- (1) Minimum district size: twenty-five thousand square feet;
- (2) Minimum lot area: none, except that the cumulative lot area of all property within the C-2-B district shall be no less than twenty-five thousand square feet;
- (3) Minimum lot dimensions: none;
- (4) Required minimum yards: front, ten feet; side, none; corner side, 10 feet, rear, none; except when abutting a residential district where twenty-foot yard shall be provided;
- (5) Land covered by all structures shall not exceed sixty percent of building site;
- (6) Not less than ten percent of building site shall be occupied by appropriate landscaping;
- (7) Height of structures shall not exceed thirty feet. For a mixed residential and commercial development, the maximum building height shall not exceed 40 feet;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission;
- (9) The floor area ratio for non-residential uses shall not exceed forty percent (40%), except that fifty percent (50%) may be allowed with use permit approval and a minimum lot size of 20,000 square feet;
- (10) The maximum dwelling units per acre (du/ac) is 30 du/ac;
- (11) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for 30 du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than 30 du/ac;
- (12) In a mixed residential and commercial development, the combined maximum floor area ratio shall not exceed one hundred percent (100%). The maximum non-

residential and residential floor area ratios for each component shall not exceed the maximum allowed per items (9) and (11) above;

- (13) Development in the C-2-B district shall meet the following parking requirements.
 (a) Parking shall not be located in any required yard adjacent to a street.

<u>Land Use</u>	<u>Minimum Spaces (Per Unit or 1,000 Sq. Ft.)</u>	<u>Maximum Spaces (Per Unit or 1,000 Sq. Ft.)</u>	<u>Minimum Bicycle Parking¹</u>
<u>Residential Units</u>	<u>1 per unit</u>	<u>1.5 per unit</u>	<u>1.5 long-term² per unit; 10% additional short-term² for guests</u>
<u>Office</u>	<u>2</u>	<u>3</u>	<u>1 per 5,000 sq.ft. of gross floor area</u>
<u>Research and Development</u>	<u>1.5</u>	<u>2.5</u>	<u>Minimum two spaces</u>
<u>Retail</u>	<u>2.5</u>	<u>3.3</u>	<u>For Office and Research</u>
<u>Financial services</u>	<u>2</u>	<u>3.3</u>	<u>Development:</u>
<u>Eating and drinking establishment</u>	<u>2.5</u>	<u>3.3</u>	<u>80% for long-term² and 20% for short-term²</u>
<u>Personal services</u>	<u>2</u>	<u>3.3</u>	<u>For all other commercial uses:</u>
<u>Private recreation</u>	<u>2</u>	<u>3.3</u>	<u>20% for long-term² and 80% for short-term²)</u>
<u>Child care center</u>	<u>2</u>	<u>3.3</u>	
<u>Other</u>	<u>At Transportation Manager discretion</u>	<u>At Transportation Manager discretion</u>	<u>At Transportation Manager discretion</u>

¹ See Section 16.XX.120 (7) and the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

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

- (b) Electrical vehicle parking spaces shall be pre-wired for 5% of the total number of required parking stalls. A minimum of two (2) electrical vehicle spaces plus 1% of the total required parking stalls in the pre-wire locations shall be installed.

SECTION 4. The following section of Title 16, Zoning, Chapter 16.72, *Off Street Parking*, of the Menlo Park Municipal Code is hereby amended to remove the C-2-B Zoning District to read as follows (with the added text appearing in underline and deleted text in strikeout):

Sections:

- 16.72.010** Requirements generally.
- 16.72.020** R district uses.
- 16.72.030** Professional district uses.
- 16.72.040** C-2, C-2-A, ~~C-2-B~~ and C-4 district uses.
- 16.72.050** M-2 and M-3 district uses.
- 16.72.060** Public utility facilities.
- 16.72.080** Other uses.

16.72.040 C-2, C-2-A, ~~C-2-B~~ and C-4 district uses. C-2, C-2-A, ~~C-2-B~~ and C-4 district uses are as follows: six (6) spaces per one thousand (1,000) square feet of gross floor area, not in any required yard or loading area.

SECTION 5. Projects that receive discretionary approvals and/or submitted a building permit prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

INTRODUCED on the ___ day of _____, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the ___ day of _____, 2016, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

APPROVED:

Richard Cline
Mayor, City of Menlo Park

ATTEST:

Pamela Aguilar, CMC
City Clerk

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DRAFT – November 29, 2016

ORDINANCE NO. ____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK,
AMENDING CHAPTER 16.02 (GENERAL PROVISIONS), CHAPTER
16.68 (BUILDINGS), CHAPTER 16.80 (NONCONFORMING USES AND
BUILDINGS), AND CHAPTER 16.82 (PERMITS) OF TITLE 16 OF THE
MENLO PARK MUNICIPAL CODE**

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.
- B. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including amendments to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- C. The amendments to Chapter 16.02 (General Provisions) would ensure compliance with the Mitigation Monitoring and Reporting Program (MMRP) associated with the ConnectMenlo General Plan and M-2 Area Zoning Update; Chapter 16.68 (Buildings) would apply the administrative architectural control review by the Community Development Director to the LS (Life Sciences) and O (Office) zoning districts; the amendments to Chapter 16.80 (Nonconforming Uses and Structures) allow for existing uses at the rezoned properties to remain without being considered nonconforming; and the amendments to Chapter 16.82 (Permits) would implement the goals, policies, and programs of the General Plan Update, while still ensuring that the use and storage of hazardous materials is reviewed and approved by the necessary reviewing departments and agencies.
- D. The City desires to amend Chapter 16.02 (General Provisions) of Title 16 of the Menlo Park Municipal Code to ensure compliance with the MMRP associated with the ConnectMenlo General Plan and M-2 Area Zoning Update.
- E. The City desires to amend Chapter 16.68 (Buildings) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such

as LU-1.A, *Zoning Ordinance Consistency*, which identifies the need to update the Zoning Ordinance for consistency with the General Plan as applicable.

- F. The City desires to amend Chapter 16.80 (Nonconforming Uses and Structures) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such as LU-1.A, *Zoning Ordinance Consistency*, which identifies the need to update the Zoning Ordinance for consistency with the General Plan as applicable.
- G. The City desires to amend Chapter 16.82 (Permits) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such as LU-4.1, *Priority Commercial Development*, which encourages emerging technology and entrepreneurship.
- H. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including amendments to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- I. After due consideration of the proposed amendments to Title 16, public comments, the Planning Commission recommendation, and the staff report, the City Council finds that the proposed amendments to Title 16 are consistent with the ConnectMenlo General Plan and M-2 Area Zoning Update and are appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November ____, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. The Environmental Impact Report considered the amendments to Chapter 16.68 (Buildings), Chapter 16.80 (Nonconforming Uses and Structures), and Chapter 16.82 (Permits). Findings and a statement of overriding considerations were adopted by the City Council on November ____, 2016 by Resolution No. _____; and

SECTION 3. The following section of Title 16, Zoning, Chapter 16.02, *General Provisions*, of the Menlo Park Municipal Code is hereby added to reference compliance with the requirements in the MMRP, as applicable (with the added text appearing in underline):

16.02.070 Mitigation Monitoring. All development as applicable shall comply with the Mitigation Monitoring and Report Program (MMRP) established through Resolution No. _____, associated with the Environmental Impact Report prepared for the ConnectMenlo General Plan and M-2 Area Zoning Update, adopted on the _____ day of November, 2016.

SECTION 4. The following section of Title 16, Zoning, Chapter 16.68, *Buildings*, of the Menlo Park Municipal Code is hereby amended to provide for administrative architectural control approve by the Community Development Director in the O (Office) and LS (Life Sciences) districts to read as follows (with the added text appearing in underline and deleted text in ~~strikeout~~):

16.68.020 Architectural control. When an application is made for a building permit for the construction, alteration or remodeling of any building other than a single-family dwelling, duplex and accessory building, or for any structure, dwelling or duplex on land designated as a historic landmark site, it shall be accompanied by architectural drawings showing elevations of the proposed building or structure, proposed landscaping or other treatment of the grounds around such building or structure, and proposed design of, and access to, required parking facilities. Such drawings shall be considered by the planning commission, architectural committee, or community development director which shall approve said application if the following findings are made:

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

The community development director shall be limited to approving minor modifications to buildings located in the M-2 (~~General Industrial~~) district, the O (Office) district, and the LS (Life Sciences) district. For purposes of this section, a minor modification is considered one in which there is no increase in gross floor area.

SECTION 5. The following section of Title 16, Zoning, Chapter 16.80, *Nonconforming Uses and Buildings*, of the Menlo Park Municipal Code is hereby amended to provide for exemptions for approved projects from the requirements of the Of (Office), LS (Life Sciences), and R-MU (Residential Mixed Use) to read as follows (with the added text appearing in underline and deleted text in strikeout):

16.80.130 Exemption from the O (Office), LS (Life Sciences), and R-MU (Residential Mixed Use) districts.

- (A) All buildings in existence or approved within the O (Office), LS (Life Sciences), and R-MU (Residential Mixed Use) districts as of the date of adoption of the ConnectMenlo General Plan and M-2 Area Zoning Update and the subsequent rezoning of properties in the M-2 Area, on November ____, 2016, shall be exempt from the development standards of the zoning districts identified in this section.
- (B) No building exempt under subsection (a) of this section shall be subject to amortization by reason of a building that is nonconforming due to the development standards of the O (Office), LS (Life Science), and R-MU (Residential Mixed Use) districts, as specified in subsection (a) of this section.

- (C) Any building exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building or office use is destroyed by fire, explosion, or other catastrophe, but such restoration shall comply with:
- a. The building codes in effect at the time of restoration; and
 - b. The requirements of Section 16.80.040 with respect to nonconformities other than a nonconformity created as a result of the development standards of the O (Office), LS (Life Science), and R-MU (Residential Mixed Use) districts specified in subsection (a) of this section.
- (D) Properties within the O (Office), LS (Life Sciences), or R-MU (Residential Mixed Use) districts that are regulated by a use permit or conditional development permit (CDP) as of the date of adoption of the ConnectMenlo General Plan Update and subsequent rezoning of properties in the M-2 Area on November , 2016, shall continue to be regulated by said permit(s). Such permit(s) shall lapse upon comprehensive redevelopment of the property, or property owners may apply to modify or cancel said permit(s) in accordance with the requirements of this title.

SECTION 5. The following section of Title 16, Zoning, Chapter 16.80, *Permits*, of the Menlo Park Municipal Code is hereby amended to incorporate the use of hazardous materials into the administrative permit process to read as follows (with the added text appearing in underline and deleted text in strikeout):

16.82.440 Granting. In considering an application, the community development director or designee shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question and surrounding areas, and the impact of the application thereon.

The community development director or designee shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the community development director or designee finds that the aforementioned conditions, plus the following findings as applicable, will not result from the particular use applied for, he/she may grant the administrative permit and provide notice of the decision in writing to the planning commission and interested parties, as defined for the purposes of this section as people who ask to be informed of the decision via email, fax or United States Postal Service mail:

(1) Alcohol sales:

(A) That a public convenience or necessity would be served by the issuance of license to sell alcohol.

(2) Outdoor seating:

(A) That the outdoor seating would maintain unimpeded pedestrian access on the public right-of-way.

(3) Outside storage:

- (A) That the outside storage of vehicles and/or equipment would not be visible from surrounding properties or the public right-of-way and the screening would be consistent with existing site features;
- (B) That the outside storage does not displace required parking without making provisions for replacing the lost parking;
- (C) That the outside storage complies with the provisions of the Noise Ordinance (Chapter [8.06](#) of the Municipal Code).

(4) Hazardous materials:

- (A) The review and approval or conditional approval from the Menlo Park Building Division and outside reviewing agencies, such as but not limited to the San Mateo County Environmental Health Division, the Menlo Park Fire Protection District, and the applicable sanitary district;
- (B) The compatibility of the proposed use and storage of hazardous materials with the neighboring land uses, such as residential uses, schools, or other sensitive receptors;
- (C) That the quantities and types are permissible by the current California Fire Code and the building is designed appropriately for said types and quantities, per the current California Building Code, as determined by the Fire Marshall and Community Development Director or his/her designee;
- (D) For outside storage of hazardous materials, the following criteria shall be met by the project proposal:
 - i. That the outside storage of hazardous materials would not be visible from surrounding properties or the public right-of-way and the screening would be consistent with existing site features and/or building materials;
 - ii. That the outside storage of hazardous materials does not displace required parking without making provisions for replacing the lost parking, or an accompanying application for administrative review of a parking reduction request;
 - iii. That the outside storage of hazardous materials complies with the provisions of the Noise Ordinance (Chapter 8.06 of the Municipal Code);
 - iv. For emergency generators, the routine testing shall be conducted between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and shall comply with the noise limitations for daytime hours (Chapter 8.06 of the Municipal Code);

- v. No operations, including manufacturing, assembling, or research and development, involving the use of hazardous materials shall take place outside a building. Only the storage of hazardous materials, with the exception of emergency generators, is permitted outside the building.

(E) Any comments received on the application.

INTRODUCED on the ___ day of _____, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the ___ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Richard Cline
Mayor, City of Menlo Park

ATTEST:

Pamela Aguilar, CMC
City Clerk

DRAFT – November 29, 2016

ORDINANCE NO. ____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
REZONING CERTAIN PROPERTIES WITHIN THE M-2 AREA**

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. Certain properties as identified in Exhibit A are currently zoned R-2 (Residential Low Density Apartment), M-2 (General Industrial), M-2(X) (General Industrial, Conditional Development), FP (Flood Plain), C-4 (General Commercial), and C-4(X) (General Commercial, Conditional Development).
- B. The City completed a multi-year process with extensive public outreach, community meetings, and public hearings to update the City's General Plan Land Use and Circulation Elements, known as ConnectMenlo, and that the rezoning of certain properties is necessary for implementation of the adopted General Plan Update.
- C. The ConnectMenlo General Plan and M-2 Zoning Update included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings; and
- D. The rezoning of properties identified in Exhibit A provides the opportunity to develop a live, work and play neighborhood in the M-2 Area with mixed-use development, office uses, life science uses, and public facilities, while preserving the natural open space within the area, consistent with the ConnectMenlo General Plan update.
- E. The rezoning of properties identified in Exhibit A is consistent with the General Plan land use designations of Office, Life Sciences, and Mixed Use Residential.

SECTION 2. An Environmental Impact Report was prepared for the project, including the rezoning of the properties identified in Exhibit A, and certified by the City Council on November ____, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. Findings and a statement of overriding considerations were adopted by the City Council on November ____, 2016 by Resolution No._____.

SECTION 3. Certain properties as identified in Exhibit A are to be rezoned. Specifically, the parcels identified in Exhibit B are rezoned to O (Office), O-H (Office, Hotel), O-CH (Office, Corporate Housing), or O-B (Office, Bonus) as shown; the parcels identified in Exhibit C are rezoned to LS (Life Sciences) or LS-B (Life Sciences, Bonus) as shown; the parcels identified in Exhibit D are rezoned to R-MU-B (Residential Mixed Use, Bonus) as shown; the parcels identified in Exhibit E are rezoned to P-F (Public Facilities) as shown; and the parcels identified in Exhibit F are rezoned to FP (Flood Plain) as shown.

SECTION 4. To implement the Land Use and Circulation Elements of the General Plan, the zoning map for the parcels within the M-2 Area includes publicly accessible paseos and public street connections that are required to be constructed and/or dedicated through the redevelopment of certain properties as shown on Exhibit G and incorporated by reference herein.

SECTION 5. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, the amendments to Title 16 of the Menlo Park Municipal Code and subsequent rezoning, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

SECTION 6. The City Council held a duly noticed public hearing on November 15 and November 29, 2016 to review and consider the proposed rezoning of those certain properties as described herein, whereat all interested persons had the opportunity to appear and comment.

SECTION 7. After due consideration of the proposed rezoning of certain properties, public comments, the Planning Commission's recommendation, and the staff report, the City Council finds that the proposed rezoning of properties as identified herein is consistent with the updated General Plan and is appropriate.

SECTION 8. The zoning map of the City of Menlo Park is hereby amended such that certain real properties within the M-2 Area of the ConnectMenlo General Plan and M-2 Area Zoning Update and more particularly shown on Exhibits B through G are rezoned to the zoning districts enumerated in Section 3 and the paseos and street connections referenced in Section 4 are incorporated herein.

SECTION 9. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ___ day of November, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Richard Cline
Mayor, City of Menlo Park

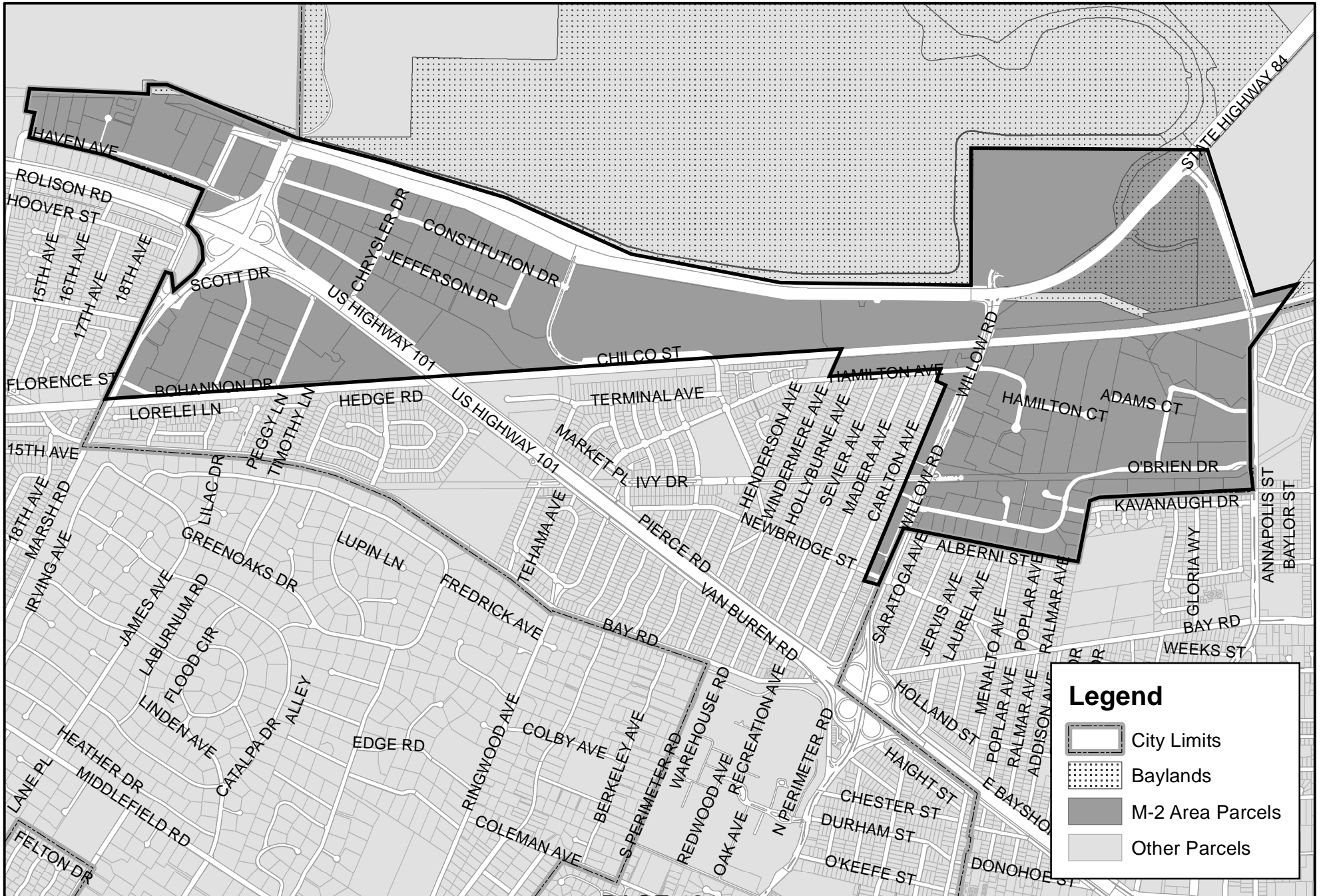
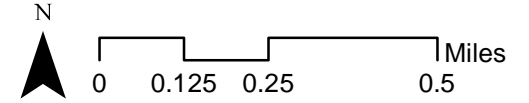
ATTEST:

Pamela Aguilar
City Clerk

CITY OF MENLO PARK

CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

EXHIBIT A

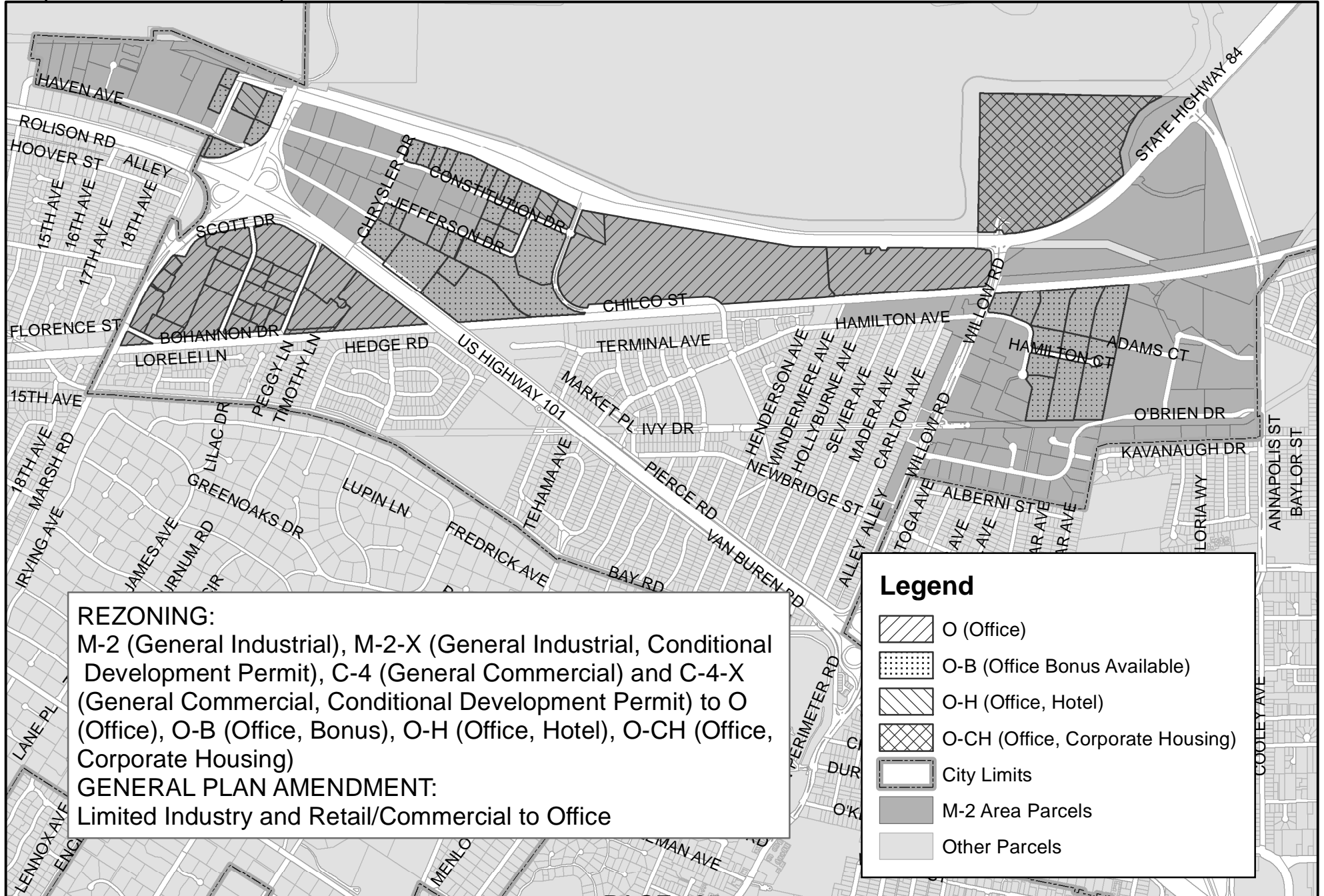
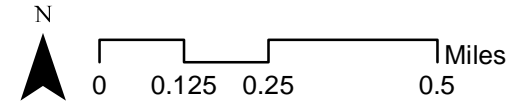


CITY OF MENLO PARK

CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

Proposed "O" Zoned Properties

EXHIBIT B



REZONING:

M-2 (General Industrial), M-2-X (General Industrial, Conditional Development Permit), C-4 (General Commercial) and C-4-X (General Commercial, Conditional Development Permit) to O (Office), O-B (Office, Bonus), O-H (Office, Hotel), O-CH (Office, Corporate Housing)

GENERAL PLAN AMENDMENT:

Limited Industry and Retail/Commercial to Office

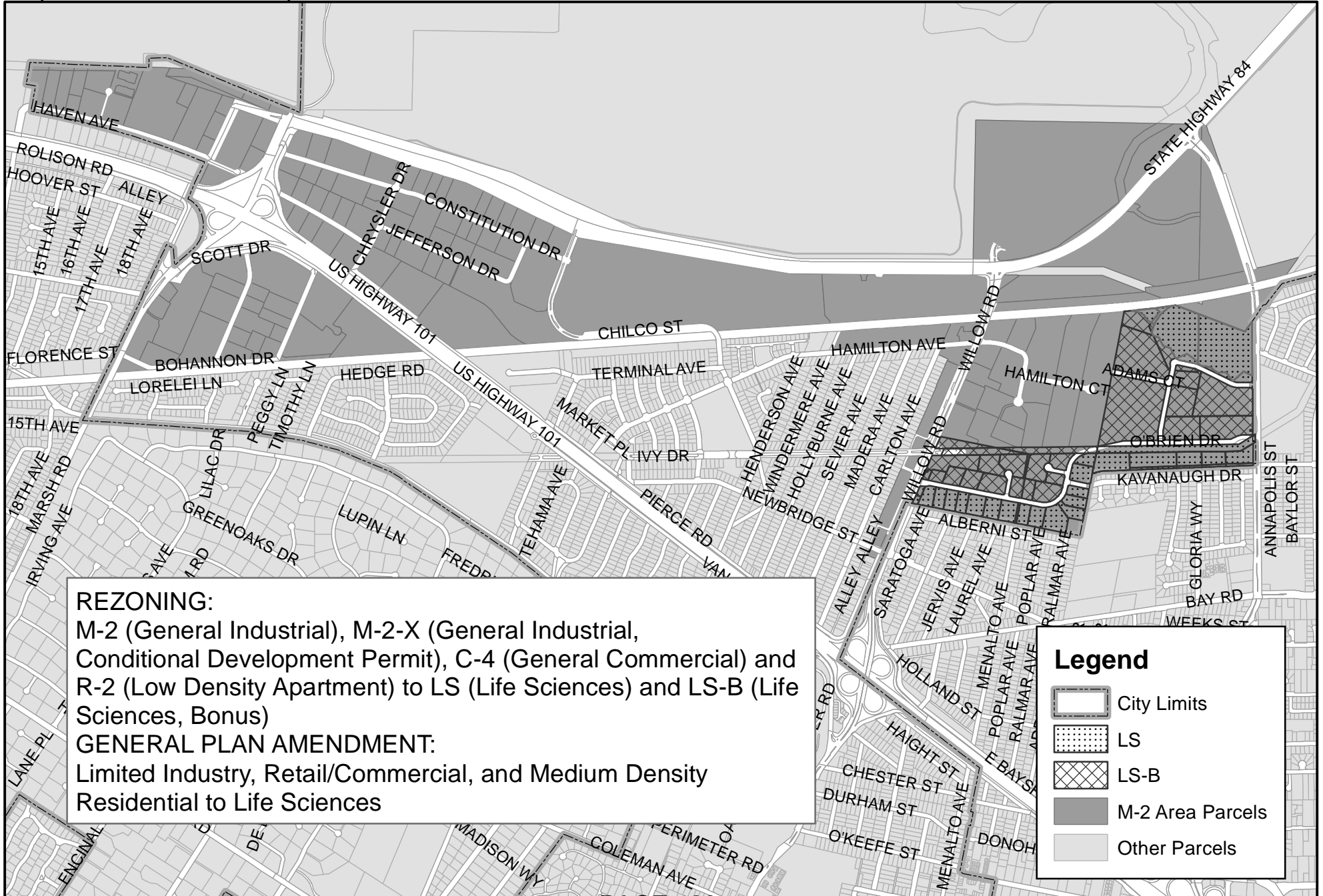
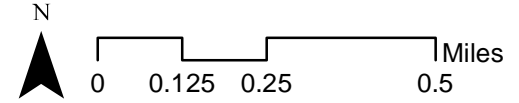
Legend

- O (Office)
- O-B (Office Bonus Available)
- O-H (Office, Hotel)
- O-CH (Office, Corporate Housing)
- City Limits
- M-2 Area Parcels
- Other Parcels

CITY OF MENLO PARK

CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

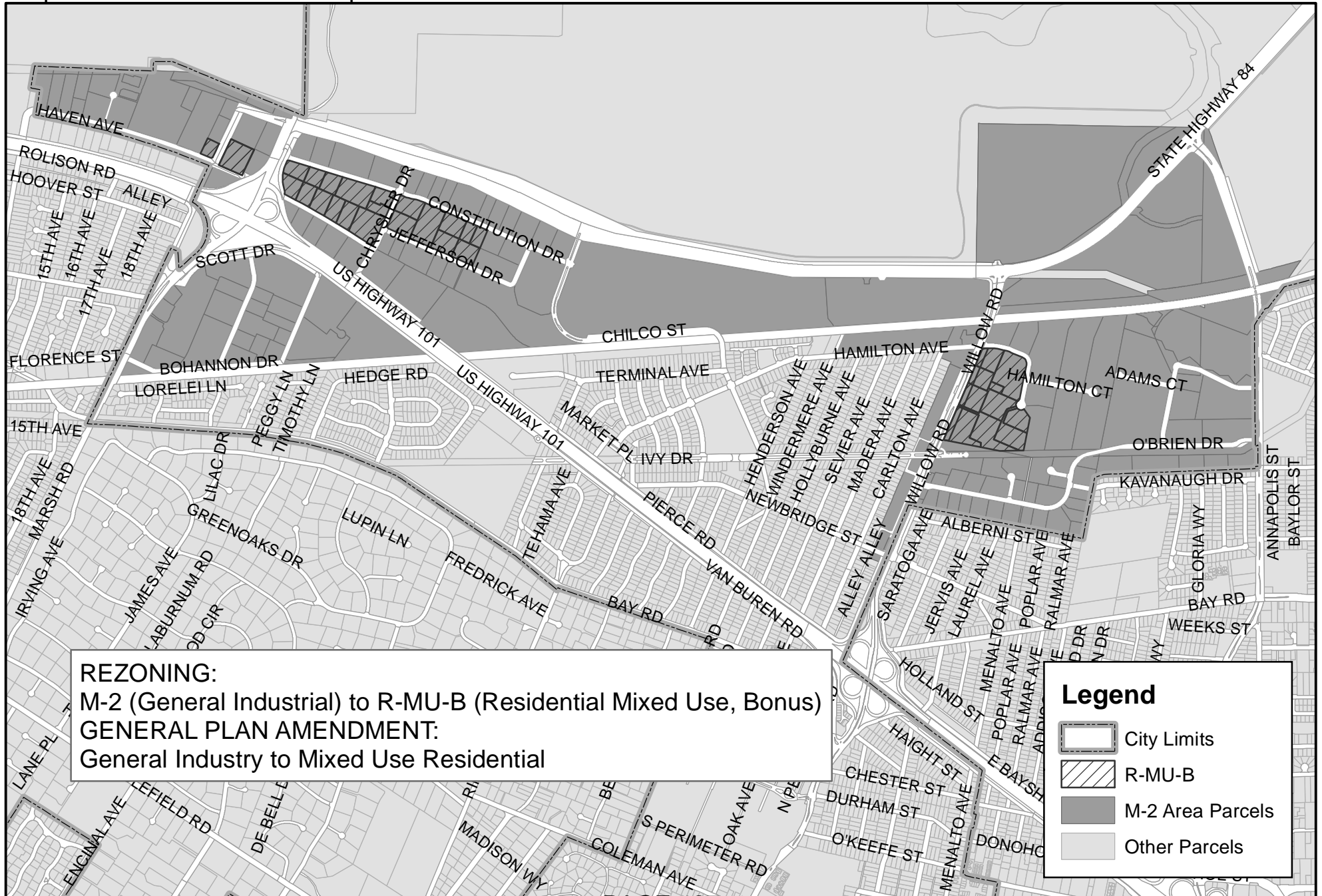
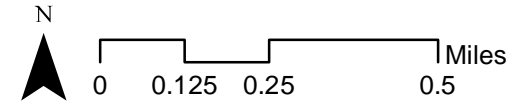
Proposed "LS" Zoned Properties



CITY OF MENLO PARK

CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

Proposed "R-MU-B" Zoned Properties

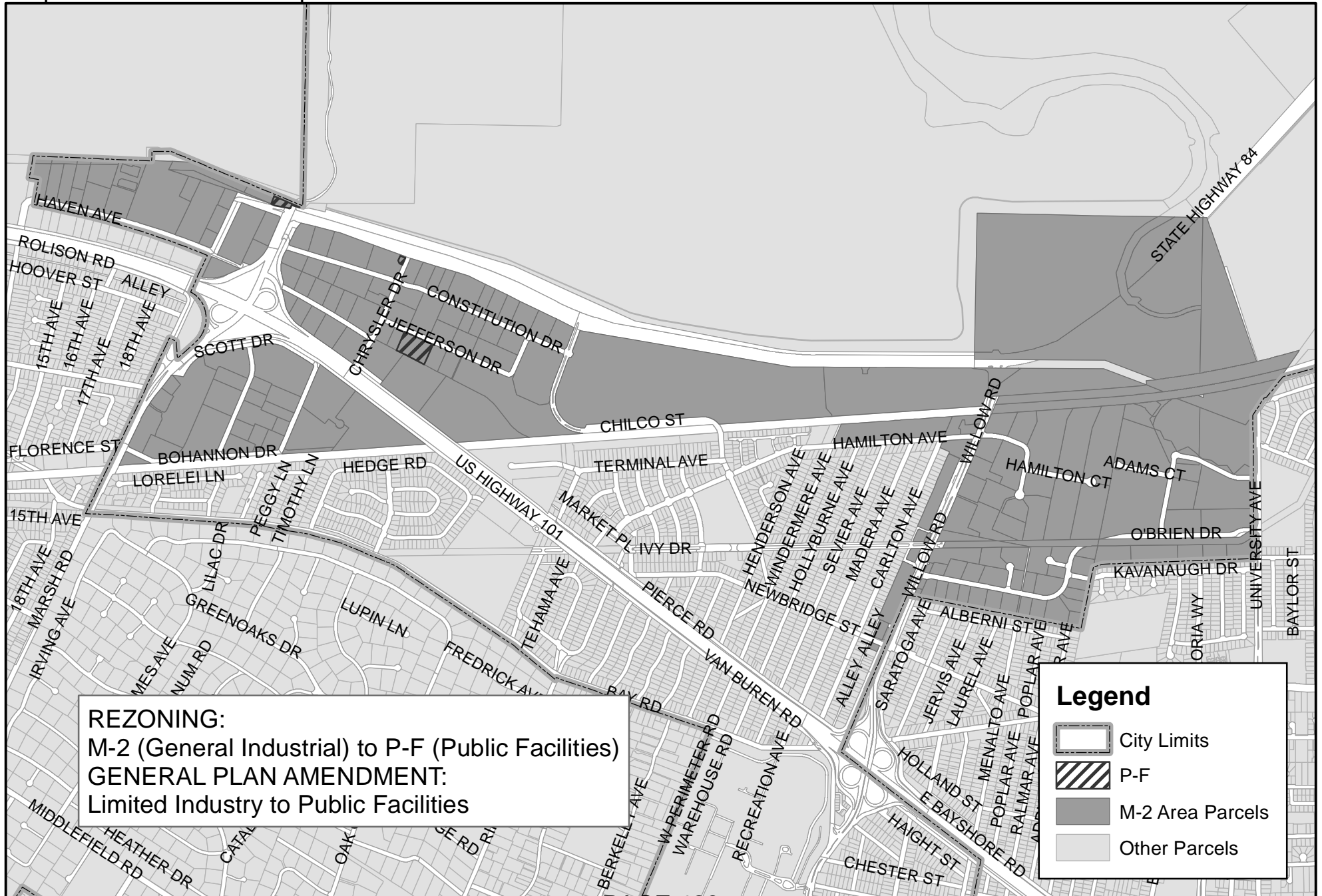


CITY OF MENLO PARK

CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

Proposed "P-F" Zoned Properties

EXHIBIT E



REZONING:
M-2 (General Industrial) to P-F (Public Facilities)
GENERAL PLAN AMENDMENT:
Limited Industry to Public Facilities

Legend

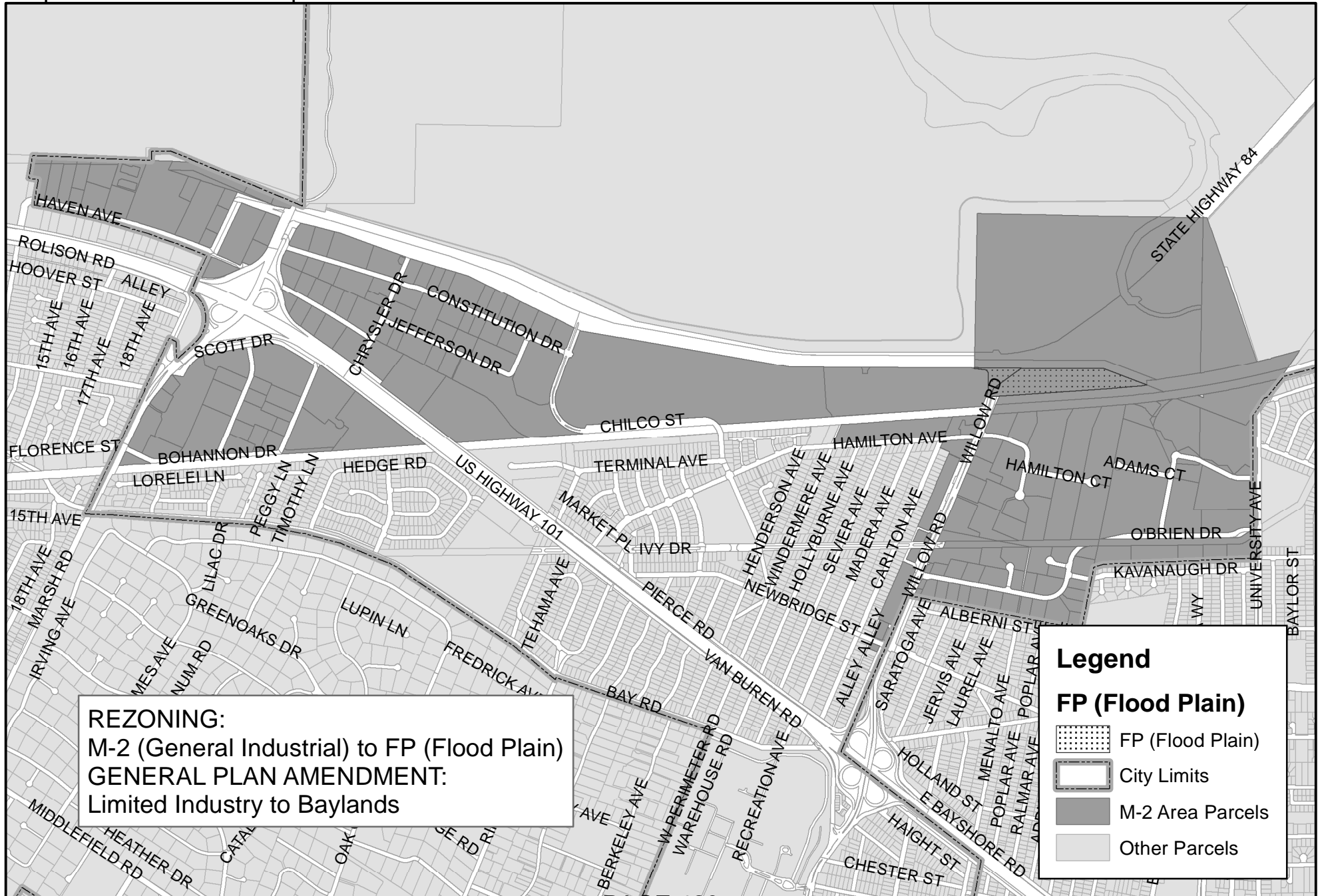
- City Limits
- P-F
- M-2 Area Parcels
- Other Parcels

CITY OF MENLO PARK

CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE





Proposed "FP" Zoned Properties

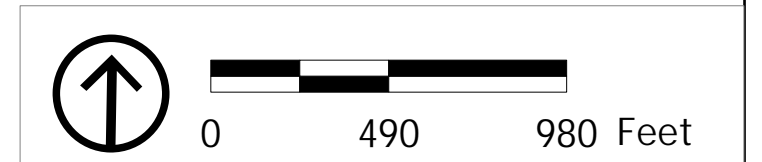
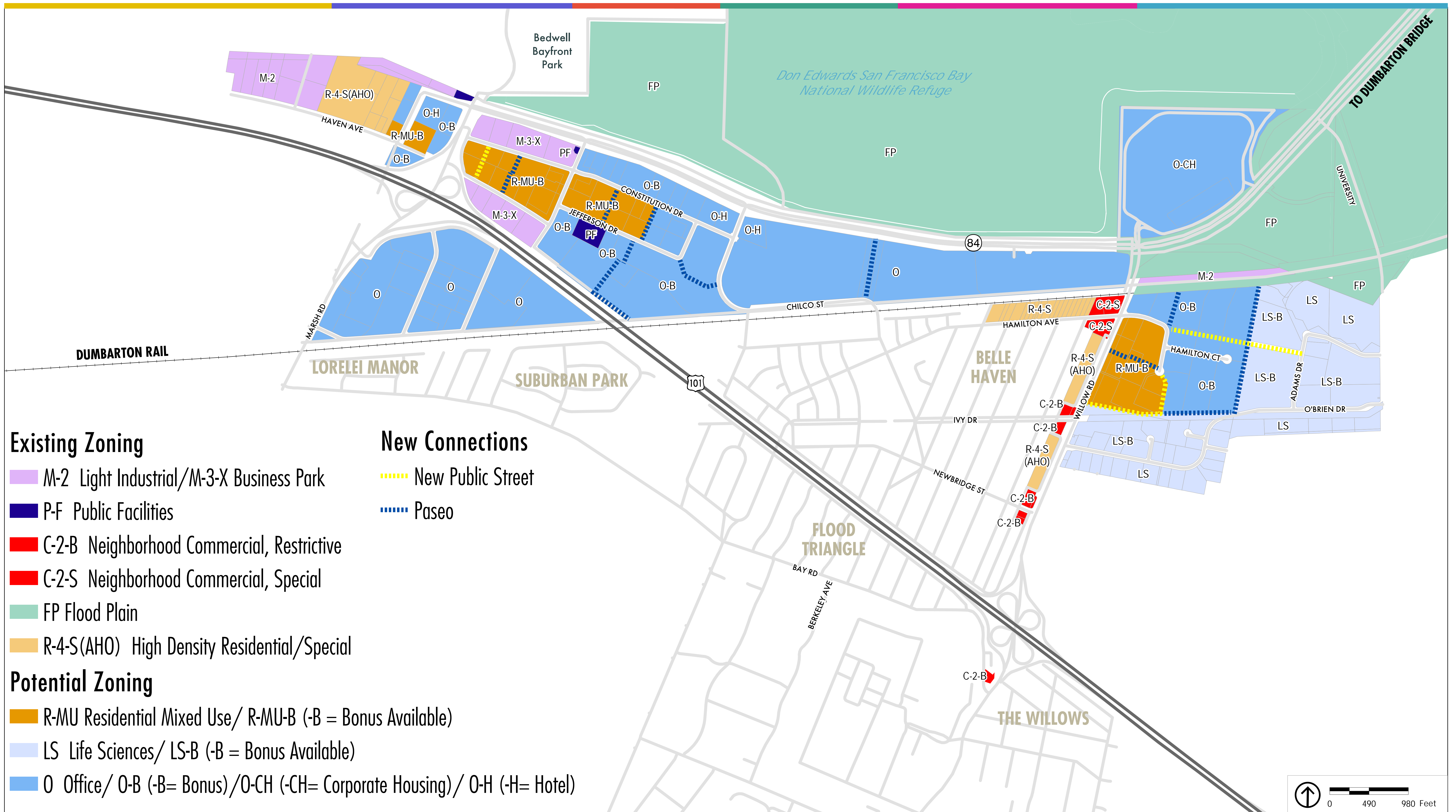
EXHIBIT F



REZONING:
M-2 (General Industrial) to FP (Flood Plain)
GENERAL PLAN AMENDMENT:
Limited Industry to Baylands

Legend

-  FP (Flood Plain)
-  City Limits
-  M-2 Area Parcels
-  Other Parcels



M-2 AREA POTENTIAL ZONING

Revised: November 2016



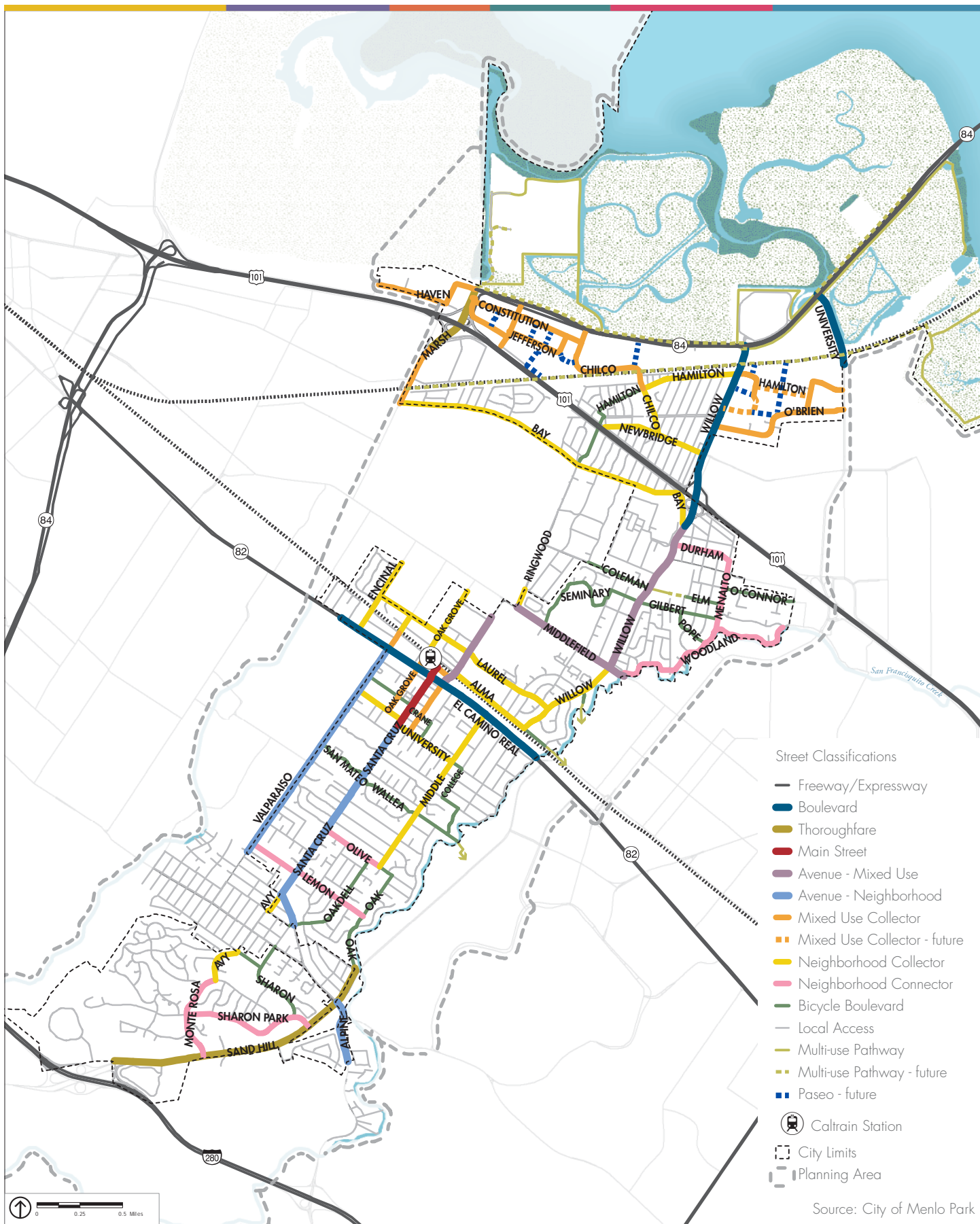


FIGURE 2: STREET CLASSIFICATIONS

TABLE 1 DESCRIPTION OF STREET CLASSIFICATIONS

Classification	Mode Priority	Description and Guidelines	Examples	FHWA Category
Freeway/ Expressway	Vehicle: ● Other modes: N/A	<i>Limited access, major regional freeways and expressways that are part of the state and regional network of highways and subject to state design standards.</i>	Bayfront Expressway	Expressway
Boulevard	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>Major thoroughfare with higher frequency of transit service and mixed commercial and retail frontages.</i> Provides access and safe crossings for all travel modes along a regional transportation corridor. Emphasizes walking and transit and accommodates regional vehicle trips in order to discourage such trips on nearby local roadways, through collaborations with other cities and agencies. In areas of significant travel mode conflict, bicycle improvements may have lower priority if appropriate parallel corridors exist.	El Camino Real	Primary Arterial
Thoroughfare	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>Major thoroughfare, limited mixed commercial frontages.</i> Provides access and safe crossings for all travel modes along a regional transportation corridor. Emphasizes regional vehicle trips in order to discourage such trips on nearby local roadways, through collaborations with other cities and agencies.	Marsh Road, Sand Hill Road	Primary Arterial
Main Street	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>High intensity, pedestrian-oriented retail street.</i> Provides access to all travel modes in support of Downtown, includes on-street parking. Service to pedestrian-oriented retail is of prime importance. Vehicle performance indicators may be lowered to improve the pedestrian experience. Bicycle priority may be lower where appropriate parallel bicycle corridors exist.	Santa Cruz Avenue	Minor Arterial
Avenue – Mixed Use	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>Streets with mixed residential and commercial frontages that serve as a main route for multiple modes.</i> Distributes trips to residential and commercial areas. Provides a balanced level of service for vehicles, transit, bicycles, and pedestrians, wherever possible. Bicycle priority is greater along identified bicycle corridors. Pedestrian improvements are comfortable to walk along, and provide safe crossings at designated locations.	Willow Road (south of Bay), Middlefield Road	Minor Arterial
● = High Priority ● = Medium Priority ○ = Low Priority				

TABLE 1 DESCRIPTION OF STREET CLASSIFICATIONS (CONTINUED)

Classification	Mode Priority	Description and Guidelines	Examples	FHWA Category
Avenue – Neighborhood	Bicycle: ● Pedestrian: ● Transit: ● Vehicle: ●	<i>Streets with residential frontages that serve as a main route for multiple modes.</i> Distributes trips to residential areas. Provides a balanced level of service for vehicles, transit, bicycles, and pedestrians, wherever possible. Bicycle priority is greater along identified bicycle corridors. Pedestrian improvements are comfortable to walk along, and provide safe crossings at designated locations.	Santa Cruz Avenue (south of University Drive), Valparaiso Avenue	Minor Arterial
Mixed-Use Collector	Bicycle: ● Pedestrian: ● Transit: ◐ Vehicle: ◐	<i>Mixed-use street that serves a significant destination.</i> Prioritizes walking and bicycling. Accommodates intra-city trips while also distributing local traffic to other streets and areas.	Chilco St (north of rail corridor), O’Brien Drive, Haven Avenue	Collector
Neighborhood Collector	Bicycle: ● Pedestrian: ● Transit: ◐ Vehicle: ◐	<i>Primarily residential street that serves a significant destination.</i> Prioritizes walking and bicycling. Accommodates intra-city trips while also distributing local traffic to other streets and areas. Accommodating vehicle traffic while ensuring a high quality of life for residents is a key design challenge.	Bay Road, Laurel Street, Hamilton Avenue	Collector
Neighborhood Connector	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◐	<i>Low-medium volume residential through street.</i> Primarily serves residential neighborhoods. Provides high quality conditions for walking and bicycling and distributes vehicle, pedestrian, and bicycle trips to and from other streets.	Monte Rose Avenue, Woodland Avenue	Local
Bicycle Boulevard	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◐	<i>Low volume residential street, serving mostly local traffic, connecting key bicycle facilities.</i> Provides access primarily to abutting uses. These streets should offer safe and inviting places to walk and bike.	San Mateo Drive, Hamilton Avenue	Local
Local Access	Bicycle: ● Pedestrian: ● Transit: ○ Vehicle: ◐	<i>Low volume residential street, serving mostly local traffic.</i> Provides access primarily to abutting uses. These streets should offer safe and inviting places to walk and bike.	San Mateo Drive	Local
Multi-Use Pathway	Bicycle: ● Pedestrian: ● Transit: N/A Vehicle: N/A	<i>Pedestrian and bicycle pathway.</i> Provides priority access to pedestrians and bicycles only, per Caltrans pathway minimum standards. Multi-use pathways feature high-quality crossings where they traverse major roadways.	Bay Trail	N/A

● = High Priority ◐ = Medium Priority ○ = Low Priority

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DRAFT – November 29, 2016

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK APPROVING THE COMMUNITY AMENITIES LIST DEVELOPED
THROUGH THE CONNECTMENLO PROCESS**

WHEREAS, the City of Menlo Park recently updated the Housing, Open Space and Conservation, and Safety Elements of the General Plan; and

WHEREAS, the Land Use and Circulation Elements of the General Plan have not been updated since 1994 and the City desires to complete the next phase in its update of the General Plan; and

WHEREAS, in December 2014, the City Council adopted the guiding principles for the ConnectMenlo General Plan Update, which were crafted through a rigorous community outreach and engagement process; and

WHEREAS, subsequent to the adoption of the guiding principles, the City embarked on a multi-year process to update the Land Use and Circulation Elements of the General Plan known as ConnectMenlo; and

WHEREAS, the ConnectMenlo General Plan and M-2 Zoning Update included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings; and

WHEREAS, the Land Use Element includes a policy and program for bonus level development in exchange for the provision of community amenities; and

WHEREAS, the O (Office), L-S (Life Sciences), and R-MU (Residential, Mixed Use) districts also allow the potential for bonus level development within specific areas defined by the zoning map where denoted by B (Bonus), in exchange for sufficient community amenities provided by the developer; and

WHEREAS, bonus level development allows a project to develop at a greater level of intensity with an increased floor area ratio, density, and/or increased height. There is a reasonable relationship between the increased density and/or intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. The value of the community amenities is a generally applicable legislatively imposed formula; and

WHEREAS, the City developed the Community Amenities List, attached hereto as Exhibit A, through an extensive public outreach and input process that included

community members, including residents, property owners, and key stakeholders through outreach meetings, public meetings, GPAC meetings, and public hearings; and

WHEREAS, the Community Amenities List reflects the community's priority of benefits within the M-2 Area as identified through the community outreach and engagement process; and

WHEREAS, the City Council may amend the Community Amenities List from time to time by resolution to reflect potential changes in the community's priorities and desired amenities; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, an Environmental Impact Report was prepared for the project, which includes the bonus development potential and certified by the City Council on November ____, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. Findings and a statement of overriding considerations were adopted by the City Council on November ____, 2016 by Resolution No.____; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the Planning Commission of the City of Menlo Park on October 19, 2016 and October 24, 2016 whereat all persons interested therein might appear and be heard; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to approve the Community Amenities List; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on November 15, 2016 and November 29, 2016 whereat all persons interested therein might appear and be heard; and

WHEREAS, the City Council of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to approve the Community Amenities List; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby approves the Community amenities List, attached hereto as Exhibit A, incorporated herein by this reference.

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 _____ day of _____, 2016, by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of _____, 2016.

Pamela Aguilar, MMC
City Clerk

COMMUNITY AMENITY SURVEY RANKINGS

The following is a table of the community amenities that have been requested during the planning process; the categories and the amenities within each category are listed in order of how they were ranked by respondents at a community workshop on March 12, 2015 and in a survey that followed.

MARCH 12 WORKSHOP RANKING	ONLINE - REGISTERED RESPONDENTS	ONLINE - UNREGISTERED RESPONDENTS	PAPER - COLLECTED IN BELLE HAVEN	PAPER - MAILED IN	TOTAL SURVEYS COMBINED
22 RESPONSES	53 RESPONSES	26 RESPONSES	55 RESPONSES	60 RESPONSES	194 SURVEY RESPONSES
Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements
Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping	Traffic-calming on neighborhood streets	Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping
Bike trails, paths or lanes	Bike trails, paths or lanes	Traffic-calming on neighborhood streets	Sidewalks, lighting, and landscaping	Traffic-calming on neighborhood streets	Traffic-calming on neighborhood streets
Dumbarton Rail	Traffic-calming on neighborhood streets	Bike trails, paths or lanes	Dumbarton Rail	Dumbarton Rail	Bike trails, paths or lanes
Traffic-calming on neighborhood streets	Dumbarton Rail	Dumbarton Rail	Innovative transportation solutions (i.e. personal rapid transit)	Bike trails, paths or lanes	Dumbarton Rail
Bus service and amenities	Bus service and amenities	Bus service and amenities	Bike trails, paths or lanes	Bus service and amenities	Innovative transportation solutions (i.e. personal rapid transit)
Innovative transportation solutions (i.e. personal rapid transit)	Innovative transportation solutions (i.e. personal rapid transit)	Innovative transportation solutions (i.e. personal rapid transit)	Bus service and amenities	Innovative transportation solutions (i.e. personal rapid transit)	Bus service and amenities
Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail
Grocery store	Grocery store	Grocery store	Grocery store	Grocery store	Grocery store
Restaurants	Restaurants	Pharmacy	Pharmacy	Pharmacy	Restaurants
Pharmacy	Pharmacy	Restaurants	Restaurants	Restaurants	Pharmacy
Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM
Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies
Job opportunities for residents	Education and enrichment programs for young adults	Job opportunities for residents	Job opportunities for residents	Job opportunities for residents	Job opportunities for residents
Education and enrichment programs for young adults	Job opportunities for residents	Education and enrichment programs for young adults	Education and enrichment programs for young adults	Education and enrichment programs for young adults	Education and enrichment programs for young adults
Job training programs and education center	Paid internships and scholarships for young adults	Job training programs and education center	Job training programs and education center	Job training programs and education center	Job training programs and education center
Paid internships and scholarships for young adults	Job training programs and education center	Paid internships and scholarships for young adults	Paid internships and scholarships for young adults	Paid internships and scholarships for young adults	Paid internships and scholarships for young adults
Social Service Improvements	Energy, Technology, and Utilities Infrastructure	Social Service Improvements	Social Service Improvements	Social Service Improvements	Social Service Improvements
Education improvements in Belle Haven	Underground power lines	Education improvements in Belle Haven	Education improvements in Belle Haven	Education improvements in Belle Haven	Education improvements in Belle Haven
Library improvements at Belle Haven	Telecommunications investment	Library improvements at Belle Haven	Medical center	Medical center	Medical center
Medical center	Incentives for private home energy upgrades, renewable energy, and water conservation	Medical center	High-Quality Affordable Housing	Senior service improvements	Library improvements at Belle Haven
Senior service improvements	Soundwalls adjacent to Highway 101	High-Quality Affordable Housing	Library improvements at Belle Haven	Library improvements at Belle Haven	High-Quality Affordable Housing
Add restroom at Onetta Harris Community Center		Senior service improvements	Senior service improvements	High-Quality Affordable Housing	Senior service improvements
Pool House remodel in Belle Haven	Social Service Improvements	Add restroom at Onetta Harris Community Center	Add restroom at Onetta Harris Community Center	Add restroom at Onetta Harris Community Center	Add restroom at Onetta Harris Community Center
High-Quality Affordable Housing	Education improvements in Belle Haven	Pool House remodel in Belle Haven	Pool House remodel in Belle Haven	Pool House remodel in Belle Haven	Pool House remodel in Belle Haven
	Library improvements at Belle Haven				
Energy, Technology, and Utilities Infrastructure	Medical center	Energy, Technology, and Utilities Infrastructure	Energy, Technology, and Utilities Infrastructure	Energy, Technology, and Utilities Infrastructure	Energy, Technology, and Utilities Infrastructure
Underground power lines	Senior service improvements	Underground power lines	Incentives for private home energy upgrades, renewable energy, and water conservation	Underground power lines	Underground power lines
Telecommunications investment	High-Quality Affordable Housing	Telecommunications investment	Underground power lines	Incentives for private home energy upgrades, renewable energy, and water conservation	Incentives for private home energy upgrades, renewable energy, and water conservation
Incentives for private home energy upgrades, renewable energy, and water conservation	Pool House remodel in Belle Haven	Incentives for private home energy upgrades, renewable energy, and water conservation	Telecommunications investment	Telecommunications investment	Telecommunications investment
Soundwalls adjacent to Highway 101	Add restroom at Onetta Harris Community Center	Soundwalls adjacent to Highway 101	Soundwalls adjacent to Highway 101	Soundwalls adjacent to Highway 101	Soundwalls adjacent to Highway 101
Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements
Bedwell Bayfront Park improvements	Bedwell Bayfront Park improvements	Bedwell Bayfront Park improvements	Tree planting	Bedwell Bayfront Park improvements	Tree planting
Tree planting	Tree planting	Tree planting	Community garden(s)	Tree planting	Bedwell Bayfront Park improvements
Dog park	Dog park	Dog park	Dog park	Community garden(s)	Community garden(s)
Community garden(s)	Community garden(s)	Community garden(s)	Bedwell Bayfront Park improvements	Dog park	Dog park

WHERE SURVEY RESPONDENTS LIVE:

Neighborhood/City					
Belle Haven	136	Pine Forest	1	Palo Alto/ East Palo Alto	2
Central Menlo	1	West Menlo	2	Gilroy	1
Downtown	2	Willows/Willow Road	7	Linfield Oaks	1
East Menlo Park	3	Flood Park	1	Undisclosed	37
				TOTAL	194

REVIEW THE PROPOSED COMMUNITY AMENITIES



CONNECTMENLO
menlo park land use & mobility updates

The amenities described below were identified during the Belle Haven Vision Plan and during the first year of the ConnectMenlo process. They were ranked in this order in a survey in March/April, 2015. Approximate cost estimates have been added for each amenity.

Place a dot to the left of the amenities that you think are most important.

Transit and Transportation Improvements	Jobs and Training at M-2 Area Companies	Social Service Improvements
A. Sidewalks, lighting, and landscaping – \$100 per linear foot <i>Enhance landscaping and lighting and fill gaps in sidewalk to improve the overall walkability</i>	A. Job opportunities for residents – \$10,000 in specialized training per employee <i>Local employers have a hiring preference for qualified residents</i>	A. Education improvements in Belle Haven – \$10,000 per student <i>Improvements to the quality of student education and experience in Belle Haven</i>
B. Traffic-calming on neighborhood streets – \$100,000 per block/intersection <i>Address cut-through traffic with design features</i>	B. Education and enrichment programs for young adults – \$10,000 per participant <i>Provide programs that target students and young adults to be competitive in the job market, including existing tech jobs</i>	B. Medical center – \$6 million to construct (\$300 per square foot) <i>Medical center providing health care services and out-patient care</i>
C. Bike trails, paths or lanes – \$100,000/ mile <i>Install new bike lanes and pedestrian paths and connect them to existing facilities and BayTrail</i>	C. Job training programs and education center – \$10,000 per participant <i>Provide residents with job training programs that prepare them with job skills</i>	C. Library improvements at Belle Haven – \$300,000 <i>Expand library programs and activities, especially for children</i>
D. Dumbarton Rail- \$175 million to construct and open trolley <i>Utilize the right-of-way for new transit line between Redwood City and Menlo Park in the near term with stations and a new bike/pedestrian path</i>	D. Paid internships and scholarships for young adults – \$10,000 per participant <i>Provide internships at local companies and scholarships to local youth to become trained for tech jobs</i>	D. High-Quality Affordable Housing – \$440,000/unit less land; \$82,000 typical per-unit local gap financing needed for a tax-credit project <i>Integrate quality affordable housing units into new development</i>
E. Innovative transportation solutions (i.e. personal rapid transit) – PriceVaries <i>Invest in new technology like pod cars and transit that uses separate tracks</i>		E. Senior service improvements – \$100,000 per year <i>Increase the senior services at the Senior Center to include more aides and programs</i>
F. Bus service and amenities – \$5,000 per rider seat <i>Increase the number of bus stops, bus frequency and shuttles, and bus shelters</i>		F. Add restroom at Onetta Harris Community Center – \$100,000 <i>Additional restroom at the community center</i>
	Energy, Technology, & Utilities Infrastructure	
	A. Underground power lines – \$200/foot min.; \$50,000/project <i>Remove overhead power lines and install them underground along certain roads</i>	G. Pool House remodel in Belle Haven – \$300,000 <i>Remodel pool for year-round use with new heating and changing areas</i>
	B. Incentives for private home energy upgrades, renewable energy, and water conservation – \$5,000 per home <i>Offer financial assistance or other incentives to help area residents pay for energy-efficient and water conserving home improvements</i>	Park and Open Space Improvements
Community-serving Retail	C. Telecommunications investment – \$250 per linear foot <i>Improve the area's access to wifi, broadband, and other new technologies</i>	A. Tree planting – \$10,000 per acre <i>Plant trees along streets and parks to increase tree canopy</i>
A. Grocery store – \$15 million to construct (\$200 per sq ft) plus 25% soft costs, financing, etc.; \$3.7 million for 2 years of subsidized rent <i>A full-service grocery store providing a range of goods, including fresh fruits, vegetables and meat and dairy products</i>	D. Soundwalls adjacent to Highway 101– \$300,000 (\$600/foot) <i>Construct soundwalls between Highway 101 and Kelly Park to reduce sound</i>	B. Bedwell Bayfront Park improvements – \$300,000 <i>Improve access to the park and trails within it</i>
B. Restaurants – \$1.5 million (3,000 sq ft at \$400 per sq ft plus 25% for soft costs, financing, etc.) <i>A range of dining options, from cafes to sit-down restaurants, serving residents and local employees</i>		C. Community garden(s) – \$26,000 to construct ~0.3 acres, 25 beds, 2 picnic tables <i>Expand space for community to plant their own produce and flower gardens</i>
C. Pharmacy – \$3.75 million (15,000 sq ft at \$200 per sq ft, plus 25% for soft costs, financing, etc.) <i>A full-service pharmacy that fills prescriptions and offers convenience goods</i>		D. Dog park – \$200,000 for 0.5 acre (no land cost included) <i>Provide a dedicated, enclosed place where dogs can run</i>
D. Bank/ATM – \$1.88 million (3,000 sq ft at \$500 per sq ft plus 25% for soft costs, financing, etc.) <i>A bank or credit union branch with an ATM</i>		

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MEMORANDUM

DATE November 21, 2016
 TO Deanna Chow, Principal Planner
 FROM Terri McCracken, Senior Associate
 SUBJECT ConnectMenlo EIR Errata #3

This errata provides edits that further clarify the procedures for implementing Mitigation Measure BIO-1, minor text revisions to pages 4.3-3, 4.3-11, Table 4.3-1, Figure 4.3-1, and page 4.3-19 of the Draft EIR. In addition, this errata also includes text changes to Responses to Comments O13-11 and O13-12 of the Response to Comments Document.

Mitigation Measure BIO-1

On October 24, 2016, Errata #2 was circulated to provide edits to clarify the requirements of the site-specific Baseline Biological Resources Assessment (BRA) required under Mitigation Measure BIO-1 as shown in Chapter 2, Executive Summary, and Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document. Since this time the City has received additional requests from members of the Citizens Committee to Complete the Refuge (CCCR) to make further clarifying edits to Mitigation Measure BIO-1.

As discussed in Errata #2, the initial edits to Mitigation Measure BIO-1 were with respect to the confusion over the specified distance (10 feet) applied from a site proposed for development when it is “adjacent” to undeveloped natural habitat, which would trigger the required preparation of a BRA. The intent of the recommendation was to ensure that a detailed specific BRA would be required whenever sensitive biological resources could be directly or indirectly affected by proposed development. The distance for when a sensitive biological resource could be substantially affected varies based on a number of factors, including the nature of the proposed development and particular biological resource. These factors would be considered by the qualified biologist during preparation of the BRA, and appropriate recommendations made based on their professional judgment. As called for in Mitigation Measure BIO-1, an independent peer review of the BRA could be required to confirm its adequacy. Removing the specified distance for triggering a BRA and utilizing the term “adjacent” as is current practice in the City’s Municipal Code would better implement the recommended mitigation and ensure that assessments would be prepared any time sensitive biological resources could be affected.

While the protocol for the protection of special-status species and sensitive habitat are proscribed by Federal and State law and would be required to be followed for any project with the potential to adversely impact such conditions, the additional edits to Mitigation Measure BIO-1 include new text to further clarify the procedures to be followed for the preparation of the required BRA.

This errata reflects multiple revisions to Mitigation Measure BIO-1. Edits that are shown with only underline represent language that was added to the Response to Comments Document, **bold and underlined** text represent language that was added to the EIR in Errata #2, and the changes in this errata

are shown in ***bold, italicized, and underlined*** text; ~~strikethrough~~ represent text that has been deleted from the EIR. None of the revisions constitutes significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

Mitigation Measure BIO-1 appears in multiple places in the EIR and the Mitigation Monitoring or Reporting Program (MMRP) on the following pages:

- Pages 2-11 and 2-12 in Chapter 2, Executive Summary, of the Draft EIR
- Page 4.3-23 in Chapter 4.3, Biological Resources, of the Draft EIR
- Pages 2-12 thorough 2-14 of Chapter 2, Excutive Summary, of the Response to Comments Document
- Pages 3-8 and 3-9 of Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document
- Pages 3-36 and page 3-37 of Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document
- Pages 5 through 10 of the MMRP

Mitigation Measure BIO-1 as it appears in this Errata #3 supersedes all previous versions of this mitigation measure.

Mitigation Measure BIO-1: ~~Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required as part of the CEQA review of the project, if necessary, to confirm its adequacy. As part of the discretionary review process for development projects, *new construction and building additions regardless of size*, on sites in the M-2 Area, *in addition to appropriate CEQA review*, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status ~~bat~~ species, other sensitive biological resources, and/or active nests of common birds protected under the Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA ~~may~~ shall include: wetlands, occurrences or suitable habitat for special-status species, sensitive natural communities, and important movement corridors for wildlife such as creek corridors and shorelines.~~

The baseline BRA shall be prepared by a qualified biologist.

The baseline BRA shall provide a determination on whether any sensitive biological resources are present on the site, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. *If jurisdictional wetlands and/or waters are suspected to be present on the*

site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA.

The baseline BRA shall also include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project, particularly and lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).

The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current Don Edwards San Francisco Bay Northwest-Regional National Wildlife Refuge Comprehensive Conservation Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan and the United States Fish and Wildlife Service (USFWS) Recovery Plan for the Pacific Coast Population of the Western Snowy Plover, for determining the potential presence or absence of sensitive biological resources; however, the presence or absence of sensitive biological resources will be determined by on-site surveys. If the adjacent property is the Refuge, Refuge staff shall be contacted regarding the presence or absence of sensitive biological resources.

If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. Appropriate measures, such as preconstruction surveys, establishing no-disturbance zones and restrictive time periods during construction, protective development setbacks and restrictions, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist in consultation with the regulatory and resource agencies to provide adequate avoidance, or provide compensatory mitigation if avoidance is infeasible. With respect to fully protected species, if the BRA for any development project in the M-2 Area determines that any of the following Fully Protected Species are present, then neither take of such species will be permitted nor will mitigation measures including species collection or relocation. The Fully Protected Species include American Peregrine Falcon (*Falco peregrinus anatum*), California Black Rail (*Laterallus jamaicensis coturniculus*), California Clapper Rail - Ridgway's Rail (*Rallus longirostris obsoletus*), California Least Tern (*Sterna albifrons browni*), White-tailed Kite (*Elanus leucurus*), Salt-marsh harvest mouse (*Reithrodontomys raviventris*), and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).

The qualified biologist shall make reasonable efforts to consult with the Refuge management and where appropriate, the Endangered Species Office of the USFWS, the National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW) for determining the potential presence or absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required.

Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations (i.e., the USACE, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), USFWS, NMFS, Refuge and CDFW), shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits.

For sites properties that are adjacent to within 10 feet undeveloped lands, particularly permanent open space lands with federally and/or State-listed special status species, or sensitive habitats, or lands of the Refuge, this the BRA shall include consideration evaluation of the potential effects of:

- additional light,
- glare, and
- shading (i.e., shadow analysis).

- noise,
- urban runoff,
- water flow disruption,
- water quality degradation/sedimentation,
- attraction of nuisance species/predators (e.g., attraction to refuse) and their abatement (e.g., adverse impacts of rodenticides),
- and pesticides-

generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. The BRA shall include proposed avoidance, minimization, and mitigation of these adverse impacts.

The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department and the appropriate regulatory and resource agencies.

The following zoning regulations enacted by ordinances (including but not limited to 16.XX O-Office District, 16.XX.080 Corporate housing, 16.XX.140 Green and sustainable building; 16.XX LS-Life Science District, 16.XX.130 Green and sustainable building) to minimize impacts to biological resources are incorporated by reference into this mitigation measure and shall be a component of the project building permits:

1. Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.
2. Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.
 - a. Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.
 - b. Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.
 - c. Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.
3. Bird-friendly design.
 - a. No more than ten percent (10%) of façade surface area shall have non-bird- friendly glazing.
 - b. Bird- friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.
 - c. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.
 - d. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.
 - e. Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

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

If it is determined through the BRA or CEQA review that further assessment/monitoring/reporting is required by appropriate regulatory or resource agencies, it shall be the responsibility of the City to ensure all project requirements are implemented.

Additional Text Edits to Chapter 4.3, Biological Resources

The text on page 4.3-3 of the Draft EIR under the subheading State Regulations is hereby amended as follows:

California Fish and Game Code

Under the California Fish and Game Code, the CDFW provides protection from “take” for a variety of species. The CDFW also protects streams, water bodies, and riparian corridors through the Streambed Alteration Agreement process under Section 1601 to 1606 of the California Fish and Game Code. The California Fish and Game Code stipulates that it is “unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake” without notifying the Department, incorporating necessary mitigation, and obtaining a Streambed Alteration Agreement. CDFW’s jurisdiction extends to the top of banks and often includes the outer edge of riparian vegetation canopy cover.

California Fish and Game Code Sections 1600 through 1616 regulate development to avoid and mitigate impacts or modification to rivers, streams, or lakes. Modification is defined as diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream or lake.

California Fish and Game Code Section 3503.5 prohibits “take,” possession, or destruction of any raptor (bird of prey species in the orders Falconiformes and Strigiformes), including their nests or eggs. Violations of this law include destruction of active raptor nests as a result of tree removal and disturbance to nesting pairs by nearby human activity that causes nest abandonment and reproductive failure.

California Fish and Game Code Sections 3511, 4700, 5050 and 5515 pertain to take and possession of Fully Protected birds, mammals, amphibians and reptiles, and fish species, respectively. Fully Protected species are those recognized by CDFW that may not be taken or possessed at any time. No licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. The classification of Fully Protected was an initial effort by CDFW in the 1960's to identify and provide additional protection to those animals that were rare or considered to face possible extinction.

The last paragraph on page 4.3-11 under the subheading “Special-Status Species” is hereby amended as follows:

A number of special-status species have been reported from the Menlo Park vicinity. Most of these occurrences are from the remaining natural areas along the shoreline of the Bay, or the open hillsides to the south of the study area. Figures 4.3-2 and 4.3-3 show the known occurrences of special-status plant

and animal species, respectively, known from the vicinity of Menlo Park as mapped by the CNDDDB. Table 4.3-1 provides a summary of the special-status species which have occurrences reported by the CNDDDB extending within the study area, providing information on their status and preferred habitat types. These consist of seven special-status plant species and 14 special-status animal species. There remains the potential for other special-status species to be present in the Menlo Park vicinity as well. Some of these special-status species are not closely monitored by the CNDDDB for a variety of reasons, including, absence of reported nesting locations, or other essential habitats and are therefore not listed on Table 4.3-1. However, many of these species are included on Figure 4.3-2 and 4.3-3 from reported occurrences in other locations in the surrounding areas, and do have the potential to occur in the Study Area where suitable habitats is present. These include a number of species that are “fully protected” by the CDFW (see Section 4.3.1.1, Regulatory Framework, subheading State Regulations), such as the American Peregrine Falcon (*Falco peregrinus anatum*), White-tailed Kite (*Elanus leucurus*), California Least Tern (*Sterna albifrons browni*), Salt-marsh harvest mouse (*Reithrodontomys raviventris*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), California Black Rail (*Laterallus jamaicensis coturniculus*), and California Clapper Rail (*Rallus longirostris obsoletus*) also known as the Ridgway’s rail.

Table 4.3-1, Special-Status Species in Menlo Park Vicinity, on pages 4.3-11 through 4.3-17 is hereby amended as shown on the following page.

The text on page 4.3-19 of the Draft EIR under the subheading “State Regulations” is hereby amended as follows:

The proposed project would largely occur in urbanized areas where special-status species are generally not expected to occur. The potential for occurrence of special-status species in developed areas is generally very remote in comparison to undeveloped lands with natural habitat that contain essential habitat characteristics for the range of species known in the Menlo Park vicinity. As discussed above under Section 4.3.1.2, Existing Conditions, certain geographic areas of the proposed project are closely associated with lands where special-status species may occur or be persistently present and lands in those geographic areas may include or be adjacent to sensitive natural communities, habitats, wetlands, creeks and sloughs. As shown on Figure 4.3-3 above, the western snowy plover, Santa Cruz kangaroo rat, salt-marsh harvest mouse, the San Francisco garter snake, California Clapper Rail (also known as Ridgway’s rail), and California least tern, among others, have been observed or have the potential for occurrence in the remaining undeveloped lands in Bayfront Area.

Figure 4.3-3 Special-Status Animal Species on page 4.3-13 is hereby amended to show that the California Clapper Rail is also known as the Ridgway’s rail.

TABLE 4.3-1 SPECIAL-STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
Plants								
<i>Chloropyron maritimum ssp. palustre</i>	Point Reyes bird's-beak	Possibly Extirpated	None	None	--	1B.2	Coastal salt marsh.	Usually in coastal salt marsh with <i>Salicornia, distichlis, jaumea,</i> and <i>spartina.</i>
<i>Cirsium praeteriens</i>	Lost thistle	Presumed Extant	None	None	--	1A	Little information exists on this plant; it was collected from the Palo Alto area at the turn of the 20th century.	Although not seen since 1901, this <i>cirsium</i> is thought to be quite distinct from other species.
<i>Collinsia multicolor</i>	San Francisco collinsia	Presumed Extant	None	None	--	1B.2	Closed-cone coniferous forest, coastal scrub.	On decomposed shale (mudstone) mixed with humus.
<i>Dirca occidentalis</i>	western leatherwood	Presumed Extant	None	None	--	1B.2	Upland forest, chaparral, woodland, riparian forest, riparian woodland.	On brushy slopes, mesic sites; mostly in mixed evergreen and foothill woodland communities.
<i>Eryngium aristulatum var. hooveri</i>	Hoover's button-celery	Possibly Extirpated	None	None	--	1B.1	Vernal pools.	Alkaline depressions, vernal pools, roadside ditches, and other wet places near the coast.
<i>Hemizonia parryi ssp. congdonii</i>	Congdon's tarplant	Possibly Extirpated	None	None	--	1B.2	Grasslands and disturbed locations.	Alkaline substrates, particularly near seasonal wetland, brackish marsh, and muted tidal marsh.
<i>Stuckenia filiformis</i>	Slender-leaved pondweed	Presumed Extant	None	None	--	2.2	Marshes and swamps.	Shallow, clear water of lakes and drainage channels.
Animals								
<i>Ambystoma californiense</i>	California tiger salamander	Extirpated	Threatened	Threatened	Special Concern		Central Valley DPS federally listed as threatened. Santa Barbara and Sonoma Counties DPS federally listed as endangered.	Need underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding.

TABLE 4.3-1 SPECIAL-STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
<i>Antrozous pallidus</i>	Pallid bat	Presumed Extant	None	None	Special Concern		Deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting.	Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.
<i>Athene cucularia</i>	Western burrowing owl	Presumed Extant	None	None	Special Concern		Grasslands, shrub lands.	Burrows into ground. Uses a variety of natural and artificial burrowing sites. Prefers short grasses.
<i>Charadrius alexandrinus nivosus</i>	Western snowy plover	Presumed Extant	Threatened	None	Special Concern		Sandy beaches, salt pond levees and shores of large alkali lakes.	Needs sandy, gravelly, or friable soils for nesting.
<i>Circus cyaneus</i>	Northern harrier	Presumed Extant	None	None	Special Concern		Grasslands, salt marshes, open habitats with rodent populations.	Ground nesting, typically near shrubs in marshes.
<i>Dipodomys venustus venustus</i>	Santa Cruz kangaroo rat	Presumed Extant	None	None	--		Silverleaf manzanita mixed chaparral in the Zayante sand hills ecosystem of the Santa Cruz Mountains.	Needs soft, well-drained sand.
<u><i>Elanus leucurus</i></u>	<u>White-tailed kite</u>	<u>Presumed Extant</u>	<u>None</u>	<u>None</u>	<u>FP</u>		<u>Open grasslands, meadows, or marshes.</u>	<u>Requires dense-topped trees or shrubs for nesting and perching.</u>
<i>Emys marmorata</i>	Western pond turtle	Presumed Extant	None	None	Special Concern		A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation.	Need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.
<u><i>Falco peregrinus</i></u>	<u>American peregrine falcon</u>	<u>Presumed Extant</u>	<u>Delisted</u>	<u>Delisted</u>	<u>FP</u>		<u>A variety of open habitats including coastlines, mountains, marshes, bay shorelines, and urban areas.</u>	<u>Nest on cliffs, bridges, and tall buildings.</u>
<i>Lasiurus cinereus</i>	Hoary bat	Presumed Extant	None	None	--		Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding.	Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.

TABLE 4.3-1 SPECIAL-STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
<i>Lanius ludovicianus</i>	Loggerhead shrike	Presumed Extant	None	None	Special Concern		Grasslands, shrub-grasslands, savannah.	Nests in landscaping trees and shrubs. Uses barbed wire to impale prey, and for perching.
<i>Laterallus jamaicensis coturniculus</i>	California black rail	Presumed Extant	None	Threatened	FP		Salt marshes and in some freshwater marshes.	Dense cover bordering larger bays, also found in brackish and freshwater marshes.
<i>Rallus longirostris obsoletus</i>	California clapper rail / Ridgway's rail	Presumed Extant	Endangered	Endangered	FP		Tidal salt marsh and brackish water marsh.	Sloughs and marsh fringes with substantial cordgrass, pickleweed or bulrush cover.
<i>Reithrodontomys raviventris</i>	Salt-marsh harvest mouse	Presumed Extant	Endangered	Endangered	FP		Only in the saline emergent wetlands of San Francisco Bay and its tributaries.	Pickleweed is primary habitat. Do not burrow, build loosely organized nests. Require higher areas for flood escape.
<i>Sorex vagrans halicoetes</i>	Salt-marsh wandering shrew	Presumed Extant	None	None	Special Concern		Salt marshes of the south arm of San Francisco Bay.	Medium high marsh 6 to 8 feet above sea level where abundant driftwood is scattered among Salicornia.
<i>Spinus lawrencii</i>	Lawrence's gold finch	Presumed Extant	None	None	Special Concern		Uplands, non-native grasslands, ruderal.	Forages from seed-bearing plants, such as thistles.
<i>Sternula antillarum browni</i>	California least tern	Presumed Extant	Endangered	Endangered	FP		Beaches along coast and inland marshlands.	Feeds in shallow estuaries, marshes or lagoons where fish are abundant. Needs bare ground for nesting and roosting.
<i>Taxidea taxus</i>	American Badger	Presumed Extant	None	None	Special Concern		Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable (easy to dig) soils.	Needs sufficient food, friable soils & open, uncultivated ground. Preys on burrowing rodents. Digs burrows.
<i>Thamnophis sirtalis tetrataenia</i>	San Francisco garter snake	Presumed Extant	Endangered	Endangered	FP		Vicinity of freshwater marshes, ponds, and slow moving streams in San Mateo County and extreme Northern Santa Cruz County.	Prefers dense cover and water depths of at least one foot. Upland areas near water are also very important.
	Tree Nesting Raptors	Presumed Extant	None	None	Special Concern		Grasslands, woodlands	Trees

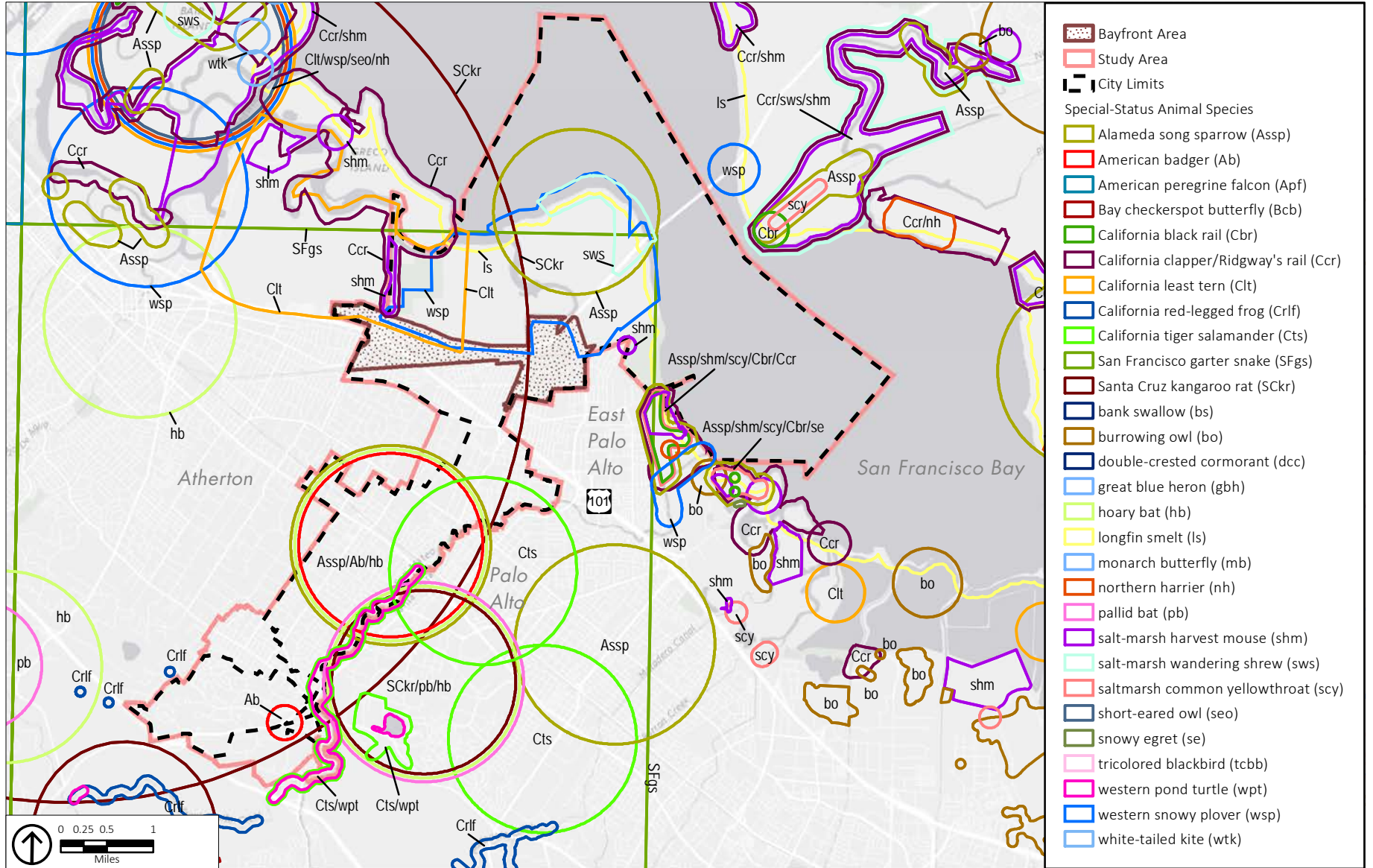
TABLE 4.3-1 SPECIAL-STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation	
Notes:				CNPS California Rare Plant Rank					
Agencies				1A:	Plants presumed extinct in California.				
USFWS =	U.S. Fish and Wildlife Service			1B:	Plants rare, threatened, or endangered in California and elsewhere.				
CDFW =	California Department of Fish and Wildlife			2:	Plants rare and endangered in California but more common elsewhere.				
CNPS =	California Native Plant Society			3:	Plants about which additional data are needed – a review list.				
FP =	<u>California Fully Protected</u>			4:	Plants of limited distribution – a watch list				

Source: California Natural Diversity Database, 2015.



BIOLOGICAL RESOURCES



Source: City of Menlo Park, 2015; PlaceWorks, 2015; California National Diversity Database, 2015.

Figure 4.3-3
Special-Status Animal Species

Responses to Comments O13-11 and O13-12

The responses to comments provided for Comment O13-11 and O13-12 of the Response to Comments Document are hereby amended as follows:

Response to Comment O13-11

The importance of the Don Edwards Bay National Wildlife Refuge (Refuge) and associated coastal salt marsh habitat is acknowledged on page 4.3-9 of the Draft EIR, including reference to the South Bay Salt Pond Restoration Project. A discussion of the conformance of the proposed project with local policies and ordinances related to biological resources is provided under Impact BIO-5 on page 4.3-27 of the Draft EIR. A discussion of the impact of the proposed project on adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan is addressed under Impact Discussion BIO-6 on pages 4.3-27 and 4.3-28 of the Draft EIR, including potential impacts to sensitive habitat in the Stanford HCP area that could occur as a result of the proposed project if adequate controls are not implemented. In 2012 the U.S. Fish and Wildlife Service (USFWS) completed a Final Comprehensive Conservation Plan (CCP) for the Refuge, including those portions of the project study area recognized as existing Refuge lands and areas for potential additions to the Refuge. ~~All of the~~ The lands within the Study Area within the existing Refuge or areas for potential additions to the Refuge are designated as Baylands in the General Plan Land Use Element and zoned as Flood Plain (FP) Open Space and Conservation (OSC) under the proposed project. Areas for potential additions to the Refuge are designated as Baylands in the General Plan Land Use Element and zoned as Flood Plain (FP) or designated as Bayfront Area in the General Plan Land Use Element and zoned as Life Science (LS) under the proposed project. Given the open space designations under the proposed project, no ~~Conflicts~~ Conflicts with the current and future CCP goals and policies are not anticipated. While the CCP is not an adopted habitat conservation plan under the CEQA significance criteria, it does provide important management guidance for Refuge lands by describing desired future conditions and long-range guidance to accomplish the purposes for which the Refuge was established. The CCP and accompanying Environmental Assessment (EA) address the USFWS legal mandates, policies, goals, and National Environmental Policy Act (NEPA) compliance.

Response to Comment O13-12

As noted by the commenter, related projects to the CCP include the South Bay Salt Pond Restoration Project and the Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. (U.S. Fish and Wildlife Service, 2013, Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. Sacramento, California.)

The South Bay Salt Pond Restoration Project (SBSPRP) (EDAW, Philip Williams and Associates, H.T. Harvey and Associates, Brown and Caldwell, and Geomatrix, 2007, South Bay Salt Pond Restoration Project, Final Environmental Impact Statement/Report, Volume 1. Submitted to U.S. Fish and Wildlife Service and California Department of Fish and Game. December) is the largest tidal wetland restoration project on the West Coast, with the goal of restoring 15,100 acres of former commercial salt ponds at the south end of San Francisco Bay to a mix of tidal marsh, mudflat, managed pond, open water, and other wetland habitats. When fully implemented, the SBSPRP will serve to restore and enhance the tidal marsh ecosystems of the plan area, provide adequate pond habitat to migratory birds, increased wildlife-oriented public access and recreation, and improved flood management in the South Bay. All of the Ravenswood pond complex within the project area has been designated as Baylands in the General Plan Land Use Element and zoned as Flood Plain (FP) Open Space and Conservation (OSC) under the proposed project.

The Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (Recovery Plan) focuses on five endangered species: two endangered animals, California clapper rail (or Ridgway's rail) and salt marsh harvest mouse, and three endangered plants - Suisun thistle, soft bird's-beak, and California sea-blite. While addressing the habitat requirements of these species is at the core of the Recovery Plan, the larger goal is to achieve the comprehensive restoration and management of tidal marsh ecosystems. The Recovery Plan is an expansion and revision of The California Clapper Rail and Salt Marsh Harvest Mouse Recovery Plan prepared by the USFWS in 1984. In addition, the Recovery Plan addresses 11 species or subspecies of concern. These include: salt marsh wandering shrew, Suisun shrew, San Pablo vole, California black rail, three song sparrow subspecies of the San Francisco Bay Estuary (Alameda song sparrow, Suisun song sparrow and San Pablo song sparrow), saltmarsh common yellowthroat, old man tiger beetle, Delta tule pea, and Pacific cordgrass. The Central/South San Francisco Bay Recovery Unit of the Recovery Plan ~~extends over the baylands in the project area~~, encompassing areas designated as Baylands in the General Plan Land Use Element and zoned Flood Plain (FP) OSC Open Space and Conservation or designated as Bayfront Area in the General Plan Land Use Element and zoned Life Science (LS) under the proposed project.

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TABLE 16.XX.140(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS						
	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. to 9,999,000 sq. ft. of conditioned area, volume or size	10,000 1,001 sq. ft. – 25,000 sq. ft. of conditioned area, volume or size*****	25,001 sq. ft. and above of conditioned area, volume or size*****
Green Building	Designed to meet LEED Silver BD+C*	Designed to meet LEED Silver BD+C*	Designed to meet LEED Gold BD+C*	CALGreen Mandatory	Designed to meet LEED Silver ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.xx.140(2)(B)	Designed to meet LEED Gold ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.xx.140(2)(B)
Electrical Vehicle (EV) Chargers	<p>Pre-Wire**</p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p>Install EV Chargers***</p> <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations. 	<p>Pre-Wire**</p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p>Install EV Chargers***</p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	<p>Pre-Wire**</p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p>Install EV Chargers***</p> <ul style="list-style-type: none"> • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations. 	N/A (Voluntary)	N/A (Voluntary)	N/A (Voluntary)
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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

**Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

***Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 240 V and 40 AMPs such that it can be used by all electric vehicles.

****Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.xx.140.(2).(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.xx.140.(2).(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action.

***** If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e.10,000 sq. ft. or 25,001 sq.ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

TABLE 16.XX.140(1)(C): NON-RESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. – 9,999 4,000-sq. ft. of conditioned area, volume or size	10,000 4,001-sq. ft.– 25,000 sq. ft. of conditioned area, volume or size*****	25,001 sq. ft. and above of conditioned area, volume or size*****
Green Building	Designed to meet LEED Silver BD+C *	Designed to meet LEED Silver BD+C *	Designed to meet LEED Gold BD+C *	CALGreen Mandatory	Designed to meet LEED Silver ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.xx.140(2)(B)	Designed to meet LEED Gold ID+C * or update core and shell of entire building to current California Energy Code**** and meet section 16.xx.140(2)(B)
Electric Vehicle (EV) Chargers	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations. 	N/A (Voluntary)	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum of 2 chargers in the pre-wire locations. 	<p><u>Pre-Wire**</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers***</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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

**Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

***Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 240 V and 40 AMPs such that it can be used by all electric vehicles.

****Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.xx.140.(2).(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.xx.140.(2).(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action.

***** If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq.ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

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In reply, please refer to our
File No.

November 22, 2016

City of Menlo Park
701 Laurel Street,
Menlo Park, CA 94025
Attn: City Council

Subject: Resource Recovery – Bayfront Recycled Water Feasibility Study

Honorable Mayor and City Council,

West Bay Sanitary District has a valuable resource, approximately 3.5 million gallon a day, of wastewater that could be recovered/utilized to provide recycled water within West Bay's jurisdiction and in particular for the Menlo Park Bayfront area (M-2 zoning area). This reclamation opportunity is one that could benefit all parties within our mutual jurisdictions.

Following discussion with City staff and for the sake of simplicity, West Bay has decided to independently pursue, a feasibility study (Facilities Plan) for a Bayfront regional recycled water treatment facility. This facility is proposed to be located on the grounds of the former West Bay Sanitary District treatment facility behind Bedwell Bayfront Park.

The potential benefits of such a project are numerous. A regional approach provides the availability and the ability to recover much more of our valuable resource. This source and supply of recycled water would be reliable, sustainable, and much less costly than independent onsite systems. Onsite systems are currently exceedingly costly to implement (i.e. \$1M for 5,000 gallons per day- S.F example) and are challenging (burdensome) and costly to maintain. A regional approach provides consistency and eliminates the need to permit the discharges and inspect an unknown quantity of various types of onsite systems on a regular and ongoing basis.

This feasibility study will include assessing the market in the Bayfront area for the potential use of recycled water, including irrigation, groundwater recharge, firefighting, public fill stations, and indoor demand from toilet/urinal flushing, as well as cooling and process water supplies. The study will look at the distribution system required, and the level of treatment needed. Additionally, the study will identify and examine potential capital and O&M costs in order to understand the magnitude of such a project. The feasibility study will also look at regulation requirements; complexity and duration of the project; alternatives such as phasing in quantity capabilities; and funding opportunities from State, Federal, private, and internal sources.

Once the study is complete (2-3) months, West Bay would like to continue discussion on opportunities for partnering with the City of Menlo Park on the furtherance of a recycled water facility that could potentially serve the Bayfront (M-2) area.

Sincerely Yours,

Phil Scott
District Manager

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Dear Honorable City Council Members:

We would like to express our strong support for the onsite water recycling requirements applicable to new development with 250,000 sq. ft or more proposed in the Menlo Park General Plan for the following reasons:

1. Water is a scarce resource – climate change is likely to accelerate, especially in light of the new federal government leadership coming into power next year. Abnormally low rainfall will become more frequent in the years to come. We as a local community need to prepare for this changing and uncertain future. The Water Supply Evaluation Study dated February 2, 2016 by EKI estimates that Menlo Park will experience a water shortage during “worst case drought scenario” and will need to resort to a Water Shortage Contingency Plan, even with the implementation of on-site water recycling requirements in the Bayfront Area. Menlo Park businesses and residents will need to do everything in our power to conserve this finite resource and to be ready for the worst in order to grow as a vibrant and equitable community.
2. Because access to water is basic human right, it has been underpriced with respect to the cost of delivering future water supplies. It is time for our leaders to demonstrate courage to change our perception of abundant, cheap water and put a more accurate price mechanism in place, that signals its true value and scarcity. The City of San Francisco has led in requiring many conservation measures. They implemented similar on-site water recycling requirements in a limited area in November of 2015. Since this November 1, San Francisco now requires that all new buildings of 250,000 sq. ft or more install dual plumbing and on-site water reuse systems or hook up to the municipal recycled water system.
3. We understand Facebook has already taken the initiative to design water recycling systems into their new buildings in order to minimize their future vulnerability to future water scarcity. That is a very forward thinking business planning in addition to being good for advancing their corporate brand. Companies and developers will need to change their mindset of doing business as usual and start preparing for a new reality to account for the real risks associated with continued severe drought and water scarcity.

We applaud the strong and visionary leadership of the City of Menlo Park to follow through with this water reuse requirement to ensure the development of a resilient city going forward.

Thank you.

Kanako McPhail, a resident of Menlo Park and

Marianna Grossman, Managing Partner, Minerva Ventures, a consultancy working to help Bay Area communities plan a resilient path forward.

www.minervaventures.com | mgrossman@minervaventures.com | kmcphail@minervaventures.com

From: Rachel Scheuring
To: [_CCIN](#)
Cc: [Chow, Deanna M](#); [Arron Retterer](#)
Subject: General Plan--Traffic Mitigations
Date: Monday, November 21, 2016 4:28:50 PM

To the Menlo Park City Council,

I would like to urge you to refine the General Plan update to better address citywide traffic issues. As a resident of Suburban Park, I have witnessed an extraordinary growth in traffic on Bay Road in the last few years. The back up at Bay Road and Ringwood Avenue stretches up to 50 cars at 8 am weekday mornings. The wait on Bay Road to get onto Willow Road at 5 pm is 20 minutes. This is in addition to increased traffic that I have witnessed throughout the city.

This traffic growth has occurred in the absence of the proposed development allowed under the General Plan update. I am fearful of what further development will mean for the Bay Road neighborhoods (and for Menlo Park in general) without real traffic mitigations. Much of the traffic on Bay Road, especially in the afternoon, is a spillover from the back up on Marsh and Willow Roads.

I understand that the General Plan Update includes some specific traffic mitigations, but sense that these are inadequate to address the traffic issues presented by further development in the M-2 area. Correspondingly, I encourage you to refine the General Plan update to require specific plans for execution of transportation improvements BEFORE approving more office space. It is not enough to merely hope for regional transportation improvements in the future to solve our traffic problems today.

I am hopeful that Menlo Park can lead the way in driving smart development by linking development approval to an actionable, measurable plan for simultaneous transportation improvements.

Sincerely,

Rachel Scheuring
117 Bay Road
Menlo Park, CA 94025
(650) 321-3552

From: Richard Vaughan
To: [connectmenlo](#)
Subject: Comment: General Plan and M-2 Area Zoning Update
Date: Friday, November 11, 2016 10:13:13 AM

Dear Ms. Chow and the City Council of Menlo Park,

I am in receipt of your notice of Public Hearing regarding the General Plan and M-2 Area Zoning Update. I am unable to attend your meeting on November 29 but hope that these comments can be added to the discussion.

I am a resident of Redwood City and work in Menlo Park as the Music Director at Hillview Middle School. I live on 17th Avenue and commute daily on Marsh and Middlefield Rd. My reason for commenting is with regards to traffic. I am very concerned, to put it mildly, that an additional 4.1 million ft of non-res dev. and up to 5,500 residential units in the Facebook/Baylands corridor without taking into account the already congested streets in the area, especially at peak rush hour times, will lead to more and more gridlock.

There have already been times when it has taken me over 60 minutes just to get from Marsh and Bohannon to the Dumbarton Bridge.

This sort of gridlock creates a nightmare for emergency personnel, environmental quality and has a deleterious impact upon the surrounding community as commuters try to find an escape route and drive through residential neighborhoods looking for whatever shortcuts their traffic apps suggest.

I cannot emphasize enough the Negative Impact traffic has upon the Quality of Life for anyone living in or near this area.

I would highly suggest that before you simply approve any increases to the General Plan that you also seriously look at ways to mitigate traffic and encourage the creation of mass transit, bike and foot traffic corridors. To date, the Dumbarton Rail Project seems to have stalled yet this rail line and side easements could provide the way for an emergency access route, designated bike lanes as well as light rail or ACE commuter trains into the peninsula.

To this end, I would ask that any future development should require the installation of a second rail bridge over 101 (the footings are already there) and the creation of a mass transit hub in this region to facilitate the expansion of Facebook and all additional housing.

As I look beyond simply Menlo Park, I see building up and down the 101 Corridor with no consideration for the number of cars each new project brings. Redwood City is fundamentally changed and traffic is worse than ever. The new construction of Stanford's Medical facilities on Spring St coupled with the current plan for the Broadway/Bay Plaza

<http://realsmartgroup.com/development-proposal-unveiled-for-aging-rwc-shopping-center/> will also lead to more traffic. I'm sure that many of us are waiting for the next shoe to drop with regards to what Bohannon has planned for its properties, as well.

All of these taken together, without consideration of a formal region-wide traffic plan, display a mindset that is narrow and local. It is time to broaden our viewpoint. We are negatively impacting the things that make the peninsula such a great place to live. Were I in such a position, would never consider bringing a new company into this region if traffic mitigations are not addressed. You want to discuss lost productivity? Spend 2 hours trying to get from Menlo Park to SF on 101 at 4pm on a weekday.

While I am grateful that bringing Facebook to this region of Menlo Park has increased the value of my RWC home to those nearby in MP, the increased traffic and continuing degradation of my family's Quality of Life caused by uncoordinated regional growth up and down the peninsula and the lack of a committed Traffic Plan to deal with this growth forces me to consider moving out of the area.

Please put traffic at the top of your list when it comes to any Re-Zoning and large construction projects.

Most Sincerely,

Richard Vaughan



STAFF REPORT

City Council

Meeting Date: 11/29/2016

Staff Report Number: 16-197-CC

Informational Item: Quarterly financial review of General Fund operations as of June 30, 2016

Recommendation

This is an informational item and does not require Council action.

Policy Issues

The quarterly budget-to-actual report is presented to facilitate better understanding of General Fund operations and the overall state of the City's current fiscal affairs by the public and the Council.

Background

In order to provide timely information to Council and the public, the City's Finance Department prepares a quarterly report on General Fund operations. The report provides a review of General Fund revenues and expenditures for the most recently completed fiscal year. These results are presented alongside results from the same time period for the previous year, with material differences being explained in the appropriate section of the staff report.

The report is inclusive of all material revenue and expenditures for the 12 month period ended June 30, 2015, including any accrual. The City's final financial results for fiscal year 2015-16 will be presented in December, when the Comprehensive Annual Finance Report (CAFR) is transmitted to the Council.

Analysis

Overview

The General Fund report, which is included as Table 3, was developed to apprise Council of the year-to-date status of the General Fund. It provides year-to-date fourth quarter comparable data for fiscal years 2014-15 and 2015-16. Information included is intended to highlight some critical elements as well as provide explanations for significant differences. Budget adjustments that were approved by Council throughout the fiscal year have been incorporated into this report. The report highlights that year-to-date actuals for fiscal year 2015-16 show a net revenue position of (\$219,582).

Although it appears as though the City will end the fiscal year with a negative net revenue position, in reality new capital projects were funded during the year utilizing forecasted favorable net position. Taking into account the one-time capital transfers approved by Council for projects such as Santa Cruz Sidewalks for \$3.8 million and San Francisquito Creek JPA funding for \$800,000, the General Fund would have had a surplus of \$4.7 million.

Revenue

Table 1 below shows a summary of fourth quarter budget-to-actual revenues for fiscal years 2014-15 and 2015-16.

Table 1: Revenues						
Revenues	2014-15			2015-16		
	Adjusted Budget	Actual 6/30/2015	% of Budget	Adjusted Budget	Actual 6/30/2016	% of Budget
Property Tax	\$15,986,324	\$16,827,342	105.26%	\$17,241,813	\$18,227,209	105.72%
Charges for Services	\$8,012,908	\$8,080,973	100.85%	\$8,077,135	\$8,350,744	103.39%
Sales Tax	\$6,348,146	\$6,527,498	102.83%	\$5,202,594	\$5,425,089	104.28%
Licenses & Permits	\$4,880,128	\$5,107,365	104.66%	\$5,890,363	\$5,847,247	99.27%
Transient Occupancy Tax	\$4,549,694	\$4,720,226	103.75%	\$5,947,835	\$6,268,171	105.39%
Franchise Fees	\$1,863,110	\$1,900,746	102.02%	\$1,940,013	\$1,871,742	96.48%
Fines	\$1,319,980	\$1,346,449	102.01%	\$1,067,643	\$1,349,853	126.43%
Utility User's Tax	\$1,129,632	\$1,187,020	105.08%	\$1,183,347	\$1,220,297	103.12%
Inter-Governmental Revenue	\$936,360	\$1,397,895	149.29%	\$928,467	\$1,211,449	130.48%
Rental Income	\$405,004	\$364,437	89.98%	\$655,598	\$657,865	100.35%
Interest Income	\$310,000	\$330,087	10648.00%	\$473,000	\$488,089	103.19%
Operating Transfers In/Other Revenue Sources	\$440,155	\$434,283	98.67%	\$478,849	\$482,252	100.71%
Use of Assigned Fund Balance	\$1,865,712	\$0	0.00%	\$1,261,644	\$0	0.00%
Total Revenues:	\$48,047,153	\$48,224,322	100.37%	\$50,348,301	\$51,400,008	102.09%

Through the fourth quarter of fiscal year 2015-16, year-to-date General Fund revenues are \$51.4 million, which is a 6.6 percent increase over the same time period in 2014-15. This increase is driven by several major revenue sources, including property tax, transient occupancy tax, and licenses and permits.

Property tax represents the largest source of General Fund revenue, and the budget was increased at mid-year to account for the City receiving a full share of Excess Educational Revenue Augmentation Fund (ERAF) revenue. Property taxes are up 8.3 percent over the same period of time compared to fiscal year 2014-15 and are 5.7 percent higher than the fiscal year amended budget.

Charges for services are up 3.3 percent, or \$270,000, over the fourth quarter of fiscal year 2014-15 and are higher than the amended budget by 3.4 percent or \$274,000.

Sales tax is tracking below last fiscal year's amount through June 30th, as revenues are down 16.9 percent. This is partially attributed to the loss of general retail and transportation sales tax generating sources. Sales tax revenue, when compared to the prior fiscal year, is also decreasing due to the reduction in receipts of Triple Flip reimbursements from the state. Fiscal year 2015-16 was the final year in which the city received Triple Flip reimbursements as the Economic Recovery Bonds associated with this program have expired.

License and permit revenues are up 14.5 percent or \$740,000 over the fourth quarter of fiscal year 2014-15 due to development activity in the City. It is important to note that revenues in this category, particularly permit revenues, are received in advance of incurring expenditures. Due to the timing of permitting activity, some of these expenditures have been budgeted in fiscal year 2016-17.

Transient occupancy tax (TOT) revenues are up 32.8 percent over the same period from last fiscal year. The increase is mostly attributed to strong local demand for rooms. Year-to-date revenues have exceeded the adjusted budget by 5.4 percent or \$320,000.

Expenditures

As expected, through the fourth quarter General Fund expenditures are up \$6.7 million, or 15 percent, over the previous year as a result of City Council approved transfers from the General Fund to the General Capital Improvement Fund during the course of the fiscal year. A year-over-year increase in operating expenditures was budgeted and additional one-time increases were approved by the Council as part of the mid-year review process in March 2016.

Similar to last year, actual expenditures are tracking slightly lower than the budget (91.03 percent for 2014-15 vs 91.67 percent for 2015-16) through the fourth quarter, as shown in Table 2 below. These savings are partially attributed to lower personnel costs associated with the timing of filling vacant positions within the Public Works and Community Development departments. Further, other departments (Library, Police, City Manager's Office, City Council, and Administrative Services) are tracking lower to budget in the fourth quarter.

Table 2: Expenditures						
Departments	2014-15			2015-16		
	Adjusted Budget	Actual 6/30/2015	% of Budget	Adjusted Budget	Actual 6/30/2016	% of Budget
Community Development	\$5,572,309	\$3,150,348	56.54%	\$5,140,492	\$3,547,131	69.00%
Library	\$2,268,284	\$2,214,447	97.63%	\$2,576,568	\$2,242,090	87.02%
Community Services	\$7,826,081	\$7,877,842	100.66%	\$7,887,011	\$8,007,677	101.53%
Public Works	\$7,062,343	\$6,270,908	88.79%	\$8,829,870	\$7,699,522	87.20%
Police	\$15,388,291	\$14,919,521	96.95%	\$16,537,885	\$15,874,455	95.99%
City Manager's Office	\$2,321,797	\$2,007,540	86.46%	\$2,284,073	\$1,846,058	80.82%
City Attorney	\$362,990	\$352,228	97.04%	\$385,651	\$431,385	111.86%
City Council	\$395,479	\$403,147	101.94%	\$424,666	\$402,346	94.74%
Administrative Services	\$3,853,462	\$3,385,195	87.85%	\$3,059,147	\$2,407,383	78.69%
Transfers Out	\$4,248,200	\$4,293,930	101.08%	\$9,186,877	\$9,161,877	99.73%
Total Expenditures	\$49,299,236	\$44,875,107	91.03%	\$56,312,240	\$51,619,923	91.67%

YTD General Fund Budget-to-Actuals

Table 3: YTD General Fund Budget to Actuals						
	2014-15			2015-16		
	Adjusted Budget	Actual 6/30/2015	% of Budget	Adjusted Budget	Actual 6/30/2016	% of Budget
Property Tax	\$15,986,324	\$16,827,342	105.26%	\$17,241,813	\$18,227,209	105.72%
Charges for Services	\$8,012,908	\$8,080,973	100.85%	\$8,077,135	\$8,350,744	103.39%
Sales Tax	\$6,348,146	\$6,527,498	102.83%	\$5,202,594	\$5,425,089	104.28%
Licenses & Permits	\$4,880,128	\$5,107,365	104.66%	\$5,890,363	\$5,847,247	99.27%
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Operating Transfers In/Other Revenue Sources	\$440,155	\$434,283	98.67%	\$478,849	\$482,252	100.71%
Use of Assigned Fund Balance	\$1,865,712	\$0	0.00%	\$1,261,644	\$0	0.00%
Total Revenues:	\$48,047,153	\$48,224,322	100.37%	\$50,348,301	\$51,400,008	102.09%
Expenditures						
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Transfers Out	\$4,248,200	\$4,293,930	101.08%	\$9,186,877	\$9,161,877	99.73%
Total Expenditures	\$49,299,236	\$44,875,107	91.03%	\$56,312,240	\$51,619,923	91.67%
Net Revenues	(1,252,083)	\$3,349,215		(5,963,939)	(219,915)	

Public Notice

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

Report prepared by:
Rosendo Rodriguez, Finance and Budget Manger

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STAFF REPORT

City Council

Meeting Date: 11/29/2016

Staff Report Number: 16-194-CC

Informational Item: Update on Emergency Wells 2 & 3

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The proposed project is consistent with the Menlo Park General Plan, Policy I-H-5, which states: “New wells and reservoirs may be developed by the City to supplement existing water supplies for Menlo Park during emergency and drought periods. Other sources such as interconnections and purchase agreements with water purveyors shall be explored and developed.”

The project is included in the 2016 City Council Work Plan (item #27) to add an additional emergency well.

Background

The Menlo Park Municipal Water District (MPMWD) provides water to approximately 16,000 residents through 4,300 service connections within two service areas: the upper zone (providing water to the Sharon Heights area) and the lower zone (providing water to areas east of El Camino Real). California Water Service provides water to the area between the upper and lower zones.

MPMWD purchases all of its water from the San Francisco Public Utilities Commission (SFPUC), which pipes water from the Hetch Hetchy reservoir in Yosemite National Park to Menlo Park. MPMWD has two reservoirs in the upper zone for emergency storage, but the lower zone does not have storage facilities or a dedicated secondary water supply. As a result, nearly 3,000 residences and businesses could be without water immediately for an undetermined period of time during a significant natural disaster.

The project goal to provide a total of 3,000 gallons per minute (gpm) as an alternative supply in the lower zone by constructing 3 to 4 emergency wells. Through an extensive process, MPMWD developed a screening process (2010), gathered community input and evaluated potential well sites (2011), drilled two exploratory borings (2012), and ranked the sites accordingly (2013). The environmental document for the first emergency well at the City’s Corporation Yard was approved in June 2016 and the well will be constructed in 2017.

In October 2010, the City Council approved the following technical and hydrogeologic criteria, and engineering and community “livability” criteria to rank potential well sites.

Technical and Hydrogeologic Criteria	
1.	Within or in close proximity to the water district's eastern service area to avoid the need for extensive additional infrastructure.
2.	Within the San Francisquito Cone, the subsurface alluvial deposit that contains the area's producing aquifers.
3.	Located ½ mile or greater from potential saltwater contamination, including the San Francisco Bay margin and salt evaporation ponds.
4.	Located where the San Francisquito Cone is thicker for best production.
5.	Located to limit interference with other existing wells.

Engineering Criteria	Community "Livability" Criteria
1. Acquisition Feasibility	1. Site Access
2. Site Hydrogeology	2. Noise Disturbance Potential
3. Construction Feasibility	3. Aesthetic Concerns
4. Operation & Maintenance Feasibility	4. Parkland Concerns
5. Regulatory Compliance	5. Land Use Planning Consistency
6. Hydraulic Considerations	6. Potential for Green Design
7. Environmental Factors	7. Potential for Combining Projects
8. Construction Cost	

On July 19, 2016, the City entered into an agreement with Infrastructure Engineering Corporation (IEC) to identify the next two emergency well locations, prepare environmental documents, design emergency wells 2 & 3, and provide construction support. This report provides an update to the City Council on the status of this project.

Analysis

Well Construction Process

Well design and construction consists of four steps. These steps are:

1. Identify locations for Emergency Wells 2 & 3 and perform exploratory drilling.
2. Develop and adopt the environmental document.
3. Drill the wells.
4. Construct the wellhead facilities (underground and above ground improvements).

We are currently at Step 1 to identify potential locations for both wells, Emergency Wells 2 & 3. The goal is to perform exploratory drilling and develop an environmental document that encompasses both wells to help streamline the process.

Step 1 – Identify Locations for Emergency Wells 2 & 3

Staff is evaluating the following potential well sites based on the approved criteria:

1. Burgess Park near the Alma Street/Burgess Drive intersection and along Ravenswood
2. Willow Oaks Park

3. Alma Site located at the intersection of Alma Street and East Creek Drive
4. Fire Station No.1 at 300 Middlefield Road
5. Alma Site/Burgess Park combination (described in more detail below)

Staff is also evaluating an additional option (Alma Site/Burgess Park combination) with the well and some of the components (generator, electrical transformer, electrical cabinet) at the Alma Site and the rest of the well components (surge tank, disinfection facility) at Burgess Park. Since the Alma Site could be an ideal location for a well as it's directly adjacent to San Francisquito Creek and could provide maximum well yields, it is too small to accommodate the well and all the well components. Since Burgess Park is a large park, it would be more feasible option to place some of the well components in that location.

Once the potential well sites are fully evaluated against the criteria, if there are not enough higher ranked well sites for Emergency Wells 2 & 3, staff may explore other opportunities.

Once the two highest ranked potential wells sites for Emergency Wells 2 & 3 have been identified, staff will provide the results of the evaluation to City Council before proceeding forward with public outreach. Once public outreach has been completed, staff will present findings to City Council and may recommend exploratory drilling at both locations.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Aerial of Potential Well Sites

Report prepared by:

Sally Salman, Assistant Engineer

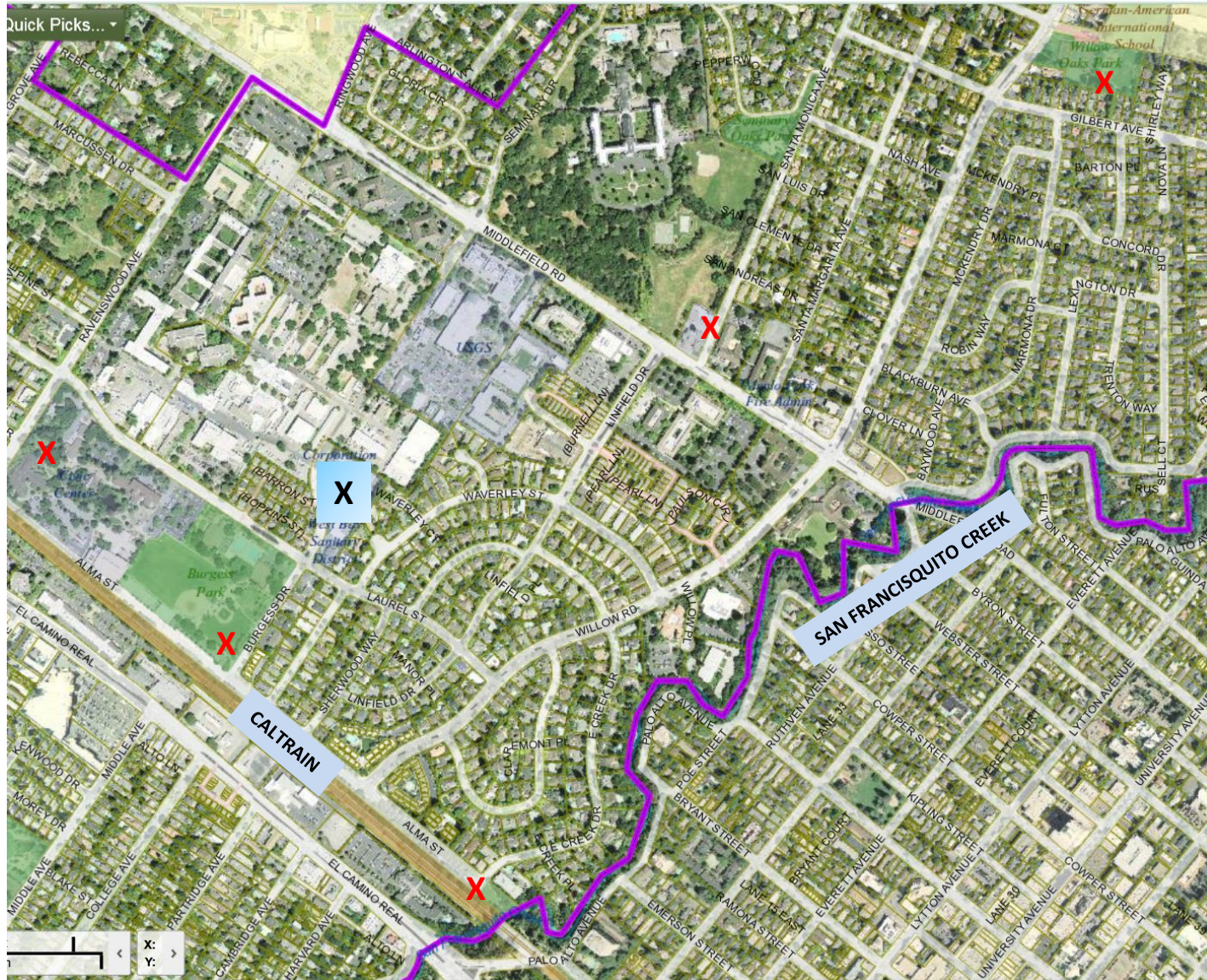
Pam Lowe, Senior Civil Engineer

Report reviewed by:

Ruben Nino, Assistant Public Works Director

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AERIAL OF POTENTIAL WELL SITES



X = Potential Well Sites
X = Corp Yard Well (well #1)

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