



**REGULAR MEETING AGENDA**

**Date:** 12/6/2016  
**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. Presentations and Proclamations**

- E1. Mayor for a Day commendation to Alessandra Molnar
- E2. Update on the Feasibility Report for the Strategy to Advance Flood Protection, Ecosystems and Recreation along the San Francisco Bay (SAFER Bay) Project

**F. Consent Calendar**

- F1. Waive the reading and adopt the zoning ordinance amendments and rezonings associated with the General Plan and M-2 Area Zoning Update (Staff Report # 16-215-CC)
- F2. Waive the reading and adopt 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 # 16-210-CC)
- F3. Waive the second reading and approve an ordinance that will establish the requirement for landlords to offer 12-month leases to renters (Staff Report # 16-213-CC)
- F4. Approve and authorize the City Manager to execute a contract with Buxton Co. for retail recruitment services and appropriate \$60,000 from reserves (Staff Report # 16-209-CC)
- F5. Adopt a resolution accepting FY2016-2017 State Supplemental Local Law Enforcement Grant (SLESF COPS Frontline) in the amount of \$100,000; and approve a spending plan

(Staff Report # 16-202-CC)

- F6. Authorize the City Manager to enter into a license agreement with the San Mateo County Transit District for the installation of bus shelters (Staff Report # 16-211-CC)
- F7. Award a contract to Sabre Communications Corporation for the Police/Public Works Antenna Replacement Project (Staff Report # 16-200-CC)
- F8. Authorize the Public Works Director to accept the work performed by Sierra Traffic Markings, Inc. for the Citywide Bicycle / Pedestrian Visibility Improvements Project (Staff Report # 16-206-CC)
- F9. Authorize the Public Works Director to accept the work performed by JJR Construction, Inc. for the Menalto and O'Connor Sidewalk Project (Staff Report # 16-205-CC)
- F10. Adopt a resolution approving the City Council Subcommittee recommendations regarding the 2016-17 Community Funding allocation (Staff Report # 16-202-CC)
- F11. Consider approval of an employer 1:1 match up to 4% of base salary to the City's existing voluntary 457(b) retirement savings plan for unrepresented management employees receiving the Tier 2 or Tier 3 pension benefit, and a resolution to amend the citywide salary schedule effective December 11, 2016 (Staff Report # 16-212-CC)
- F12. Authorize the City Manager to execute agreement with Renne Sloan Holtzman Sakai LLP for Labor and employee relations consulting services in an amount not to exceed \$120,000 (Staff Report # 16-208-CC)
- F13. Approve City Council minutes for the meetings of November 15 and 29, 2016 (Attachment)

**G. Regular Business**

- G1. Adopt a resolution to maintain the current Downtown Parking Pilot Program with extended free parking time limits (Staff Report # 16-207-CC)
- G2. Approve the Oak Grove University Crane Bicycle Improvement Concept Plan, authorize the City Manager to extend the consultant contract with Alta Planning & Design for final design, appropriate \$236,200 to implement a one year trial of the final design, and award construction contracts (Staff Report # 16-214-CC)
- G3. Approve 2017 City Council meeting calendar (Staff Report # 16-204-CC)

**H. Informational Items**

- H1. Update on 2016 City Council Work Plan (Staff Report # 16-203-CC)
- H2. Update on the annual report of the Below Market Rate (BMR) Housing Program, including the status of the BMR in-lieu fees collected as of June 30, 2016, in accordance with Government Code Section 66000 et.seq. and annual report on the status of the Transportation Impact, Storm Drainage, Recreation In-Lieu and Building Construction Road Impact Fees collected as of June 30, 2016, and make findings regarding funds collected but not expended (Staff Report # 16-xxx-CC)

**I. City Manager's Report**

**J. Councilmember Reports**

- J1. Provide direction to voting delegate for City Selection Committee (Staff Report # 16-xxx-CC)

**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.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

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## STAFF REPORT

**City Council**  
**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-215-CC

**Consent Calendar:** **Waive the reading and adopt the zoning ordinance amendments and rezonings associated with the General Plan and M-2 Area Zoning Update**

### Recommendation

Staff recommends that the City Council complete actions related to the adoption of the General Plan and M-2 Area Zoning Update by waiving the full reading of, and adopting the following ordinances:

1. Ordinance of the City Council of the City of Menlo Park Adding the O (Office) Zoning District to Title 16 of The Municipal Code (Attachment A);
2. 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 (Attachment B);
3. 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 (Attachment C);
4. 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 (Attachment D);
5. 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 (Attachment E); and
6. Ordinance of the City Council of the City of Menlo Park Rezoning Certain Properties Within the M-2 Area (Attachment F).

### Policy Issues

The recommended action is consistent with the City Council's actions and approvals at its meeting on November 29, 2016 and would serve to implement programs in the General Plan Land Use and Circulation Element to create a live/work/play environment in the Bayfront Area (M-2 Area).

### Background

On November 15 and 29, 2016, the City Council conducted public hearings to consider and take action on the General Plan Land Use and Circulation Elements and associated zoning in the Bayfront Area. After considering the Planning Commission's review, written correspondence, public comment, and deliberating on the items, the Council voted 4-1, to take the following actions related to the General Plan and M-2 Area

## Zoning Update.

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.
2. Adopt the resolution approving the General Plan Land Use and Circulation Elements.
3. Introduce the ordinance adding the Office (O) Zoning District to Title 16 of the Municipal Code.
4. Introduce the ordinance adding the Life Sciences (LS) District to Title 16 of the Municipal Code.
5. Introduce the ordinance adding the Residential Mixed Use (R-MU) District to Title 16 of the Municipal Code.
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.
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.
8. Introduce the ordinance rezoning certain properties within the M-2 Area.
9. Adopt the resolution approving the community amenities list.

The resolutions (items numbered 1, 2, and 9) became effective immediately with the Council's action. The ordinances related to items numbered 3, 4, 5, 6, 7 and 8 were introduced, with modifications, and require a second reading. The proposed modifications to the ordinances are noted in the Analysis section below. No changes have been made to the zoning language in items 6, 7, and 8.

### **Analysis**

The proposed zoning ordinances 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). In addition, the proposed ordinances modify the C-2-B (Neighborhood Commercial District, Restrictive) zoning district to allow residential use, streamline the hazardous materials review process as an administrative permit, and other minor modifications to the nonconforming uses and buildings regulations.

At the November 29, 2016 meeting, the Council introduced the ordinances with several specific revisions. The edits are shown below in strikeout and underline format. Attachments A through F include the final version of the ordinances which incorporate the revised language and "clean up" items such as errors in spelling, punctuation, and numbering.

### **Height**

In response to interest from property owners in the LS district, the City Council directed that the regulations for height be amended to add flexibility that would allow height to be calculated amongst multiple properties in the same zoning district. The proposed changes have been applied to the LS zoning district.

Development Regulations in LS District (Chapter 16.44.050)

<i>Height</i>	<p>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.</p>	<p>Height: 35 feet</p> <p>Maximum Height: 35 feet</p>	<p>Height: 67.5 feet</p> <p>Maximum height: 110 feet</p>	<p><u>Properties may calculate height amongst multiple properties in the same zoning district, subject to a deed restriction and approval by the Planning Commission or City Council.</u></p> <p>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.</p> <p>Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase in height and maximum height.</p>
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**Community Amenities**

Affordable housing has been a common theme throughout the ConnectMenlo process. To help respond to the desire for more affordable housing, the Council asked that additional affordable housing, up to 20 percent of the bonus level development, be the second community amenity provided in the R-MU district.

In addition, Council supported the clarifying language as recommended by staff that if a payment of a fee becomes an option, the payment of the fee shall not be less than the bonus value as calculated through the appraisal process.

In the O and LS Districts (Chapter 16.43.070 and Chapter 16.44.070)

**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 final inspection for the building 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 one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value as calculated pursuant to subsection (3) above.

(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.

In the R-MU District (Chapter 16.45.070)

**(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 percent (15%) 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 up to twenty percent (20%) of the bonus level development, or third 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 one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus less the affordable housing amenity value as calculated pursuant to subsection (3) above.
- (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.



## **Green Buildings**

In response to comments expressed by a major property owner in the LS District regarding concerns about the cost of ID+C improvements to small tenants with lab space, the Council asked that lab space be exempt from such improvements for additions and/or alterations between 10,000 and 25,000 square feet. The revised tables are shown in Attachment H.

The LS property owner also expressed concern regarding the requirement to establish the first floor elevation of all new buildings 24 inches above the base flood elevation, particularly on smaller parcels where the increased first floor would create challenges in meeting other requirements such as disability access. The Council agreed that flexibility is appropriate for smaller properties in all of the new districts and not just LS.

## **Sea Level Rise**

### **Flood Plain/Sea Level Rise in the O, LS and R-MU Districts (Chapter 16.43.140, Chapter 16.44.130, and Chapter 16.45.130)**

(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. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade where no BFE exists. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.

## **Bird Friendly Design**

Council Members acknowledged that the area could contain potential sensitive habitat and asked that the use of rodent pesticides be prohibited.

### **Ban on Rat Poison in the O, LS and R-MU Districts (Chapter 16.43.140, Chapter 16.44.130, and Chapter 16.45.130)**

(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) Use of rodenticides shall not be allowed.
- ~~(G)~~(H)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.

In addition, Council also directed one change in the Land Use Element to conduct a General Plan review every two years and also sought changes to prohibit rodenticides, which impacts the Statement of Overriding Considerations and the Mitigation Monitoring Reporting Program. The resolutions adopting the Land Use Element and certifying the EIR and adopting the Statement of Overriding Considerations and Mitigation Monitoring Reporting Program were adopted on November 29, 2016 with the noted modifications. For reference, the revised documents are included as Attachments G and H. No action is needed on these items.

### **Land Use Element – Review of General Plan**

**Program LU-1.C**      **Land Use Element Review.** Conduct an in-depth review of the General Plan Land Use Element three two (2) years after its adoption and thereafter as directed by the City Council.

### **Ban on Rat Poison in the Mitigation Monitoring Reporting Program and Statement of Overriding Considerations**

- (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.
  - g. Use of rodenticides shall not be allowed.

### **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. The total consultant approved budget approved to date for the project is \$1,737,000. The amount does not include staff's time that has been spent on the project.

### **Environmental Review**

On November 29, 2016, the City Council adopted a resolution that certified the EIR, made the CEQA findings, adopted the Statement of Overriding Considerations, and adopted the Mitigation Monitoring and Reporting Program.

### **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**

Ordinance off the City Council of the City Of Menlo Park Adding the O (Office) Zoning District to Title 16 of The Municipal Code

- A. 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
- B. 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
- C. 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
- D. 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
- E. Ordinance of the City Council of the City Of Menlo Park Rezoning Certain Properties Within the M-2 Area
- F. Land Use Element
- G. 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
- H. Redlined Green Building Requirement Table

Report prepared by:

Deanna Chow, Principal Planner

Report reviewed by:

Arlinda Heineck, Community Development Director

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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 (Office) 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 29, 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 29, 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.

**16.43.010 Purpose.**

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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.

#### **16.43.015 Definitions.**

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Terms are as defined in Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

#### **16.43.020 Permitted uses.**

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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.

#### **16.43.030 Administratively permitted uses.**

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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.

**16.43.040 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.

**16.43.050 Development regulations.**

Development regulations in the Office district are as follows:

<b>Regulation</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level</b>	<b>Notes/Additional Requirements</b>
<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.



<b>Regulation</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level</b>	<b>Notes/Additional Requirements</b>
	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 in height and maximum height.
<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.

### **16.43.055 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.

#### **16.43.060 Bonus level development.**

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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.

#### **16.43.070 Community amenities required for bonus development.**

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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 final inspection for the building 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 one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value as calculated pursuant to subsection (3) above.
- (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.

#### **16.43.080 Corporate housing.**

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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.

**16.43.090 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 Parking<sup>1</sup></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 <sup>2</sup> and 20% for short-term <sup>2</sup>
<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 <sup>2</sup> and 80% for short-term <sup>2</sup>
<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

<sup>1</sup> 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.

<sup>2</sup> 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.

**16.43.100 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.

**16.43.110 New connections.**

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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.

#### **16.43.120 Required street improvements.**

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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.

#### **16.43.130 Design standards.**

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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.

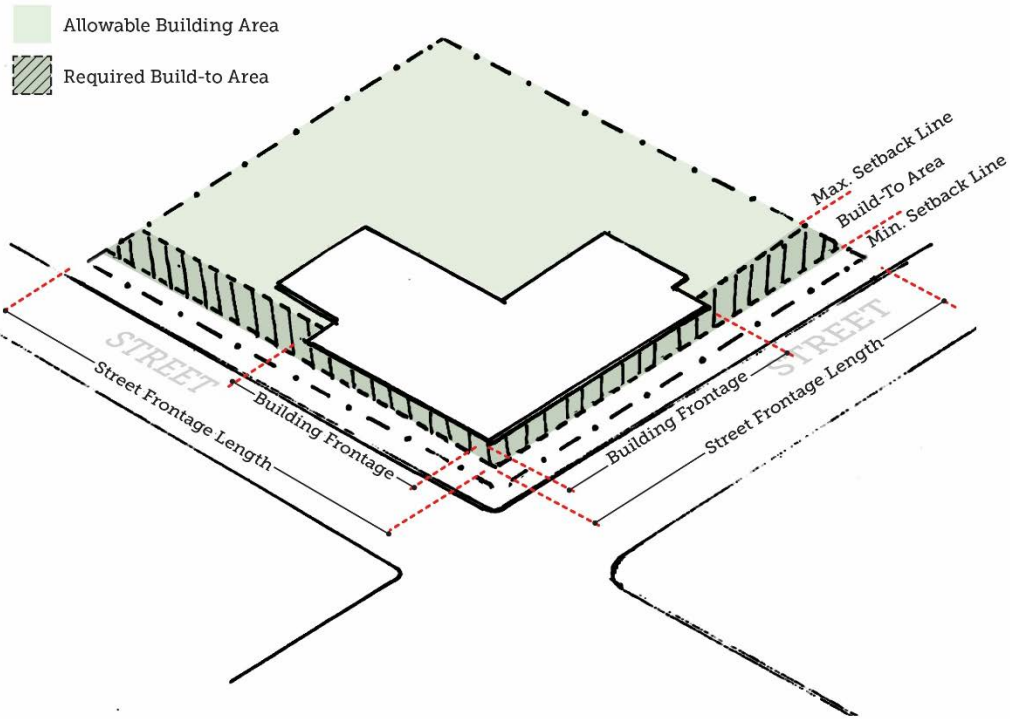
- (1) Relationship to the street. The following standards regulate the siting and placement of buildings, parking areas, and other features in relation to the street. The dimensions between building facades and the street and types of features allowed in these spaces are critical to the quality of the pedestrian experience.

<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<b>Build-to Area Requirement Figure 1</b>	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	
<b>Frontage Landscaping</b>	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.
<b>Frontage Uses</b>	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).
<b>Surface Parking Along Street Frontage Figure 2, label A</b>	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%	
<b>Minimum surface parking setback Figure 2, label B</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	

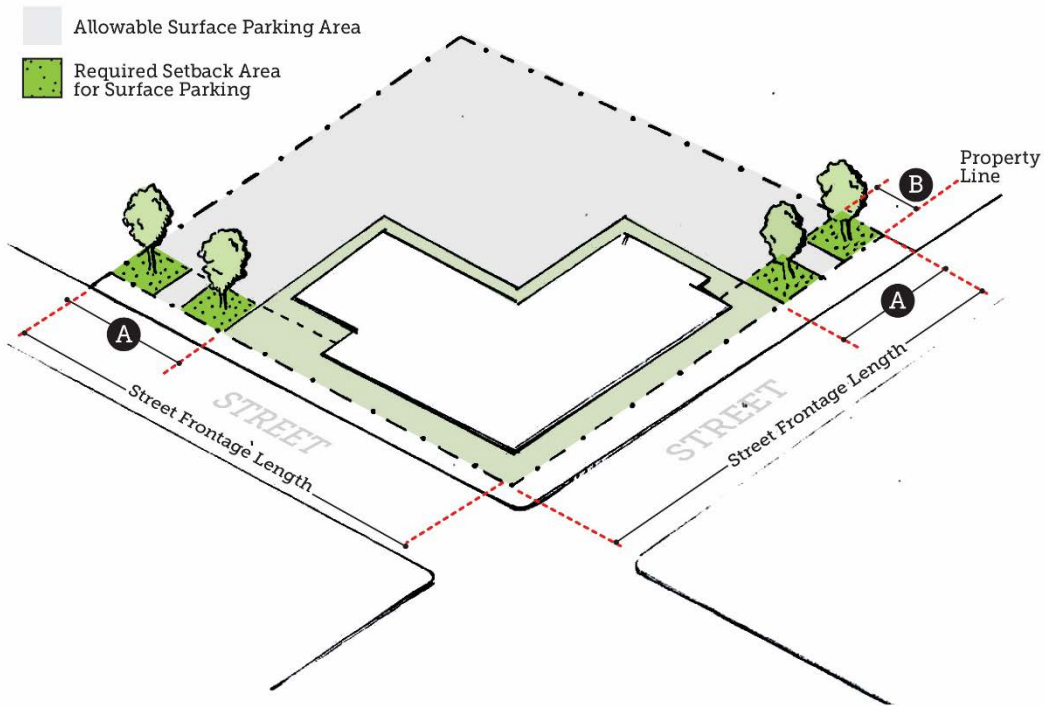
\*See the General Plan Circulation Element Street Classification Map for street types.

**Figure 1. Build-to Area**





**Figure 2. Surface Parking**

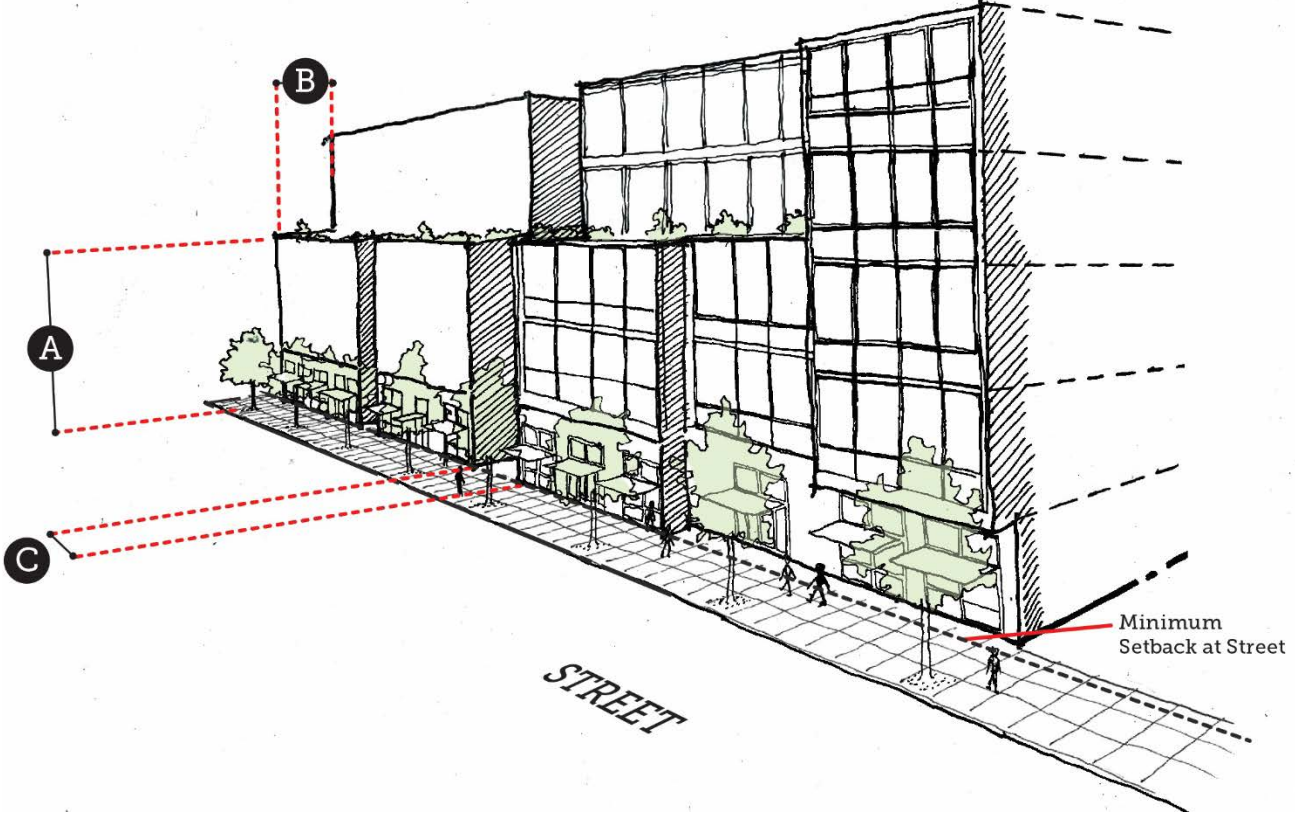


(2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<b>Base Height Figure 3, label A</b>	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.
<b>Minimum Stepback Figure 3, label B</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.
<b>Building Projections</b>	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	
<b>Building Modulations Figure 3, label C</b>	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.

<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<b>Building Entrances</b> <b>Figure 4, label A</b>	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.
<b>Ground-floor Transparency</b> <b>Figure 4, label B</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.
<b>Minimum Ground Floor Height Along Street Frontage</b> <b>Figure 4, label C</b>	The minimum height between the ground-level finished floor to the second level finished floor along the street.	n/a	15 feet	15 feet	
<b>Garage Entrances</b>	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.
<b>Awnings, Signs, and Canopies</b> <b>Figure 4, label D</b>	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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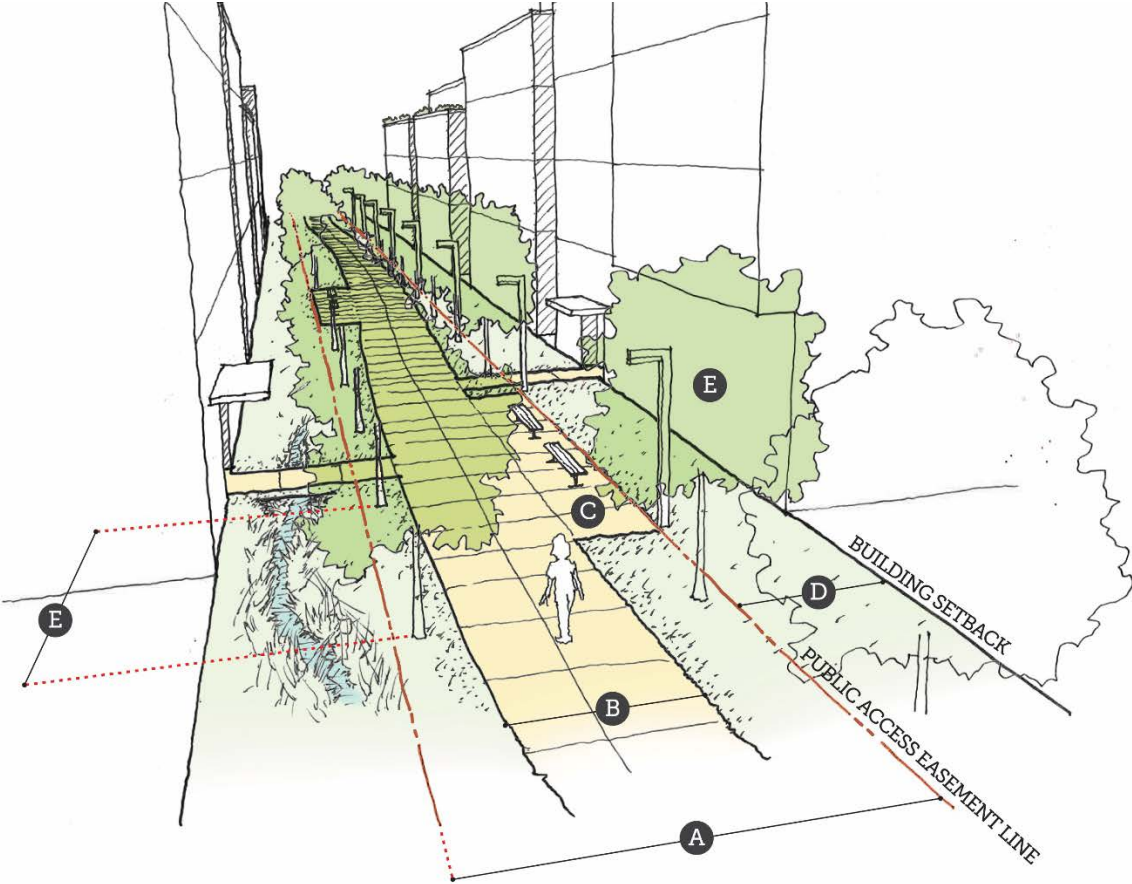
- (4) Open space. All development in the Office district shall provide a minimum amount of open space equal to thirty percent (30%) of the total lot area, with a minimum amount of publicly accessible open space equal to fifty percent (50%) of the total required open space area.
- (A) Publicly accessible 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.

<b>Standard</b>	<b>Definition</b>	<b>Base and Bonus levels</b>	<b>Notes/Additional Requirements</b>
<i>Paseo Width</i> <b>Figure 5, label A</b>	The minimum dimension in overall width of the paseo, including landscaping and hardscape components.	20 feet	
<i>Pathway Width</i> <b>Figure 5, label B</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> <b>Figure 5, label C</b>	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> <b>Figure 5, label D</b>	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> <b>Figure 5, label E</b>	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

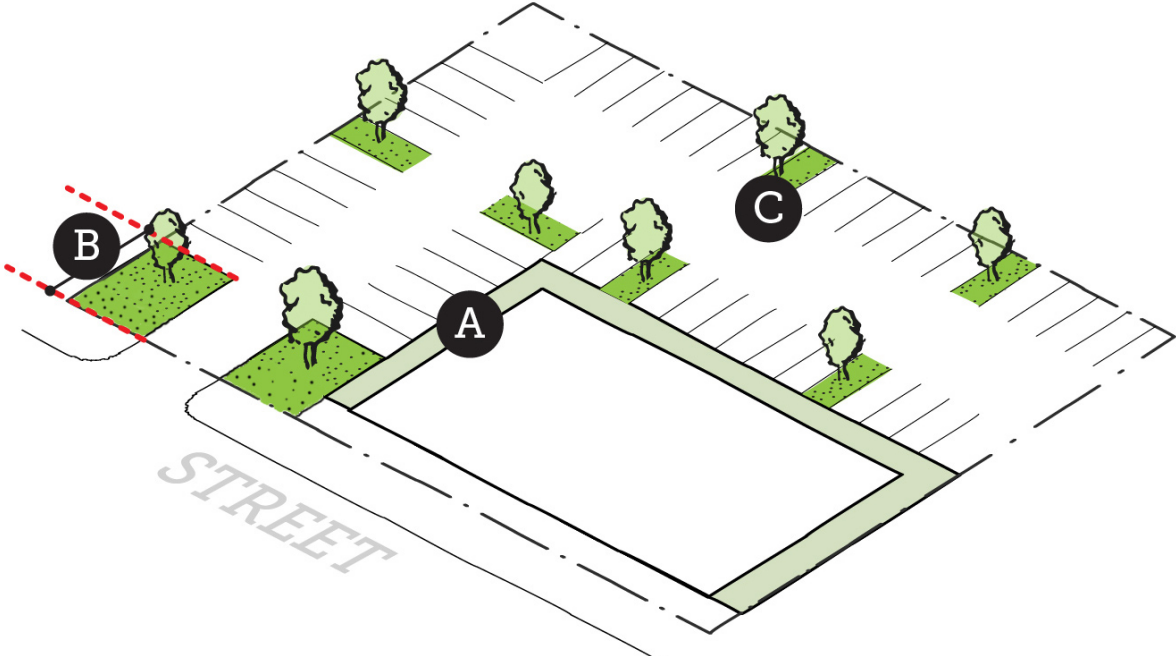
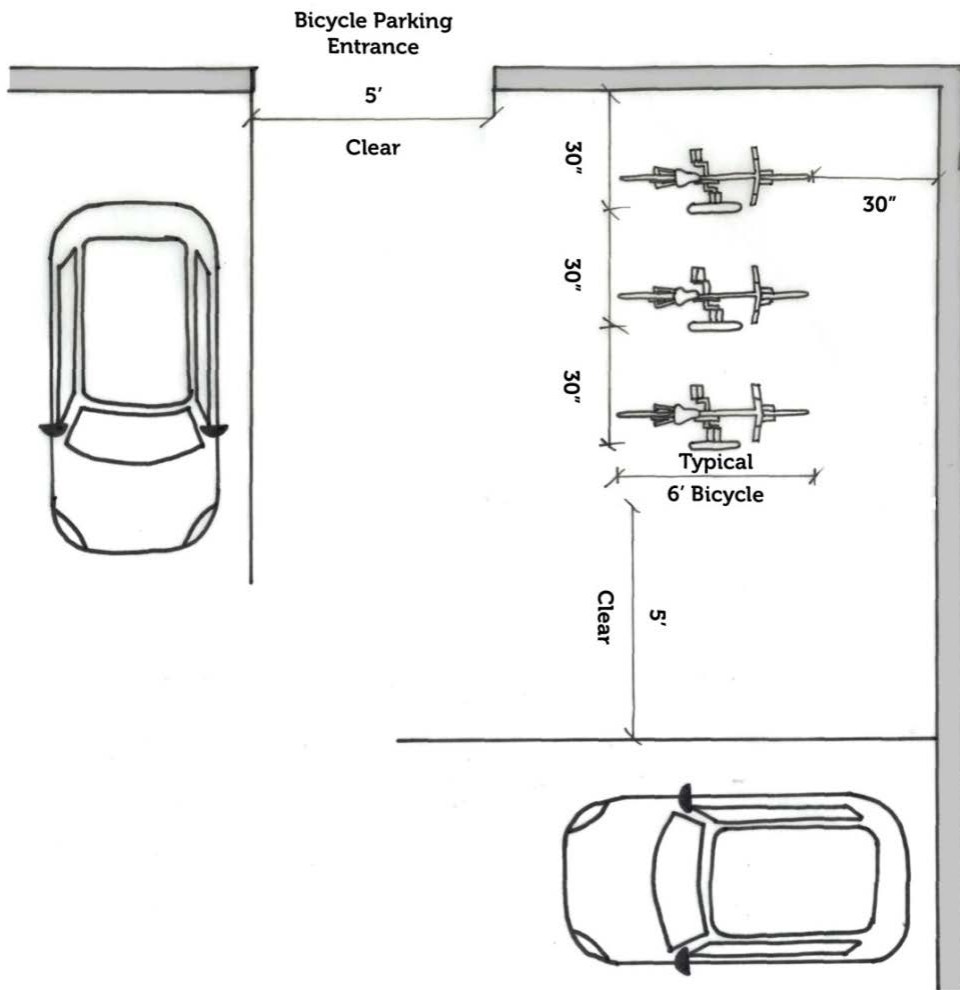


Figure 8. Bicycle Parking



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#### **16.43.140 Green and sustainable building.**

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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.

(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 thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an On-Site Renewable Energy Feasibility Study and any combination of 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):

- (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 16.43.140(2)(A).

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**TABLE 16.43.140(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 <sup>5,6</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>5</sup>
<b>Green Building</b>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen Mandatory	Designed to meet LEED Silver ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.43.140(2)(B)	Designed to meet LEED Gold ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.43.140(2)(B)
<b>Electric Vehicle (EV) Chargers</b>	<p><u>Pre-Wire</u><sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers</u><sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 2 in the pre-wire locations.</li> </ul>	<p><u>Pre-Wire</u><sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers</u><sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	<p><u>Pre-Wire</u><sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers</u><sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	N/A (Voluntary)	<p><u>Pre-Wire</u><sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers</u><sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 2 chargers in the pre-wire locations.</li> </ul>	<p><u>Pre-Wire</u><sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers</u><sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).</li> </ul>
<b>Energy Reporting</b>	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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

<sup>4</sup> 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

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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.

<sup>5</sup> 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.

<sup>6</sup> For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.



(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. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade

where no BFE exists. 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) Use of rodenticides shall not be allowed.

(H) 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 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 December, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Richard Cline  
Mayor, City of Menlo Park

ATTEST:

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Pamela Aguilar  
City Clerk

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## 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 29, 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 29, 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.

**16.44.010. Purpose.**

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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.

**16.44.015. Definitions.**

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Terms are as defined in the Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

**16.44.020. Permitted uses.**

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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.

**16.44.030. Administratively permitted uses.**

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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.

**16.44.040. Conditional uses.**

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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.

**16.44.050. Development regulations.**

Development regulations in the Life Sciences district are as follows:

<b>Regulation</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level</b>	<b>Notes/Additional Requirements</b>
<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	Properties may calculate height amongst multiple properties in the same zoning district, subject to a deed restriction and approval by the Planning Commission or City Council.  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.

**16.44.055. 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.

**16.44.060. 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.

**16.44.070. 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 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 final inspection for the building 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 one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value as calculated pursuant to subsection (3) above.
  - (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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**16.44.080. 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 Parking<sup>1</sup></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 <sup>2</sup> and 20% for short-term <sup>2</sup>
<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 <sup>2</sup> and 80% for short-term <sup>2</sup>
<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

<sup>1</sup> 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.

<sup>2</sup> 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.

**16.44.090. 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.

**16.44.100. New connections.**

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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.

**16.44.110. Required street improvements.**

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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.

**16.44.120. Design standards.**

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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.

- a. 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.

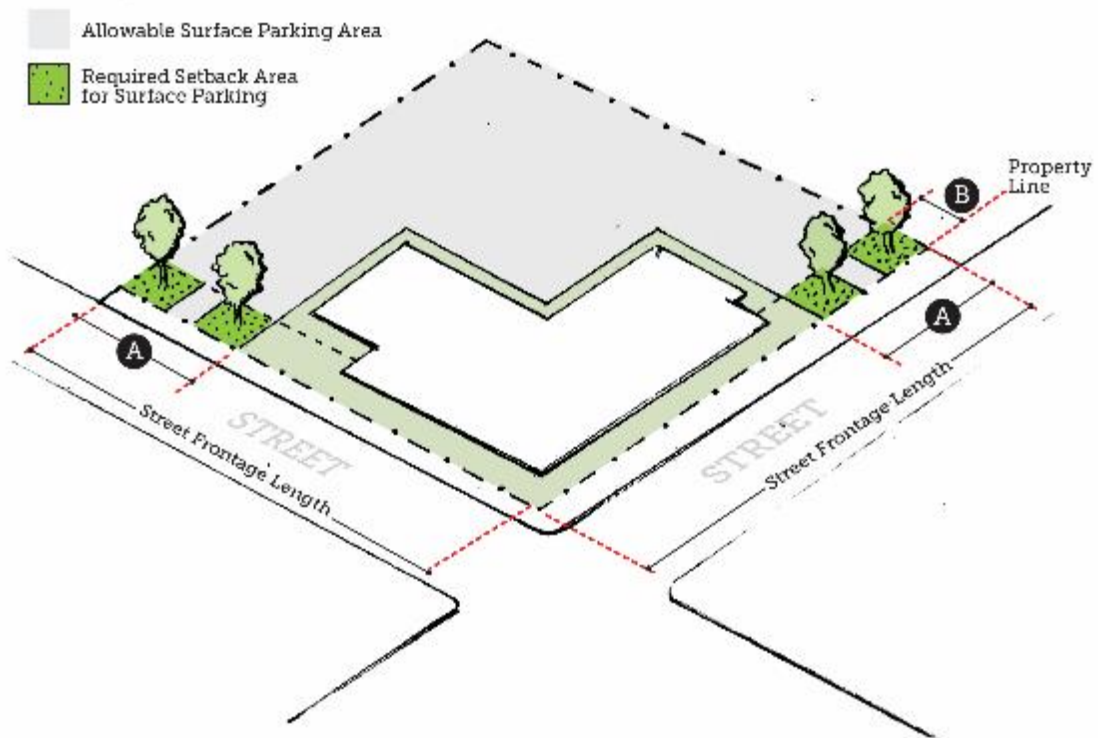
<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<i>Frontage Landscaping</i>	The percentage of the setback area devoted to groundcover and vegetation. Trees may or may not be within the landscaped area. For this requirement, the setback area is	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.

<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
	the area between the property line and the face of the building.				
<b>Frontage Uses</b>	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).
<b>Surface Parking Along Street Frontage Figure 1, label A</b>	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%	
<b>Minimum surface parking setback Figure 1, label B</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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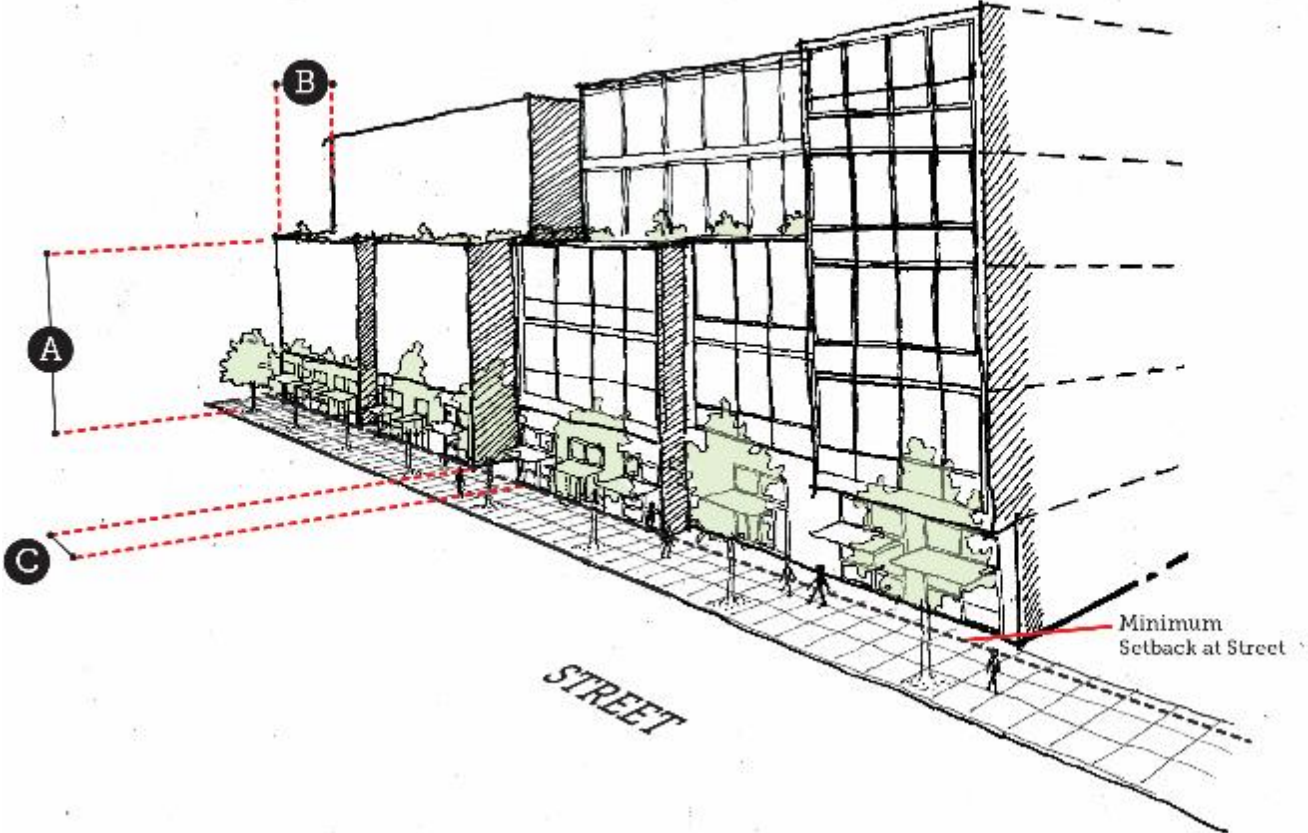


- (2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

<b>Standard and Figure</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<i>Base Height</i> <b>Figure 2, label A</b>	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> <b>Figure 2, label C</b>	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.

<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local or Interior Access street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<b>Building Entrances</b> <b>Figure 3, label A</b>	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.
<b>Ground-floor Transparency</b> <b>Figure 3, label B</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.	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.
<b>Minimum Ground Floor Height Along Street Frontage</b> <b>Figure 3, label C</b>	The minimum height between the ground-level finished floor to the second level finished floor along the street.	N/A	15 feet	15 feet	
<b>Garage Entrances</b>	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.
<b>Awnings, Signs, and Canopies</b> <b>Figure 3, label D</b>	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



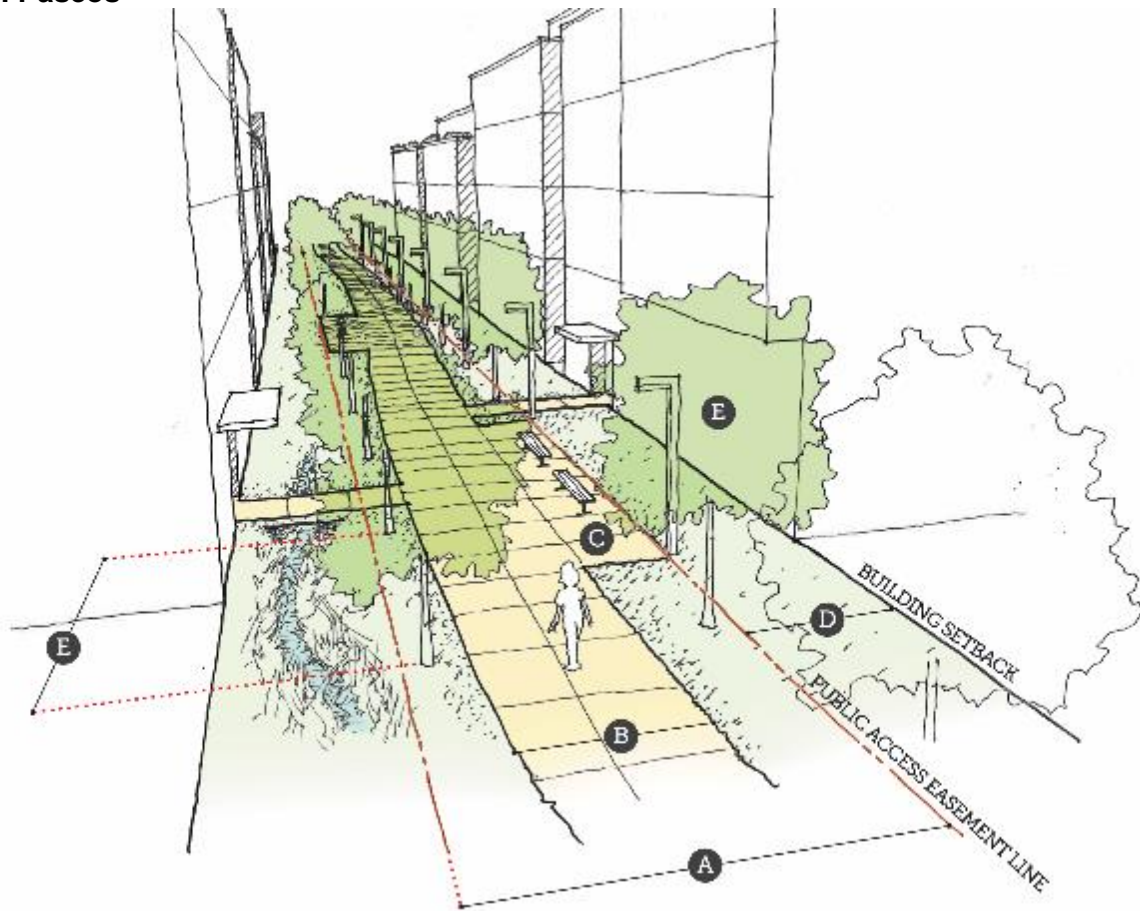
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- (4) Open space. All development in the Life Sciences district shall provide a minimum amount of open space equal to twenty percent (20%) of the total lot area, with a minimum amount of publicly accessible open space equal to fifty percent (50%) of 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.

<b>Standard</b>	<b>Definition</b>	<b>Base and Bonus levels</b>	<b>Notes/Additional Requirements</b>
<i>Paseo Width</i> <b>Figure 4, label A</b>	The minimum dimension in overall width of the paseo, including landscaping and hardscape components.	20 feet	
<i>Pathway Width</i> <b>Figure 4, label B</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> <b>Figure 4, label C</b>	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> <b>Figure 4, label D</b>	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> <b>Figure 4, label E</b>	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

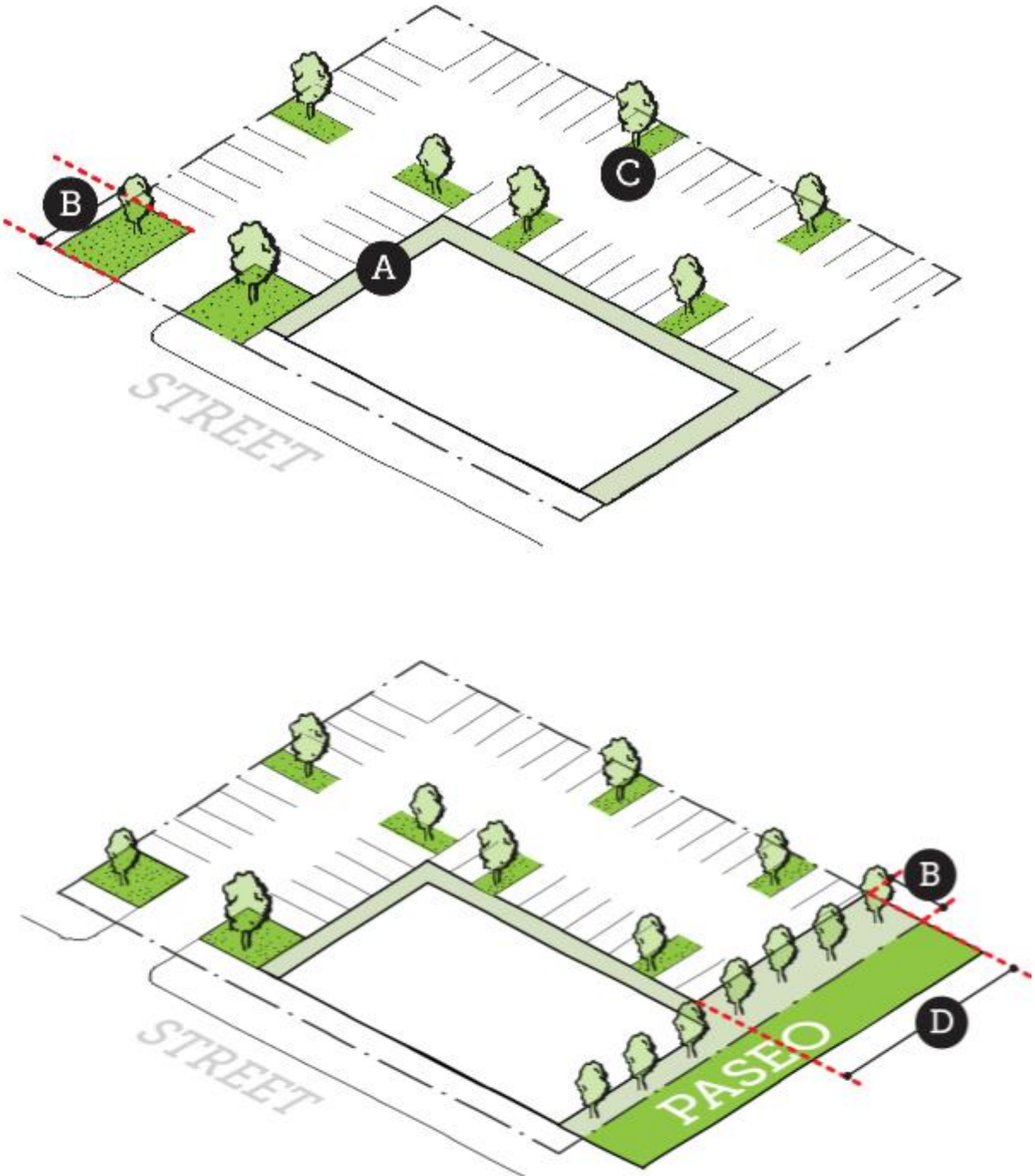
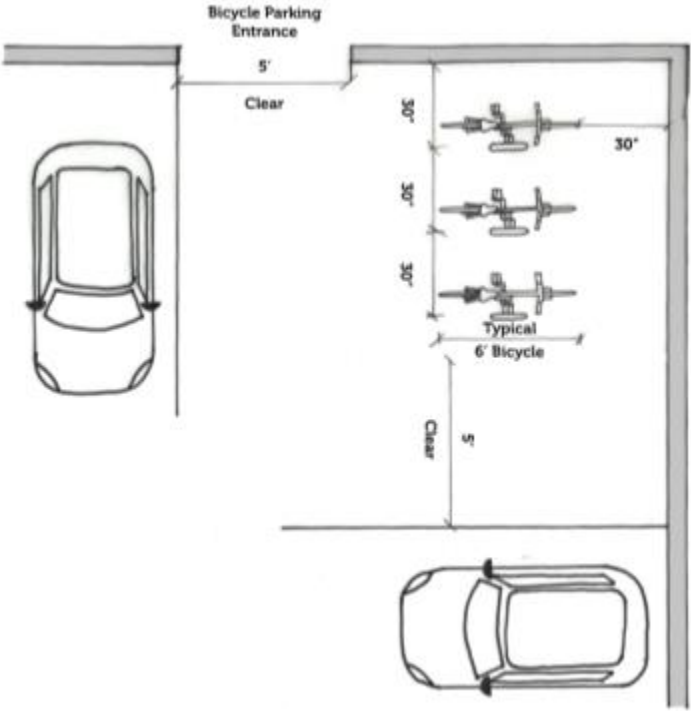


Figure 7. Bicycle Parking



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**6.44.130. Green and sustainable building.**

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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 thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an On-Site Renewable Energy Feasibility Study and any combination of 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 16.44.130(1)(B):
- (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 16.44.130(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 <sup>5,6</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>5</sup>
<b>Green Building</b>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen Mandatory	Designed to meet LEED Silver ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.44.130(2)(B)	Designed to meet LEED Gold ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.44.130(2)(B)
<b>(Electric Vehicle (EV) Chargers</b>	<p><u>Pre-Wire<sup>2</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p><u>Install EV Chargers<sup>3</sup></u> Minimum of 2 in the pre-wire locations.</p>	<p><u>Pre-Wire<sup>2</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p><u>Install EV Chargers<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	<p><u>Pre-Wire<sup>2</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p><u>Install EV Chargers<sup>3</sup></u> Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.</p>	N/A (Voluntary)	<p><u>Pre-Wire<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 2 chargers in the pre-wire locations.</li> </ul>	<p><u>Pre-Wire<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).</li> </ul>
<b>Energy Reporting</b>	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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

<sup>4</sup> 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 16.44.130(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 16.44.130(2)(B), additions and alterations of that building will be exempt from the

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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. .

<sup>5</sup> 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.

<sup>6</sup> For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.

- (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. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade



where no BFE exists. 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) Use of rodenticides shall not be allowed.

(H) 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 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 December, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Richard Cline  
Mayor, City of Menlo Park

ATTEST:

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Pamela Aguilar  
City Clerk

## 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 29, 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 29, 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.**

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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.**

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Terms are as defined in the Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

**16.45.020 Permitted uses.**

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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.**

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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.**

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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.**

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Development regulations in the Residential-Mixed Use district are as follows:

<b>Regulation</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level</b>	<b>Notes/Additional Requirements</b>
<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).

<b>Regulation</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level</b>	<b>Notes/Additional Requirements</b>
<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 percent (15%) 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 up to twenty percent (20%) of the bonus level development, or third 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 final inspection for the building 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 one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value less the affordable housing amenity value as calculated pursuant to subsection (3) above.
- (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.

<b>Land Use</b>	<b>Minimum Spaces (Per Unit or 1,000 Sq. Ft.)</b>	<b>Maximum Spaces (Per Unit or 1,000 Sq. Ft.)</b>	<b>Minimum Bicycle Parking <sup>1</sup></b>
<i>Residential Units</i>	1 per unit	1.5 per unit	1.5 long-term <sup>2</sup> per unit; 10% additional short-term <sup>2</sup> 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 <sup>2</sup> and 20% for short-term <sup>2</sup>
<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 <sup>2</sup> and 80% for short-term <sup>2</sup> )
<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

<sup>1</sup> 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.

<sup>2</sup> 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.**

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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.**

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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.**

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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.

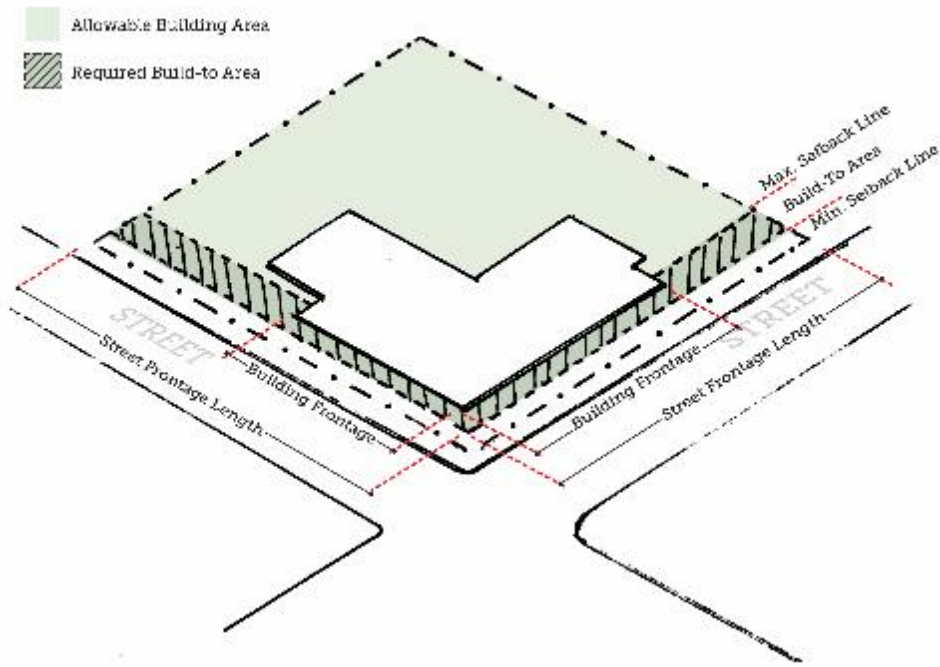
<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<i>Build-to Area Requirement Figure 1</i>	The minimum building frontage 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.

<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<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).
<i>Surface Parking Along Street Frontage</i> <b>Figure 2, label A</b>	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> <b>Figure 2, label B</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	

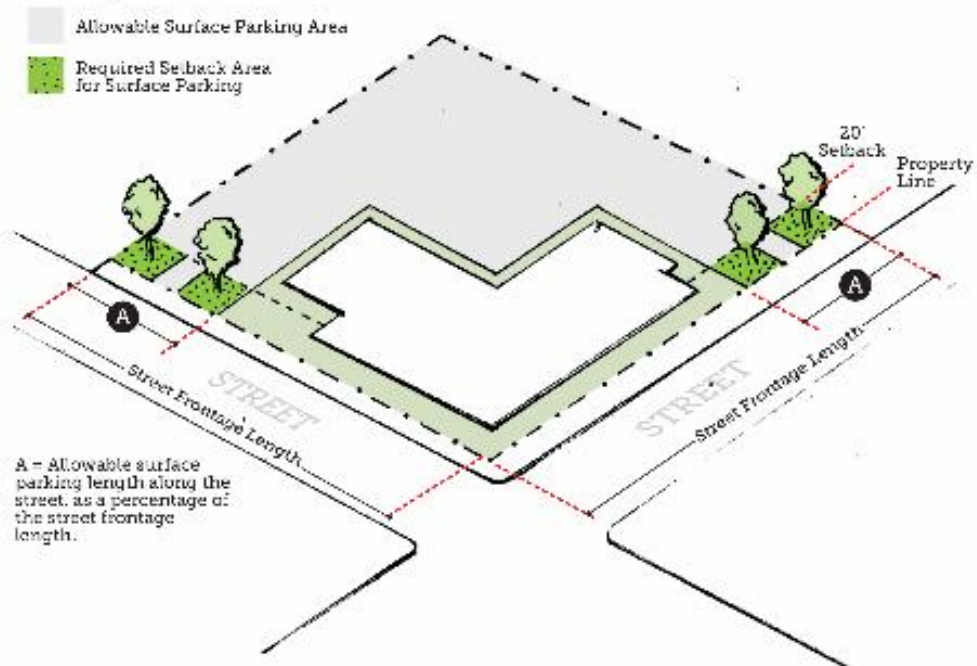
\*See the General Plan Circulation Element Street Classification Map for street types.

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**Figure 1. 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.

<i>Standard</i>	<i>Definition</i>	<i>Base level</i>	<i>Bonus level fronting a Local street*</i>	<i>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</i>	<i>Notes/Additional Requirements</i>
<i>Base Height Figure 3, label A</i>	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.
<i>Minimum Stepback Figure 3 label B</i>	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.
<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			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 an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.



<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<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.

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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.

<b>Standard</b>	<b>Definition</b>	<b>Base level</b>	<b>Bonus level fronting a Local street*</b>	<b>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</b>	<b>Notes/Additional Requirements</b>
<b>Building Entrances</b> <b>Figure 4, label A</b>	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.
<b>Ground-floor Transparency</b> <b>Figure 4, label B</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.
<b>Minimum Ground Floor Height Along Street Frontage</b> <b>Figure 4, label C</b>	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.
<b>Garage Entrances</b>	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.
<b>Awnings, Signs, and Canopies</b> <b>Figure 4, label D</b>	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.

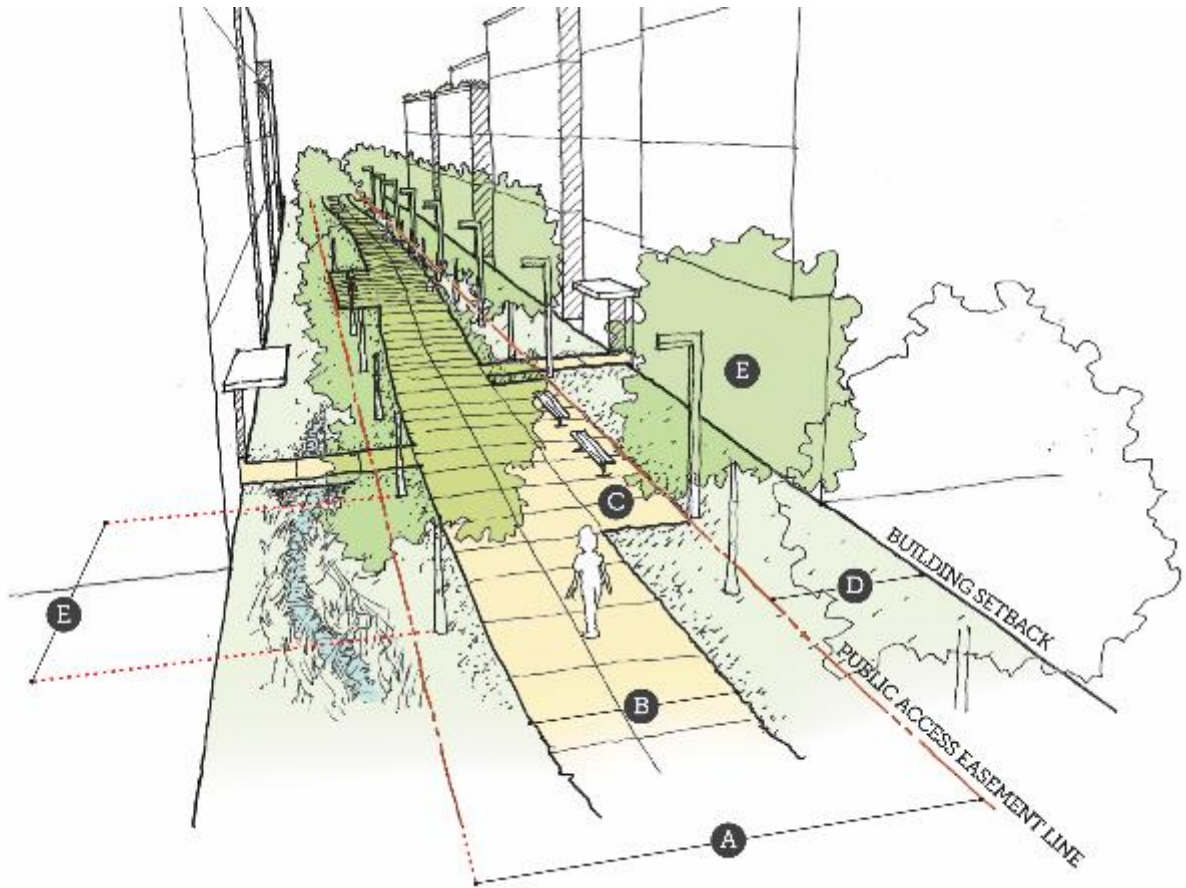
(E) All exterior landscaping counts towards open space requirements.

(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.

<b>Standard</b>	<b>Definition</b>	<b>Base and Bonus levels</b>	<b>Notes/Additional Requirements</b>
<i>Paseo Width</i> <b>Figure 5, label A</b>	The minimum dimension in overall width of the paseo, including landscaping and hardscape components.	20 feet	
<i>Pathway Width</i> <b>Figure 5, label B</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> <b>Figure 5, label C</b>	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> <b>Figure 5, label D</b>	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> <b>Figure 5, label E</b>	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**

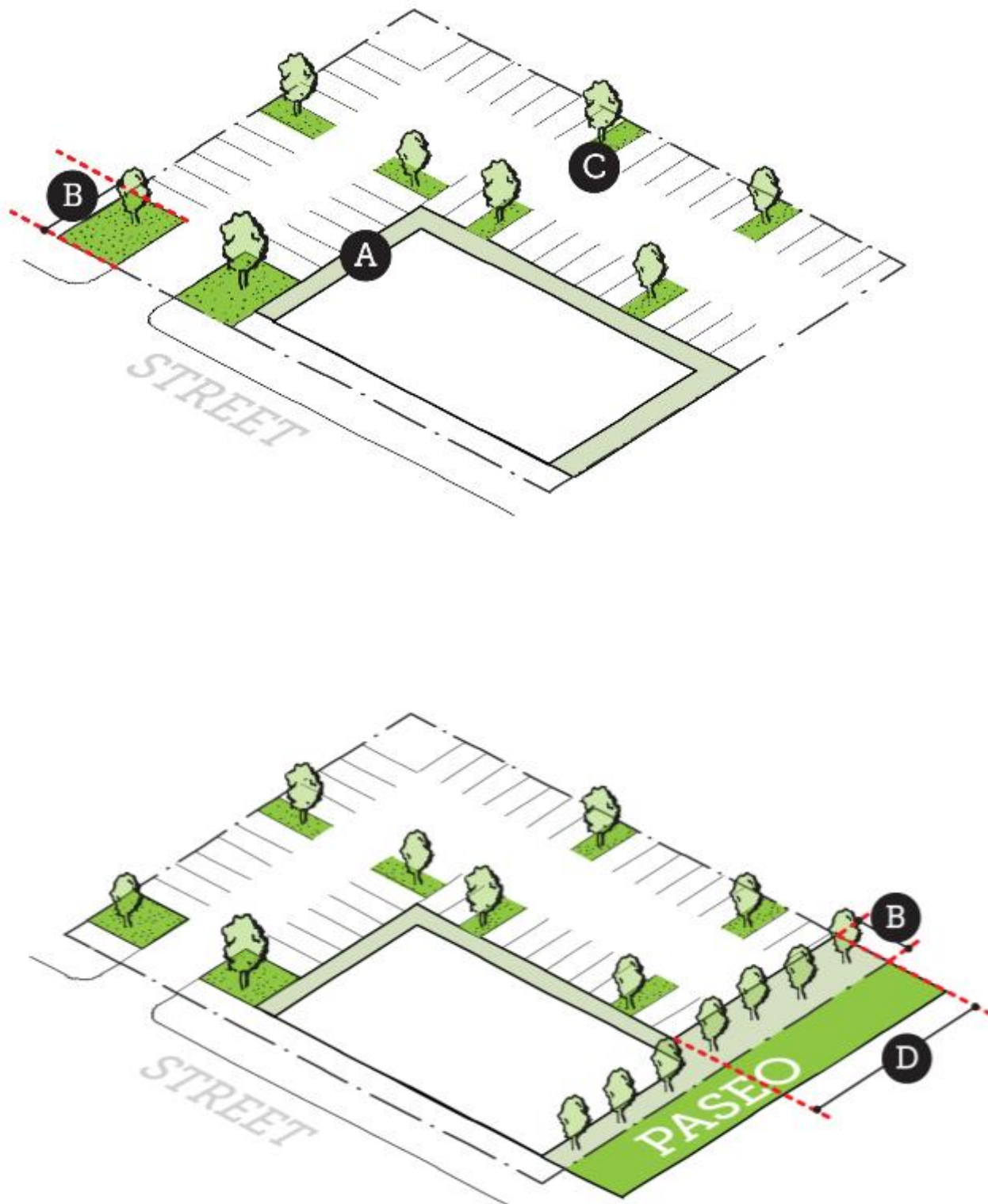
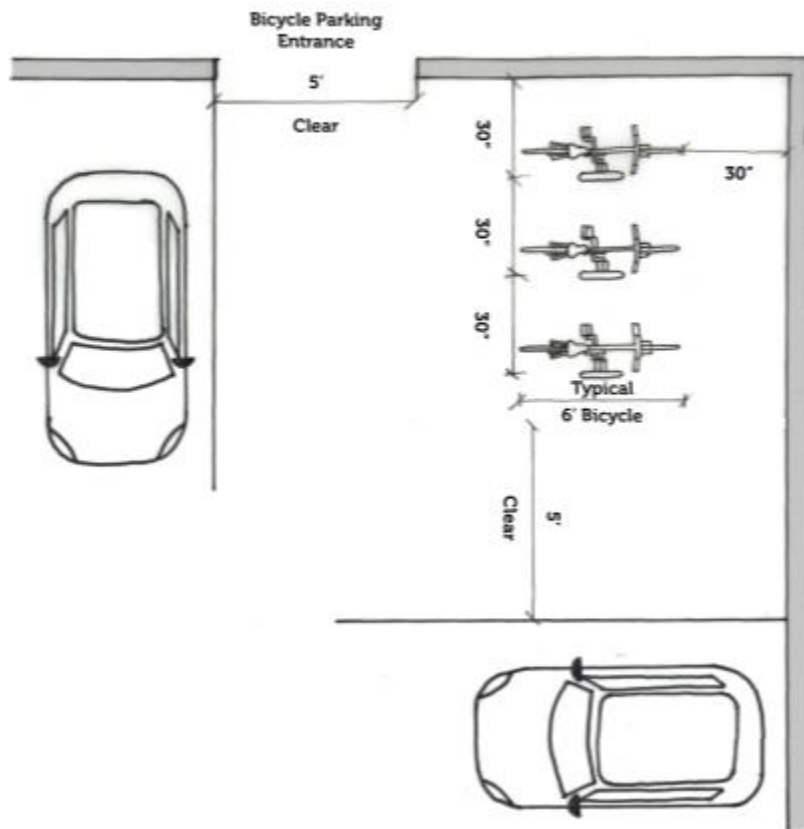


Figure 8. Bicycle Parking



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## **16.45.130 Green and sustainable building.**

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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) 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 16.45.130(1)(B) and 16.45.130(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 16.45.130(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 <sup>5</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>5</sup>
<b>Green Building</b>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen Mandatory	Designed to meet LEED Silver ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.45.130(2)(B)
<b>Electric Vehicles (EV) Chargers</b>	<u>Pre-Wire<sup>2</sup></u> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers<sup>3</sup></u> • Minimum of 2 in the pre-wire locations.	<u>Pre-Wire<sup>2</sup></u> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers<sup>3</sup></u> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.	<u>Pre-Wire<sup>2</sup></u> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers<sup>3</sup></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)
<b>Energy Reporting</b>	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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

<sup>4</sup> 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 16.45.130(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 16.45.130(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

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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.

<sup>5</sup> 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.

<sup>6</sup> At minimum, a 40 amp, 240 volt receptacle shall be installed at each structural column of residential carports for electrical vehicle charging. This requirement is in addition to pre-wire and installation of EV charger regulations.

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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 <sup>5</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>5</sup>
<b>Green Building</b>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen Mandatory	Designed to meet LEED Silver ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.45.130(2)(B)
<b>Electric Vehicles (EV) Chargers</b>	<p>Pre-Wire<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p>Install EV Chargers<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 2 in the pre-wire locations.</li> </ul>	<p>Pre-Wire<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>Install EV Chargers<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	<p>Pre-Wire<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>Install EV Chargers<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	N/A (Voluntary)	<p>Pre-Wire<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p>Install EV Chargers<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 2 chargers in the pre-wire locations.</li> </ul>	<p>Pre-Wire<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p>Install EV Chargers<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).</li> </ul>
<b>Energy Reporting</b>	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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

<sup>4</sup> 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 16.45.130(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 16.45.130 (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



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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.

<sup>5</sup> 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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- (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. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade where no BFE

exists. 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) Use of rodenticides shall not be allowed.

(H) 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 29<sup>th</sup> 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 December, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

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Richard Cline  
Mayor, City of Menlo Park

ATTEST:

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Pamela Aguilar  
City Clerk

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 29, 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 29, 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:

## **Chapter 16.40**

### **C-2-B NEIGHBORHOOD 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) Personal services;
- (3) 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;
- (2) Professional offices;
- (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) Service stations;
- (2) Automotive repair with service station;
- (3) Mortuaries;
- (4) Convalescent homes;
- (5) Mini-warehouse storage;
- (6) Cafes and restaurants serving beer, wine, or alcoholic beverages and/or provides live music or entertainment;
- (7) Public utilities in accordance with Chapter 16.76;
- (8) Special uses in accordance with Chapter 16.78.

**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.

<b>Land Use</b>	<b>Minimum Spaces (Per Unit or 1,000 Sq. Ft.)</b>	<b>Maximum Spaces (Per Unit or 1,000 Sq. Ft.)</b>	<b>Minimum Bicycle Parking <sup>1</sup></b>
<i>Residential Units</i>	1 per unit	1.5 per unit	1.5 long-term <sup>2</sup> per unit; 10% additional short-term <sup>2</sup> 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 For Office and Research
<i>Retail</i>	2.5	3.3	Development:
<i>Financial services</i>	2	3.3	80% for long-term <sup>2</sup> and 20% for short-term <sup>2</sup>
<i>Eating and drinking establishment</i>	2.5	3.3	
<i>Personal services</i>	2	3.3	For all other commercial uses:
<i>Private recreation</i>	2	3.3	20% for long-term <sup>2</sup> and 80% for short-term <sup>2</sup> )
<i>Child care center</i>	2	3.3	
<i>Other</i>	At Transportation Manager discretion	At Transportation Manager discretion	At Transportation Manager discretion

<sup>1</sup> 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.

<sup>2</sup> 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:



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, 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, and C-4 district uses.** C-2, C-2-A, 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 complete building permit application prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

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 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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**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 29, 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 29, 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:

**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 29th 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:

**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 O (Office), LS (Life Sciences), and R-MU (Residential Mixed Use) to read as follows:

**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, effective on January 5, 2017, 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, effective on January 5, 2017, 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:

**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 29th day of November, 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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## 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 29, 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 29, 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, 2016 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 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 December, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

---

Richard Cline  
Mayor, City of Menlo Park

ATTEST:

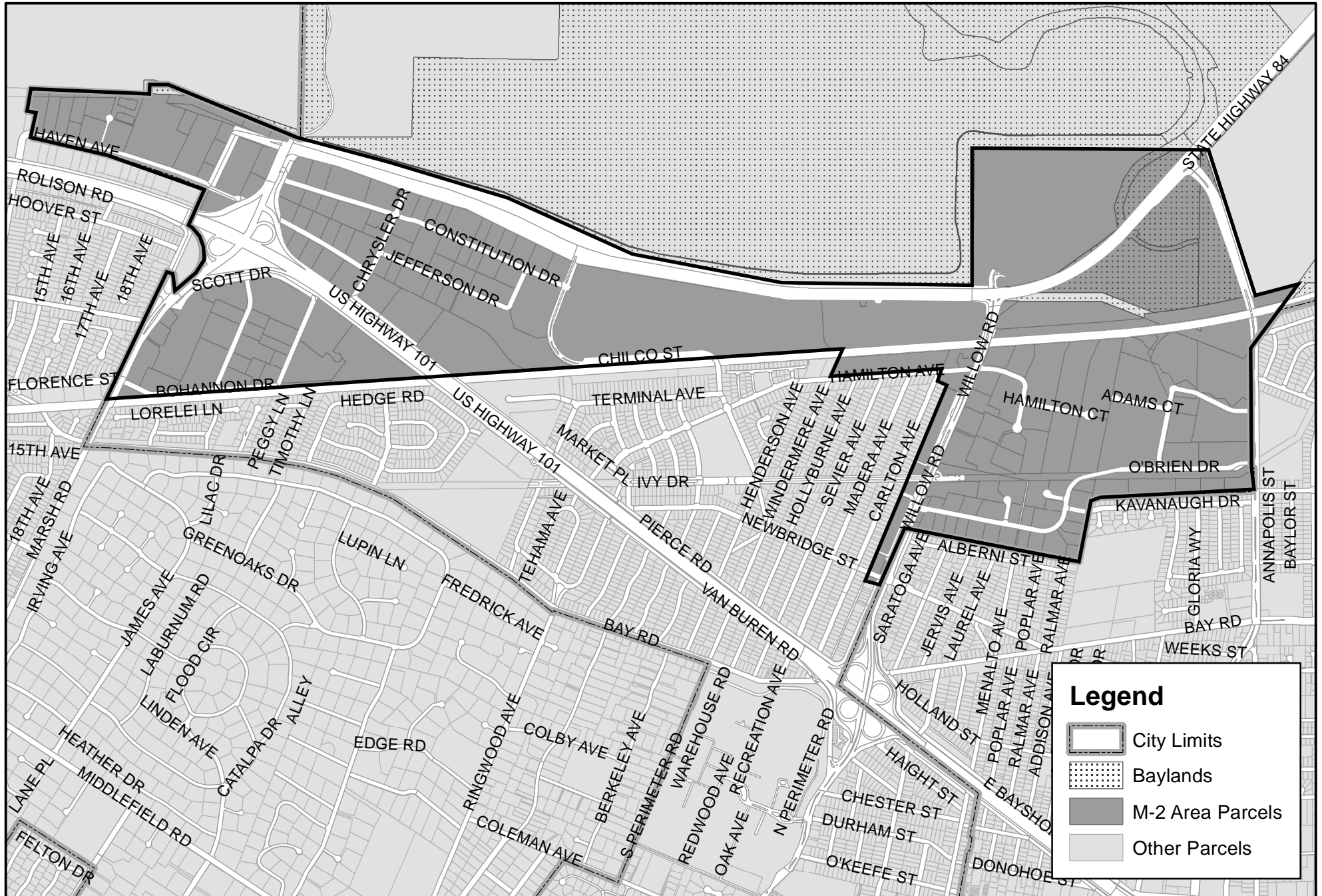
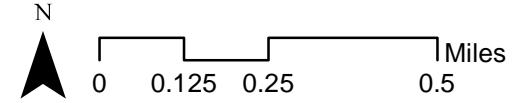
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Pamela Aguilar  
City Clerk

# CITY OF MENLO PARK

## CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

EXHIBIT A

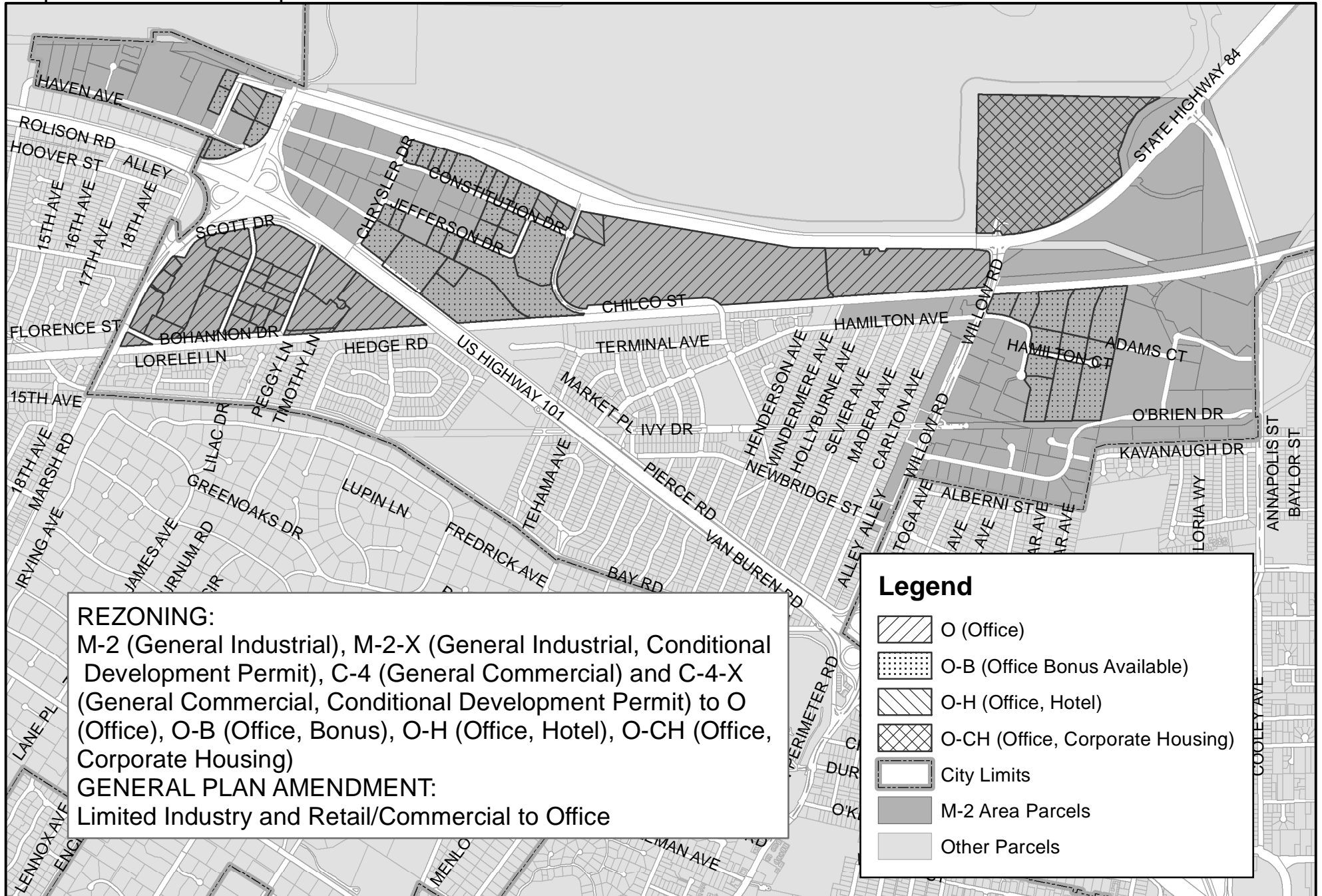


# CITY OF MENLO PARK

## 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**

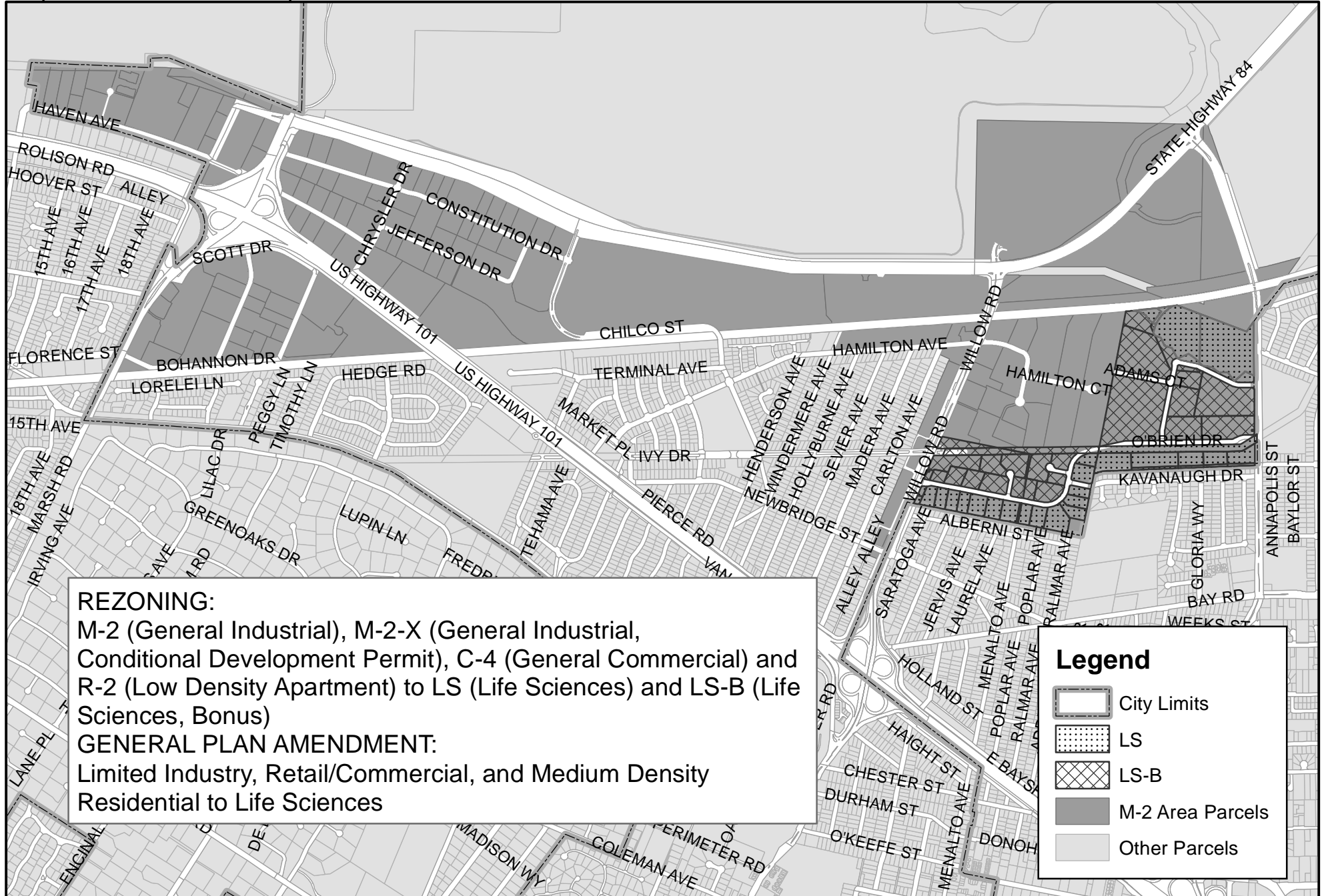
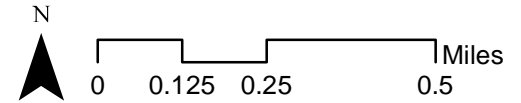
-  O (Office)
-  O-B (Office Bonus Available)
-  O-H (Office, Hotel)
-  O-CH (Office, Corporate Housing)
-  City Limits
-  M-2 Area Parcels
-  Other Parcels

# CITY OF MENLO PARK

## CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

### Proposed "LS" Zoned Properties

EXHIBIT C



**Legend**

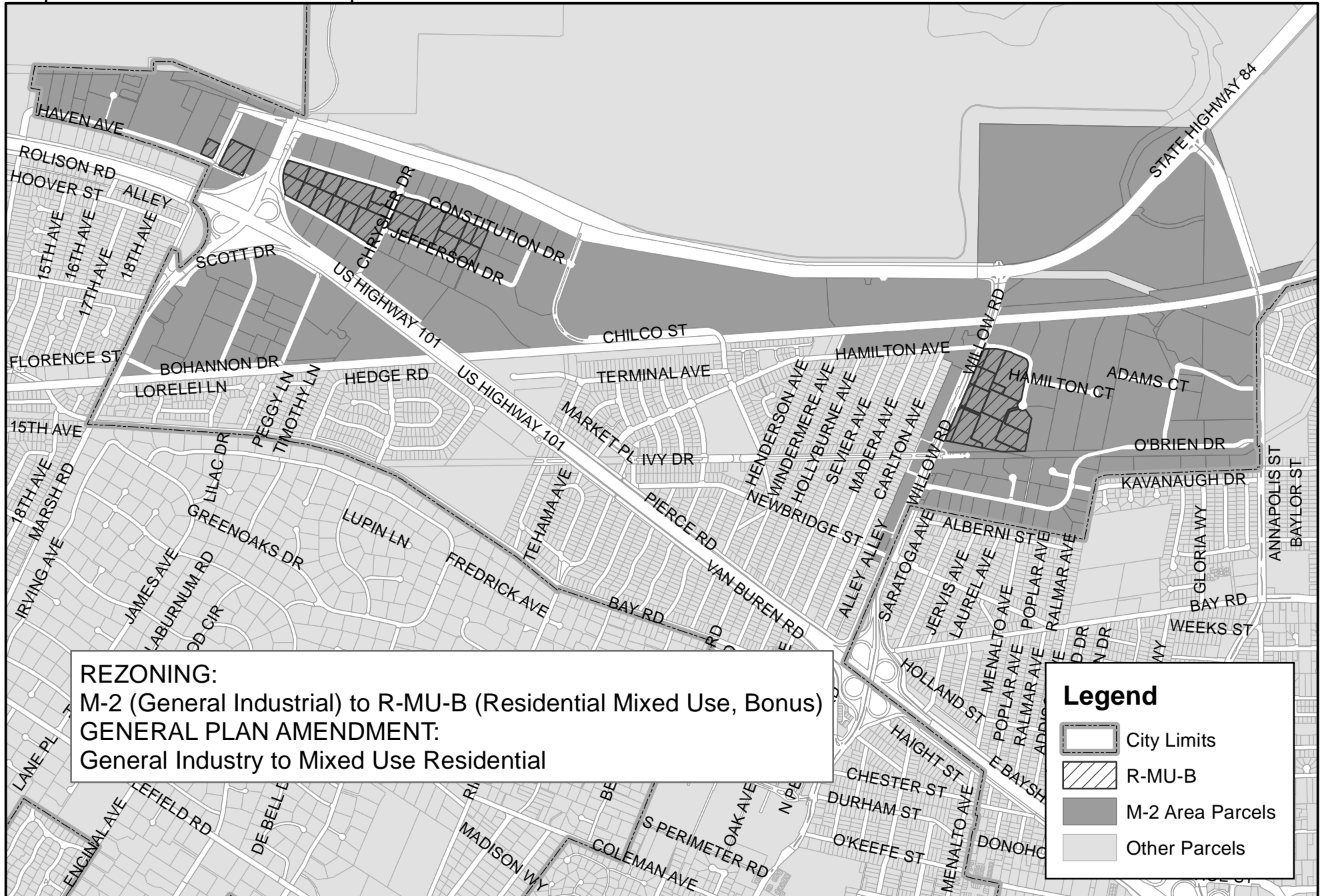
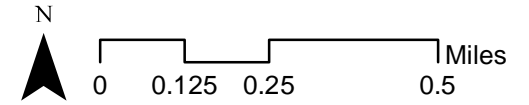
- City Limits
- LS
- LS-B
- M-2 Area Parcels
- Other Parcels



# CITY OF MENLO PARK

## CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

### Proposed "R-MU-B" Zoned Properties



**REZONING:**  
 M-2 (General Industrial) to R-MU-B (Residential Mixed Use, Bonus)  
**GENERAL PLAN AMENDMENT:**  
 General Industry to Mixed Use Residential

**Legend**

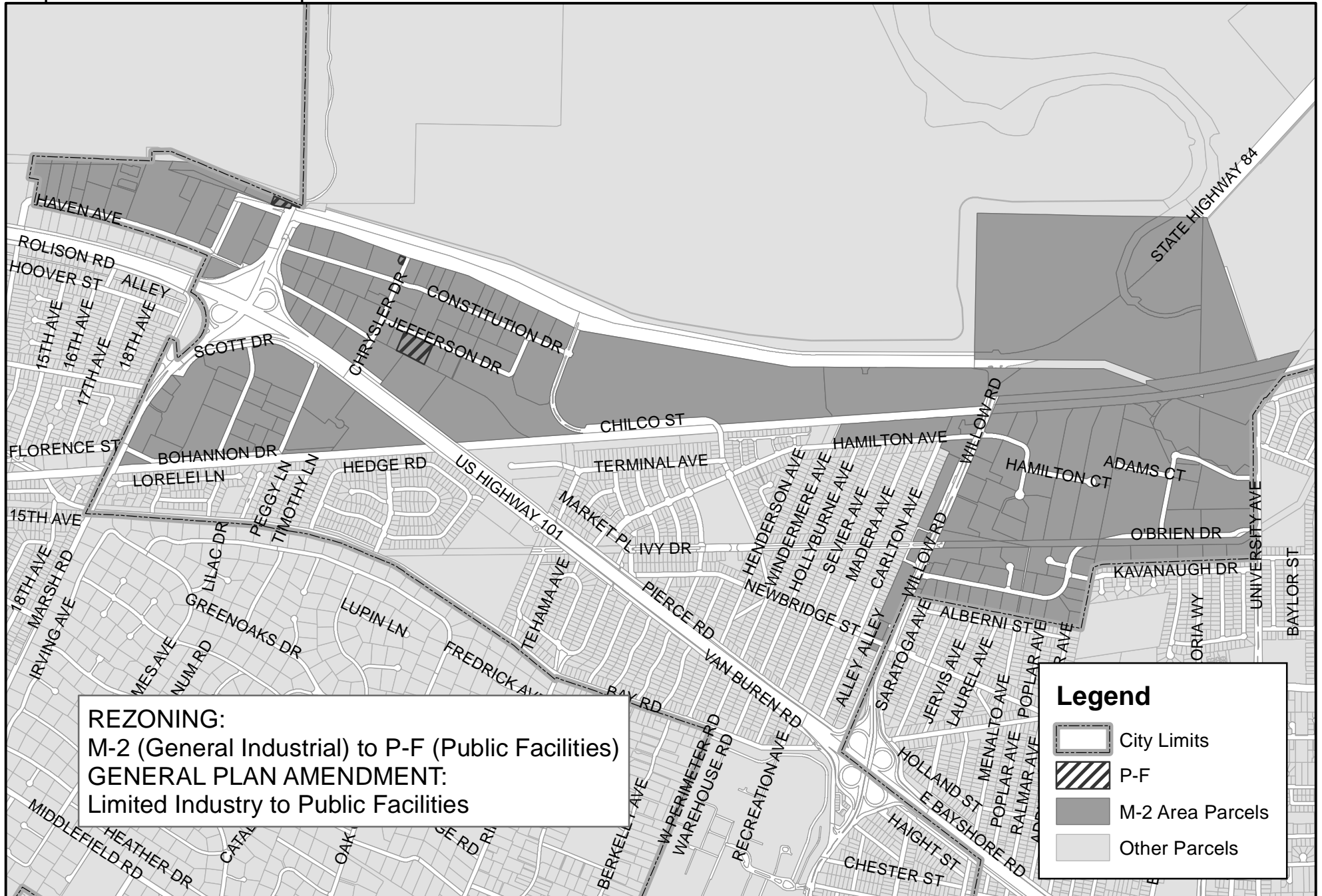
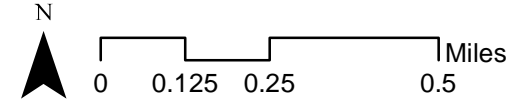
- City Limits
- R-MU-B
- M-2 Area Parcels
- Other Parcels

# 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**

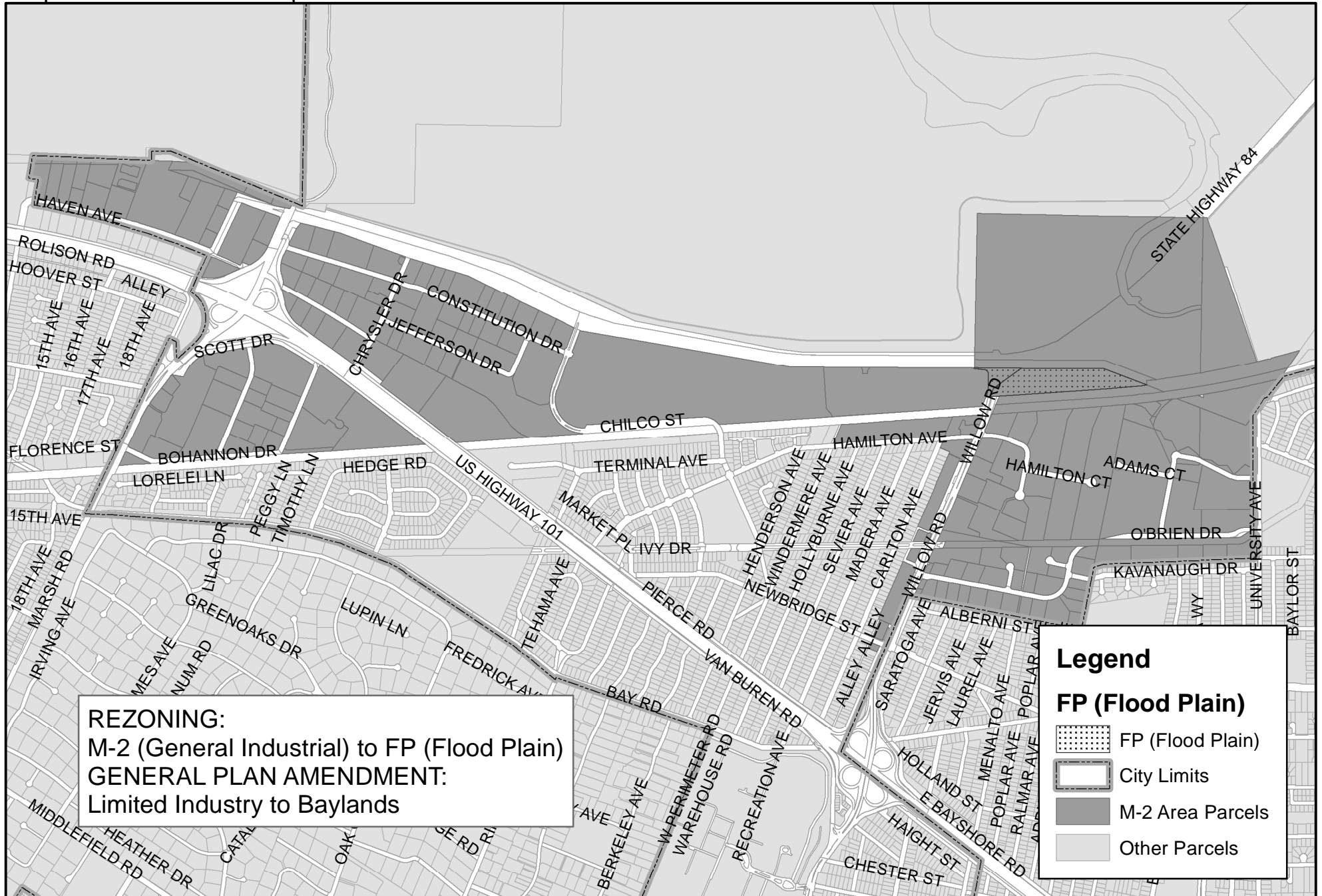
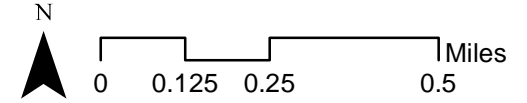
- City Limits
- P-F
- M-2 Area Parcels
- Other Parcels

# CITY OF MENLO PARK

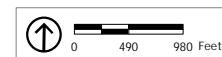
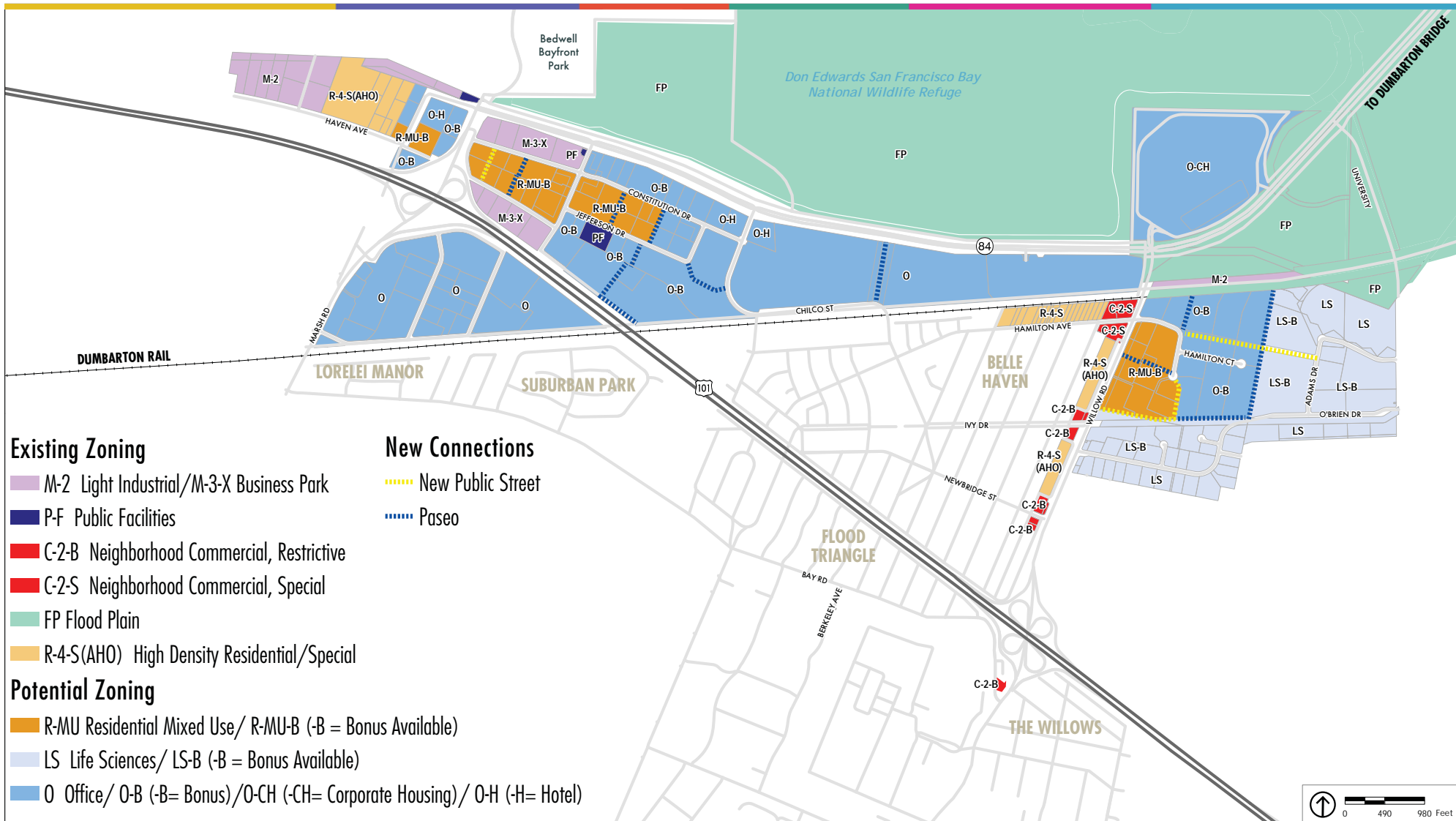
## CONNECTMENLO GENERAL PLAN AND M-2 AREA ZONING UPDATE

### Proposed "FP" Zoned Properties

EXHIBIT F



**REZONING:**  
M-2 (General Industrial) to FP (Flood Plain)  
**GENERAL PLAN AMENDMENT:**  
Limited Industry to Baylands



# LAND USE ELEMENT

**PUBLIC HEARING DRAFT**

DECEMBER 2016



**CONNECTMENLO**

**menlo park** land use & mobility update



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DRAFT



# 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

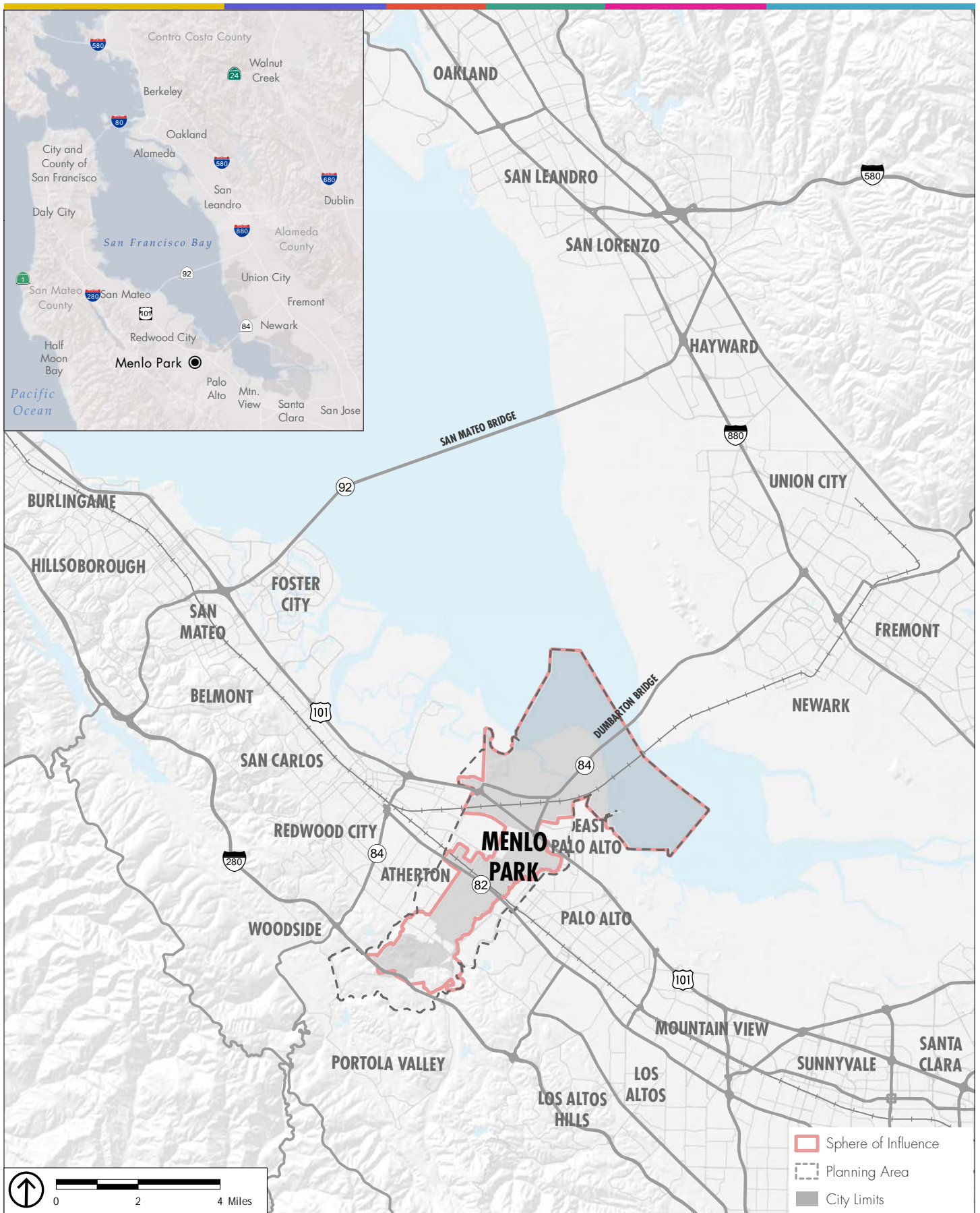
Land use planning efforts in Menlo Park also are influenced by a number of regional programs, perhaps foremost of which is Plan Bay Area, overseen by the four primary regional planning agencies: the Association

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.

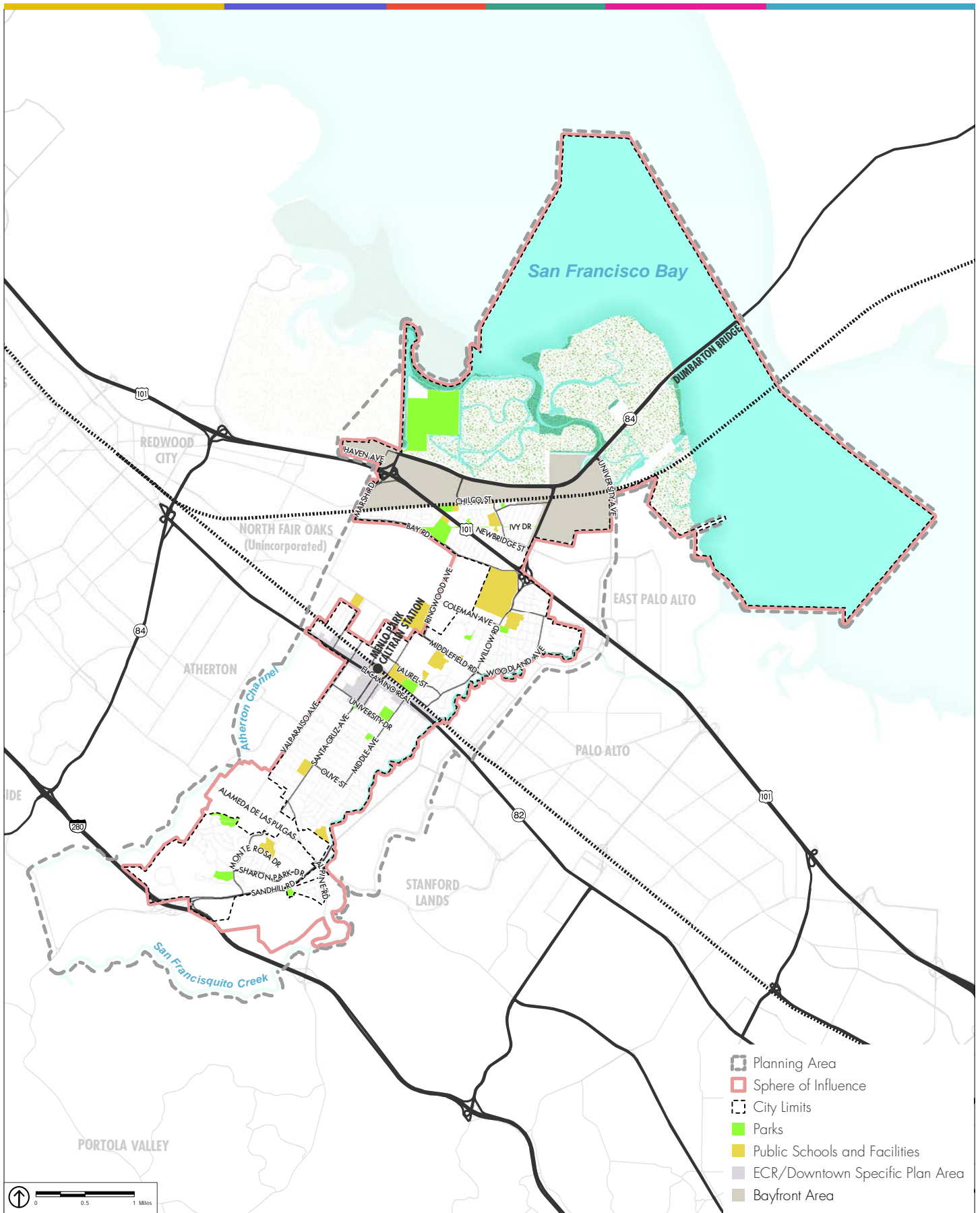
Plan Bay Area ties funding for local transportation projects to meeting regional emission reduction targets. One way to reduce emissions is to locate travel origins and destinations together, such as in live/work/play environments, and another way is to protect open space areas. The Menlo Park General 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.



**FIGURE 1: MENLO PARK REGIONAL LOCATION**



**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*



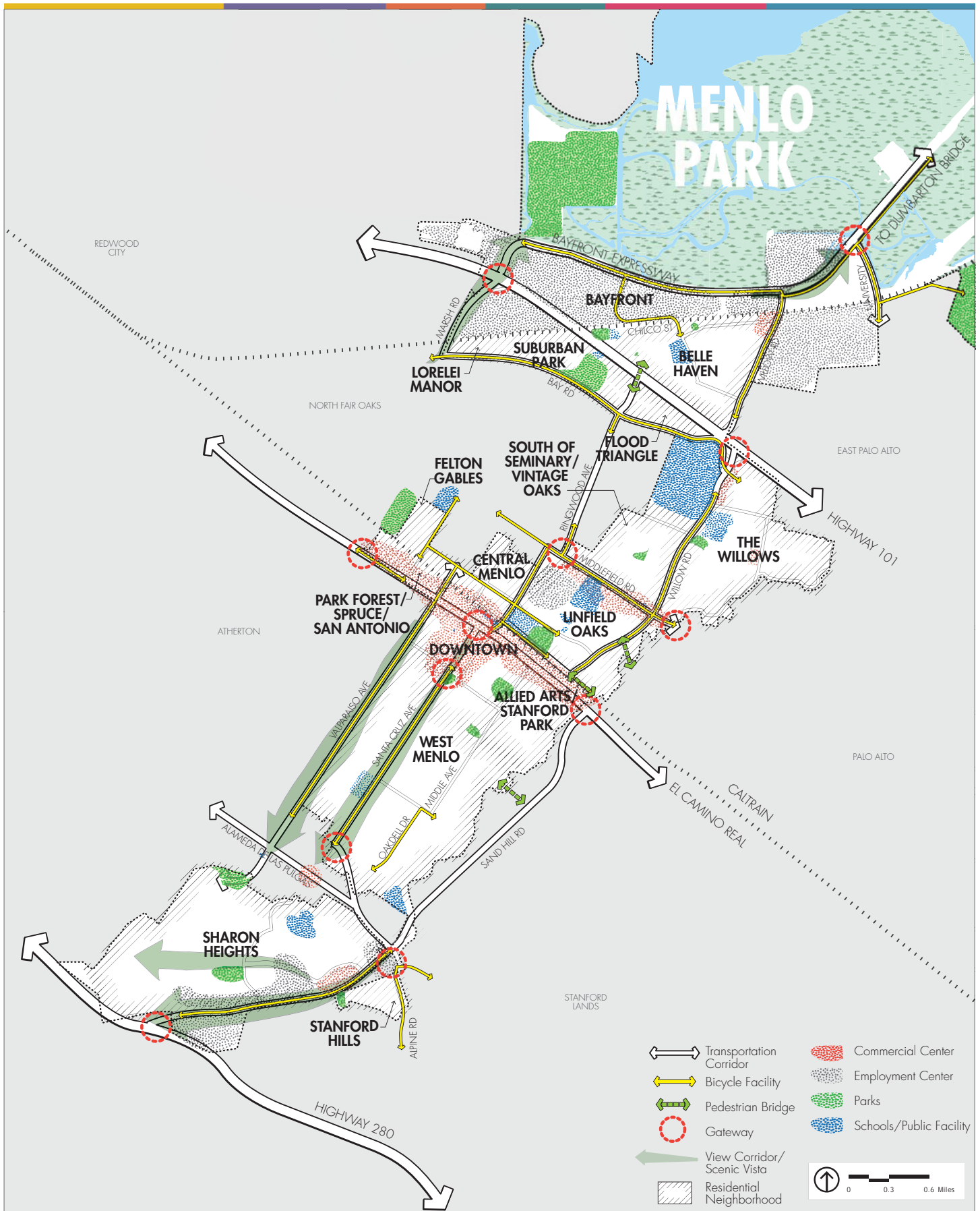
*The Willows*



*Suburban Park*



*Downtown's Santa Cruz Avenue*



**FIGURE 3: COMMUNITY FEATURES**



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

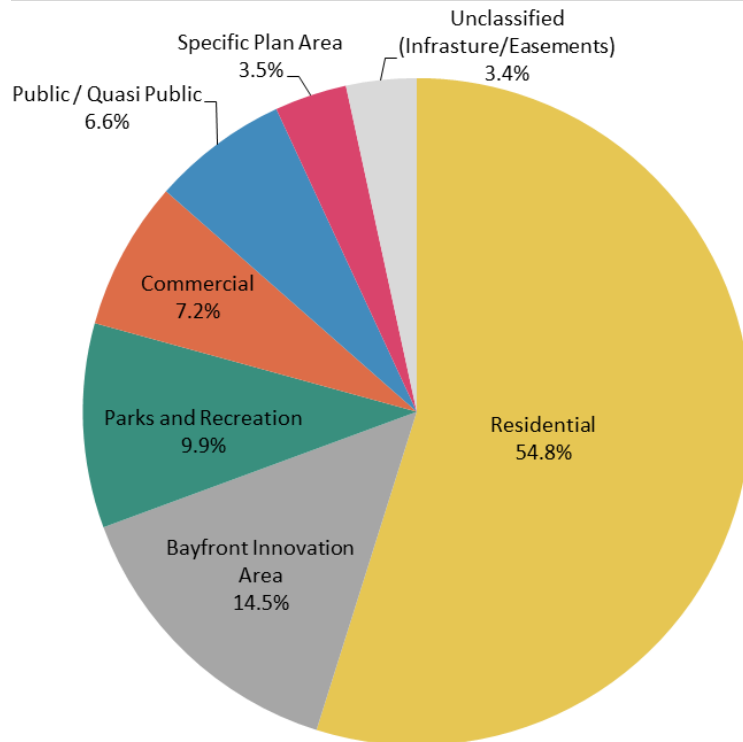
Preservation of scenic, habitat, and recreational resources in Menlo Park is key to retaining the city's special sense of place. Among its many natural features, Menlo Park is known for its high-quality active and passive recreation areas, including Bedwell Bayfront Park, which is a regional draw. Menlo 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

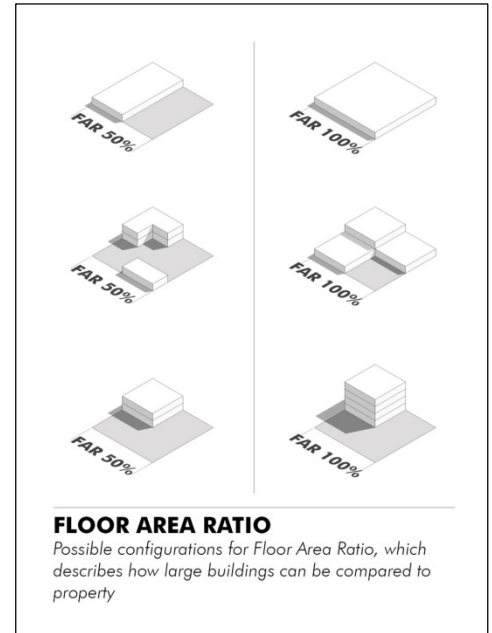
The physical components of the city can be grouped into broad land use categories, such as residential and commercial. Distinct types of land uses are grouped into categories called “designations” under the General Plan. Each designation establishes the general types of uses and a range of development 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.

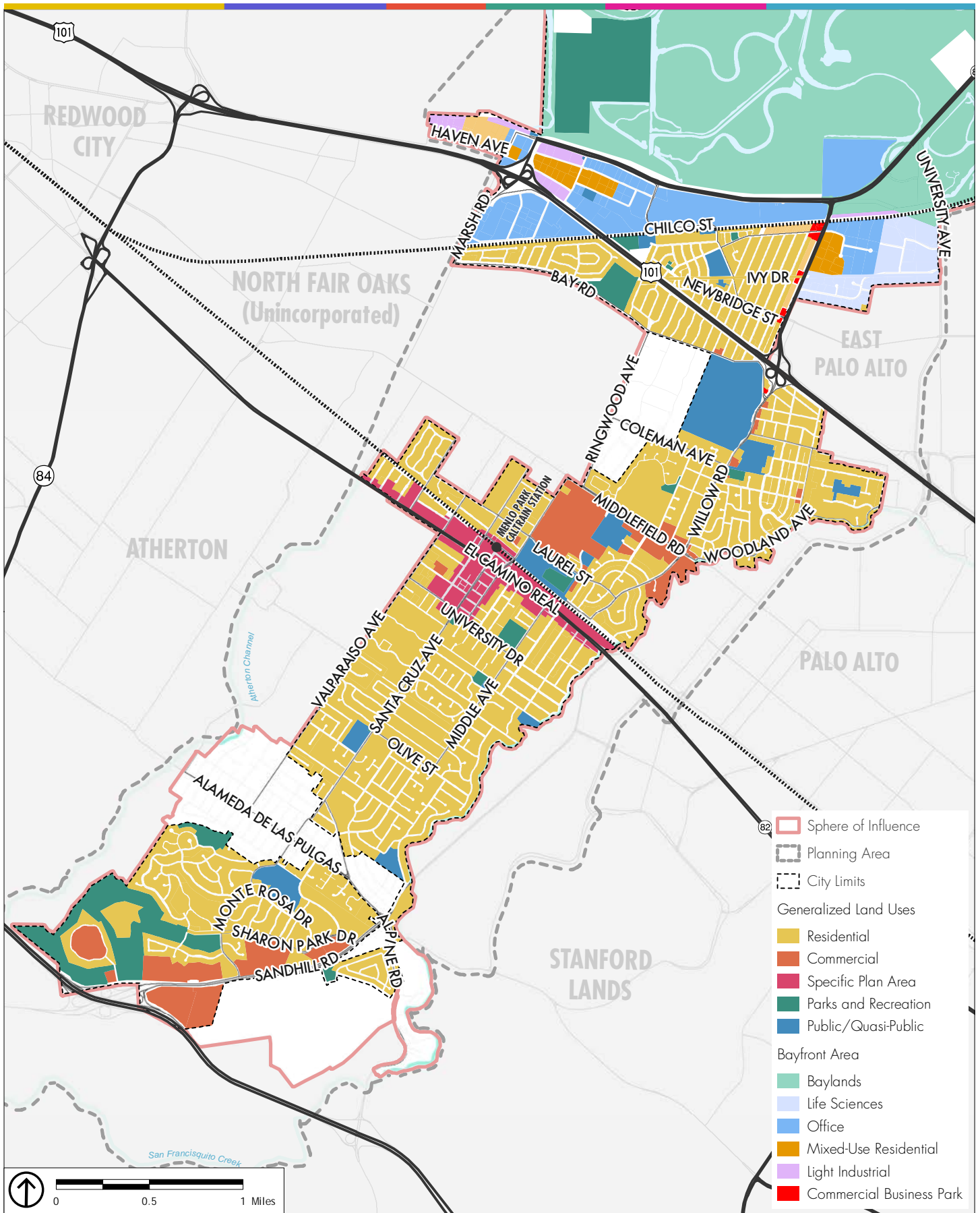
The General Plan land use designations and standards of density and building intensity are described below. Figure 5 shows the general locations of land use designations but is not intended to portray zoning districts on a parcel-by-parcel basis. Land uses in the El Camino Real and downtown area are 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,**



**FIGURE 5: GENERAL PLAN LAND USE DESIGNATIONS**

**TABLE 1 LAND USE DESIGNATIONS AND ZONING DISTRICTS**

General Plan Land Use Designation	Applicable Zoning Districts	Acreage	Percentage of Non-Baylands Area
<b>Residential</b>		<b>1,930</b>	<b>54.9%</b>
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%
<b>Commercial</b>		<b>254</b>	<b>7.2%</b>
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%
<b>Bayfront Area</b>		<b>511</b>	<b>14.5%</b>
Office Life Sciences Mixed Use Residential Light Industrial Commercial Business Park	Office (O) – Base/Bonus/Commercial/Hotel/Corp. Housing Life Sciences (LS) – Base/Bonus/Commercial Residential – Mixed Use (R-MU) – Base/Bonus/Nonres. General Industry (M-2) Commercial Business Park (M-3)		
<b>Specific Plan Area</b>	El Camino Real/Downtown Specific Plan (SP-ECR/D)	<b>122</b>	<b>3.5%</b>
<b>Parks and Recreation*</b>	Open Space and Conservation (OSC) Flood Plain (FP)	<b>349</b>	<b>9.9%</b>
<b>Public / Quasi-Public</b>	Public Facilities (P-F) Allied Arts Guild Preservation (AAGP)	<b>231</b>	<b>6.6%</b>
No Designation	Unclassified Utilities and Rail Rights-of-Way (U)	<b>121</b>	<b>3.4%</b>
	<b>Total Non-Baylands Area</b>	<b>3,517</b>	
<b>Baylands</b>	Flood Plain (FP)	2,194	
	<i>Area within SF Bay</i>	4,965	
	<b>Total</b>	<b>10,676</b>	

\*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 **two (2)** 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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**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 <sup>a</sup>	+ Proposed Development Potential (M-2 Area Only) <sup>b</sup>	= New Development Potential = Proposed Project <sup>c</sup>
<b>BAYFRONT AREA</b>				
Non-Residential Feet <sup>d</sup>	Square	1.4 million	2.3 million	3.7 million
Hotel Rooms <sup>e</sup>		0	400	400
Residential Units <sup>f</sup>		150	4,500	4,650
Population <sup>g</sup>		390	11,570	11,960
Employees		3,400	5,500	8,900
<b>REMAINDER OF CITY</b>				
Non-Residential Feet	Square	355,000	0	355,000
Hotel Rooms <sup>e</sup>		0	0	0
Residential Units <sup>f</sup>		850	0	0
Population <sup>g</sup>		2,190	0	0
Employees		1,000	0	0
<b>CITYWIDE TOTALS</b>				
<b>Non-Residential Feet</b>	<b>Square</b>	<b>1.8 million</b>	<b>2.3 million</b>	<b>4.1 million</b>
<b>Hotel Rooms<sup>e</sup></b>		<b>0</b>	<b>400</b>	<b>400</b>
<b>Residential Units<sup>f</sup></b>		<b>1,000</b>	<b>4,500</b>	<b>5,500</b>
<b>Population<sup>g</sup></b>		<b>2,580</b>	<b>11,570</b>	<b>14,150</b>
<b>Employees</b>		<b>4,400</b>	<b>5,500</b>	<b>9,900</b>

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](http://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 (PM<sub>10</sub> and PM<sub>2.5</sub>) 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 PM<sub>10</sub> (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 O<sub>3</sub>, California and National PM<sub>2.5</sub>, and California PM<sub>10</sub> 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 roadways 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<sub>2.5</sub> 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<sub>2.5</sub> concentrations exceed 0.3 µg/m<sup>3</sup>, 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<sub>2.5</sub> 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<sub>2.5</sub> concentrations exceed 0.3 µg/m<sup>3</sup>, 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, 16.43 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:*

- 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.*
- g. *Use of rodenticides shall not be allowed.*

*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 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, 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. 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, B10-1, 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***

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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
<b>Air Quality</b>						
<b>AQ-2a:</b> 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: _____
<b>AQ-2b1:</b> 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: _____
<b>AQ-2b2:</b> 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	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>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><b>AQ-3a:</b> 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/m<sup>3</sup>, 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> <ul style="list-style-type: none"> <li>▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.</li> <li>▪ Electrifying warehousing docks.</li> </ul>	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"> <li>Requiring use of newer equipment and/or vehicles.</li> <li>Restricting off-site truck travel through the creation of truck routes.</li> </ul> <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><b>AQ-3b:</b> 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 limited to:</p> <ul style="list-style-type: none"> <li>Air intakes located away from high volume roadways and/or truck loading zones.</li> <li>Heating, ventilation, and air conditioning systems of the</li> </ul>	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>buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.</p> <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>						Initials: _____ Date: _____
<p><b>AQ-5:</b> Implementation of Mitigation Measures AQ-2a through AQ-3b.</p>						Initials: _____ Date: _____
<p><b>Biological Resources</b></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>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-</p>	Project applicant	During the building permit and site development review process and prior to permit issuance	A qualified biologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of a biological assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials: _____ Date: _____



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### 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>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 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</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>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 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>						

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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"> <li>▪ additional light,</li> <li>▪ glare,</li> <li>▪ shading (i.e., shadow analysis),</li> <li>▪ noise,</li> <li>▪ urban runoff,</li> <li>▪ water flow disruption,</li> <li>▪ water quality degradation/sedimentation,</li> <li>▪ attraction of nuisance species/predators (e.g., attraction to refuse) and their abatement (e.g., adverse impacts of rodenticides),</li> <li>▪ and pesticides,</li> </ul> <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> <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>						

## 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
<ol style="list-style-type: none"> <li>1. Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.</li> <li>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"> <li>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.</li> <li>b. Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.</li> <li>c. Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.</li> </ol> </li> <li>3. Bird-friendly design.               <ol style="list-style-type: none"> <li>a. No more than ten percent (10%) of façade surface area shall have non-bird- friendly glazing.</li> <li>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.</li> <li>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.</li> </ol> </li> </ol>						

## 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>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>g. Use of rodenticides shall not be allowed.</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>						
<p><b>Cultural Resources</b></p> <p><b>CULT-1:</b> 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</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: _____

## 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>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><b>CULT-2a:</b> 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</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: _____

## 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
Preservation Office (SHPO), if required.						
<b>CULT-2b:</b> 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: _____
<b>CULT-3:</b> 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	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: _____

## 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>approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.</p> <p><b>CULT-4:</b> 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: _____
<p><b>Greenhouse Gas Emissions</b></p> <p><b>GHG-1:</b> 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</p>	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: _____



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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>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.</p> <p><b>GHG-2:</b> Implement of Mitigation Measure GHG-1.</p>						
<b>Hazards and Hazardous Materials</b>						
<p><b>HAZ-4a:</b> 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.</p> <p>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.</p>	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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<b>HAZ-4b:</b> 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: _____
<b>Land Use Planning</b>						
<b>LU-2:</b> 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: _____
<b>Noise</b>						
<b>NOISE-1a:</b> 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 <sub>dtn</sub> . Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure	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: _____

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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 <sub>dn</sub> 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.						
<b>NOISE-1b:</b> 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: _____
<b>NOISE-1c:</b> 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: <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ 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</li> </ul>	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>effective than as originally equipped by the manufacturer.</p> <ul style="list-style-type: none"> <li>▪ Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.</li> <li>▪ Stockpiling is located as far as feasible from nearby noise-sensitive receptors.</li> <li>▪ Limit unnecessary engine idling to the extent feasible.</li> <li>▪ Limit the use of public address systems.</li> <li>▪ Construction traffic shall be limited to the haul routes established by the City of Menlo Park.</li> </ul>						
<p><b>NOISE-2a:</b> To prevent architectural damage citywide as a result of construction-generated vibration:</p> <ul style="list-style-type: none"> <li>▪ 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</li> </ul> <p>To prevent vibration-induced annoyance as a result of construction-generated vibration:</p> <ul style="list-style-type: none"> <li>▪ 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</li> </ul>	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>preparing technical assessments in acoustics and/or groundborne vibrations. The study is subject to review and approval of the Community Development Department.</p> <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"> <li>▪ Workshop = 0.126</li> <li>▪ Office = 0.063</li> <li>▪ Residential Daytime (7AM–10PM)= 0.032</li> <li>▪ Residential Nighttime (10PM to 7 AM) = 0.016</li> </ul> <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>						
<p><b>NOISE-2b:</b> To reduce long-term vibration impacts of future development citywide on existing or potential future sensitive uses:</p> <ul style="list-style-type: none"> <li>▪ Locate sensitive uses away from vibration sources.</li> <li>▪ 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.</li> <li>▪ 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.</li> </ul>	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: _____

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<b>Transportation and Circulation</b>						
<b>TRANS-1a:</b> 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: _____
<b>TRANS-1b:</b> 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.	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials: _____ Date: _____
<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</p>						

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>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"> <li>▪ <b>Sand Hill Road (westbound) and I-280 Northbound On-ramp (#1):</b> 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.</li> <li>▪ <b>Sand Hill Road (eastbound) and I-280 Northbound Off-ramp (#2):</b> Add an additional northbound right-turn lane on the off-ramp to improve operations to acceptable LOS D during the AM peak hour.</li> <li>▪ <b>El Camino Real and Ravenswood Avenue (#28):</b> One eastbound right-turn lane on Menlo Avenue to improve conditions.</li> <li>▪ <b>Willow Road and Newbridge Street (#33):</b> 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.</li> <li>▪ <b>Willow Road and Hamilton Avenue (#36):</b> 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</li> </ul>						

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<p>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 recommend 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.</p> <ul style="list-style-type: none"> <li>▪ <b>Bayfront Expressway and Willow Road (#37):</b> 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.</li> <li>▪ <b>Bayfront Expressway and University Avenue (#38):</b> 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.</li> </ul>						



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<ul style="list-style-type: none"> <li>▪ <b>Chilco Street and Constitution Drive (#45):</b> 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.</li> <li>▪ <b>Chrysler Drive and Constitution Drive (#46):</b> Construct a southbound left-turn on Chrysler Drive, approaching Constitution Drive.</li> <li>▪ <b>University Avenue and Adams Drive (#47):</b> Install a traffic signal at this intersection.</li> <li>▪ <b>University Avenue and Bay Road (#51):</b> 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.</li> <li>▪ <b>University Avenue and Donohoe Street (#54):</b> Mitigating this</li> </ul>						

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<p>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.</p> <ul style="list-style-type: none"> <li>▪ <b>University Avenue and US 101 Southbound Ramps (#56):</b> 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.</li> <li>▪ <b>Chilco Street and Hamilton Avenue (#60):</b> 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.</li> </ul>						
<p><b>TRANS-6a:</b> The City of Menlo Park shall update the Transportation Impact Fee (TIF) program to provide funding for citywide bicycle</p>	City of Menlo Park	Ongoing	City of Menlo Park	Ongoing	Ongoing	Initials: _____ Date: _____

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<p>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.</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,</p>			Transportation Division			

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<p>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"> <li>▪ <b>US 101 Pedestrian &amp; Bicycle Overcrossing at Marsh Road, and Marsh Road Corridor Pedestrian &amp; Bicycle Improvements (Haven Avenue to Marsh Road/Bay Road):</b> 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.</li> <li>▪ <b>Ringwood Avenue Corridor Pedestrian &amp; Bicycle Improvements (Belle Haven to Middlefield Road):</b> 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.</li> <li>▪ <b>University Avenue Pedestrian Improvements:</b> 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</li> </ul>						

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<p>the west University Avenue between Adams Drive and the Bay Trail, located north of Purdue Avenue.</p> <ul style="list-style-type: none"> <li> <b>Willow Road Bikeway Corridor (Bayfront Expressway to Alma Street):</b> 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).                 </li> <li> <b>Willow Road Pedestrian Crossings (Bayfront Expressway to Newbridge Street):</b> 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.                 </li> <li> <b>Dumbarton Corridor Connections:</b> 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.                 </li> </ul>						

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<p><b>TRANS-6b:</b> 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 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>	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials: _____ Date: _____
<p><b>TRANS-6c:</b> 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</p>	City of Menlo Park	Ongoing	City of Menlo Park Transportation	Ongoing	Ongoing	Initials: _____ Date: _____

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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.			Division			
<b>Utilities and Service Systems</b>						
<b>UTIL-10:</b> 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.	City of Menlo Park	Ongoing	City of Menlo Park Planning Division	Ongoing	Ongoing	Initials: _____ Date: _____

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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 <sup>5</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>5</sup>
<b>Green Building</b>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen Mandatory	Designed to meet LEED Silver ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.45.130(2)(B)
<b>Electric Vehicles (EV) Chargers</b>	<p>Pre-Wire<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p>Install EV Chargers<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 2 in the pre-wire locations.</li> </ul>	<p>Pre-Wire<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p>Install EV Chargers<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	<p>Pre-Wire<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p>Install EV Chargers<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	N/A (Voluntary)	N/A (Voluntary)	N/A (Voluntary)
<b>Energy Reporting</b>	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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

<sup>4</sup> 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 16.45.130(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 16.45.130(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.

<sup>5</sup> 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

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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.

<sup>6</sup> At minimum, a 40 amp, 240 volt receptacle shall be installed at each structural column of residential carports for electrical vehicle charging. This requirement is in addition to pre-wire and installation of EV charger regulations.

**O and LS Zoning Districts – Chapter 16.43.140 and Chapter 16.44.130**

<b>TABLE 16.43.140(1)(B): NON-RESIDENTIAL GREEN BUILDING REQUIREMENTS</b>						
	<b>NEW CONSTRUCTION</b>			<b>ADDITIONS AND/OR ALTERATIONS</b>		
<b>Green Building Requirement</b>	<b>10,000 sq. ft. – 25,000 sq. ft.</b>	<b>25,001 sq. ft. – 100,000 sq. ft.</b>	<b>100,001 sq. ft. and above</b>	<b>1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size</b>	<b>10,000 sq. ft.– 25,000 sq. ft. of conditioned area, volume or size<sup>5,6</sup></b>	<b>25,001 sq. ft. and above of conditioned area, volume or size<sup>5</sup></b>
<b>Green Building</b>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen Mandatory	Designed to meet LEED Silver ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.43.140(2)(B)	Designed to meet LEED Gold ID+C <sup>1</sup> or update core and shell of entire building to current California Energy Code <sup>4</sup> and meet section 16.43.140(2)(B)
<b>Electric Vehicle (EV) Chargers</b>	<p><u>Pre-Wire<sup>2</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 2 in the pre-wire locations.</li> </ul>	<p><u>Pre-Wire<sup>2</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	<p><u>Pre-Wire<sup>2</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>	N/A (Voluntary)	<p><u>Pre-Wire<sup>2</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 2 chargers in the pre-wire locations.</li> </ul>	<p><u>Pre-Wire<sup>2</sup></u></p> <ul style="list-style-type: none"> <li>Minimum of 5% of total required number of parking stalls.</li> </ul> <p>AND</p> <p><u>Install EV Chargers<sup>3</sup></u></p> <ul style="list-style-type: none"> <li>Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</li> </ul>
<b>Energy Reporting</b>	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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

<sup>4</sup> 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

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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.

<sup>5</sup> 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.

<sup>6</sup> For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.



## STAFF REPORT

### City Council

Meeting Date:

12/6/2016

Staff Report Number:

16-210-CC

### Consent Calendar:

**Waive the reading and adopt 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 waive the full reading of, and adopt 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 State has adopted an updated Building Standards Code, to be effective beginning January 1, 2017. All local jurisdictions are required to enforce the newly adopted Code. For consistency with the State action, staff is proposing the adoption of the State Code with several local amendments to address local geological, climatic, or topographic conditions.

The Council reviewed the draft ordinance adopting the updated State Code and local amendments at its November 29, 2016 meeting and acted to introduce the ordinance with a request for a change to refine the language associated with work exempt from permit in Sections 12.06.010 and 12.08.010.

### Analysis

Staff has modified Section 12.06.010 and 12.08.010 of the proposed ordinance to include the language directed by the Council at its November 29, 2016 meeting. The proposed ordinance is included as Attachment

A, with the new language highlighted for easy reference. If the Council takes action to adopt the ordinance, the State Building Standards Code and local amendments will become effective January 1, 2017.

### **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 and posting a notice at the City Hall Development Service Counter.

### **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.

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:

- (1) 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;
- (2) 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");
- (3) 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");
- (4) 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");
- (5) 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");
- (6) 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");



- (7) 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;
- (8) 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;
- (9) 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”);
- (10) 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
- (11) 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, tiling except in showers and on kitchen and bathroom counter tops 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, tiling except in showers and on kitchen and bathroom counter tops 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	AIR FREEZING INDEX	MEAN ANNUAL TEMPI
	Speed <sup>a</sup> (mph)	Topographic <sup>b</sup> Grade	Special <sup>c</sup> Wind <sup>c</sup> Region	Wind-borne <sup>d</sup> Debris <sup>d</sup> Zone		Weathering <sup>e</sup>	Frost line <sup>f</sup> depth	Termite <sup>g</sup>					
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 5.408.1 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 5.408.1 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" means 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 to the community.
- (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 i.e. single family homes, duplex and townhomes), 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 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 12.22 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 29<sup>th</sup> 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 6<sup>th</sup> day of December, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED:

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Richard Cline  
Mayor, City of Menlo Park

ATTEST:

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Pamela Aguilar, MMC  
City Clerk

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## STAFF REPORT

### City Council

Meeting Date:

12/6/2016

Staff Report Number:

16-213-CC

Consent Calendar:

**Waive the second reading and approve an ordinance that will establish the requirement for landlords to offer 12-month leases to renters**

### Recommendation

Staff recommends that the City Council review and approve second reading of the attached ordinance which will establish the requirement for landlords to offer 12-month leases to renters.

### Policy Issues

This action is consistent with the direction given by the Council at the November 9<sup>th</sup> Special City Council Meeting.

### Background

At the November 9<sup>th</sup> Special City Council Meeting the Council approved the first reading of the attached ordinance which will establish the requirement for landlords to offer 12-month leases to renters. The Council heard public comment on the proposed ordinance and directed staff to amend the ordinance to exempt duplexes and triplexes. In addition, the City Council directed staff to extend the effective date of the ordinance to 90 days after the second reading to allow time for outreach to property owners, landlords, tenants, advocate groups, and other stakeholders.

### Analysis

#### *Long Term Leases*

This memo recommends that the City Council approve the second reading of the amended draft ordinance (Attachment A) which would establish the requirement for landlords to provide renters with the option of a 12-month lease. This ordinance would require landlords to notify renters of the 12-month lease option. If the City Council approves the second reading of the ordinance, then staff will work with property owners, advocate groups and other stakeholders to provide necessary assistance to ensure landlords are providing this notification.

According to the ordinance, this would apply to all rental units within Menlo Park with the following exemptions:

- A single-family dwelling
- Rooms or accommodations in hotels and boardinghouses which are rented to transient guests for a period of less than thirty (30) consecutive days
- Dwelling units in a condominium, community apartment or planned unit development

- Housing accommodations in any hospital, skilled nursing, health or care facility, extended-care facility, nonprofit home for the aged
- Dwelling units in which housing accommodations are shared by landlord and tenant
- Duplexes and Triplexes
- Secondary dwelling units
- Housing accommodations rented by a medical institution which are then subleased to a patient or patient's family
- Dwelling units whose rents are controlled or regulated by any government unit, agency or authority, or whose rent is subsidized by any government unit, agency or authority
- Dwelling units acquired by the city or any other governmental unit, agency or authority intended to be used for public purposes.

### **Impact on City Resources**

Staff does not anticipate the need for additional resources as a result of this action.

### **Environmental Review**

This discussion is no a project under CEQA.

### **Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the meeting.

### **Attachments**

Attachment A: Draft City of Menlo Park Mandatory 12-Month Lease Ordinance

### **Report prepared by:**

Jim Cogan, Housing and Economic Development Manager



ORDINANCE NUMBER \_\_\_\_\_

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO  
PARK AMENDING TO ADD A NEW CHAPTER 8.53  
[RESIDENTIAL LEASES FOR RENTAL UNITS] OF TITLE 8  
[PEACE, SAFETY AND MORALS] OF THE MENLO PARK  
MUNICIPAL CODE**

The City Council of the City Menlo Park does hereby ordain as follows:

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. An inadequate supply of rental housing exists in the city and an increasing demand continues to grow for such housing based on the significant number of renters in the city.
- B. The increasing rents combined with a housing shortage places substantial pressure on the city residents who rent housing.
- C. Tenants have a right to a written lease and that a contractual relationship with a landlord may offer some needed assurances of stability and minimize displacement of tenants in a rental housing market affording tenants few and increasingly expensive options.
- D. The City Council of the City of Menlo Park finds and declares an amendment to add Chapter 8.53 [Residential Leases for Rental Units] is necessary for the reasons above.

SECTION 2. AMENDMENT OF CODE. Chapter 8.53 [Residential Leases for Rental Units] is hereby added to Title 8 [Peace, Safety and Morals] is hereby added as follows:

Chapter: 8.53 RESIDENTIAL LEASES FOR RENTAL UNITS

8.53.010 Purpose.

It is found and declared that an inadequate supply of rental housing exists in the city and an increasing demand continues to grow for such housing based on the significant number of renters in the city. The increasing rents combined with a housing shortage places substantial pressure on the city residents who rent housing. The council finds that tenants have a right to a written lease and that a contractual relationship with a landlord may offer some needed assurances of stability and minimize displacement of tenants in a rental housing market affording tenants few and increasingly expensive options.

8.53.020 Definitions.

For purposes of this Chapter, the following definitions apply:

- (1) "Landlord" means an owner, lessor or sublessor, or the agent, representative or successor of any of the foregoing persons who receives, or is entitled to receive, rent for the use and occupancy of any rental unit or portion thereof.
- (2) "Rent" means the consideration, including any bonus, benefit, or gratuity

demanded or received by a landlord or in connection with the use or occupancy of a rental unit.

- (3) "Rental unit" means a dwelling unit (as defined by Section 16.04.290) in the city, which unit is in a multiple-family dwelling, boardinghouse, or lodginghouse and which is used as rental housing. The term "rental unit" shall not include:
- (a) A single-family dwelling;
  - (b) Rooms or accommodations in hotels and boardinghouses which are rented to transient guests for a period of less than thirty (30) consecutive days;
  - (c) Dwelling units in a condominium, community apartment or planned unit development;
  - (d) Housing accommodations in any hospital, skilled nursing, health or care facility, extended-care facility, nonprofit home for the aged;
  - (e) Dwelling units in which housing accommodations are shared by landlord and tenant;
  - (f) Secondary dwelling units;
  - (g) Duplexes and triplexes;
  - (h) Housing accommodations rented by a medical institution which are then subleased to a patient or patient's family;
  - (i) Dwelling units whose rents are controlled or regulated by any government unit, agency or authority, or whose rent is subsidized by any government unit, agency or authority; or
  - (j) Dwelling units acquired by the city or any other governmental unit, agency or authority intended to be used for public purposes.
- (4) "Tenant" means a person or persons entitled by written or oral agreement to occupy a rental unit to the exclusion of others.

#### 8.53.030 Requirement to Offer Written Lease.

- (1) Offer. If a tenant or prospective tenant wishes to rent a rental unit from a landlord and if said landlord wishes to rent said rental unit to said prospective tenant, the landlord must offer to the tenant or prospective tenant a written lease which has a minimum term of one (1) year. Such offer must be made in writing. Signing of a lease which has a minimum term of one (1) year shall be considered an offer in writing.
- (2) Acceptance. If the tenant or prospective tenant accepts the offer of a written lease which has a minimum term of one (1) year, this acceptance must be in writing. Signing a lease which has a minimum term of one (1) year will be considered an acceptance.
- (3) Rejection. If the tenant or prospective tenant rejects the offer for a written lease which has a minimum term of one (1) year, this rejection must be in writing, and the landlord and tenant or prospective tenant may then enter into an agreement, oral or written, that provides for a rental term of less than one (1) year.
- (4) Rent. If the landlord and tenant enter into a written lease which has a minimum term of one (1) year, such lease must set the rent for the rental unit at a

rate or rates certain and these rates shall not otherwise be modified during the term of such lease.

(5) Renewal of Lease. If both the landlord and tenant wish to continue the rental relationship, upon the expiration of the initial written lease which has a minimum term of one (1) year, a lease shall be offered again in accordance with the procedures of Section 8.53.030(1)-(4) and the following:

(a) Leases with a term of one (1) year shall be offered annually at the expiration of the one year term.

(b) Leases with a term longer than one (1) year shall be renewable at the expiration of each lease period for a minimum term of one (1) year.

(c) A landlord shall offer annually a written lease with a minimum term of one (1) year to a tenant who rejected an initial offer of a written lease with a minimum term of one (1) year but who has rented a unit from the landlord for a period of at least twelve (12) months.

(6) Applicability. This section shall not apply to:

(a) A unit which is rented on the effective date of the ordinance codified in this chapter, provided that, (A) if the unit is rented subject to a written lease, when the lease in effect for such unit expires, the ordinance codified in this chapter shall then apply; and (B) if the unit is rented without a written lease, within thirty (30) days after the effective date of this ordinance, the landlord shall offer a written lease to the tenant in accordance with this section;

(b) An owner-occupied unit that is rented to a tenant for less than one (1) year; or

(c) A rental unit occupied by a tenant who subleases that unit to another tenant for less than one (1) year; or

(d) A rental unit where the tenancy is an express condition of, or consideration for, employment under a written rental agreement or contract or a unit leased to a corporation.

#### 8.53.040 Notice of Tenant's Right to Lease.

(1) Form. Landlords shall provide all rental unit tenants with a notice summarizing the rights afforded by this ordinance. The notification shall be capitalized text in at least fourteen (14) points in font size and shall state:

THE MENLO PARK CITY CODE PROVIDES YOU WITH THE RIGHT TO A WRITTEN LEASE. LANDLORDS MUST OFFER TENANTS THE OPTION TO ENTER INTO A ONE (1) YEAR WRITTEN LEASE. IT IS THE TENANT'S CHOICE WHETHER TO ENTER INTO SUCH A WRITTEN LEASE WITH A LANDLORD. FURTHER INFORMATION IS AVAILABLE ON THE CITY'S WEBSITE ([WWW.MENLOPARK.ORG](http://WWW.MENLOPARK.ORG)).

(2) Language. Landlord shall provide this notification in English and Spanish.

(3) Manner. Landlord must provide this notice to tenants in writing or electronically if the application and/or lease are processed electronically.

#### 8.53.050 Tenant Remedies.

- (1) Defense to Action to Recover Possession. Failure of a landlord to comply with any of the provisions of this chapter shall provide the tenant with a defense in any legal action brought by the landlord to recover possession of the rental unit.
- (2) Defense to action to collect rent. Failure of a landlord to comply with any of the provisions of this chapter shall provide the tenant with a defense in any legal action brought by the landlord to collect rent.
- (3) Injunctive Relief. A tenant may seek injunctive relief on his or her own behalf and on behalf of other affected tenants to enjoin the landlord's violation of this chapter.
- (4) Remedies are Nonexclusive. Remedies provided in this section are in addition to any other existing legal remedies and are not intended to be exclusive.
- (5) Nonwaiver. Any waiver or purported waiver by a tenant of his or her rights under this Chapter prior to the time when such rights may be exercised, except a rejection of a one-year lease offered in accordance with 8.53.030(3), shall be void as contrary to public policy.
- (6) Infraction. Any person who violates Sections 8.53.030 and 8.53.040 of this Chapter shall be guilty of an infraction, punishable by as provided in section 1.12.010 of this Code.

**SECTION 4. SEVERABILITY.** If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

**SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.** The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

**SECTION 6. EFFECTIVE DATE AND PUBLISHING.** This ordinance shall take effect 90 days after adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the \_\_ day of \_\_\_\_\_, 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:

\_\_\_\_\_  
Pamela Aguilar, City Clerk

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## STAFF REPORT

### City Council

**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-209-CC

**Consent Calendar:** **Approve and authorize the City Manager to execute a contract with Buxton Co. for retail recruitment services and appropriate \$60,000 from reserves**

### Recommendation

Staff recommends that the City Council approve and authorize the City Manager to execute a contract with Buxton Co. for retail recruitment services and appropriate \$60,000 from reserves.

### Policy Issues

This action is consistent with goals 1, 4, and 6 of the Economic Development plan. It will assist the City with enhancing the vibrancy of downtown through new retail offerings and is critical as the City works to recruit additional retail to the Belle Haven Neighborhood.

### Background

The Economic Development Plan is built on 11 goals that were developed through a community input process and approved by the City Council. Specifically, goals *1. Diversify and Grow City Revenue Sources*, *4. Activate Downtown* and *6. Capture the Economic Potential of "Pass-Through" Traffic* all relate to the need to attract new retailers to Menlo Park. The Economic Development Plan's *Comparative Economic Advantage Study* identifies significant retail leakage from Menlo Park and our need to increase the opportunities for retail development as well as proactive retail recruitment activities.

One of the priorities of ConnectMenlo is the development of retail to serve the Belle Haven Neighborhood and neighboring employers. The Economic Development Plan suggests ***One solution would be to density employment centers in Menlo Park. Research has shown that as employment density increases employees have more opportunities to shop near their workplace, if land use regulations allow it.*** With the Council's action to approve the ConnectMenlo land use and circulation elements, certification of EIR and approval of the introduction of the associated ordinances, the timing is perfect to develop a retail recruitment solution for the area and all of Menlo Park.

### Analysis

Staff has reviewed a number of consultants who might be able to assist with an effort to develop a retail recruitment solution. With Buxton, staff believes that there is a unique opportunity to hire not only the right consultant to assist the City with developing a retail recruitment solution, but also a consultant who will partner with the City to execute the retail recruitment solution. Buxton offers an unmatched sophistication in retail recruitment that comes from the company's origin as a consultant to retailers looking to expand to new markets. Buxton understands not only what kind of retailers cities want, but the kinds of markets that

retailers want and need to be successful. Menlo Park does not have the staffing resources to develop the same retail expertise that Buxton offers. It would require a team of internal retail specialists years to develop a similar service at many times the cost to the City.

Ironically, cities that do have those staffing resources like San Jose, Temecula, Palm Springs and Pasadena still work with Buxton, because there is no substitute for the expertise that they have developed in working with retailers. They have relationships with over 2,500 retailers that they can leverage to ensure that Menlo Park is getting the kind of tenants that match our community.

The scope of work with Buxton (Attachment A) details the services that Buxton is offering and it is important to call out one service that the City would never have access to otherwise. Buxton's *Visitor Insights* is truly unique, because they are the only company that has developed a partnership with Visa to gain access to their customer purchasing information.

Buxton can develop unique profiles of visitors to Menlo Park by analyzing all Visa expenditures for a recent twelve (12) month period where the cardholder's originating address is located outside the designated regions. Expenditures are consolidated at the ZIP+4 level so as to de-identify individual cardholder information and respect card-holder privacy laws while still providing Buxton with a way to develop an accurate visitor profile of the visitors to Menlo Park, CA. This solution will provide us with insights into more than 7,500 categories of lifestyles, purchase behaviors, and media reading and viewing habits of your visitors. It will give Menlo Park critical information as we seek to both address our retail leakage and capture the economic benefit of pass-through traffic.

### **Impact on City Resources**

Staff is recommending the appropriation of \$60,000 for the first year of consultant services and will likely recommend incorporating ongoing services into the Housing and Economic Development annual budget, after reviewing and evaluating the consultant's performance.

### **Environmental Review**

This action is not a project under 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.

### **Attachments**

Attachment A: Retail Recruitment Solution

### **Report prepared by:**

Jim Cogan, Housing and Economic Development Manager





Proposal

# RETAIL RECRUITMENT SOLUTION

Prepared by: Lisa McCay  
Expiration: December 15, 2016



# OUR VALUE PROPOSITION

Since our founding in 1994, Buxton® has been a leading force in retail site and development. We are recognized for creating solutions that provide results. Buxton began as a service to help retailers make informed site selection decisions by understanding their customers and precisely determining their markets. Buxton soon realized that the company's expertise in retail site and market analysis could also be leveraged to benefit communities desiring retail expansion.



More than simply providing data, Buxton supplies custom marketing materials and strategies targeting the unique site requirements of retailers, developers, and commercial real estate brokers. Buxton clients achieve outstanding success using our tools for retail identification, selection, and recruitment. Clients benefit from Buxton's unique understanding of site selection from the retailer's point of view.

- **Grow Your Community.** Create new, permanent jobs that will satisfy your citizens desire to shop at home; retain dollars currently spent outside of your community and maximize revenue growth to fund city services
- **Leverage Buxton's Retail Industry Expertise.** Establish credibility with decision makers by providing factual evidence to support your site and gain a competitive position by leveraging our experience:
  - 3500+ total clients from the retail, restaurant, healthcare, and public sector industries
  - 700+ public sector clients nationwide
  - 35+ million square feet of retail space
  - 500+ cumulative years of retail management and economic development experience
- **Access Your Buxton Solution with Ease.** Utilize your best-in-class retail recruitment solution via SCOUT™ with the touch of a button from any mobile device; gain answers to your retail recruitment and site analysis questions and have the big picture in the palm of your hand
- **Develop a Long-Term Partnership.** Receive personal guidance and ongoing insight into key industry topics

# SCOPE OF SERVICES

Buxton is pleased to present this proposal to Menlo Park, CA. The purpose of this proposal is to outline and review your community development objectives and how Buxton's solutions will enhance your ability to effectively meet those objectives.

## Menlo Park, CA's Objectives:

1. Recruit new retailers and restaurants
2. Retain existing retailers and restaurants
3. Understand current retail and restaurant economic condition

## Retail Recruitment and Retention Solution: Your Community Profile

Our solution is a total marketing strategy that enables community leaders to understand the consumer profile of their residents and to identify specific retailers and restaurants who seek a market with household purchasing habits just like yours. This solution provides you with the ability to actively pursue identified retailers, making a compelling case for their expansion to Menlo Park, CA by utilizing custom marketing packages that Buxton will create for you. You will have access to the same analytical information and insights retailers depend on today to make site selection decisions. This knowledge will provide you with instant credibility and the ability to differentiate your community.

### Step 1 – Research Your Community

Buxton uses over 250 consumer and business databases that are updated regularly and compares your potential sites to the universe of all competing sites operating in the U.S. We define your current retail situation and those in any neighboring communities that impact your retail environment.

### Step 2 – Define and Evaluate Your Trade Area

Customers shop by convenience, measuring distance based on time, not mileage. We will conduct a custom drive-time analysis to determine your trade area using our proprietary methodology and knowledge of individual retail clients' actual trade areas. Your drive-time trade area will be provided to you as a map that accurately depicts your consumer shopping patterns.

### Step 3 – Profile Your Trade Area's Residential Customers

Your community profile will analyze every household in your drive-time trade area. Based on more than 7,500 categories of lifestyles, purchase behaviors, and media reading and viewing habits (psychographics), the households in your trade area are assessed to gain an understanding of the types of retailers that would be attracted to your site.

### Step 4 – We Match Retailers and Restaurants to Market Potential

Buxton will match the consumer profile of your community's trade area against the customer profiles of 5,000+ retailers in our proprietary database. We will identify the similarity between the two profiles analyzed using Buxton's proprietary retail matching algorithm to determine if your site presents an attractive opportunity for each retailer. We then qualify the list of matched results to verify that a retailer is currently operating or expanding, that they operate in similar sites, and that your site affords adequate buffer from competition and cannibalization to be realistically considered.

### **Step 5 – We Create Marketing Packages**

Buxton will assemble individualized marketing packages for up to twenty (20) targeted retailers. We will notify each retailer's key real estate decision maker by letter, informing them that they have been qualified by Buxton as a potential viable fit for your site and should expect to be contacted by a representative of the city.

Your marketing packages will be delivered to you in SCOUT and include a:

1. Map of the retail site and trade area
2. Map of the retailer's potential customers
3. Retailer match report that compares the site's trade area characteristics and consumer profile with the retailer's sites in similar trade areas

#### **Solution Deliverables:**

- SCOUT Touch access
- Drive time trade area maps
- Retail site assessment
- Retailer specific marketing packages (for up to twenty (20) retailers)
- Mobile tablet device at completion with pre-loaded findings

#### **Multi Year Deliverables:**

Years 2 and 3 of this agreement will include a Retail Recruitment model refresh, retail marketing packages, and full access to SCOUT and SCOUT Touch.

## Access and Use Your Retail Recruitment Solution via SCOUT Touch

Buxton's Retail Recruitment solution will allow you to actively recruit retailers to your community and support existing businesses with the push of a button in SCOUT Touch, providing you with crucial information about your community, your trade areas, your residents, and much more. SCOUT is a web-based platform that is accessible on any Windows or iOS enabled device with an Internet connection. It is designed to give decision-makers in your community access to the data and solutions that will assist them in making better business decisions. The Retail Recruitment solution includes one (1) mobile tablet device that will be provided at completion and pre-loaded with all key findings. This mobile tablet device, possession of Menlo Park, CA, enables four (4) SCOUT users with the ability to **run demographic and trade area profile reports**, and view maps and other data elements.

**Identifying and quantifying key variables that impact your community**, you will acquire insights from these findings that will provide you with a strong understanding of retail recruitment and business retention efforts. In Buxton's SCOUT Touch you will be able to:

- Identify retail matches
- Run variable reports
- View city limit maps
- Run healthcare reports
- Run demographic & consumer propensity reports
- See aerial view
- View physician intelligence
- Run comparable reports
- Run retail leakage/surplus reports



# SUPPORT

## SCOUT Technical Requirements

SCOUT can be accessed at the following URL: [www.buxtonco.com](http://www.buxtonco.com)

SCOUT is a web-based platform accessible on any desktop, laptop, or mobile tablet device that has an Internet connection. An iPad Air 2 is suggested by Buxton to give you the best user experience. Android tablets are not supported by Buxton's Helpdesk. Minimum browser requirements are Internet Explorer 10, Safari 5, Chrome 21, or Firefox 14.

## Buxton's Helpdesk

(1-817-332-3681) is available during normal office hours (8:00 AM-5:30 PM CST, excluding weekends and public holidays). Buxton's Helpdesk team will be available to support all educational, functional, and technical inquiries and will respond to all requests within twenty-four (24) hours of submission.

Buxton's Helpdesk

Monday – Friday: 8:00 am – 5:30 pm CST

**1-817-332-3681**

# TERM, FEES, AND DELIVERY

## Annual Fees

### Agreement Terms

<b>Year 1 Fee</b> (50% invoiced upon execution of this agreement; 50% invoiced upon targeted retailer identification)	\$60,000
<b>Year 2 Fee</b> (Invoiced 1 <sup>st</sup> anniversary of this agreement)	\$50,000
<b>Year 3 Fee</b> (Invoiced 2 <sup>nd</sup> anniversary of this agreement)	\$50,000

### Delivery **Menlo Park, CA will have access to retail match lists and marketing packages within sixty (60) business days of execution.**

Your SCOUT access will be enabled within ten (10) business days of the execution of this agreement. Menlo Park, CA will have access to retail match lists and marketing packages within sixty (60) business days of execution. The initial term of this agreement is for three (3) years with services invoiced annually. However, at any time during this initial 3-year term, Menlo Park, CA may cancel services for the following year by providing written notice to Buxton at least sixty (60) days in advance of a yearly renewal. If Menlo Park, CA cancels services prior to the expiration of the initial term, Menlo Park will be invoiced 10% of the total remaining balance. All service fees associated with this agreement are due in net (10) days of the date of the invoice. Execution of this agreement will act as full consent that Buxton may include Menlo Park, CA on its client list and in presentations and public relations efforts. Additionally, Buxton may issue a press release announcing Menlo Park, CA as a client. When doing so, Buxton will not reveal information that is confidential and proprietary to Menlo Park, CA.

<b>Buxton</b>	<b>Menlo Park, CA</b>
_____ Signature	_____ Signature
_____ Printed Name	_____ Printed Name
_____ Title	_____ Title
_____ Date	_____ Date

Please provide us with a primary point of contact for invoice receipt.

**Name:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

Please provide us with a primary point of contact.

**Name:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

Preferred Method of Receipt:    Email **OR** U.S. Mail



## ADDITIONAL RECOMMENDED SOLUTIONS



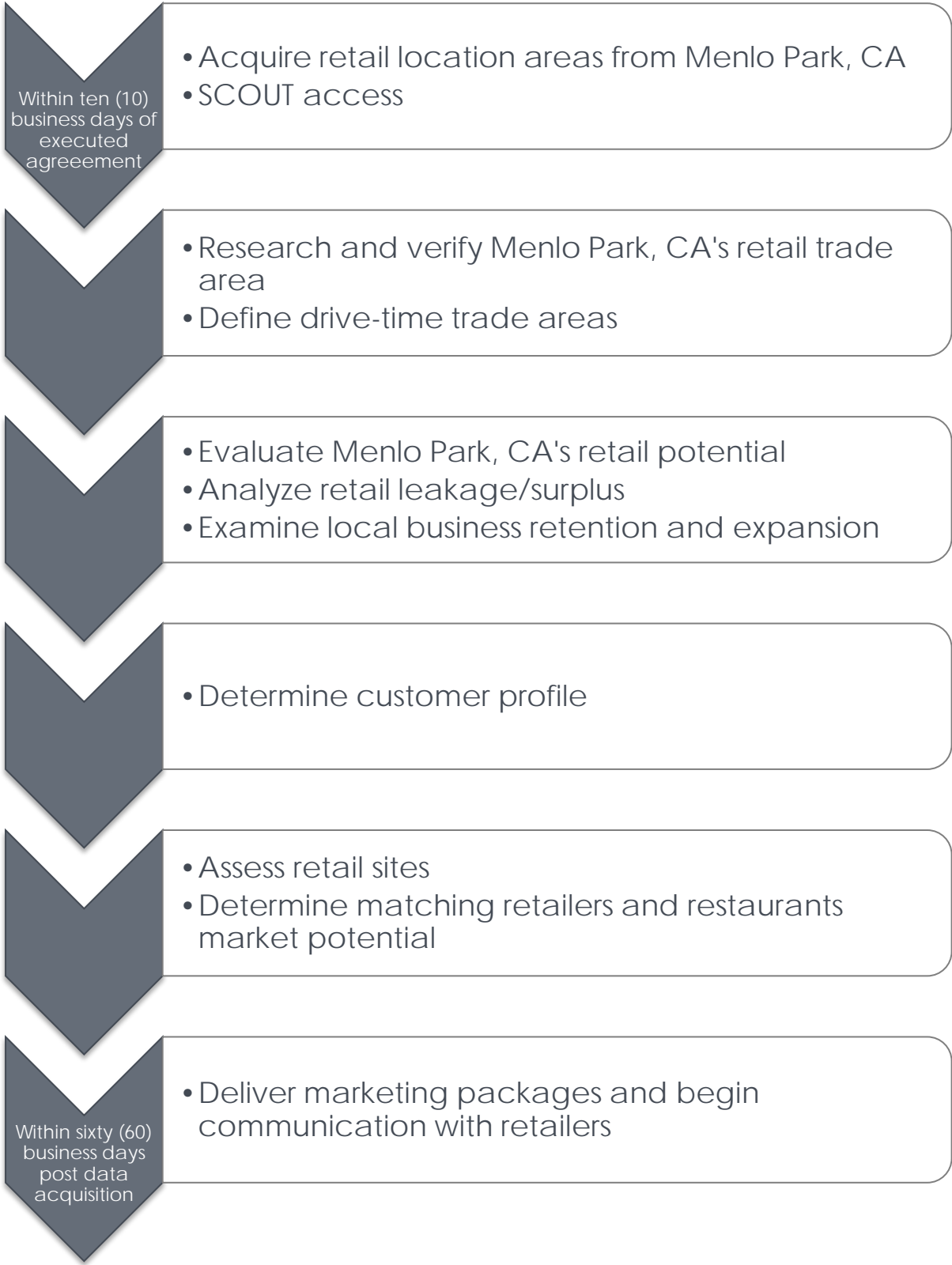
Visitor Insights - \$10,000

Buxton can develop unique profiles of your visitors by analyzing all Visa expenditures for a recent twelve (12) month period where the cardholder's originating address is located outside the designated regions. Expenditures are consolidated at the ZIP+4 level so as to de-identify individual cardholder information and respect card-holder privacy laws while still providing Buxton with a way to develop an accurate visitor profile of the visitors to Menlo Park, CA. This solution will provide you with insights into more than 7,500 categories of lifestyles, purchase behaviors, and media reading and viewing habits of your visitors.

Next Page: Project Schedule



# PROJECT TIMELINE



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## STAFF REPORT

### City Council

**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-202-CC

**Consent Calendar:** Adopt a resolution accepting FY2016-2017 State Supplemental Local Law Enforcement Grant (SLESF COPS Frontline) in the amount of \$100,000; and approve a spending plan

### Recommendation

Adopt a resolution accepting the fiscal year 2016-2017 State Supplemental Local Law Enforcement Grant (SLESF COPS Frontline) in the amount of \$100,000 and approve a spending plan.

### Policy Issues

The proposed action and spending plan require City Council authorization and resolution.

### Background

In 1997, the California State Legislature created the Citizen's Option for Public Safety (COPS) Program. This is a non-competitive grant whereby cities and counties receive state funds to augment public safety expenditures. Effective in the year 2000, cities were guaranteed a minimum grant award of \$100,000.

The COPS funds must be used for frontline municipal police services and must supplement and not supplant existing funding. The funds cannot be used for administrative overhead costs in excess of ½ percent of the total allocation. The allocation may not be used to fund the costs of any capital project or construction project that does not directly support frontline law enforcement.

### Analysis

The 2016-2017 COPS Frontline Grant award is in the amount of \$100,000. This grant is included in the City's Fiscal Year 16/17 budget and a spending plan must now be approved by City Council. Staff recommends that the funds be expended in the following areas as shown below:

#### Individual Officer Safety and Duty Equipment

- Fifty-five (55) individual ballistic rifle vests consisting of the plates and carrier system (\$49,000)
- Fifty-five (55) individual handgun mounted flashlights (\$12,000)
- Fifty-five (55) Safariland / Viewu body worn camera compatible handgun holster systems (\$6,000)

Use of grant funds for individual officer safety equipment will provide an enhanced level of protection for police officers in the field. The ballistic rifle vests are lightweight and easily transportable. During high risk

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Use of grant funds for individual officer safety equipment will provide an enhanced level of protection for police officers in the field. The ballistic rifle vests are lightweight and easily transportable. During high risk events, officers in the field will be able to don the vests for an extra level of protection that exceeds the current capabilities of our existing body armor.

Recently, the Safariland Group acquired the manufacturer of our current body worn cameras, Viewu. This partnership has created new technology that will enable an officer’s body worn Viewu camera to be activated anytime a weapon is drawn from the wearers Safariland holster. To accommodate the future transition, new Safariland holsters will need to be purchased for our existing department issued handguns.

Communications and Technology

- Four (4) Turbo Data / ticketPRO nForcer Mobile Ticketing System (\$24,000)
- JAMAR Technologies Wireless Radar Traffic Recorder (\$4,000)
- Ten (10) Samsung Galaxy S2 Tablets (\$5,000)

Use grant funds for communication and technologies upgrades will provide for additional equipment for our officers in the field to gather data for traffic complaint areas and increase enforcement of traffic laws within the City.

The Samsung tablets will provide a platform for our Investigations Division to bring their desktops to the field.

SLESF FY16-17 Expenditure Plan Summary	
Item	Quantity
Individual Officer Safety Duty Equipment	\$ 67,000
Communications and Technology	\$ 33,000
<b>TOTAL</b>	<b>\$ 100,000</b>

The Police Department has strategically used grant funds to support the department’s technology initiatives, previously unbudgeted items and new field equipment. This year’s spending request continues to strengthen the department’s ability to provide public safety services. The philosophy of securing alternative funding sources to finance new technologies and equipment has allowed the

Police Department to maintain a progressive approach to policing, while simultaneously supporting the need for a cost-conscious approach to the use of General Fund monies.

### **Impact on City Resources**

The fiscal year 2016-2017 grant funds must be spent or encumbered by June 30, 2018. There are no matching requirements for this grant. Purchases will be made in accordance with the City's adopted purchasing policies.

Certain equipment procured with fiscal year 2016-2017 grant funds have ongoing service costs. These costs are for cellular services for hand held tablets. Depending on the number of units supported, the service costs will vary. If the Police Department continues to receive the COPS grant annually, this equipment related service costs may continue to be funded by this program. However, should grant money become unavailable, these service costs will be included in the fiscal year 2017-2018 budget.

### **Environmental Review**

Environmental review is not required.

### **Public Notice**

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

### **Attachments**

A. Resolution

Report prepared by:  
William A. Dixon, Commander

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**RESOLUTION NO.**

**RESOLUTION OF THE CITY OF MENLO PARK ACCEPTING THE STATE SUPPLEMENTAL LOCAL LAW ENFORCEMENT GRANT OF \$100,000, APPROVING THE USE OF THE FUNDS IN ACCORDANCE WITH STATE REQUIREMENTS**

WHEREAS, the California State Legislature created the Citizen's Option for Public Safety (COPS) Program in fiscal year 1996-97; and

WHEREAS, effective September 8, 2000, cities were guaranteed a minimum grant award of \$100,000; and

WHEREAS, the City must create a Supplemental Law Enforcement Special Fund (SLESF) for the grant funds; and

WHEREAS, the funds cannot be used for administrative overhead exceeding 0.5 percent or allocated to fund the costs of any capital project or construction project that does not directly support frontline law enforcement; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Menlo Park does hereby accept the State Supplemental Local Law Enforcement Grant of \$100,000; and

BE IT FURTHER RESOLVED, that the City Council approves the use of State Supplemental Local Law Enforcement Grant funds in accordance with state requirements, as outlined below:

- Communications and Technology \$33,000
- Individual Officer Safety and Duty Equipment \$67,000

I, Pamela Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the fifteenth day of December, 2015, 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 6th day of December, 2016

Pamela Aguilar, CMC  
City Clerk

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## STAFF REPORT

### City Council

Meeting Date:

12/6/2016

Staff Report Number:

16-211-CC

Consent Calendar:

**Authorize the City Manager to enter into a license agreement with the San Mateo County Transit District for the installation of bus shelters**

### Recommendation

Staff recommends the City Council authorize the City Manager to enter into a license agreement with the San Mateo County Transit District for the installation of bus shelters.

### Policy Issues

As part of the City Council Work Plan for 2016 (Item No. 67), staff is pursuing installation of new bus shelters in the Belle Haven neighborhood of Menlo Park. The Circulation Element of the General Plan includes policies that support and encourage the use of public transit. The installation of bus shelters would support these policies.

### Background

Bus shelters are an amenity provided at major transit stops, providing cover from sun or weather, seating and information about the transit system. Typically, bus shelter and transit stop amenities such as benches, trash cans, maps, and signs are provided by the transit agency that provides the service. Within Menlo Park, public transit service is provided by SamTrans and Alameda County (AC) Transit, which operates the Dumbarton Express bus service.

In 2006, SamTrans, through its contract with Outfront Media, initiated a program to replace existing bus shelters throughout the County with a new design. Outfront Media currently replaces and maintains shelters at no-cost to SamTrans or local agencies by allowing advertisements to be posted within the shelter. The revenue generated by advertisements fully covers the capital cost of installation as well as ongoing maintenance for the shelter.

SamTrans' bus shelter policy states that shelters are considered for installation based on the following criteria:

- Stops serving more than 200 passengers each day
- 75 percent of shelters shall be located in census tracts on routes associated with urbanized areas
- Distribution of shelters county-wide should match the distribution of minority census tracts
- Locations for shelters with advertisements are chosen by the vendor based on the visibility and traffic

On March 15, 2016 and October 25, 2016, staff provided informational updates to the Council on the status of bus shelter installation. Staff has now narrowed down locations that, with some construction by the City to

fit the required footprint, could accommodate a SamTrans bus shelter. These locations are:

- Market Place Park
- Onetta Harris Community Center

Staff has approved the locations for SamTrans to order shelters for those stops that would be served by SamTrans (Market Place Park and Onetta Harris Community Center). The lead time to receive the shelters once ordered is several months, followed by installation. In the meantime, City crews or contractors would perform the necessary site work to prepare the locations for shelter installation.

As mentioned previously, staff will continue to coordinate with AC Transit, which operates Dumbarton Express bus service on Willow Road, to determine feasibility of shelters at stops on Willow Road at Newbridge Street, Ivy Drive and/or Hamilton Avenue. Additional coordination with Caltrans may also be required depending on the specific location.

### **Analysis**

Since bus shelters would be installed in the City right-of-way, a license agreement with SamTrans would be needed to document the approved locations and permitted advertising in new and existing shelters. A prior license agreement was executed in 1986 for two bus shelter locations within the City on Willow Road, as provided in Attachment A. Five other SamTrans shelters exist at the following locations, but no record of a license agreement or other document could be found:

- Middlefield Road in the vicinity of USGS (2)
- Ravenswood Avenue near SRI (1)
- Willow Road near Durham Avenue (1)
- El Camino Real near Encinal Avenue (1)

City and SamTrans staff are coordinating to prepare a revised agreement noting all existing and new locations and acceptance of advertising. In order to maintain momentum on the process through the end of 2016 and early 2017, staff is requesting Council authorization for the City Manager to enter into a license agreement, as approved by the City Attorney.

As described above, the revenue generated by the advertisements covers the capital cost and ongoing maintenance for the shelters. Within Menlo Park, the City's Municipal Code (section 16.92, sign ordinance) prohibits signs and advertising within the public right-of-way except in explicitly defined circumstances (such as for building rentals or sales). The use of advertising within bus shelters was identified as a potential violation of the sign ordinance. However, in December 2015, staff was provided a copy of SamTrans advertising policy, which limits the type and content allowable within shelters and other areas within their control (trains, buses, etc.). Upon review of SamTrans advertising policy, as well as court decisions limiting a City's ability to regulate signs by other governmental agencies, the City Attorney's concerns regarding posting of advertisements in the public right-of-way were alleviated. A copy of SamTrans advertising policy is included in Attachment B.

### **Impact on City Resources**

It is anticipated that this project can be installed with existing staff and budget resources. If further City funds are needed to install or maintain the shelters, staff will bring the information forward as part of a future request for the Council's consideration.

**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. 1986 License Agreement for Bus Shelter Installation
- B. San Mateo County Transit District Advertising Policy

Report prepared by:

Nicole H. Nagaya, P.E., Transportation Manager

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samTra



MENLO PARK

② Coleman Way/  
Willow Road  
EB/WB

## BOARD OF DIRECTORS

JACK BLAND  
FRANK T. CANNIZZARO Vice Chairman  
MIRIAM L. GHOUKELY  
TOM NOLAN  
C. ROBERT PAYNE Chairman  
RALPH ROY RAMIREZ  
WILLIAM J. STANGEL  
ALBERT M. TEGLIA  
JOHN M. WARD  
GERALD T. HAUGH  
General Manager

April 14, 1986

Mr. Michael A. Bedwell  
City Manager  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94015-3483

Dear Mr. Bedwell:

Attached for your file is a fully executed copy of an agreement to install two bus shelters on Willow Road and Coleman Way, one in the eastbound direction and one in the westbound direction, in the city of Menlo Park.

Thank you very much for your cooperation.

Sincerely,

*Victoria Farnan for Earl Moore*  
Earl Moore, Manager  
Security/Special Services

EM/vf

Attachment: Copy of Agreement

LICENSE AGREEMENT

This License Agreement is made as of the 26th day of March, 1986, by and between the CITY OF MENLO PARK, 701 Laurel Street, Menlo Park, California, 94025, hereafter referred to as LICENSOR, and the SAN MATEO COUNTY TRANSIT DISTRICT, 945 California Drive, Burlingame, California, 94010, hereafter referred to as LICENSEE. The parties hereto agree as follows:

1. LICENSOR hereby permits LICENSEE to construct, maintain operate and repair a bus stop and shelter upon property owned by LICENSOR commonly known and described as property located on Willow Road and Coleman Way in the city of Menlo Park, California. The location of the bus stop shelter is depicted on the plan which is attached hereto and incorporated herein by this reference.

2. The bus stop shelter shall be of a 6 foot by 12 foot plastic design, with a concrete floor. LICENSEE shall comply with all applicable state, county and local laws, ordinances and regulations in connection with the construction, maintenance, operation, use, repair and removal of the bus stop shelter.

3. LICENSEE shall clean, service and maintain the bus stop shelter, adjacent garbage receptacle, and the six foot perimeter around the shelter not less than two (2) times per week. LICENSEE shall also steam clean the bus stop shelter once a month.

4. LICENSEE shall not use the bus stop shelter to lay over or temporarily park its buses.

5. LICENSEE shall, at its sole expense, defend, indemnify and hold LICENSOR harmless from any suits, claims or actions arising out of any injury to persons or property that may occur, or that may be alleged to have occurred, in the course of the performance of this Agreement by LICENSEE caused by the negligent act or omission of LICENSEE, provided that LICENSEE is not undertaking to indemnify, defend or hold harmless LICENSOR against the willful misconduct or negligence of LICENSOR, its officers, agents, or employees.

6. Either party may terminate this License upon the giving of thirty (30) days prior written notice to the other party and upon the expiration of the 30-day period, this License shall automatically terminate. On or before the effective date of termination of this License, LICENSEE shall, at its sole expense, remove the bus stop shelter and restore the area on and around which the shelter is located to the condition which existed immediately prior to the construction of the shelter, reasonable wear and tear excepted.

7. All notices and communications required by this Agreement or deemed necessary or desirable by either party to be given to the other party shall be in writing and shall be deemed given when personally delivered or mailed, postage pre-paid, addressed as follows:

If to the LICENSOR: City of Menlo Park  
Civic Center  
701 Laurel Street  
Menlo Park, CA 94025

ATTENTION: Michael A. Bedwell  
City Manager

If to the LICENSEE: SamTrans  
945 California Drive  
Burlingame, CA 94010

ATTENTION: General Manager

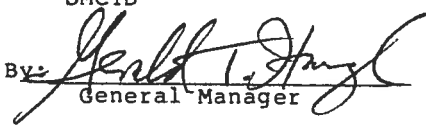
The address to which mailings may be made may be changed from time to time by notice mailed as described above. Any notice given by mail shall be deemed given on the day after that on which it is deposited in the United States Mail as provided above.

8. This License Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this License Agreement by their duly authorized officers as of the day and year first above written.

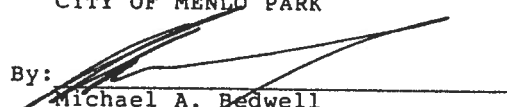
SMCTD

By:

  
General Manager

CITY OF MENLO PARK

By:

  
Michael A. Bedwell  
City Manager

APPROVED AS TO FORM:

  
Attorney for the District



**SAN MATEO COUNTY TRANSIT DISTRICT**  
**ADVERTISING POLICY**

The San Mateo County Transit District (“District”) provides public transportation services (“SamTrans”) within San Mateo County, San Francisco County and Santa Clara County, California. The District is also the Managing Agency of the Peninsula Corridor Joint Powers Board (“Caltrain”), a joint powers agency whose membership is comprised of the San Mateo County Transit District, the City and County of San Francisco and the Santa Clara Valley Transportation Authority. Caltrain provides passenger rail service between San Francisco and Gilroy. The District and Caltrain are referred to collectively as the “Agencies.”

The District is engaged in the sale of advertising in and upon the property and rolling stock of the Agencies (“Transit Facilities”), consisting of: (1) print advertising on the exterior of the District’s buses; (2) print advertising displayed on bus shelters in the District’s service area; (3) print advertising on the interior of the District’s buses; (4) advertising on the exterior of Caltrain’s rail cars in the form of a “wrap;” (5) advertising displayed in Caltrain train stations; and (6) print advertising on the interior of Caltrain’s rail cars. This Advertising Policy (“Policy”) shall apply to the sale of all forms of advertising on all Transit Facilities owned and/or managed by the District.

**I. PURPOSE**

The District will make space on its Transit Facilities available for limited types of advertising (“Permitted Advertising”). By allowing limited types of advertising on or within the Transit Facilities, the District does not intend to create a public forum for public discourse or expressive activity or to provide a forum for all types of advertisements. All advertising shall be subject to this uniform, viewpoint-neutral Policy.

The District will not permit the types of advertising defined as Excluded Advertising in Section III below. By not allowing Excluded Advertising, the Agencies can: (a) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference with or disruption of their transit systems; (b) maintain an image of neutrality on political, religious or other issues that are not the subject of Commercial Advertising and are the subject of public debate and concern; and (c) continue to build and retain transit ridership.

**II. PERMITTED ADVERTISING**

**A. Exterior Advertising**

The display of Permitted Advertising on the exterior of the Transit Facilities (“Exterior Advertising”) is intended only to supplement fare revenue, tax proceeds and other income that fund the Agencies’ operations and to promote the Agencies’ transit operations. In order to realize the maximum benefit from the sale of space, the advertising program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising is of a type that does not discourage the use of the transit systems, does not diminish

the Agencies' reputations in the communities they serve or the good will of their patrons, and is consistent with the principal purpose of providing safe and efficient public transportation. To attain these objectives, the District's Board of Directors has established the following regulations governing Exterior Advertising. Exterior Advertising permitted under this section cannot contain displays or messages that qualify as Excluded Advertising, as defined below under Section III.

Exterior Advertising includes advertising in the following categories:

1. **Commercial Advertising.** Commercial Advertising is advertising the sole purpose of which is to sell products, goods or services. It does not include advertising that both offers to sell products, goods or services and also conveys a political or religious message, or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.

2. **Transit Operations of SamTrans or Caltrain.** Transit Operations Advertising is advertising that promotes SamTrans or Caltrain.

## **B. Interior Advertising**

The District recognizes that passengers are a captive audience to any advertisements posted on the interior of the District's buses and Caltrain's rail cars ("Interior Advertising"). The District desires that such passengers not be subject to advertisements containing material relating to political, religious, or issue advocacy about which public opinion can be widely divergent and which some passengers may, therefore, find offensive. If passengers are so offended, it could adversely affect the ridership and revenue of the Agencies. The District's Board of Directors has, therefore, established the following regulations governing Interior Advertising. Like Exterior Advertising, Interior Advertising permitted under this section cannot contain displays or messages that qualify as Excluded Advertising, as defined below under Section III.

Interior Advertising includes advertising in the following categories:

1. **Public Service Advertising.** Public Service Advertising is advertising proposed by governmental entities, academic institutions or tax-exempt nonprofit organizations that relates to community, art, cultural, educational, health, or safety events, programs and/or messages and does not include Commercial Advertising or contain any direct or indirect reference to religious, political or issue advocacy. Upon the District's request, nonprofit entities must document their tax-exempt status. Unless the source of the public service advertising is obvious from the content or copy, the advertisement must specifically identify the sponsor of the advertisement or the message.

2. **Transit Operations of SamTrans or Caltrain.** Transit Operations Advertising is advertising that promotes SamTrans or Caltrain.

3. **Cross-promotional Advertising.** Cross-promotional Advertising is advertising in which the Agencies collaborate with for-profit entities to promote using SamTrans

or Caltrain as a conveyance to a specific event; such advertising may not contain any direct or indirect reference to religious, political or issue advocacy.

### **III. EXCLUDED ADVERTISING APPLICABLE TO EXTERIOR AND INTERIOR ADVERTISING**

Exterior and Interior Advertising cannot be displayed or maintained on Transit Facilities if information contained in the advertisement falls within one or more of the following categories of Excluded Advertising:

1. False, misleading, or deceptive.
2. Clearly defamatory or likely to hold up to scorn or ridicule a person or group of persons.
3. Obscene or pornographic.
4. In advocacy of imminent lawlessness or violent action.
5. Promoting alcohol or tobacco products or their use.
6. Religious.
7. Political.
8. Intellectual property infringement, including piracy or infringement of copyright, trade dress, service mark, title or slogan.
9. Unauthorized Endorsement.

For purposes of this Policy, the following definitions apply:

Religious Advertisements are defined as advertisements that contain any direct or indirect reference to religion, or to any religion, or to any deity or deities, or which includes the existence, nonexistence or other characteristics of any deity or deities, or to any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion. This prohibition shall include the depiction of text, symbols, or images commonly associated with any religion or with any deity or deities, or any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion.

Political Advertisements are defined as advertisements that contain political speech referring to a particular ballot question, initiative, petition, referendum, candidate, or political party or viewpoint or expresses or advocates opinions or positions upon any of the foregoing. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context.

Unauthorized Endorsement Advertising is advertising that implies or declares that the District or Caltrain endorses a product, service, point-of-view, event or program. The

prohibition against endorsements does not apply to advertising for a service, event or program for which the District or Caltrain is an official sponsor, cosponsor or participant.

#### **IV. ADMINISTRATION AND ENFORCEMENT OF POLICY**

##### **A. Review by Contractor**

The District shall incorporate this Policy into its advertising management contracts. The District's Contractor shall submit for display on or in the Transit Facilities only advertisements that comply with the standards set forth in this Policy. If the Contractor is in doubt whether an advertisement complies with the standards set forth in this Policy, then the Contractor shall notify the District's Executive Officer, Customer Service and Marketing, or designee, of the specific standard or standards of this Policy with which the Contractor believes the advertisement may not comply.

##### **B. Review by Executive Officer, Customer Service and Marketing**

If the Contractor determines that an advertisement may not comply with the Policy in Section A, the Contractor shall send the advertisement and supporting information (the name of the advertiser, the size and number of the proposed advertisements, the dates and locations of proposed display, and notation of standards of concern) to the Executive Officer, Customer Service and Marketing, or designee, for review. The Executive Officer, Customer Service and Marketing, shall review the advertisement and supporting information to determine whether or not the advertisement complies with this Policy. If the Executive Officer, Customer Service and Marketing, determines that the advertisement does not comply with this Policy, he or she shall, in writing, specify the standard or standards with which the advertisement does not comply, and shall so notify the Contractor.

##### **C. Notification to Advertiser**

The Contractor will send prompt, written notification to the advertiser of the rejection of the advertisement and will include in that notification a copy of this Policy and written specification of which standard or standards the advertisement fails to comply with.

##### **D. Appeal to General Manager/CEO**

Rejection of an advertisement may be appealed to the District's General Manager/CEO, or designee, by written notification to the Executive Officer, Customer Service and Marketing. The General Manager/CEO will allow the advertiser and the Executive Officer, Customer Service and Marketing to present any argument or evidence they wish to offer. The General Manager/CEO's decision shall be final.

Adopted 4/13/11  
Revised 1/11/13



## STAFF REPORT

### City Council

**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-200-CC

**Consent Calendar:** Award a contract to Sabre Communications Corporation for the Police/Public Works Antenna Replacement Project

### Recommendation

Staff recommends that the City Council award a contract to Sabre Communications Corporation for the Police/Public Works Antenna Replacement Project in the amount of \$133,086 and authorize a total construction budget of \$191,703 for construction, contingencies, and inspection costs.

### Policy Issues

The project is consistent with City General Plan goal “to promote the development and maintenance of adequate public and quasi-public facilities and services to meet the needs of Menlo Park residents, business, workers and visitors”. This project is part of the Capital Improvement Plan and the 2016 Council work plan (item No. 32).

### Background

The City of Menlo Park’s primary radio communication system relies upon the antenna/transmitter located at the roof of the training center of the Menlo Park Fire Protection District Station No. 1 at 300 Middlefield Road. The Fire District’s antenna structure functions as the primary signal broadcaster for the City’s Police and Public Works transmissions because the height of the City’s antenna at City Hall is inadequate to provide coverage north of Highway 101. The City’s existing antenna structure is located adjacent to the City’s dispatch center and is used as a secondary standby emergency transmitter. The City’s antenna structure was installed in September 2000 and consists of a standing lattice-style tower approximately 60 feet high. The Fire District is planning to renovate their training structure, which would require the removal of the antenna used by the City.

The proposed new antenna structure would replace the existing 60 foot antenna structure with an approximately 120 foot structure in order to be above the current tree line and be able to connect north of Highway 101. In addition, a new County microwave antenna will be installed on the proposed structure in order to be able to communicate with other municipalities and government agencies throughout the County.

On October 20, 2015, the City Council approved the design of a 120 foot tall monopole antenna structure. The Planning Commission approved the architectural control permit on June 6, 2016.

### Analysis

Staff put the Police/Public Works Antenna Replacement Project out to bid in July of 2016, but received no bids by the deadline. Staff called some of the contractors who staff had sent bid notices to and they said

they did not have the right license to bid, were busy and/or forgot to bid.

Staff made minor modifications to the specifications and put the project out to bid again. On November 15, 2016, two bids were submitted. The lowest bidder for the project was Sabre Communications Corporation with a bid amount of \$133,086. Attachment A provides the bid summary. Staff has verified references and is satisfied with Sabre Communications Corporation's past performance.

### Impact on City Resources

The project has sufficient funds in the City's (CIP) Capital Improvement Program. The total cost for the Project consists of the following:

Project	Amount
Design, Manufacture and Construction	\$133,086
20% Contingency	\$26,617
City Inspection and testing	\$32,000
Total Construction Cost	<b>\$191,703</b>

### 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

A. Bid Summary

Report prepared by:  
Rodolfo Ordonez, Associate Engineer

Report reviewed by:  
Ruben Nino, P.E., Assistant Public Works Director



## BID SUMMARY

Police/Public Works Antenna Replacement Project

**Apparent Low Bidder**

Bid Opening: Tuesday, November 15, 2016 at 2:00 PM

	<b>COMPANY</b>	<b>BID</b>
1	Sabre Communications Corporation	\$133,086
2	L.D. Strobel Co., Inc.	\$428,486

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## STAFF REPORT

### City Council

**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-206-CC

**Consent Calendar:** Authorize the Public Works Director to accept the work performed by Sierra Traffic Markings, Inc. for the Citywide Bicycle / Pedestrian Visibility Improvements Project

### Recommendation

Staff recommends that the City Council authorize the Public Works Director to accept the work performed by Sierra Traffic Markings, Inc. for the Citywide Bicycle / Pedestrian Visibility Improvements Project.

### Policy Issues

City Council acceptance of the completion of the work begins the one-year construction warranty period. This project is included in the 2016 Council Work Plan (Item No. 62).

### Background

On February 23, 2016, the City Council awarded a contract to Sierra Traffic Markings, Inc. in the amount of \$108,574 with an authorized construction budget of \$358,000. The project consisted of installation of green-colored bicycle lane pavement striping treatments at various high-use locations throughout the City.

This project was approved and included in the City's Capital Improvement Plan (CIP) for Fiscal Year (FY) 2015-16 and was funded by a grant from the City/County Association of Governments (C/CAG) of San Mateo County as part of their Transportation Development Act (TDA) Article 3 Pedestrian and Bicycle Program. The project included two parts: purchase and installation of bicycle parking in the downtown area, which was completed by City staff, and installation of green bike lanes, which was completed by Sierra Traffic Markings, Inc.

For the installation of the green bike lanes, the approved bid amount was less than the grant amount and approved CIP budget; therefore, additional locations were included in the project scope through contract change orders.

Original locations were:

- Northbound Alpine Road approach to the Junipero Serra Boulevard intersection;
- Sand Hill Road approaches to the Santa Cruz Avenue intersection, and the northbound Santa Cruz Avenue approach to the Sand Hill Road intersection;
- Sand Hill Road approaches to the Branner Drive intersection;
- Sand Hill Road approaches to the Saga Way intersection;
- Sand Hill Road approach to the Monte Rosa Drive;
- Sand Hill Road approaches to the 2725-2775 / 2700-2800 Sand Hill Road intersection;
- Westbound Sand Hill Road approach to I-280 on-ramp;

- Northbound Ravenswood Avenue approach to the Middlefield Road intersection and north to eastbound Middlefield Road right turn merge lane;
- Middlefield Road approaches to Ringwood Avenue;
- Middlefield Road approaches to Seminary Drive;
- Eastbound Middlefield Road approach to the Willow Road intersection; and
- Westbound Middlefield Road between right turn merge lane and Santa Margarita Avenue.

Additional locations were:

- Ravenswood Avenue from El Camino Real to Middlefield Road;
- Santa Cruz Avenue from Orange Avenue to Olive Street;
- Valparaiso Avenue from western City limit to El Camino Real;
- Glenwood Avenue from El Camino Real to Laurel Street;
- Middlefield Road from Encinal Avenue to Glenwood Avenue;
- Encinal Avenue from Caltrain tracks to eastern City limit;
- Laurel Street from Encinal Avenue to Ravenswood Avenue; and
- Alma Street from Ravenswood Avenue to San Francisquito Creek.

### Analysis

The work for the green bike lane portion of the Citywide Visibility Project has been completed in accordance with the plans and specifications. A notice of completion will be filed with the San Mateo County accordingly. The project was completed within the approved budget.

Contractor: Sierra Traffic Markings, Inc.  
9725 Del Road, Suite B  
Roseville, CA 95747

### Impact on City Resources

Acceptance of the work has no impact on the City's resources.

Construction Contract Budget	
Construction contract amount	\$108,574
Contingency	\$249,426
<b>Total Construction Contract Budget</b>	<b>\$358,000</b>

Construction Expenditures	
Construction Contract	\$108,574
Change Orders	\$168,159
<b>Total Construction Expenditure</b>	<b>\$276,733</b>

### 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:

Angela R. Obeso, Associate Transportation Engineer

Report reviewed by:

Kristiann Choy, Senior Transportation Engineer

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## STAFF REPORT

**City Council**  
**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-205-CC

**Consent Calendar:** Authorize the Public Works Director to accept the work performed by JJR Construction, Inc. for the Menalto and O'Connor Sidewalk Project

### Recommendation

Staff recommends that the City Council authorize the Public Works Director to accept the work performed by JJR Construction, Inc. for the Menalto and O'Connor Sidewalk Project.

### Policy Issues

City Council acceptance of the completion of the work begins the one-year construction warranty period. This project is included in the 2016 Council Work Plan (Item No. 64).

### Background

On June 7, 2016, the City Council awarded a contract to JJR Construction, Inc. in the amount of \$354,746 with an authorized construction budget of \$390,226. The project consisted of sidewalk improvements on the east side of Menalto Avenue between O'Connor Street and Elm Street and on the north side of O'Connor Street between Menalto Avenue and Elliot Drive including disabled access compliant curb ramps in all four corners of the Menalto Avenue and O'Connor Street intersection. Work included disabled access compliant curb ramps on the southeast and southwest corners of the Willow Road and Gilbert Avenue intersection and shared-lane pavement markings (sharrows) and bike route sign installation in the Willows neighborhood.

### Analysis

The work for the Menalto and O'Connor Sidewalk Project has been completed in accordance with the plans and specifications. A notice of completion will be filed with the San Mateo County accordingly. The contract was completed within the approved construction budget.

Contractor: JJR Construction, Inc.  
1120 Ninth Avenue.  
San Mateo, CA 94402

### Impact on City Resources

Acceptance of the work has no impact on the City's resources.

Construction Contract Budget	
Construction contract amount	\$354,746
Contingency	\$35,480
<b>Total Construction Contract Budget</b>	<b>\$390,226</b>

Construction Expenditures	
Construction Contract	\$352,244
Change Order	\$22,921
<b>Total Construction Expenditure</b>	<b>\$375,165</b>

### 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:

Rene Punsalan, Associate Civil Engineer

Report reviewed by:

Michael Zimmermann, Senior Civil Engineer

**STAFF REPORT****City Council**

**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-202-CC

**Consent Calendar:** **Adopt a resolution approving the City Council Subcommittee recommendations regarding the 2016-17 Community Funding allocation**

**Recommendation**

The Council Community Funding Subcommittee recommends that the City Council adopt a resolution (Attachment A) approving the proposed 2016-17 Community Funding allocation in the amount of \$202,140 and allocate an additional \$27,140 to the Community Programs budget to cover the additional grants awarded.

**Policy Issues**

The Subcommittee's recommendation is consistent with the Council's current Community Funding Program Policy, and well within the allowance for allocation up to 1.7 percent of property tax revenue (roughly \$275,000).

Subcommittee Members Mueller and Carlton both made known their affiliations with some of the applicant organizations as a part of the decision process, including Council Member Mueller serving on the board of InnVision(Lifemoves). Council Member Carlton serves on the Vista Center Board. Council members did not participate in decisions related to organizations they are affiliated with.

**Background**

The City of Menlo Park adopted a formal policy by which to allocate General Fund dollars to community organizations in 1996 (see "Community Funding Program Guidelines" Attachment B) to respond to community needs and leverage City funds in response to the human service needs of Menlo Park residents.

The policy guidelines stipulate that eligible programs must address a verified community need and have a significant Menlo Park client base. Priority service areas include emergency assistance for those who are homeless or low-income; assistance to the disabled; help for seniors to be independent; senior daycare support; youth services including recreational and summer academic support; crisis and family counseling; and substance abuse prevention. Applicants must maintain accounting records with an independent audit at least once every two years.

Each fiscal year, according to the policy, no more than 1.7 percent of General Fund property tax revenue may be allocated to the Community Funding Program. This ceiling would amount to slightly under \$275,000 for the 2016-17 fiscal year. The General Fund budget for 2016-17 includes \$175,000 for eligible community programs selected for funding, consistent with the amount awarded last year. In addition, the City has previously funded several non-profit housing programs each year that are now included in the community funding program budget.

## Analysis

Council Members Mueller and Carlton were appointed as the Community Funding Subcommittee for fiscal year 2016-17 in December, 2015. The Subcommittee is charged with evaluating the funding requests and making recommendations to the full Council as to the allocation of the funds budgeted for the community funding program. This year, the City provided notice of the grant program to agencies that received funding in prior years as well as additional organizations referred by Council members and staff. Twenty agencies responded with requests totaling \$330,940. Several new agencies submitted applications this year, as well as organizations that did not apply last year. The applicant agencies provide services such as counseling, crisis intervention, employment assistance, shelter, hospice services, community health, risk reduction education, youth and senior services.

The Subcommittee reviewed the weighted criteria established to assess the applications against factors such as: verified program results; impact on the Menlo Park community; percentage of total budget spent on administrative overhead; receipt of City funding in previous years; community need for the program; unduplicated service or, if duplicated, evidence of collaboration; and alignment with Council goals. Assessment criteria are included with the application packet each year in order to support more complete applications.

All agencies that applied for funding this year were allocated at least \$1000 except three: My New Red Shoes was determined not to meet the Council Policy’s funding targets; Adolescent Counseling Services was determined to be a duplicate request; and the Subcommittee felt that San Mateo County had adequate funding from other sources. The largest grants, for \$37,440, were to Star Vista for youth counseling services at Menlo Atherton High School and to \$25,000 to Peninsula Conflict Resolution Center for a youth restorative justice and leadership program in partnership with the Boys and Girls Club of the Peninsula.

In total, the Subcommittee is recommending \$202,140 in funding awards for this year, given the outstanding needs in the community and the City’s strong financial picture. The table below outlines funding allocations approved by Council in FY 2015-16, requests for fiscal year 2016-17, and the Subcommittee recommendation.

Item	2015-16 Allocation	2016-17 Request	2016-17 Subcommittee recommended
Adolescent Counseling Services	\$0	\$20,000	\$0
Boys and Girls Club of the Peninsula	\$16,500	\$30,000	\$20,000
Comm. Overcoming Relationship Abuse	\$5,000	\$5,000	\$5,000
Center for Independence	\$0	\$25,000	\$5,000
HIP Housing	\$17,500	\$17,500	\$17,500
Inn Vision Shelter Network/Lifemoves	\$17,500	\$20,000	\$17,500
Legal Aid San Mateo County	\$3,500	\$5,000	\$5,000
Junior League of the Peninsula	\$0	\$15,000	\$6,000



My New Red Shoes	\$0	\$2,500	\$0
Nuestra Casa	\$4,000	\$6,000	\$4,000
Ombudsman Services of San Mateo Co.	\$750	\$2,500	\$1,200
Pathways Home Health / Hospice	\$0	\$10,000	\$7,500
Peninsula Conflict Resolution Center	\$25,000	\$55,000	\$25,000
Peninsula Volunteers, Inc	\$18,000	\$40,000	\$22,000
Ravenswood Education Foundation	\$9,000	\$10,000	\$10,000
San Mateo County Human Services	\$0	\$5,000	\$0
Service League of San Mateo County	\$3,000	\$3,000	\$3,000
Star Vista	\$30,000	\$37,440	\$37,440
Vista Center for the Blind	\$8,000	\$10,000	\$8,000
Youth Community Service	\$7,000	\$12,000	\$8,000
<b>Total</b>	<b>\$164,750</b>	<b>\$330,940</b>	<b>\$202,140</b>

Additional information about each organization's application is available in the Community Services Department.

### Impact on City Resources

The FY 2016-17 adopted budget includes an appropriation of \$175,000. Staff suggests the additional \$27,140 be allocated from anticipated additional property tax revenues.

### Environmental Review

The Community Funding Program is not subject to California Environmental Quality Act requirements.

### 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. Resolution
- B. Council Policy on Community Funding

Report prepared by:  
Cherise Brandell, Community Services Director

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MENLO PARK APPROVING THE COUNCIL SUBCOMMITTEE  
RECOMMENDATIONS REGARDING ALLOCATION OF 2016-  
17 COMMUNITY FUNDING**

The City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore.

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby approve the City Council Subcommittee recommendations regarding the allocation of 2016-17 community funding in the amount of \$202,140, as more particularly set forth in the Staff Report presented to the City Council on December 6, 2016.

I, Pam Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the foregoing resolution was approved at a regular meeting of the City Council held on the sixth day of December, 2016, and adopted 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 sixth day of December, 2016.

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Pam Aguilar, CMC  
City Clerk

<b>City of Menlo Park</b>		<b>COUNCIL POLICY</b>	
<b>Department</b>	<b>Page 1 of 2</b>	<b>Effective Date: June 4, 1996</b>	
<b>Finance</b>			
<b>Subject</b>	<b>Approved by:</b>	<b>Procedure #</b>	
<b>Community Funding Program Guidelines</b>	<b>City Council On June 4, 1996</b>	<b>FIN-01-1996</b>	
<b><u>PURPOSE</u></b>			
<p>To provide guidelines for the award of monetary support to local non-profit agencies whose programs respond to the human service needs of Menlo Park residents. This funding is not intended for use as the sole support of any agency. All recipients of financial assistance grants enter into a contractual agreement with the City detailing the specific objectives to be accomplished as a result of the grant.</p>			
<b><u>POLICY</u></b>			
<b>1. GOALS AND PHILOSOPHY</b>			
The City of Menlo Park recognizes that:			
1.1	the availability of basic human service programs is a key determining factor in the overall quality of life of Menlo Park residents;		
1.2	the most cost-effective and efficient manner to insure that these services are available to local residents is through the development of agreements with existing non-profit agencies;		
1.3	contractual agreements with non-profit agencies allow the City to influence the human service programs offered to Menlo Park residents; and		
1.4	financial assistance grants demonstrate the City's support of the activities of specific non-profits and make it possible for these agencies to leverage additional funds which will benefit local residents.		
<b>2. ELIGIBILITY</b>			
2.1	All applicants must be formally incorporated non-profit entities and must be tax exempt (under Section 501(c)(3) of the IRS Code, and Section 2370(d) of the California Revenue and Taxation Code).		
2.2	All applicants must be agencies based in Menlo Park or agencies which provide services throughout the County of San Mateo who can demonstrate a significant Menlo Park client base.		
2.3	All applications must provide a service that is not a duplication of an existing public sector program, OR if the service is duplicated, the applicant must show why it is not an unnecessary duplication of service.		
2.4	All applicants shall maintain accounting records which are in accordance with generally accepted accounting practices. The agency must have an independent audit performed at least once every two years.		
2.5	The agency must have bylaws which define the organization's purposes and functions, its organization and the duties, authority and responsibilities of its governing body and officers.		

# City of Menlo Park

## COUNCIL POLICY

Department	Page 2 of 2	Effective Date: June 4, 1996
Finance  Subject  Community Funding Program Guidelines	Approved by:  City Council On June 4, 1996	Procedure #  FIN-01-1996

- 2.6 Governance of the agency should be vested in a responsible and active board which meets at least quarterly and establishes and enforces policies. The board should be large enough and so structured to be representative of the community it serves. It should have a specific written plan for rotation or other arrangements to provide for new members.
- 2.7 The agency must provide for adequate administration of the program to insure delivery of the services. The agency must provide that it has a written job description for each staff position and an organizational chart approved by the board. One individual should be designated as the full time director of the agency.
- 2.8 No less than 85% of City funds granted must be used for direct services as opposed to administrative costs.
- 2.9 City grants can represent no more that 20% of an applicant's total operating budget.
- 2.10 All recipients agree to actively participate in City efforts to coordinate and to improve human services within the City.
- 2.11 The program described must respond to a verified community need as defined by the City Council:
  - DISABLED** emphasizes support of programs that will allow the disabled to actively participate in their community and maintain independence from institutional support.
  - EMERGENCY ASSISTANCE AND LOW INCOME SUPPORT** emphasizes support of programs that can meet emergency needs for people in crisis such as victims of homelessness, rape, and domestic violence and the basic needs such as food, etc., for low income residents.
  - SENIORS** emphasizes support of programs which serve predominantly low income, frail and minority seniors; and those programs which make it possible for seniors to continue to be independent and active community participants.
  - YOUTH** emphasizes support of delinquency prevention services including recreation; crisis and family counseling; substance abuse prevention; child care and acculturation of ethnic minorities.

### PROCEDURE

Any agency requesting financial assistance must complete the required application and submit it to the Finance Department. The City Council subcommittee is responsible for reviewing all proposals and submitting recommendations for funding to the City Council.

### FUNDING

Grants are funded by the General Fund. Each fiscal year, no more than 1.7 % of general fund property tax will be allocated to the Community Funding Program.



**STAFF REPORT**

**City Council**

**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-212-CC

**Consent Calendar:** Consider approval of an employer 1:1 match up to 4% of base salary to the City's existing voluntary 457(b) retirement savings plan for unrepresented management employees receiving the Tier 2 or Tier 3 pension benefit, and a resolution to amend the citywide salary schedule effective December 11, 2016

**Recommendation**

Staff recommends that the City Council approve an employer 1:1 match, up to 4% of base salary, to the City's existing voluntary 457(b) retirement savings plan for unrepresented management employees receiving the Tier 2 or Tier 3 pension benefit; and approve a resolution to amend the citywide salary schedule effective December 11, 2016.

**Policy Issues**

This recommendation aligns with the City's goals of balancing continued fiscal prudence in planning for potential impacts of employee retirement benefits, while also continuing to align the City as a competitive employer in the increasingly robust job market of the Silicon Valley. In accordance with the City personnel rules and regulations, the City Council is required to adopt changes to the City's Salary Schedule.

**Background**

In July 2015, the City initiated the process of preparing a classification and compensation study for all non-safety employees. The results of that study and the subsequent successful negotiation of successor labor agreements with SEIU and AFSCME included a modern classification system (job descriptions) and a compensation schedule that is competitive with the local labor market.

With the focus on securing agreements with AFSCME and SEIU in the first half of 2016, work on the Unrepresented Management compensation survey was delayed until late summer. Despite this delay, the Council approved a 2% increase to salary ranges for Unrepresented Management classifications effective the first pay period after July 1, 2016. This action was intended to protect Unrepresented Management classifications against compaction resulting from wage increases contained in the AFSCME and SEIU successor labor agreements.

Per Council's direction, a second compensation survey for the classifications designated as Unrepresented Management was compiled by Renne Sloan Holtzman Sakai (RSHS) in August 2016. The RSHS Study revised the labor market originally used in the Koff & Associates classification and compensation study. When compared to the labor market defined by Koff & Associates, the RSHS survey limited their analysis to San Mateo County cities, adding Daly City, Millbrae, and San Carlos. The modified labor market was intended to address concerns that Palo Alto and Mountain View are not comparable

agencies given their complexity i.e. number of employees, budgets, services, etc.

## **Analysis**

The RSHS Study results are summarized in Attachment A, displaying Menlo Park's maximum top step monthly base salary compensation by classification and its relationship to the labor market median. Of the 20 classifications surveyed, five (5) classifications did not have at least six (6) comparable classifications or 50% of surveyed cities, resulting in "insufficient data".

While many Unrepresented Management classifications were found to be compensated below the market median, only one, the Public Works Superintendent, was significantly below. This classification exercises management oversight over the street, fleet, trees, water, facilities, and parks maintenance and operations. As a consequence of the salary adjustments made through negotiations with AFSCME, there currently exists a 5% differential between the Public Works Superintendent classification and his/her subordinate managers/supervisors. A 21.9% salary adjustment is recommended to bring the range in line with the market median salary and better enable recruitment and retention for this classification. This adjustment would increase the maximum salary from \$9,678 per month to \$11,794 per month. It is important to note that this increase would not automatically result in an increase in cost to the City given that Unrepresented Management receives merit-based adjustments typically awarded in August/September of each year.

In addition to the Public Works Superintendent salary range amendment, staff recommends an update to the "Engineering Services Manager" title, to include "City Engineer". Public agencies commonly designate one position as the official "City Engineer". Identifying this designation in the job title will clarify this responsibility for both job candidates and customers. This title change would assist with recruitment efforts, as we currently have a budgeted vacancy.

The RSHS Study also compared benefits for Unrepresented Management classifications, including contributions by each public agency towards retirement. Attachment B lists those results, and indicates that six (6) of the eleven (11) agencies surveyed offer a retirement benefit to new hires that is more generous than the benchmark. However, the City's current retirement benefit structure provides employees hired before February 12, 2011 (Tier 1 employees) with a retirement benefit that is 11.1% more valuable, as estimated by Koff & Associates, than the retirement benefit used as the study benchmark. Therefore, staff recommends the City adopt a new benefit that provides an employer match 1:1, up to 4% of base salary, to the City's existing voluntary 457(b) retirement savings plan for employees receiving the Tier 2 or Tier 3 pension benefit only.

The City currently offers all employees the opportunity to make pre-tax deductions to a 457(b) retirement savings plan, the government version of a 401(k). At present, the City does not match the employees' contributions. The proposal positively impacts the City's total compensation package only for employees hired on or after the implementation date of the Tier 2 pension benefit (February 12, 2011). A significant advantage of this option is that it will increase total compensation without impacting unfunded pension liabilities since the matching contributions are not PERS-able compensation.

This proposed new benefit, while it does not fully address the disparity in total compensation between Tier 1 and Tier 2/Tier 3, acknowledges a significant challenge when calculating total compensation while also providing a path to increase total compensation for employees who do not receive the more generous retirement benefit.

### **Impact on City Resources**

Given the current salary compaction between the Public Works Superintendent and his/her subordinates, staff estimates that the 2017-18 proposed budget will include a 10% salary increase for this classification of \$11,614. This increase, however, is only awarded based on merit.

The title change of "Engineering Services Manager" to "Engineering Services Manager/City Engineer" has no fiscal impact.

If approved, the deferred compensation benefit will be available to employees beginning January 1, 2017. Under the assumption that eligible employees decide to fully utilize the benefit, the annual City cost of the benefit is projected to be \$58,000.

### **Environmental Review**

No environmental review is required.

### **Public Notice**

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

### **Attachments**

- A. Top Step Monthly Base Wage Summary Sheet
- B. Retirement Benefits survey results
- C. Proposed Citywide Salary Schedule
- D. Resolution

Report prepared by:

Lenka Diaz, Human Resources Manager

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# ATTACHMENT A

Top Step Monthly Base Wage  
Summary Sheet

Top Step Monthly Base Wage

Agency	Admin. Services Director	Asst. City Manager	Asst. Comm. Dev. Director	Asst. Comm. Services Director	Asst. Director of Public Works	Asst. Library Services Director	Asst. to the City Manager	City Clerk	Comm. Dev. Director	Comm. Services Director	Finance & Budget Manager	Housing & Econ. Dev. Manager	Human Resources Manager	Information Technology Manager	Library Services Director	Police Chief	Police Commander	Public Works Director	Public Works Superint.	Transport. Manager
City of Menlo Park	\$15,230	\$16,968	\$12,552	\$12,285	\$13,344	\$12,285	\$10,505	\$10,179	\$15,209	\$15,417	\$12,155	\$11,559	\$12,155	\$12,155	\$14,833	\$16,433	\$14,790	\$15,622	\$9,678	\$13,344
Belmont	\$14,931	NCC	\$11,690	NCC	\$13,389	NCC	NCC	\$7,911	\$14,911	\$15,170	NCC	NCC	NCC	\$11,418	NCC	\$16,111	\$14,589	\$15,225	\$11,658	NCC
Burlingame	\$15,272	NCC	\$11,705	NCC	\$13,683	NCC	NCC	\$9,793	\$15,014	\$14,925	\$11,147	NCC	NCC	NCC	\$15,245	\$17,150	\$14,070	\$15,881	\$11,930	\$10,168
Daly City	\$16,767	\$17,640	\$10,910	NCC	\$13,927	NCC	\$12,836	\$6,240	\$16,597	\$15,601	\$11,630	NCC	NCC	NCC	NCC	\$16,767	\$15,369	\$16,597	\$10,641	\$9,529
East Palo Alto	\$13,068	\$16,461	\$10,829	NCC	NCC	NCC	NCC	NCC	NCC	NCC	NCC	NCC	\$10,885	NCC	NCC	\$16,101	\$12,869	\$14,082	NCC	NCC
Foster City	\$14,984	\$15,199	\$11,478	NCC	NCC	NCC	NCC	\$13,217	\$15,415	\$14,984	\$11,250	NCC	\$8,932	\$11,646	NCC	\$17,085	\$14,656	\$15,415	\$9,641	NCC
Millbrae	\$16,299	\$16,330	\$11,574	NCC	\$12,886	NCC	NCC	\$10,084	\$16,318	NCC	\$10,735	NCC	NCC	NCC	NCC	NCC	NCC	\$16,299	\$12,536	NCC
Redwood City	\$18,026	\$19,884	\$15,360	NCC	\$15,068	NCC	NCC	\$12,180	\$18,026	\$18,266	\$13,731	\$15,104	\$13,623	\$14,372	\$17,475	\$20,628	\$17,048	\$18,026	\$12,461	\$10,405
San Bruno	\$14,896	\$16,667	\$10,948	NCC	\$12,373	NCC	\$10,452	\$7,429	\$14,896	\$15,872	\$10,452	\$10,452	NCC	\$10,452	NCC	\$15,872	\$14,975	\$15,872	NCC	NCC
San Carlos	\$16,477	\$17,119	\$12,479	NCC	\$14,767	NCC	\$10,918	\$11,016	\$16,135	\$16,152	\$13,030	\$12,254	\$12,884	\$12,617	NCC	NCC	NCC	\$17,923	NCC	NCC
San Mateo	\$17,880	\$16,534	\$12,928	NCC	\$14,559	\$12,825	NCC	\$15,031	\$16,972	\$16,972	\$12,023	\$12,928	NCC	\$12,825	\$16,954	\$19,443	\$15,610	\$17,921	NCC	\$11,794
South San Francisco	\$17,993	\$20,756	\$12,938	NCC	\$14,865	\$11,258	\$12,079	\$10,424	\$17,993	\$17,621	\$11,341	\$12,121	\$11,362	\$10,467	\$17,600	\$19,839	\$15,753	\$17,877	NCC	NCC
Median (Excluding Menlo Park)	\$16,299	\$16,667	\$11,690	N/A	\$13,927	N/A	N/A	\$10,254	\$16,227	\$15,872	\$11,341	\$12,254	\$11,362	\$11,646	N/A	\$17,085	\$14,975	\$16,299	\$11,794	N/A
Menlo Park Variance from Median	-7.0%	1.8%	7.4%	Insufficient Data	-4.4%	Insufficient Data	Insufficient Data	-0.7%	-6.7%	-2.9%	7.2%	-6.0%	7.0%	4.4%	Insufficient Data	-4.0%	-1.3%	-4.3%	-21.9%	Insufficient Data
Average (Excluding Menlo Park)	\$16,054	\$17,399	\$12,076	N/A	\$13,946	N/A	N/A	\$10,332	\$16,228	\$16,174	\$11,704	\$12,572	\$11,537	\$11,971	N/A	\$17,666	\$14,993	\$16,465	\$11,478	N/A
Menlo Park Variance from Average	-5.4%	-2.5%	3.9%	Insufficient Data	-4.5%	Insufficient Data	Insufficient Data	-1.5%	-6.7%	-4.9%	3.9%	-8.8%	5.4%	1.5%	Insufficient Data	-7.5%	-1.4%	-5.4%	-18.6%	Insufficient Data
Menlo Park Rank	8 of 12	5 of 10	4 of 12	1 of 1	8 of 10	2 of 3	4 of 5	6 of 11	8 of 11	7 of 10	3 of 10	5 of 6	3 of 6	4 of 8	5 of 5	7 of 10	6 of 10	9 of 12	6 of 7	1 of 5

NCC = No Comparable Class

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## Retirement Benefits

For new hire miscellaneous classic employees

City	CalPERS Benefit Formula	Average Final Salary for CalPERS	Employee Cont. to City's Cost (% of salary)	City Contribution to 457 Plan (% of salary)
Daly City	3.0% @ 60	12 months		
Foster City	2.7% @ 55	36 months		4.0%
San Bruno	2.7% @ 55	12 months		1.0%
Millbrae	2.7% @ 55	12 months	5.5%	
East Palo Alto	2.5% @ 55	36 months		
Burlingame	2.5% @ 55	12 months	1.5%	\$98/mo.
Belmont	2.0% @ 55	36 months		\$200/mo.
San Mateo	2.0% @ 55	36 months	0.5%	2.0%
San Carlos	2.0% @ 55	36 months		
So. San Francisco	2.0% @ 60	36 months		
<b>Menlo Park</b>	<b>2.0% @ 60</b>	<b>36 months</b>	<b>1.9%</b>	
Redwood City	2.0% @ 60	36 months	12.0%	4.0%

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Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Accountant I	\$ 74,645	\$ 78,378	\$ 82,297	\$ 86,412	\$ 90,733
Accountant II	\$ 81,758	\$ 85,623	\$ 89,662	\$ 93,974	\$ 98,453
Accounting Assistant I	\$ 52,934	\$ 55,443	\$ 58,003	\$ 60,713	\$ 63,522
Accounting Assistant II	\$ 58,003	\$ 60,713	\$ 63,522	\$ 66,491	\$ 69,611
Administrative Assistant	\$ 58,177	\$ 60,895	\$ 63,713	\$ 66,691	\$ 69,820
Administrative Services Director	\$ 146,206	Open Range			\$ 182,756
Assistant City Manager	\$ 154,402	Open Range			\$ 203,616
Assistant Community Development Director	\$ 115,283	Open Range			\$ 150,619
Assistant Community Services Director	\$ 117,939	Open Range			\$ 147,424
Assistant Engineer	\$ 90,030	\$ 94,320	\$ 98,830	\$ 103,548	\$ 108,481
Assistant Library Services Director	\$ 117,939	Open Range			\$ 147,424
Assistant Planner	\$ 81,571	\$ 85,407	\$ 89,501	\$ 93,766	\$ 98,245
Assistant Public Works Director	\$ 128,099	Open Range			\$ 160,124
Assistant to the City Manager	\$ 100,848	Open Range			\$ 126,060
Associate Civil Engineer	\$ 101,021	\$ 105,857	\$ 110,903	\$ 116,261	\$ 121,893
Associate Engineer	\$ 95,465	\$ 100,035	\$ 104,804	\$ 109,867	\$ 115,189
Associate Planner	\$ 89,501	\$ 93,766	\$ 98,245	\$ 102,946	\$ 107,873
Associate Transportation Engineer	\$ 105,857	\$ 110,903	\$ 116,261	\$ 121,893	\$ 127,799
Branch Library Manager	\$ 86,019	\$ 90,118	\$ 94,427	\$ 98,936	\$ 103,648
Building Custodian	\$ 52,881	\$ 55,388	\$ 57,945	\$ 60,652	\$ 63,459
Building Inspector	\$ 86,717	\$ 90,887	\$ 95,219	\$ 99,771	\$ 104,535
Business Manager	\$ 89,498	\$ 93,802	\$ 98,273	\$ 102,972	\$ 107,888
Child Care Teacher I	\$ 47,317	\$ 49,463	\$ 51,703	\$ 54,059	\$ 56,616
Child Care Teacher II	\$ 52,881	\$ 55,388	\$ 57,945	\$ 60,652	\$ 63,459
Child Care Teacher's Aide	\$ 35,501	\$ 37,107	\$ 38,786	\$ 40,523	\$ 42,312
City Attorney	n/a	Set by contract			\$ 108,000
City Clerk	\$ 97,715	Open Range			\$ 122,143
City Manager	n/a	Set by contract			\$ 217,500
Code Enforcement Officer	\$ 74,597	\$ 78,123	\$ 81,808	\$ 85,743	\$ 89,829
Communications and Records Manager	\$ 103,648	\$ 108,678	\$ 113,898	\$ 119,390	\$ 125,132
Communications Dispatcher	\$ 75,641	\$ 79,217	\$ 82,954	\$ 86,943	\$ 91,087
Communications Training Dispatcher	\$ 79,217	\$ 82,954	\$ 86,943	\$ 91,087	\$ 95,442
Community Development Director	\$ 146,010	Open Range			\$ 182,511
Community Development Technician	\$ 63,442	\$ 66,379	\$ 69,481	\$ 72,741	\$ 76,159
Community Service Officer	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Community Services Director	\$ 148,007	Open Range			\$ 185,008
Construction Inspector	\$ 81,808	\$ 85,743	\$ 89,829	\$ 94,124	\$ 98,618
Contracts Specialist	\$ 65,504	\$ 68,584	\$ 71,760	\$ 75,166	\$ 78,774
Custodial Services Supervisor	\$ 60,848	\$ 63,664	\$ 66,639	\$ 69,766	\$ 73,044
Deputy City Clerk	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Engineering Services Manager/City Engineer	\$ 128,099	Open Range			\$ 160,124
Engineering Technician I	\$ 68,194	\$ 71,352	\$ 74,739	\$ 78,326	\$ 82,029
Engineering Technician II	\$ 76,449	\$ 80,046	\$ 83,810	\$ 87,828	\$ 92,013
Equipment Mechanic	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Executive Assistant	\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234	\$ 79,819
Executive Assistant to the City Mgr	\$ 70,764	Open Range			\$ 86,013
Facilities Maintenance Technician I	\$ 56,616	\$ 59,223	\$ 62,030	\$ 64,947	\$ 67,955
Facilities Maintenance Technician II	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Finance and Budget Manager	\$ 115,260	Open Range			\$ 145,860
Gymnastics Instructor	\$ 37,882	\$ 39,596	\$ 41,384	\$ 43,231	\$ 45,219
Housing & Economic Development Manager	\$ 110,963	Open Range			\$ 138,704
Human Resources Manager	\$ 115,260	Open Range			\$ 145,860
Human Resources Technician	\$ 61,465	\$ 64,373	\$ 67,247	\$ 70,528	\$ 73,845
Information Technology Manager	\$ 115,260	Open Range			\$ 145,860
Information Technology Specialist I	\$ 64,528	\$ 67,755	\$ 71,143	\$ 74,701	\$ 78,437
Information Technology Specialist II	\$ 71,697	\$ 75,066	\$ 78,597	\$ 82,293	\$ 86,239
Information Technology Supervisor	\$ 85,680	\$ 95,236	\$ 100,248	\$ 105,525	\$ 111,078
Junior Engineer	\$ 72,627	\$ 76,258	\$ 80,071	\$ 84,075	\$ 88,279
Librarian I	\$ 63,459	\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234
Librarian II	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808	\$ 85,743
Library Assistant I	\$ 49,463	\$ 51,703	\$ 54,059	\$ 56,616	\$ 59,223
Library Assistant II	\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947

City of Menlo Park  
**PROPOSED** Salary Schedule effective December 11, 2016

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Library Assistant III	\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,108
Library Clerk	\$ 34,674	\$ 36,242	\$ 37,882	\$ 39,596	\$ 41,384
Library Page	\$ 25,437	\$ 26,586	\$ 27,790	\$ 29,048	\$ 30,363
Library Services Director	\$ 142,396	Open Range			\$ 177,995
Literacy Program Manager	\$ 73,044	\$ 76,480	\$ 80,076	\$ 83,915	\$ 87,914
Maintenance Worker I	\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947
Maintenance Worker II	\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180
Management Analyst I	\$ 78,311	\$ 82,227	\$ 86,339	\$ 90,656	\$ 95,189
Management Analyst II	\$ 89,498	\$ 93,802	\$ 98,273	\$ 102,972	\$ 107,888
Office Assistant	\$ 48,579	\$ 50,794	\$ 53,093	\$ 55,609	\$ 58,177
Parking Enforcement Officer	\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947
Permit Manager	\$ 101,804	\$ 106,675	\$ 111,781	\$ 117,109	\$ 122,767
Permit Technician	\$ 63,442	\$ 66,378	\$ 69,481	\$ 72,741	\$ 76,158
Plan Check Engineer	\$ 101,983	\$ 106,865	\$ 111,959	\$ 117,368	\$ 123,053
Planning Technician	\$ 72,741	\$ 76,158	\$ 79,741	\$ 83,491	\$ 87,494
Police Chief	\$ 157,760	Open Range			\$ 197,199
Police Commander	\$ 141,984	Open Range			\$ 177,480
Police Corporal	\$ 99,412	\$ 104,383	\$ 109,602	\$ 115,082	\$ 120,836
Police Officer	\$ 92,369	\$ 96,987	\$ 101,836	\$ 106,928	\$ 112,275
Police Records Specialist	\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180
Police Recruit	n/a	Hourly Rate			\$ 35.9707
Police Sergeant	\$ 111,391	\$ 116,960	\$ 122,808	\$ 128,949	\$ 135,396
Principal Planner	\$ 108,070	\$ 114,836	\$ 120,332	\$ 126,068	\$ 130,322
Program Aide/Driver	\$ 33,964	\$ 35,501	\$ 37,107	\$ 38,786	\$ 40,523
Program Assistant	\$ 48,386	\$ 50,592	\$ 52,881	\$ 55,388	\$ 57,945
Property and Court Specialist	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Public Works Director	\$ 149,976	Open Range			\$ 187,468
Public Works Superintendent	<del>\$ 92,908</del>	Open Range			<del>\$ 116,134</del>
	\$ 113,254				\$ 141,528
Public Works Supervisor - City Arborist	\$ 90,006	\$ 94,321	\$ 98,815	\$ 103,536	\$ 108,490
Public Works Supervisor - Facilities	\$ 90,646	\$ 94,992	\$ 99,518	\$ 104,273	\$ 109,262
Public Works Supervisor - Fleet	\$ 92,088	\$ 96,503	\$ 101,101	\$ 105,931	\$ 110,999
Public Works Supervisor - Park	\$ 85,682	\$ 89,789	\$ 94,068	\$ 98,562	\$ 103,278
Public Works Supervisor - Streets	\$ 85,682	\$ 89,789	\$ 94,068	\$ 98,562	\$ 103,278
Recreation Aide	\$ 32,494	\$ 33,964	\$ 35,501	\$ 37,107	\$ 38,786
Recreation Coordinator	\$ 63,664	\$ 66,639	\$ 69,766	\$ 73,044	\$ 76,480
Recreation Leader	\$ 25,437	\$ 26,586	\$ 27,790	\$ 29,048	\$ 30,363
Recreation Supervisor	\$ 78,375	\$ 82,072	\$ 86,019	\$ 90,118	\$ 94,427
Red Light Photo Enforcement Specialist	\$ 69,542	\$ 72,809	\$ 76,234	\$ 79,819	\$ 83,646
Revenue and Claims Manager	\$ 89,498	\$ 93,802	\$ 98,273	\$ 102,972	\$ 107,888
Senior Building Inspector	\$ 97,327	\$ 101,983	\$ 106,865	\$ 111,959	\$ 117,368
Senior Civil Engineer	\$ 111,260	\$ 116,635	\$ 122,286	\$ 128,211	\$ 134,458
Senior Communications Dispatcher	\$ 82,954	\$ 86,943	\$ 91,087	\$ 95,442	\$ 99,998
Senior Engineering Technician	\$ 82,029	\$ 85,899	\$ 90,030	\$ 94,320	\$ 98,830
Senior Equipment Mechanic	\$ 74,759	\$ 78,406	\$ 82,094	\$ 85,896	\$ 89,972
Senior Facilities Maintenance Technician	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Senior Librarian	\$ 82,072	\$ 86,019	\$ 90,118	\$ 94,427	\$ 98,936
Senior Library Page	\$ 34,674	\$ 36,242	\$ 37,882	\$ 39,596	\$ 41,384
Senior Maintenance Worker	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Senior Management Analyst	\$ 100,685	Open Range			\$ 121,374
Senior Office Assistant	\$ 53,093	\$ 55,609	\$ 58,177	\$ 60,895	\$ 63,713
Senior Planner	\$ 98,245	\$ 102,946	\$ 107,873	\$ 113,015	\$ 118,475
Senior Police Records Specialist	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Senior Program Assistant	\$ 58,762	\$ 61,508	\$ 64,395	\$ 67,420	\$ 70,592
Senior Recreation Leader	\$ 30,363	\$ 31,736	\$ 33,173	\$ 34,674	\$ 36,242
Senior Sustainability Specialist	\$ 73,692	\$ 77,217	\$ 80,913	\$ 84,770	\$ 88,865
Senior Transportation Engineer	\$ 111,260	\$ 116,635	\$ 122,286	\$ 128,211	\$ 134,458
Senior Water System Operator	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Sustainability Manager	\$ 92,114	\$ 96,521	\$ 101,141	\$ 105,962	\$ 111,081
Sustainability Specialist	\$ 63,459	\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234
Transportation Demand Management Coordinator	\$ 83,646	\$ 87,631	\$ 91,818	\$ 96,211	\$ 100,816
Transportation Manager	\$ 128,099	Open Range			\$ 160,124

City of Menlo Park  
**PROPOSED** Salary Schedule effective December 11, 2016

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Water Quality Specialist	\$ 72,809	\$ 76,234	\$ 79,819	\$ 83,646	\$ 87,631
Water System Operator II	\$ 63,381	\$ 66,315	\$ 69,414	\$ 72,671	\$ 76,085
Water System Supervisor	\$ 86,768	\$ 90,903	\$ 95,246	\$ 99,803	\$ 104,580

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**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO  
PARK CONSOLIDATING AND AMENDING THE SALARY  
SCHEDULE**

WHEREAS, pursuant to the Personnel System Rules, the City Manager prepared a Compensation Plan; and

NOW, THEREFORE, BE IT RESOLVED that the following compensation provisions shall be established in accordance with the City's Personnel System rules.

BE IT FURTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6341 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes contained herein shall be effective December 11, 2016.

I, Pamela Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the sixth day of December 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this sixth day of December 2016.

Pamela Aguilar, CMC  
City Clerk

City of Menlo Park  
**PROPOSED** Salary Schedule effective December 11, 2016

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Accountant I	\$ 74,645	\$ 78,378	\$ 82,297	\$ 86,412	\$ 90,733
Accountant II	\$ 81,758	\$ 85,623	\$ 89,662	\$ 93,974	\$ 98,453
Accounting Assistant I	\$ 52,934	\$ 55,443	\$ 58,003	\$ 60,713	\$ 63,522
Accounting Assistant II	\$ 58,003	\$ 60,713	\$ 63,522	\$ 66,491	\$ 69,611
Administrative Assistant	\$ 58,177	\$ 60,895	\$ 63,713	\$ 66,691	\$ 69,820
Administrative Services Director	\$ 146,206	Open Range			\$ 182,756
Assistant City Manager	\$ 154,402	Open Range			\$ 203,616
Assistant Community Development Director	\$ 115,283	Open Range			\$ 150,619
Assistant Community Services Director	\$ 117,939	Open Range			\$ 147,424
Assistant Engineer	\$ 90,030	\$ 94,320	\$ 98,830	\$ 103,548	\$ 108,481
Assistant Library Services Director	\$ 117,939	Open Range			\$ 147,424
Assistant Planner	\$ 81,571	\$ 85,407	\$ 89,501	\$ 93,766	\$ 98,245
Assistant Public Works Director	\$ 128,099	Open Range			\$ 160,124
Assistant to the City Manager	\$ 100,848	Open Range			\$ 126,060
Associate Civil Engineer	\$ 101,021	\$ 105,857	\$ 110,903	\$ 116,261	\$ 121,893
Associate Engineer	\$ 95,465	\$ 100,035	\$ 104,804	\$ 109,867	\$ 115,189
Associate Planner	\$ 89,501	\$ 93,766	\$ 98,245	\$ 102,946	\$ 107,873
Associate Transportation Engineer	\$ 105,857	\$ 110,903	\$ 116,261	\$ 121,893	\$ 127,799
Branch Library Manager	\$ 86,019	\$ 90,118	\$ 94,427	\$ 98,936	\$ 103,648
Building Custodian	\$ 52,881	\$ 55,388	\$ 57,945	\$ 60,652	\$ 63,459
Building Inspector	\$ 86,717	\$ 90,887	\$ 95,219	\$ 99,771	\$ 104,535
Business Manager	\$ 89,498	\$ 93,802	\$ 98,273	\$ 102,972	\$ 107,888
Child Care Teacher I	\$ 47,317	\$ 49,463	\$ 51,703	\$ 54,059	\$ 56,616
Child Care Teacher II	\$ 52,881	\$ 55,388	\$ 57,945	\$ 60,652	\$ 63,459
Child Care Teacher's Aide	\$ 35,501	\$ 37,107	\$ 38,786	\$ 40,523	\$ 42,312
City Attorney	n/a	Set by contract			\$ 108,000
City Clerk	\$ 97,715	Open Range			\$ 122,143
City Manager	n/a	Set by contract			\$ 217,500
Code Enforcement Officer	\$ 74,597	\$ 78,123	\$ 81,808	\$ 85,743	\$ 89,829
Communications and Records Manager	\$ 103,648	\$ 108,678	\$ 113,898	\$ 119,390	\$ 125,132
Communications Dispatcher	\$ 75,641	\$ 79,217	\$ 82,954	\$ 86,943	\$ 91,087
Communications Training Dispatcher	\$ 79,217	\$ 82,954	\$ 86,943	\$ 91,087	\$ 95,442
Community Development Director	\$ 146,010	Open Range			\$ 182,511
Community Development Technician	\$ 63,442	\$ 66,379	\$ 69,481	\$ 72,741	\$ 76,159
Community Service Officer	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Community Services Director	\$ 148,007	Open Range			\$ 185,008
Construction Inspector	\$ 81,808	\$ 85,743	\$ 89,829	\$ 94,124	\$ 98,618
Contracts Specialist	\$ 65,504	\$ 68,584	\$ 71,760	\$ 75,166	\$ 78,774
Custodial Services Supervisor	\$ 60,848	\$ 63,664	\$ 66,639	\$ 69,766	\$ 73,044
Deputy City Clerk	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Engineering Services Manager/City Engineer	\$ 128,099	Open Range			\$ 160,124
Engineering Technician I	\$ 68,194	\$ 71,352	\$ 74,739	\$ 78,326	\$ 82,029
Engineering Technician II	\$ 76,449	\$ 80,046	\$ 83,810	\$ 87,828	\$ 92,013
Equipment Mechanic	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Executive Assistant	\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234	\$ 79,819
Executive Assistant to the City Mgr	\$ 70,764	Open Range			\$ 86,013
Facilities Maintenance Technician I	\$ 56,616	\$ 59,223	\$ 62,030	\$ 64,947	\$ 67,955
Facilities Maintenance Technician II	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Finance and Budget Manager	\$ 115,260	Open Range			\$ 145,860
Gymnastics Instructor	\$ 37,882	\$ 39,596	\$ 41,384	\$ 43,231	\$ 45,219
Housing & Economic Development Manager	\$ 110,963	Open Range			\$ 138,704
Human Resources Manager	\$ 115,260	Open Range			\$ 145,860
Human Resources Technician	\$ 61,465	\$ 64,373	\$ 67,247	\$ 70,528	\$ 73,845
Information Technology Manager	\$ 115,260	Open Range			\$ 145,860
Information Technology Specialist I	\$ 64,528	\$ 67,755	\$ 71,143	\$ 74,701	\$ 78,437
Information Technology Specialist II	\$ 71,697	\$ 75,066	\$ 78,597	\$ 82,293	\$ 86,239
Information Technology Supervisor	\$ 85,680	\$ 95,236	\$ 100,248	\$ 105,525	\$ 111,078
Junior Engineer	\$ 72,627	\$ 76,258	\$ 80,071	\$ 84,075	\$ 88,279
Librarian I	\$ 63,459	\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234
Librarian II	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808	\$ 85,743
Library Assistant I	\$ 49,463	\$ 51,703	\$ 54,059	\$ 56,616	\$ 59,223
Library Assistant II	\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947

City of Menlo Park  
**PROPOSED** Salary Schedule effective December 11, 2016

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Library Assistant III	\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,108
Library Clerk	\$ 34,674	\$ 36,242	\$ 37,882	\$ 39,596	\$ 41,384
Library Page	\$ 25,437	\$ 26,586	\$ 27,790	\$ 29,048	\$ 30,363
Library Services Director	\$ 142,396	Open Range			\$ 177,995
Literacy Program Manager	\$ 73,044	\$ 76,480	\$ 80,076	\$ 83,915	\$ 87,914
Maintenance Worker I	\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947
Maintenance Worker II	\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180
Management Analyst I	\$ 78,311	\$ 82,227	\$ 86,339	\$ 90,656	\$ 95,189
Management Analyst II	\$ 89,498	\$ 93,802	\$ 98,273	\$ 102,972	\$ 107,888
Office Assistant	\$ 48,579	\$ 50,794	\$ 53,093	\$ 55,609	\$ 58,177
Parking Enforcement Officer	\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947
Permit Manager	\$ 101,804	\$ 106,675	\$ 111,781	\$ 117,109	\$ 122,767
Permit Technician	\$ 63,442	\$ 66,378	\$ 69,481	\$ 72,741	\$ 76,158
Plan Check Engineer	\$ 101,983	\$ 106,865	\$ 111,959	\$ 117,368	\$ 123,053
Planning Technician	\$ 72,741	\$ 76,158	\$ 79,741	\$ 83,491	\$ 87,494
Police Chief	\$ 157,760	Open Range			\$ 197,199
Police Commander	\$ 141,984	Open Range			\$ 177,480
Police Corporal	\$ 99,412	\$ 104,383	\$ 109,602	\$ 115,082	\$ 120,836
Police Officer	\$ 92,369	\$ 96,987	\$ 101,836	\$ 106,928	\$ 112,275
Police Records Specialist	\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180
Police Recruit	n/a	Hourly Rate			\$ 35.9707
Police Sergeant	\$ 111,391	\$ 116,960	\$ 122,808	\$ 128,949	\$ 135,396
Principal Planner	\$ 108,070	\$ 114,836	\$ 120,332	\$ 126,068	\$ 130,322
Program Aide/Driver	\$ 33,964	\$ 35,501	\$ 37,107	\$ 38,786	\$ 40,523
Program Assistant	\$ 48,386	\$ 50,592	\$ 52,881	\$ 55,388	\$ 57,945
Property and Court Specialist	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Public Works Director	\$ 149,976	Open Range			\$ 187,468
Public Works Superintendent	<del>\$ 92,908</del>	Open Range			<del>\$ 116,134</del>
	\$ 113,254				\$ 141,528
Public Works Supervisor - City Arborist	\$ 90,006	\$ 94,321	\$ 98,815	\$ 103,536	\$ 108,490
Public Works Supervisor - Facilities	\$ 90,646	\$ 94,992	\$ 99,518	\$ 104,273	\$ 109,262
Public Works Supervisor - Fleet	\$ 92,088	\$ 96,503	\$ 101,101	\$ 105,931	\$ 110,999
Public Works Supervisor - Park	\$ 85,682	\$ 89,789	\$ 94,068	\$ 98,562	\$ 103,278
Public Works Supervisor - Streets	\$ 85,682	\$ 89,789	\$ 94,068	\$ 98,562	\$ 103,278
Recreation Aide	\$ 32,494	\$ 33,964	\$ 35,501	\$ 37,107	\$ 38,786
Recreation Coordinator	\$ 63,664	\$ 66,639	\$ 69,766	\$ 73,044	\$ 76,480
Recreation Leader	\$ 25,437	\$ 26,586	\$ 27,790	\$ 29,048	\$ 30,363
Recreation Supervisor	\$ 78,375	\$ 82,072	\$ 86,019	\$ 90,118	\$ 94,427
Red Light Photo Enforcement Specialist	\$ 69,542	\$ 72,809	\$ 76,234	\$ 79,819	\$ 83,646
Revenue and Claims Manager	\$ 89,498	\$ 93,802	\$ 98,273	\$ 102,972	\$ 107,888
Senior Building Inspector	\$ 97,327	\$ 101,983	\$ 106,865	\$ 111,959	\$ 117,368
Senior Civil Engineer	\$ 111,260	\$ 116,635	\$ 122,286	\$ 128,211	\$ 134,458
Senior Communications Dispatcher	\$ 82,954	\$ 86,943	\$ 91,087	\$ 95,442	\$ 99,998
Senior Engineering Technician	\$ 82,029	\$ 85,899	\$ 90,030	\$ 94,320	\$ 98,830
Senior Equipment Mechanic	\$ 74,759	\$ 78,406	\$ 82,094	\$ 85,896	\$ 89,972
Senior Facilities Maintenance Technician	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Senior Librarian	\$ 82,072	\$ 86,019	\$ 90,118	\$ 94,427	\$ 98,936
Senior Library Page	\$ 34,674	\$ 36,242	\$ 37,882	\$ 39,596	\$ 41,384
Senior Maintenance Worker	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Senior Management Analyst	\$ 100,685	Open Range			\$ 121,374
Senior Office Assistant	\$ 53,093	\$ 55,609	\$ 58,177	\$ 60,895	\$ 63,713
Senior Planner	\$ 98,245	\$ 102,946	\$ 107,873	\$ 113,015	\$ 118,475
Senior Police Records Specialist	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Senior Program Assistant	\$ 58,762	\$ 61,508	\$ 64,395	\$ 67,420	\$ 70,592
Senior Recreation Leader	\$ 30,363	\$ 31,736	\$ 33,173	\$ 34,674	\$ 36,242
Senior Sustainability Specialist	\$ 73,692	\$ 77,217	\$ 80,913	\$ 84,770	\$ 88,865
Senior Transportation Engineer	\$ 111,260	\$ 116,635	\$ 122,286	\$ 128,211	\$ 134,458
Senior Water System Operator	\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Sustainability Manager	\$ 92,114	\$ 96,521	\$ 101,141	\$ 105,962	\$ 111,081
Sustainability Specialist	\$ 63,459	\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234
Transportation Demand Management Coordinator	\$ 83,646	\$ 87,631	\$ 91,818	\$ 96,211	\$ 100,816
Transportation Manager	\$ 128,099	Open Range			\$ 160,124

City of Menlo Park  
**PROPOSED** Salary Schedule effective December 11, 2016

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Water Quality Specialist	\$ 72,809	\$ 76,234	\$ 79,819	\$ 83,646	\$ 87,631
Water System Operator II	\$ 63,381	\$ 66,315	\$ 69,414	\$ 72,671	\$ 76,085
Water System Supervisor	\$ 86,768	\$ 90,903	\$ 95,246	\$ 99,803	\$ 104,580



## STAFF REPORT

### City Council

**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-208-CC

**Consent Calendar:** **Authorize the City Manager to execute agreement with Renne Sloan Holtzman Sakai LLP for labor and employee relations consulting services in an amount not to exceed \$120,000**

### Recommendation

Staff recommends the City Council authorize the City Manager to execute agreement with Renne Sloan Holtzman Sakai LLP for labor and employee relations consulting services in an amount not to exceed \$120,000.

### Policy Issues

City Manager's purchasing authority. This recommendation is in support of Council Policy CC 11-0001, Public Input and Outreach Regarding Labor Negotiations.

### Background

Pursuant to the Public Input and Outreach Regarding Labor Negotiations policy approved by the City Council March 1, 2011, staff has, and continues to, engage the services of a labor attorney to participate in formal labor negotiations with bargaining units representing City employees.

In fiscal year 2016-17, four separate Memoranda of Understanding (MOU's) are up for renegotiation between the City and the respective bargaining units. The last two budget years' costs for labor and employee relations consulting services have been between \$147,000 and \$194,000 and staff anticipates similar requirements in the remainder of fiscal year 2016-17.

### Analysis

To increase efficiency and cohesiveness throughout the negotiation process of multiple successor MOU's, the City has utilized the services of Charles Sakai of Renne Sloan Holtzman Sakai LLP to assist in preparing for negotiations. Mr. Sakai has been assisting the City with labor relations since 2004 and continues to be a valued consult to the City in all areas of labor relations.

In addition to labor relations, there are a significant number of upcoming complex employee relations matters that will require legal expertise to complete the City's due diligence both promptly and thoroughly.

### Impact on City Resources

There is no budgetary impact by authorizing the City Manager to execute an agreement. Sufficient funds for this agreement are included in the 2016-17 City Council adopted budget.

**Environmental Review**

No environmental review is required.

**Public Notice**

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

Report prepared by:

Dan Jacobson, Management Analyst II, Human Resources



**SPECIAL AND REGULAR MEETING MINUTES - Draft**

**Date:** 11/15/2016  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**6:00 p.m. CLOSED SESSION**

Mayor Cline called the Closed Session to order at 6:10 p.m. There was no public comment.

CL1. Closed Session pursuant to Government Code Section §54957.6 to confer with labor negotiators regarding current labor negotiations with the unrepresented management

Attendees: City Manager Alex McIntyre, Administrative Services Director Nick Pegueros, Finance and Budget Manager Rosendo Rodriguez, Human Resources Manager Lenka Diaz, City Attorney Bill McClure, Labor Counsel Charles Sakai

**A. Call To Order**

Mayor Cline called the meeting to order at 7:08 p.m.

**B. Roll Call**

Present: Cline, Keith, Mueller, Ohtaki  
Absent: Carlton  
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**

There was no reportable action from the Closed Session.

**E. Public Comment**

There was no public comment.

**F. Consent Calendar**

F1. Waive the reading and adopt ordinances rezoning project site, located at 300-309 Constitution Drive, from M-2 and M-2(x) to M-2(x); modifying the M-2 zoning district to conditionally permit hotel uses; and approving the Development Agreement for the Facebook Campus Expansion Project ([Staff Report# 16-192-CC](#))

**ACTION:** Motion and second (Ohtaki/Keith) to waive the reading and adopt **Ordinance 1019** rezoning project site, located at 300-309 Constitution Drive, from M-2 and M-2(x) to M 2(x),

**Ordinance 1020** modifying the M-2 zoning district to conditionally permit hotel uses and **Ordinance 1021** approving the Development Agreement for the Facebook Campus Expansion Project passes 4-0 (Councilmember Carlton is absent)

## **G. Public Hearing**

- G1. Consider and provide guidance on the General Plan land use and circulation elements, zoning ordinance amendments, rezonings and environmental review associated with the General Plan and M-2 area zoning update in preparation for adoption at the City Council meeting on November 29, 2016 ([Staff Report# 16-193-CC](#)) ([Presentation](#))

Community Development Director Arlinda Heineck introduced the item. The Connect Menlo Team consisting of Charlie Knox, Principal Planner Deanna Chow, Sustainability Manager Heather Abrams, Senior Engineer Azalea Mitch and Transportation Manager Nikki Nagaya made a presentation.

Staff responded to Council's clarifying questions regarding the presentation.

Mayor Cline opened the Public Hearing.

Public Comment:

- Kristin Kuntz Duriseti spoke in support of adopting sustainability measures for the plan
- Maya Perkins spoke regarding the interests of the Belle Haven community and in support of mixed income housing with associated retail amenities, trees and undergrounding
- Susan Eischweiler spoke regarding reasonable average/maximum building height and open space
- John Tarlton, Tarlton Properties, spoke regarding the Life Science district and reducing the open space requirement, and green and sustainable building
- Mickie Winkler spoke regarding the need for a transportation plan, hiring a lobbyist for funding, and forming regional support
- Cindy Clark, Sustainable Silicon Valley, spoke in support of the plan update and regarding a necessary water supply and budget
- Tim Cremin, Menlo Park Fire Protection District Counsel, spoke regarding impact fees, expansion of Station 77 and financial impacts
- Eileen McLaughlin, Citizens Committee to Complete the Refuge, spoke regarding protection of marsh habitat
- Gail Raabe, Citizens Committee to Complete the Refuge, spoke regarding conservation of biological resources and mitigation measures
- Adina Levin spoke regarding a master transportation plan and impact analysis
- Pamela Jones expressed concerns regarding traffic, education and housing displacement in Belle Haven
- Keith Ogden, Community Legal Services, spoke regarding a phasing mechanism for development and housing
- Allan Bedwell spoke regarding greenhouse gas emissions and water standards and in support of the plan
- Diane Bailey, Menlo Spark, spoke regarding sustainability measures, mixed-income housing and transportation
- Leora Tanjuatco, Housing Leadership Council, spoke in support of the plan update and regarding building housing in the early phases of the plan



- Fergus O'Shea, Facebook Inc., spoke regarding FAR aggregation and in support of staff recommendations
- John Onken, Planning Commissioner, spoke in support of the plan and regarding direct financial benefit to the community
- Lily Gray, Mid Pen Housing, spoke in support of the plan and flexible approaches to housing
- Henry Riggs spoke regarding traffic, funding and transportation milestones
- Patti Fry spoke asked Council to temper back on office space development to allow for more amenities so that office, jobs, housing and retail are balanced
- Fran Dehn, Chamber of Commerce, spoke regarding flexibility, achievable standards, and applicable goals
- Jacqui Cebrian spoke regarding the need for a library in Belle Haven as a service rather than an amenity and about housing and increased transportation.

Council discussion ensued. Council identified a number of items and directed the staff/consultant team to clarify or conduct additional research and provide information on the following items at the November 29 City Council meeting: Land Use Policies, Development Standards, Phasing, Street Classification, Fiscal Impact, Community Amenities, Wildlife and Habitat Protection

Mayor Cline continued the Public Hearing to November 29.

## **H. Regular Business**

- H1. Appoint two council members to a Dumbarton Corridor Transportation subcommittee

**ACTION:** Motion and second (Ohtaki/Cline) to appoint Councilmembers Mueller and Keith to a City Council subcommittee to focus on the potential freeway connection from Dumbarton Bridge to US 101 at Marsh Road along Bayfront Expressway passes 4-0 (Councilmember Carlton was absent)

## **I. Adjournment**

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

Pamela Aguilar, CMC  
City Clerk

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**SPECIAL MEETING MINUTES - Draft**

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

**A. Call To Order**

Mayor Cline called the meeting to order at 7:06 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**

- David Dailey spoke regarding streets, trees, police, recreation and commerce

**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](#))

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

**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](#))

Assistant Community Development Director Ron LaFrance gave a brief overview of the item.

**ACTION:** Motion and second (Carlton/Keith) to introduce an ordinance to adopt the 2016 California Building Standards Code and Local Amendments with a request for a change to refine the language associated with work exempt from permit in Sections 12.06.010 and 12.08.010; 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 code Chapter 12.56, Streamline Permitting Process for Small Residential Rooftop Solar Systems passes unanimously.

**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](#))([Presentation](#))

Charlie Knox of Placeworks made a presentation.

Public Comment:

- Harry Bims expressed concerns and outlined the impacts of delaying adoption of the plan
- Gail Raabe, Citizens Committee to Complete the Refuge, thanked staff for responsiveness to concerns regarding revisions to mitigation measures for wildlife protection and requested revisions be included in General Plan
- Katherine Strehl expressed concerns regarding circulation, lack of infrastructure, funding and to consider a brief delay to establish concrete goals and metrics
- Maya Perkins spoke regarding housing and giving Belle Haven residents priority for affordable housing, a main street rather on Willow Road rather than a boulevard
- Lewis Knight spoke regarding regional partnerships and advocacy
- Fergus O’Shea, Facebook Inc., read comments from John Tenanes regarding sustainable development, regional solutions for traffic and in
- Harold Schapelhouman, Menlo Park Fire Protection District Chief, spoke regarding impact fees and EIR
- Diane Bailey, Menlo Spark, spoke in support of the General Plan and regarding phasing as long as it does not delay implementation of housing
- John Tarlton, Tarlton Properties, spoke regarding building height, use of tentative improvements to decrease energy, flood plane and FAR balancing
- Michael Francois spoke in support of the plan and regarding an alternative water technology plan and the need for emergency vehicles that can reach building heights
- Phil Scott, West Bay Sanitary District, asked Council to consider a regional recycling water facility
- Tim Tosta spoke regarding traffic

**ACTION:** Motion and second (Ohtaki/Carlton) to close the Public Hearing passes unanimously.

Staff responded to questions regarding affordable housing, a proposed Willow main street, muni services, a deed restriction rather than a development agreement, flood plane elevation, and FAR sharing between different zoning districts.

Council discussion ensued regarding community amenities and funding, traffic and vehicle counts, preference for affordable housing, a recycled water facility, pets in buildings and banning of rat poison, EV chargers, phasing development, education, implementation schedule and plan review.

**ACTION:** Motion and second (Ohtaki/Keith) to approve staff recommendations 1-9 to 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 with all amendments as recited on the record passes 4-0-1 (Councilmember Mueller dissents):

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
2. Adopt **Resolution 6353** approving the General Plan Land Use and Circulation Elements
3. Introduce an ordinance adding the Office (O) Zoning District to Title 16 of the Municipal Code
4. Introduce an ordinance adding the Life Sciences (LS) District to Title 16 of the Municipal Code
5. Introduce an ordinance adding the Residential Mixed Use (R-MU) District to Title 16 of the Municipal Code
6. Introduce an 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
7. Introduce an 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
8. Introduce an ordinance rezoning certain properties within the M-2 Area
9. Adopt **Resolution 6354** approving the community amenities list

#### **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**

Mayor Cline adjourned the meeting at 11:48 p.m.

Pamela Aguilar, CMC  
City Clerk

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## STAFF REPORT

### City Council

Meeting Date:

12/6/2016

Staff Report Number:

16-207-CC

Regular Business:

**Adopt a resolution to maintain the current  
Downtown Parking Pilot Program with extended  
free parking time limits**

### Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) to maintain the extended free parking time limits in the current Downtown Parking Pilot Program, during weekday parking enforcement periods of 9 AM to 6 PM, as follows:

- a. Change all Downtown public off-street Parking Plazas, except Plaza 4, from the previously designated 2-hour limit to the current 3-hour limit. Plaza 4 remains unchanged at 2 hours.
- b. Change all previously designated 1-hour limit Downtown public on-street parking spaces to the current 90-minute limit.

### Policy Issues

The Downtown Parking Pilot Program (Pilot Program) is intended to implement and evaluate parking management strategies that are in line with several policies stated in the 1994 General Plan Circulation Element and the El Camino Real/Downtown Specific Plan. These strategies seek to strengthen the Downtown as a vital and competitive shopping area while encouraging the preservation and enhancement of Downtown's historic atmosphere and character.

### Background

In March 2015, City Council held a study session to review the effectiveness of the downtown parking program and provided direction to address ongoing challenges.

Based on community feedback and Council direction, staff recommended and assembled a number of modifications and follow-up studies as part of the Pilot Program, to be implemented in January 2016. At the November 10, 2015 City Council meeting, Council amended and approved the following Pilot Program:

- Modify free parking time limits in all Parking Plazas from 2 hours to 3 hours, except Plaza 4. Plaza 4 remains unchanged at 2 hours
- Modify free parking time limits for on-street spaces from 1 hour to 90 minutes
- Evaluate the effectiveness of the new policies using pre-determined Measures of Effectiveness (MOEs)
- Evaluate the effectiveness of the existing annual permit program for potential improvements
- Evaluate the cost/benefit of expanding Parking Plaza's pay options and assess parking payment collection technologies

The November 10, 2015 [City Council meeting minutes](#) (Attachments B) and [staff report](#) (Attachment C) are included as attachments.

The on-street and Plaza signs were modified using low-cost and temporary decals to reflect the new time limits starting January 2016.

Since the implementation of the Pilot Program, staff has retained CDM Smith, a full-service engineering and construction firm, to assist with the “after” the Pilot Program data collection and evaluation. CDM Smith has previously assisted the City with analyses, recommendation, and implementation of the Downtown parking program between 2011 and 2015.

The analyses presented below focused on the results of the extended free parking time limit only (i.e., the first three tasks). The last two tasks require more coordination with the Police Department and are currently in progress.

**Analysis**

In November 2015, staff collected “before” Pilot Program data in collaboration with the Police Department to establish baseline values. Data collected included parking occupancy, baseline revenue, number of overtime parking citations for Santa Cruz Avenue, number of plaza permits sold, and description of enforcement staff time.

Two sets of “after” Pilot Program occupancy data were collected for the evaluation. The first set occurred on Thursday, May 5, 2016, and the second set occurred on Thursday June 23, 2016. Concurrently, CDM Smith developed a voluntary survey for Downtown property/business owners to solicit feedback on the Pilot Program. The survey was distributed in July 2016.

A set of quantifiable criteria, also known as MOEs, was developed to evaluate the success of the Pilot Program. The MOEs and results are presented below:

Downtown Parking Pilot Program Measures of Effectiveness to Define Program Success			
Description	Limit	Result	Met?
Parking occupancy for 2 consecutive hours for all on-street facilities and 3 consecutive hours for all Parking Plazas	< 95%	5/7 street segments, 5/7 parking plazas	Met
Percent reduction in annual permit sales	< 20%	4%	Met
Percent reduction in Santa Cruz Avenue citations	> 10%	11%	Met
Percent of surveyed property/business owners that express satisfactory with program	> 67%	55%	Not Met

Since 2011, the eight Downtown Parking Plazas provided long-term (i.e., paid all-day parking) and short-term (i.e., up to 2 free hours) parking options. Long-term options include Plazas 1 and 5, while short-term options include Plazas 2, 3, 4, 6, 7, and 8. On average, the study showed a slight shift in demand from the long-term parking plazas (i.e., Plazas 1 and 5) into some of the short-term plazas (i.e., Plazas 2 and 3) during the morning. However, the available supply in Plazas 1 and 5 were quickly occupied by 1 PM. Short-



term Plazas 6 and 7 experienced reductions throughout almost the entire enforcement period, from 9 AM to 5 PM. Demand for time restricted on-street parking spaces exhibited a slight shift from the 2-hour spaces to the 90-minute spaces after 1 PM.

Evaluation of the Pilot Program using the pre-developed MOEs showed satisfactory results in three of the four criteria. Under the first criteria, two of the seven studied roadways, with extended 90-minute on-street parking restrictions, experienced two consecutive hours of over 95 percent occupancy (i.e., Doyle Street and Santa Cruz Avenue). Two of the seven Parking Plazas, with extended 3-hour restrictions, experienced three consecutive hours of over 95 percent occupancy (i.e., Plazas 2 and 3).

Comparing the first half (i.e., January to June) of 2015 and 2016, the annual plazas permit sales dropped 4%, from 647 to 620, out of a total possible of 685 permits between all eight plazas. Daily temporary permits dropped 34%, from 945 to 626.

Overtime parking violations on Santa Cruz Avenue dropped 11%, from 438 to 390 citations. The decreased in citations may indicate that patrons can now more easily park within the allotted time on Santa Cruz Avenue while visiting downtown.

Surveys soliciting property/business owner feedback on the Pilot Program were sent out in July 2016 to approximately 310 owners and 47 were returned, a 15 percent return rate. Out of the returned surveys, 55 percent expressed satisfaction with the program, which did not meet the goal of at least 67 percent. Many surveys also expressed desire for a parking structure, more lighting at existing plazas, and more on-site surveillance.

Based on the results presented above, the Pilot Program satisfied three of the four MOEs, and over 50 percent of property/business owners expressed satisfaction with the revisions to the program. As a result, staff is recommending to maintain the implementation of the Pilot Program.

In addition, staff recommends an annual parking occupancy survey of the downtown to actively monitor the parking patterns using the same criteria. If needed, staff would bring recommendations to the Council for future consideration based on future survey results. Annual monitoring could also serve as complementary "after" studies for any Downtown projects that could alter the parking supply/demand ratio or behavior. Two such projects currently under study are:

- Oak Grove-Crane-University Bicycle Improvement Project
- Downtown Parking Garage

Qualitative evaluation of the annual permit program and the cost/benefit of expanding the Parking Plaza paid option will be prepared by CDM Smith and City staff in the near future. Staff anticipates bringing the results to the City Council in spring of 2017

### **Impact on City Resources**

The total estimated cost of \$65,000, which includes Pilot Program implementation, data collection, and post-pilot evaluation, was approved at the November 10, 2015 Council meeting and allocated from the Downtown Parking Fund. Annual monitoring, if approved, would cost approximately \$15,000 annually and funded through the Downtown Parking Fund in the City yearly budget. The cost includes data collection, evaluation of results, and staff time.

Revenue for the Downtown Parking Fund comes from two sources: Plaza daily permit sales from kiosks and annual/daily Plaza permit sales from the Police Department. Revenues from parking violation citations are incorporated into the City's General Fund. As a result of this Pilot Program, revenue sources to both the Downtown Parking and General Funds decreased, in the forms of temporary permit sales and citations. Temporary permit sales through Plaza kiosks and the Police Department decreased approximately \$18,560, from \$44,450 to \$25,890. Citation revenue decreased approximately \$1,560, from \$14,240 to \$12,680.

Decreases to the Downtown Parking Fund could delay future improvement projects to downtown parking plazas if there are insufficient funds to complete projects, although near-term impacts are not anticipated at this time.

### **Environmental Review**

The implementation of the timed restriction changes in Downtown Menlo Park is categorically exempt under Class 1 of the current California Environmental Quality Act Guidelines. Class 1 allows for minor alterations of existing facilities, including existing highways and streets, sidewalks, gutters, bicycle and pedestrian access, and similar facilities, as long as there is negligible or no expansion of use.

### **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. Resolution
- B. [Meeting Minute from November 10, 2015 City Council Meeting](http://menlopark.granicus.com/MinutesViewer.php?view_id=6&clip_id=1409)  
(menlopark.granicus.com/MinutesViewer.php?view\_id=6&clip\_id=1409)
- C. [Staff Report from November 10, 2015 City Council Meeting](http://menlopark.org/DocumentCenter/View/8688)  
(menlopark.org/DocumentCenter/View/8688)

Report prepared by:  
Kevin Chen, P.E., Assistant Engineer

Report reviewed by:  
Kristiann Choy, P.E., Senior Transportation Engineer  
Nicole H. Nagaya, P.E, Transportation Manager

**RESOLUTION NO.**

**ADOPT A RESOLUTION AUTHORIZING MAINTAINING MODIFICATIONS TO  
THE DOWNTOWN MENLO PARK PARKING TIME RESTRICTIONS**

The City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause,

WHEREAS, Downtown patrons/business owner expressed the need for longer parking time limit restrictions to accommodate the typical patronage stays; and,

WHEREAS, extended parking time limits could encourage more downtown patronage and create a vibrant downtown; and,

WHEREAS, a Pilot Program with extended parking time limits was implemented and showed satisfactory results based a set of pre-defined criteria.

NOW, THEREFORE, BE IT RESOLVED, the City Council of Menlo Park does hereby approve the implementation of the on- and off- street parking time restriction in Downtown Menlo Park, illustrated in the attached map, as follows: a) change all Downtown public off-street Parking Plazas, except Plaza 4, from 2-hour free parking limit to 3-hour, b) change all Downtown public on-street parking spaces from 1-hour free parking limit to 90-minute limit.

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 sixth day of December, 2016, by the following votes:

AYES:

NOES:

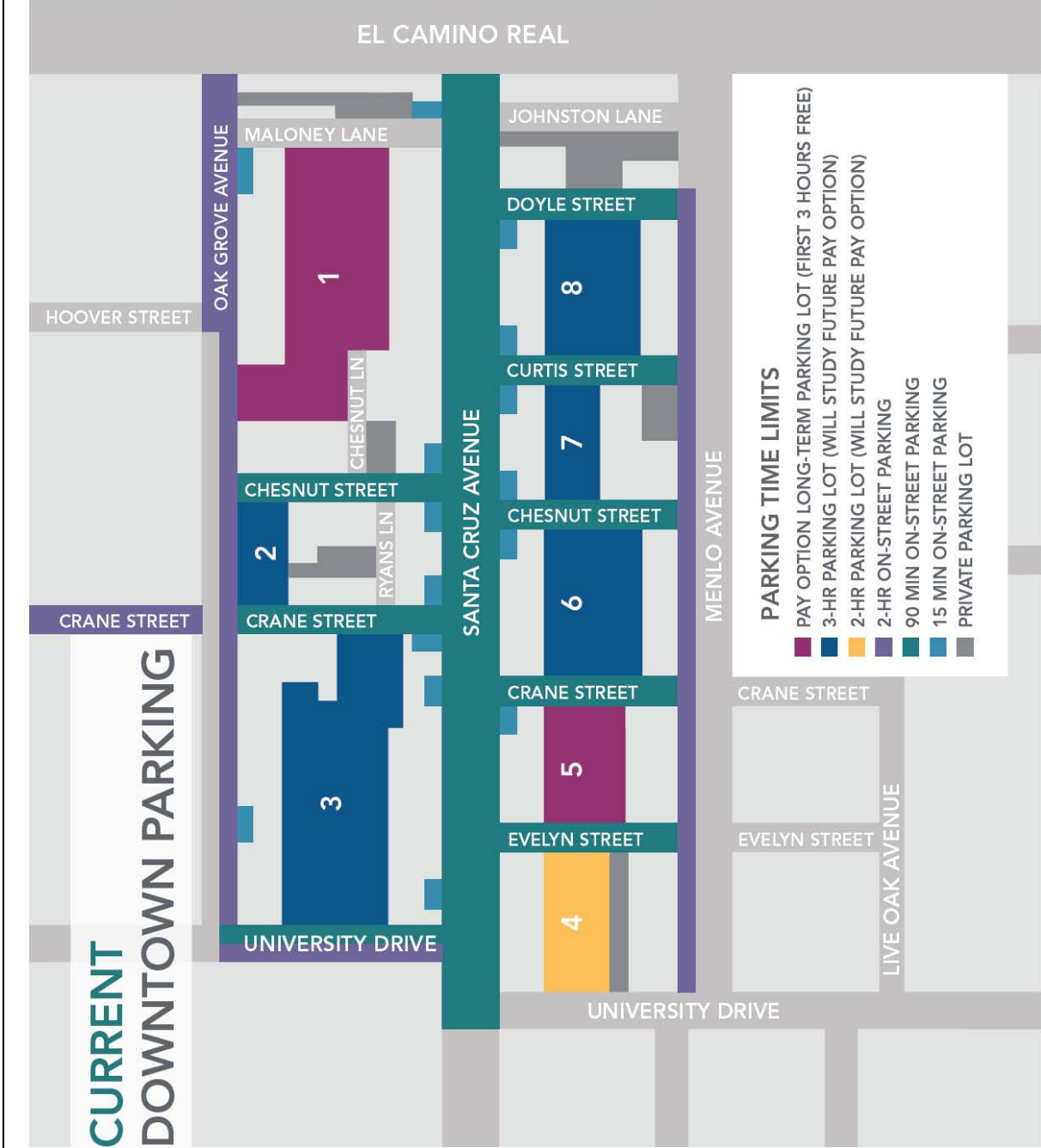
ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this sixth day of December, 2016.

---

Pamela Aguilar, CMC  
City Clerk



# CURRENT DOWNTOWN PARKING

CRANE STREET

HOOVER STREET

MERRILL STREET

UNIVERSITY DRIVE

CRANE STREET

CHESNUT STREET

1

MALONEY LANE

OAK GROVE AVENUE

CHESNUT LN

RYANS LN

SANTA CRUZ AVENUE

EVELYN STREET

CRANE STREET

6

CHESNUT STREET

7

DOYLE STREET

JOHNSTON LANE

EL CAMINO REAL

MERRILL STREET

MENLO AVENUE

CRANE STREET

EVELYN STREET

LIVE OAK AVENUE

UNIVERSITY DRIVE

RAVENSWOOD AVENUE



**SPECIAL MEETING MINUTES**

**Date:** 11/10/2015  
**Time:** 6:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**6:00 P.M. Closed Session (City Hall Administration Building, 1<sup>st</sup> floor conference room)**

Mayor Carlton called the Closed Session to order at 6:35 p.m.

**Roll Call**

Present: Carlton, Cline, Mueller, Ohtaki

Absent: Keith

Staff: City Manager Alex McIntyre, Interim Administrative Services Director Nick Pegueros, City Attorney Bill McClure, Interim Human Resources Director Dave Bertini, Labor Counsel Charles Sakai

- CL1. Closed Session pursuant to Government Code Section §54957.6 to confer with labor negotiators regarding labor negotiations with the Police Officers' Association (POA), and Unrepresented Management

**Public Comment**

There was no public comment on this item.

**6:30 P.M. Regular Session****A. Call To Order**

Mayor Carlton called the Regular Session to order at 6:57 p.m.

**B. Roll Call**

Present: Carlton, Cline, Keith, Mueller, Ohtaki

Staff: City Manager Alex McIntyre, City Attorney Bill McClure, City Clerk Pamela Aguilar

**C. Report from Closed Session**

There was no reportable action from Closed Session.

**D. Pledge of Allegiance**

Mayor Carlton led the pledge of allegiance.

**E. Presentations and Proclamations**

- E1. Presentation of Green Business certifications to Ducky's Carwash and Heffernan Insurance ([Attachments](#))

Earl Fuller of Heffernan Insurance was present to accept the certificate.

- E2. Proclamation expressing appreciation to Menlo Park Police Officer Louis Tommei upon his retirement ([Attachment](#))

Retired Officer Lou Tommei was present to accept the proclamation.

- E3. Proclamation recognizing Law Enforcement Records Professionals Day ([Attachment](#))

Chief Jonson, Technical Services Manager Tracy Weber, Ashley Walker and Deborah Calvillo accepted the proclamation.

- E4. Presentation regarding Belle Haven mini grants ([Presentation](#))

Community Services Manager Derek Schweigart introduced Michelle Tate of the Belle Haven Community Development Fund who made a presentation.

**F. Study Session**

- F1. Update on Peninsula Clean Energy, a Community Choice Energy effort sponsored by San Mateo County ([Staff Report# 15-172-CC](#)) ([Presentation](#))([Handout](#))

Environmental Programs Manager Heather Abrams introduced the item and San Mateo County Board Supervisor Dave Pine who introduced the team making the presentation: Seth Baruch of LEAN Energy US, Kirby Dusel of Pacific Energy Advisors, Kathy Meola of the Office of County Counsel, and Gordon Tong of the Office of Sustainability were also present.

Public Comment:

- Janelle London spoke in support of PCE
- Tom Kabut spoke in support of PCE
- Mark Roest spoke regarding battery operated vehicles
- Diane Bailey, Menlo Spark, spoke in support of PCE
- Deb Martin spoke in support of PCE
- Jan Butts spoke in support of PCE

There was consensus by Council to direct staff to pursue a CCE, to join the San Mateo County JPA and enter into an agreement.

## G. Public Comment

- Knute Ream spoke regarding the Nealon dog park relocation and health safety concerns
- Sarah Speakman spoke in opposition of the Nealon dog park relocation
- Kevin Ebrahimi spoke regarding the Applied Materials Annual Turkey Trot
- Mark Roest spoke regarding the use of battery operated vehicles
- Wynn Grcich spoke regarding Round Up and geoengineering ([handout](#))

## H. Consent Calendar

Mayor Carlton pulled item H4, minutes of the October 6<sup>th</sup> Council meeting, and requested the following amendments: Item D2 – list the four Beacon Sustainability Awards that were received; Item H4 – state that a resolution was adopted.

- H1. Award a construction contract for the multiyear sidewalk replacement project to Golden Bay Construction, Inc. and authorize a total construction budget of \$300,000 annually ([Staff Report# 15-166-CC](#))
- H2. Adopt a resolution stating the City Council's support for the concept of expanding the snack bar and storage facility adjacent to the athletic fields at Burgess Park ([Staff Report# 15-173-CC](#))
- H3. Adopt a resolution requesting that the Federal Consumer Financial Protection Bureau, the United States Congress and the California State Legislature take action to protect consumers from usurious payday lenders ([Staff Report# 15-174-CC](#))
- H4. Approve minutes for the City Council meeting of October 20, 2105 ([Attachment](#))

**ACTION:** Motion and second to approve all items on the Consent Calendar, including the amendments to item H4, passes unanimously.

## I. Regular Session

- I1. Adopt a resolution to implement a 6-month pilot program to modify downtown parking time limits and appropriate \$65,000 from the Downtown Parking Fund to implement the recommendations ([Staff Report# 15-175-CC](#))([Presentation](#))

Transportation Manager Nikki Nagaya and Assistant Engineer Kevin Chen introduced the item.

**ACTION:** Motion and second (Ohtaki/Mueller) to amend the proposed resolution to exempt Parking Lot 4 from the trial and collect utilization data during the holiday period passes 4-1 (Mayor Pro Tem Cline dissents).

**ACTION:** Motion and second (Carlton/Ohtaki) to approve the resolution as amended (Mayor Pro Tem Cline and Councilmember Keith dissent).

**ACTION:** Motion and second (Keith/Cline) to adopt staff recommendations (c) prepare a

cost/benefit evaluation study and (d) conduct Post-Pilot Program and Annual Permit Program Evaluation, and approve an appropriation of \$65,000 to implement recommendations passes unanimously.

12. Appropriate \$200,000 from the General Fund reserves; authorize the City Manager to enter into emergency contracts for the City's Storm Preparedness Plan up to \$200,000; enter into an agreement with the City of Palo Alto; and become a party to the San Francisquito Creek Multi-Agency Coordination Agreement and Operational Plan ([Staff Report# 15-171-CC](#))([Presentation](#))

Council waived hearing a staff presentation. Interim Public Works Director Ann Stillman was present to address any Council questions.

**ACTION:** Motion and second (Mueller/Keith) to appropriate \$200,000 from the General Fund reserves; authorize the City Manager to enter into emergency contracts for the City's Storm Preparedness Plan up to \$200,000; enter into an agreement with the City of Palo Alto; and become a party to the San Francisquito Creek Multi-Agency Coordination Agreement and Operational Plan passes unanimously.

13. Consider approval of the terms of an agreement between the City of Menlo Park and the Service Employees International Union, Local 521 ([Staff Report# 15-164-CC](#))([Presentation](#))

Council waived hearing a staff presentation. Interim Human Resources Director Dave Bertini was present to address any Council questions. There was no Public Comment.

**ACTION:** Motion and second (Mueller/Cline) to approve the terms of an agreement between the City of Menlo Park and the Service Employees International Union, Local 521 passes unanimously.

14. Amend the City Council approved salary schedule ([Staff Report# 15-170-CC](#))

Council waived hearing a staff presentation. Interim Administrative Services Director Nick Pegueros was present to address any Council questions.

**ACTION:** Motion and second (Keith/Ohtaki) to amend the City Council approved salary schedule passes unanimously.

## **J. Informational Items**

Police Commander Tony Dixon was present to respond to Council questions regarding items J1 and J2.

- J1. Quarterly review of Taser Program ([Staff Report# 15-169-CC](#))

- J2. Quarterly review of data captured by Automated License Plate Readers (ALPR) for the period beginning July 1, 2015 through October 1, 2015 ([Staff Report# 15-168-CC](#))

- J3. Update on reporting of consultant contracts and agreements ([Staff Report# 15-165-CC](#))

## **K. City Manager's Report - None**



**L. Councilmember Reports**

Councilmember Keith stated that the Bicycle Commission would like to make a presentation regarding the Oak Grove/University Drive bike boulevard project at a future Council meeting

Mayor Pro Tem Cline reported that the City of Palo Alto has good data from their Transportation Demand Management (TDM) program regarding impacts and costs and how this can benefit future decisions for Menlo Park.

Mayor Carlton announced that, Lee Hirsch, author of the book “Bully” will be in Menlo Park on December 2<sup>nd</sup> at Hillview Middle School for a showing of the movie and a question & answer session.

**M. Adjournment**

Mayor Carlton adjourned the meeting at 10:15 p.m. in honor of all veterans.



Pamela Aguilar  
City Clerk

These minutes were approved at the City Council meeting of December 15, 2015

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## STAFF REPORT

### City Council

**Meeting Date:** 11/10/2015

**Staff Report Number:** 15-175-CC

**Regular Business:** **Adopt a Resolution to Implement a 6-Month Pilot Program to Modify Downtown Parking Time Limits and Appropriate \$65,000 from the Downtown Parking Fund to Implement the Recommendations**

### Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) to implement a 6-month pilot program to modify Downtown parking time limits (recommendations “a” and “b”), conduct a cost/benefit evaluation study (recommendation “c”), and conduct program evaluation (recommendation “d”) as follows:

- a. Implement free parking time limit changes to all Downtown public off-street Parking Plazas from the currently designated 2-hour limit to 3-hour limit.
- b. Implement free parking time limit changes to all Downtown public on-street parking spaces from the currently designated 1-hour limit to 90-minute limit.
- c. Prepare a cost/benefit evaluation study to expand pay parking options to the remaining six non-pay Parking Plazas. The study will also assess existing versus newer parking payment collection technologies to be implemented for all eight Parking Plazas, after the initial free 3-hour parking limit as shown on Attachment B.
- d. Conduct Post-Pilot Program and Annual Permit Program Evaluation

Staff also recommends an appropriation of \$65,000 from the Downtown Parking Fund to implement the recommendations. No changes to private parking spaces within the Downtown core area are proposed.

### Policy Issues

Implementation of changes to Downtown parking time restrictions is in line with several policies stated in the 1994 General Plan Circulation Element. These policies seek to strengthen Downtown as a vital and competitive shopping area while encouraging the preservation and enhancement of Downtown’s historic atmosphere and character. The El Camino Real/Downtown Specific Plan included recommendations for parking management strategies and to increase the parking supply, but did not recommend specific changes to the time restrictions for existing parking areas.

### Background

In June 2009, the City Council authorized a detailed Downtown Menlo Park Parking Study (Study). The Study reviewed all previous Downtown parking studies since 1999 and made a set of recommendations. The City implemented the Study recommendations in 2011 and established what would be the current

## Downtown parking Program.

Since the implementation, staff has monitored community feedback related to the parking changes. In March 2015, Council held a study session to review the current parking effectiveness and provided direction to address the Program's ongoing challenges. These challenges include:

- Perception of aggressive enforcement, particularly in 1-hour parking areas
- Need for additional long-term employee parking supply
- Varying parking time limits creates confusion about where to park and for how long

Based on Council's direction, staff recommended specific policy changes at the October 20, 2015 Council meeting (staff report included as Attachment C). Following community feedback and Council discussion, Council approved the following:

- Modify free parking time limits in the Parking Plazas from 2 hours to 3 hours
- Modify free parking time limits for on-street spaces from 1 hour to 90 minutes
- Prepare a cost/benefit evaluation study to expand the Parking Plaza pay options and assess existing versus newer parking payment collection technologies

Additionally, Council directed staff to evaluate strategies to improve other elements of the current Downtown parking program to better serve the Downtown patron and employee population. The main strategies include:

- Develop measures of effectiveness (MOEs) to evaluate the success of the 6-month pilot program
- Consider changing the current annual permit program, including transferrable permits and a tiered pricing system based on income
- Consider changing enforcement start time from 9:00 am to 10:00 am
- Consider developing an independent variable trigger (i.e., population, demand occupancy, etc.) to determine when changes to the parking time limits should be explored to efficiently process changes in the future

Each of these strategies is evaluated in the following Analysis section.

### **Analysis**

In collaboration with the City's Police Department, staff evaluated the potential behavioral and financial effects these strategies could have on Downtown patrons and the City. Each strategy is discussed in detail below:

#### Develop Downtown Parking Pilot Program Measures of Effectiveness (MOEs)

To implement the 6-month pilot program, staff suggests a temporary modification of the on-street and Plaza signs that would take effect in January 2016, following the 2015 holiday season when the City

typically extends free parking time limits in each plaza to 3-hours for holiday parking. Signs would be modified using a low-cost approach, using decals to update the time restrictions during the pilot program.

To evaluate the effectiveness of the proposed pilot program, a set of quantifiable criteria was established. These measures of effectiveness (MOEs) would be used to evaluate the success of the pilot program. The proposed MOEs that would define a successful program are outline below:

Downtown Parking Pilot Program Measures of Effectiveness To Define Program Success	
Parking occupancy for 2 consecutive hours for all on-street facilities and 3 consecutive hours for all Parking Plazas	< 95%
Percent reduction in annual permit sales	< 20%
Percent reduction in Santa Cruz Avenue citations	> 10%
Percent of surveyed business owners that express satisfactory with program	> 67%

To establish a set of baseline values to represent the “before” conditions, the following data would be collected in November 2015 prior to the start of the pilot program: parking occupancy, baseline revenue, number of overtime parking citations for Santa Cruz Avenue, number of permits sold, and description of enforcement staff time.

To establish a set of data values to represent the “after” conditions, the same set of data would be collect during the pilot program. First, parking occupancy data would be collected in March and June 2016. Second, monthly Santa Cruz Avenue overtime parking citation inventory and annual permit sales for the duration of the pilot program would be extracted. Finally, a voluntary survey of Downtown business owners would be developed and sent out in May 2016 to gather feedback on the pilot program.

Analysis of the data would be prepared and the results shared with the City Council in Summer 2016. Staff will also utilize the occupancy data to evaluate the current enforcement time period of 9:00 am to 6:00 pm and determine if a 10:00 am start to enforcement is recommended.

Current Annual Permit Program

The existing Downtown Plaza Annual Parking Permit, which was put into effect in 2004, utilizes a non-transferrable permit system for Downtown business employees with long-term parking demands. To date in 2015, 679 of the 685 available annual permits have been sold at \$592 per permit, for a total of \$402,000 in revenue that is only used for the Downtown parking areas.

Typically, the permit renewal process for the upcoming calendar year begins in the first week of November to provide sufficient time to send renewal notification, process applications, and schedule permit pick-up. A programing format change such as the suggested permit transferability (the implemented system prior to 2004) and a tiered pricing system is anticipated to delay the roll out of the 2016 permit program by approximately 2 months, until March 2016, to allow preparation and review of the placards, advertising of the new program changes and development of policies for enforcement (e.g., placard placement for motorcycle/vehicles, administration, etc.).

In addition, the implementation of modifications to the annual permit program format, in concurrence with the approved 6-month parking time limit extension program, could dilute the findings of the pilot program (for example, if an increase in parking occupancy is observed, is it attributable to the time limit changes or the modifications to the parking permit program?).

To avoid delays to the 2016 permit program, staff recommends first completing an evaluation of the current permit program practices and policies with the following elements:

- Compare the existing program to neighbor cities and establish a price range
- Evaluate the potential impact a transferrable program could have on the Downtown parking supply/demand ratio
- Evaluate a tiered pricing system
- Estimate the difference in program administration due to transferrable permits

Staff plans to use a consultant to prepare the permit evaluation to reduce the demand on staff resources that have already been allocated to other capital projects for the coming months. The same consultant would be responsible for the 6-month pilot post-program evaluation to streamline the effort and maximize available resources.

#### Other Downtown Improvement Projects

While the Downtown parking policy changes could provide immediate relief to on-going existing parking challenges, other long-term projects are programmed into the City's 5-Year Capital Improvement Program that may improve downtown parking. These projects include:

- Downtown Parking Plaza Project – Reconstruct Plaza 7 pavement striping/markings with updated parking space dimensions to reflect latest City standards, add bicycle parking, and other landscaping improvements.
- Citywide Bicycle & Pedestrian Visibility Project – Install new bicycle parking facilities throughout the Downtown Core
- Transportation Management Association – Establish a Transportation Management Association to work with Downtown businesses to identify alternative Transportation Demand Management programs
- Downtown Parking Structure Study – Construct a new parking structure through findings identified in the El Camino Real & Downtown Specific Plan

#### Community Engagement and Notification

Postcards were sent to all Downtown business owners, property owners, and nearby residents within a 300 feet radius of the Downtown area. Social media was also used to share information about potential changes being considered.

#### **Impact on City Resources**

Staff requests Council approve an appropriation as follows to implement the changes:

<b>Appropriate Request Summary</b>	
Pilot Program Implementation and Data Collection	\$24,400
Parking Plaza Pay Option Expansion and Parking Technology Cost/Benefit Evaluation	\$9,000
6-month Pilot Program and Annual Permit Program Evaluation	\$24,000
<i>Subtotal</i>	<i>\$57,400</i>
10% Contingency	\$7,600
<b>Total Cost</b>	<b>\$65,000</b>

### Revenue Implications

Revenue for the Downtown Parking Fund comes from two sources: Plaza ticket sales from kiosks and annual Plaza permit sales. Revenues from parking violation citations are incorporated into the City's General Fund. It is anticipated that with the extended parking time limits, revenue sources to both the Downtown Parking and General Funds would decrease. Decreases to the Downtown Parking Fund may delay future improvement projects to downtown parking plazas if sufficient funds are not available to complete projects. Staff will monitor the revenue implications during the 6-month pilot program and report findings to Council as part of the program evaluation.

### **Environmental Review**

The implementation of the timed restriction changes in downtown Menlo Park is categorically exempt under Class 1 of the current California Environmental Quality Act Guidelines. Class 1 allows for minor alterations of existing facilities, including existing highways and streets, sidewalks, gutters, bicycle and pedestrian access, and similar facilities, as long as there is negligible or no expansion of use.

### **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. Draft Resolution to Approve Changes to the Downtown Menlo Park Parking Options and Time Restrictions
- B. Downtown Parking Map
- C. October 20, 2015 Staff Report

Report prepared by:

Kevin Chen, Assistant Engineer, Transportation

Report reviewed by:

Nicole H. Nagaya, P.E., Transportation Manager

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## STAFF REPORT

### City Council

Meeting Date:

12/6/2016

Staff Report Number:

16-214-CC

### Regular Business:

**Approve the Oak Grove University Crane Bike Improvement Concept Plan, authorize the City Manager to extend the consultant contract with Alta Planning & Design for final design, appropriate \$236,200 to implement a one year trial of the final design, and award construction contracts**

### Recommendation

Staff recommends the Council approve the concept plan for bicycle improvements on Oak Grove Avenue, Crane Street, and University Drive pilot project, authorize the City Manager to amend the consultant contract with Alta Planning & Design for final design plans, appropriate \$236,200 from the undesignated fund balance of the General Fund to implement a one-year trial of the final design, and award construction contracts.

### Policy Issues

On May 3, 2016, Council provided direction to amend the 2016 Work Plan (Item No.62) to prioritize evaluation of bicycle improvements on Oak Grove Avenue, Crane Street and University Drive. This Project is consistent with the policies stated in the City's 1994 General Plan Circulation Element. These policies seek to maintain a circulation system using the Roadway Classification System that will provide for a safe and efficient movement of people and goods throughout Menlo Park for residential and commercial purposes.

### Background

In 2015, the Bicycle Commission proposed inclusion of a new priority project in the Commission's two-year work plan. The proposed project was to identify a key bicycle route connection to provide access to key destinations in the City, including schools, the downtown, and connecting residential neighborhoods. The resulting project proposal for bicycle improvements to Oak Grove Avenue was developed, and presented to the City Council by the Bicycle Commission in a joint meeting with the Transportation Commission on January 26, 2016, and again to the City Council in a regular meeting on April 12, 2016.

On May 3, 2016, the City Council provided direction to staff to amend the Work Plan to prioritize evaluation of a one-year trial of bicycle improvements on Oak Grove Avenue, Crane Street and University Drive. Staff provided an update to Council on the project on July 19, 2016, describing the planned scope of work and schedule.

### Analysis

The proposed bicycle improvements on Oak Grove Avenue, Crane Street and University Drive cover a total

distance of 1.5 miles and can be divided into four distinct sections. A map showing the proposed route is included in Attachment A. The four sections along with their unique characteristics are detailed in Table 1: Existing Conditions below.

Roadway Section	ADT (vpd)	Speed Limit	85th% Speed	Roadway Width	Parking Spaces (incl. side streets)
Oak Grove Ave east of El Camino Real	8,700-9,600	25 mph	32 mph	38' - 41'	217
Oak Grove Ave west of El Camino Real	7,700	25 mph	27 mph	41'	72
Crane St & Live Oak Ave	2,400-2,700	25 mph	n/a	29' - 33'	205
University Drive	5,800-9,300	25 mph	31 mph	34'	178

Following City Council direction, staff retained the services of Alta Planning & Design to prepare a Bicycle Improvement Concept Plan for Oak Grove Avenue, Crane Street and University Drive. Alta prepared a comprehensive study to document existing conditions, prepare a needs assessment, and assess potential parking impacts of adding bicycle facilities to the roadway.

**Needs Assessment**

The Needs Assessment prepared by Alta is provided in Attachment B. The Circulation Element of the General Plan recognizes Menlo Park as an ideal environment for bicycling due to its mild climate, relatively flat terrain and closely spaced destinations. The roughly eight percent of residents that bike to work is thirteen times higher than the county average and indicates that bicycling is actively used by residents and comprises an important mode of transportation for the city.

Oak Grove Avenue, Crane Street, and University Drive provide a direct connection to Downtown Menlo Park and also links several popular destinations including schools, job centers, parks, churches and the Caltrain station. Many residents considering alternative modes of transportation stand to benefit from the bicycle improvements including a major benefit to students travelling to Hillview Middle School, Nativity School, and Menlo-Atherton High School which feeds directly into the proposed route.

As described in the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide and allowed for use per the California Manual of Traffic Control Devices (CA-MUTCD) guidelines, a buffered bike lane is a conventional bike lane paired with a designated buffer space separating the bike lane from the adjacent vehicle lane. Buffered bike lanes provide greater shy distance between vehicles and bikes, provides space for bikes to pass other bikes, allows bikes to ride outside of the door zone of parked vehicles, and encourages bicycling.

**Impact Summary**

The available public right-of-way width is limited and in some cases, an adequate bike improvement comes in exchange of parking. In the interest of understanding this impact and estimating the average utilization of on-street parking, a robust data collection method was performed over four distinct observation periods. Observations were taken twice during a weekday between 10:00 AM- 3:00 PM to capture daytime parking needs, between 7:00 PM- 6:00 AM to capture overnight parking needs and between 2:00 PM - 6:00 PM on a weekend day. Taken in composite, the four observations reflect typical parking needs (daytime non-commuters, commuters, and weekend use) for each roadway segment. The Impact Summary was used directly to inform the development of the concept plan and is provided in Attachment B.

**Concept Plan**

The concept plan shown in Attachment C includes bicycle improvements in both directions along Oak Grove Avenue, Crane Street and University Drive. Staff recommends parking removal for buffered bike lane in the areas that experience low parking utilization rates while retaining existing parking spaces on side streets. Where street widths allow, parking is preserved to minimize impacts to adjacent residents or businesses along the corridor. Each section’s parking utilization rates, available width and recommended actions are shown in Table 2: Concept Plan Recommendations.

Table 2: Concept Plan Recommendations							
	Roadway Section	%Spaces Utilized	Available Space	Recommended Action	Bicycle Facility	Spaces To Remove	Spaces Remaining
1.	Oak Grove Ave east of ECR	58%	38' - 41'	Remove Parking on Both sides	Buffered Bike Lane	94	123
2.	Oak Grove Ave west of ECR	72%	41'	Remove Parking On North side	Buffered Bike Lane	25	47
3.	Crane St & Live Oak Ave	90%	29' -33'	Retain existing parking	Sharrows	0	205
4.	University Drive	28%	34'	Remove Parking on Both sides	Buffered Bike Lane	64	114

Oak Grove Avenue east of ECR: The section of Oak Grove Avenue to the east of Laurel Street experiences parking demand from students from the Menlo-Atherton High School Campus that regularly intrudes into the neighborhood along Marcussen Drive. City Staff has engaged school staff to encourage students to use the parking lot on campus. Existing off-street parking along the Nativity Church property is fully utilized, will remain, and has been accounted for in Table 2.

- Staff reviewed the collision history at the Oak Grove and Laurel Street intersection and found that an average of one collision per year over a 10-year period with three collisions occurring in 2016. The primary factors for the collisions were drivers running the red light or failing to yield when turning left. As a result, staff recommends all of the existing 8” signal heads to be upgraded to 12” and to convert Laurel Street signal phasing to split phase which would increase signal visibility and reduce turning conflicts. The phasing change would increase average vehicle delay at the intersection, but the overall operation would still be acceptable. This signal modification would be a permanent improvement.
- Oak Grove Avenue west of El Camino Real: This section experiences a higher parking utilization rate, and staff recommends retaining parking on the south side of the street. The street width in this section can accommodate buffered bike lanes and hourly parking on one side for downtown businesses. The parking demand for the 25 spaces removed from the north side of the street can be accommodated by parking in the parking plazas and on the side streets.
- Crane Street and Live Oak Avenue: This section carries the highest parking utilization rate with an average of 90% of the available parking spaces used. The high demand for parking, bike usage and low traffic volumes makes this section ideal for the installation of sharrows.
- University Drive: This section has the lowest of utilization of on-street parking with less than 30% of the available spaces being used. The street width in this section does not allow for both bike lanes and on-street parking. With the low demand for parking and higher traffic volumes, it is recommended to remove parking on both sides for buffered bike lanes.

**Coordination Efforts**

The draft concept plan was developed and coordinated with two Bike Commissioners who developed the initial concept. While the concept plan includes the crossing of El Camino Real, Caltrans has jurisdiction over the El Camino Real and Oak Grove Avenue intersection, and additional coordination and future work will still need to be performed in order to implement improvements in the Caltrans right-of-way. Oak Grove Avenue between Middlefield Road and the city limits is under the Town of Atherton jurisdiction which is considering reclassifying this section as a Class II bikeway and is currently in the design phase for pedestrian and bicycle upgrades to the Oak Grove Avenue and Middlefield Road intersection. The concept bike improvements are also consistent with the Transportation Commission’s recent action on the proposed Station 1300 development. Ongoing work related to downtown parking, as also being considered by the Council on December 6, 2016, is complementary to this project and future efforts on parking permit feedback.

**Community Engagement**

City staff and the consultant team initiated two stakeholder meetings with the Nativity School & Nativity Church and the Chamber of Commerce on October 26-27, 2016. 1,846 postcards were also mailed to residents, business owners, and property owners along the proposed route up to half a block away two weeks prior to the Council meeting. All of the feedback that was received is summarized in the Table 3: Community Feedback. As of December 1, 14 phone calls or emails were received in response to the postcard mailers. The feedback was used in the development of the concept plan and furthermore, identified operational issues that will be addressed in the final design.

**Table 3: Community Feedback**

Source	Location	Concern	Recommendation
Nativity School	Oak Grove Ave and Laurel St	Collisions at the signalized intersection of Oak Grove Avenue and Laurel St	-Upgrade all 8” signal heads to 12” signal heads -Convert Laurel Street to split phase operation -Enhanced green lane treatments and bike boxes -Would be a permanent change
Nativity School	Oak Grove Ave east of Laurel St	Large parking demands during seasonal major events such as the Carnival	Consider operational adjustments during the final design phase, such as allowing parking in the bike lanes for the weekend of the Carnival
Fire District	Crane St	Existing narrow sections of Crane Street present challenges for large service vehicles and emergency access	Consider parking removal in some areas on one side of Crane to improve access for large vehicles
Chamber of Commerce	Oak Grove Ave east of Laurel St	Parking intrusion on Oak Grove from Menlo-Atherton High School	-Engaged High School staff to encourage students to park on campus instead of residential streets. -Consider lengthening time restrictions or parking permits
Marcussen Drive Residents	Marcussen Dr	Parking Intrusion from Menlo-Atherton High School	-Engaged High School staff to encourage students to park on campus instead of residential streets. -Consider operational lengthening time restrictions or parking permits

Table 3: Community Feedback			
Source	Location	Concern	Recommendation
University Drive Residents	University Dr	All-day parking from downtown has spread to the neighborhood side streets and will become worse if parking is removed from University Dr	Ongoing consideration for adjustments to existing all-day parking restrictions and downtown permits such as transferable permits, pricing tier system for permits, expansion of all day parking options to all remaining plazas, and new parking machine technology to encourage use of parking plazas for all-day parking through Downtown Parking program
Oak Grove Avenue Residents	Oak Grove Ave and Alma St	Visitors, service and delivery vehicles need parking spaces along Oak Grove	Visitors, service and delivery vehicles will have to park on the closest side street
Crane Street Businesses	Crane Street and Parking Plazas	Businesses need more options for employee parking	Ongoing consideration for adjustments to existing all-day parking restrictions and downtown permits such as transferable permits, pricing tier system for permits, expansion of all day parking options to all remaining plazas, and new parking machine technology to encourage use of parking plazas for all-day parking through Downtown Parking program

**Next Steps**

Following City Council review and approval, future tasks are anticipated to include preparation of final design plans sufficient for a contractor to build, awarding a construction contract, and construction as described below. On this schedule, staff anticipates that weather-pending, the project could be operational by spring 2017, in time for Bike Month (May) events such as Bike to Work Day. Once implemented, the bike improvements will be evaluated over a one-year period analyzing criteria such as bike ridership, travel times, vehicle speeds, and overall comfort of the corridor. Community feedback regarding downtown parking restrictions and permits will be evaluated through ongoing work on the Downtown Parking program, continuing in early 2017. Other potential operational issues raised if the project is constructed would continue to be evaluated and responded to on an ongoing basis during the trial.

Table 4: Proposed Project Schedule		
	Task	Schedule
1	Council Review	December 2016
2	Prepare Design Plans	December – January 2016
3	Award Construction Contract	February 2017
4	Construction	March – April 2017
5	Facility Opens	May 2017
6	Pilot Evaluation	May 2018

**Impact on City Resources**

The City’s Fiscal Year 2016-17 adopted budget includes staff time for review and inspections, but does not include funding for improving pedestrian and bike amenities along the proposed route. The estimated cost

to prepare a detailed engineering level design, construct a one-year pilot, and install signal improvements at Laurel Street & Oak Grove Avenue is shown in Table 5: Cost Estimates below. Completion of final design plans would provide engineering drawings sufficient for a contractor to bid the project and includes a \$10,000 contingency. Construction costs include the removal of existing striping, replacement of proposed striping, signs, traffic control and contingency. The proposed signal modification at Laurel Street and Oak Grove Avenue would be a permanent change to upgrade the signal equipment to improve visibility and safety.

<b>Task</b>	<b>Cost</b>
Final Design (incl. \$10,000 contingency)	\$56,000
Construction (incl. 25% contingency)	\$142,000
Laurel St & Oak Grove Signal Improvements	\$38,200
<b>Total</b>	<b>\$236,200</b>

Several funding sources for the proposed project were explored, including the Transportation Impact Fee Program (TIF), the El Camino Real/Downtown Specific Plan Area Supplemental Transportation Impact Fee, grant programs and the General Fund. The TIF and Supplemental TIF programs did not collect funds towards the proposed project, so are not potential funding sources. Competitive grant funds are potentially available in the next few years, but would not allow construction to occur on the proposed schedule. Therefore, funds from the General Fund are proposed for completion of this project. Since the construction bids received for the Santa Cruz Avenue Sidewalk project were lower than the budgeted amount, this resulting savings could be repurposed for this project. Staff is requesting that an appropriation of \$236,200 from the undesignated fund balance of the General Fund to complete this project.

### **Environmental Review**

The recommendation is categorically exempt under Class 1 (Existing Conditions) and Class 4 (Minor Modifications) of the current State of California Environmental Quality Act Guidelines.

### **Public Notice**

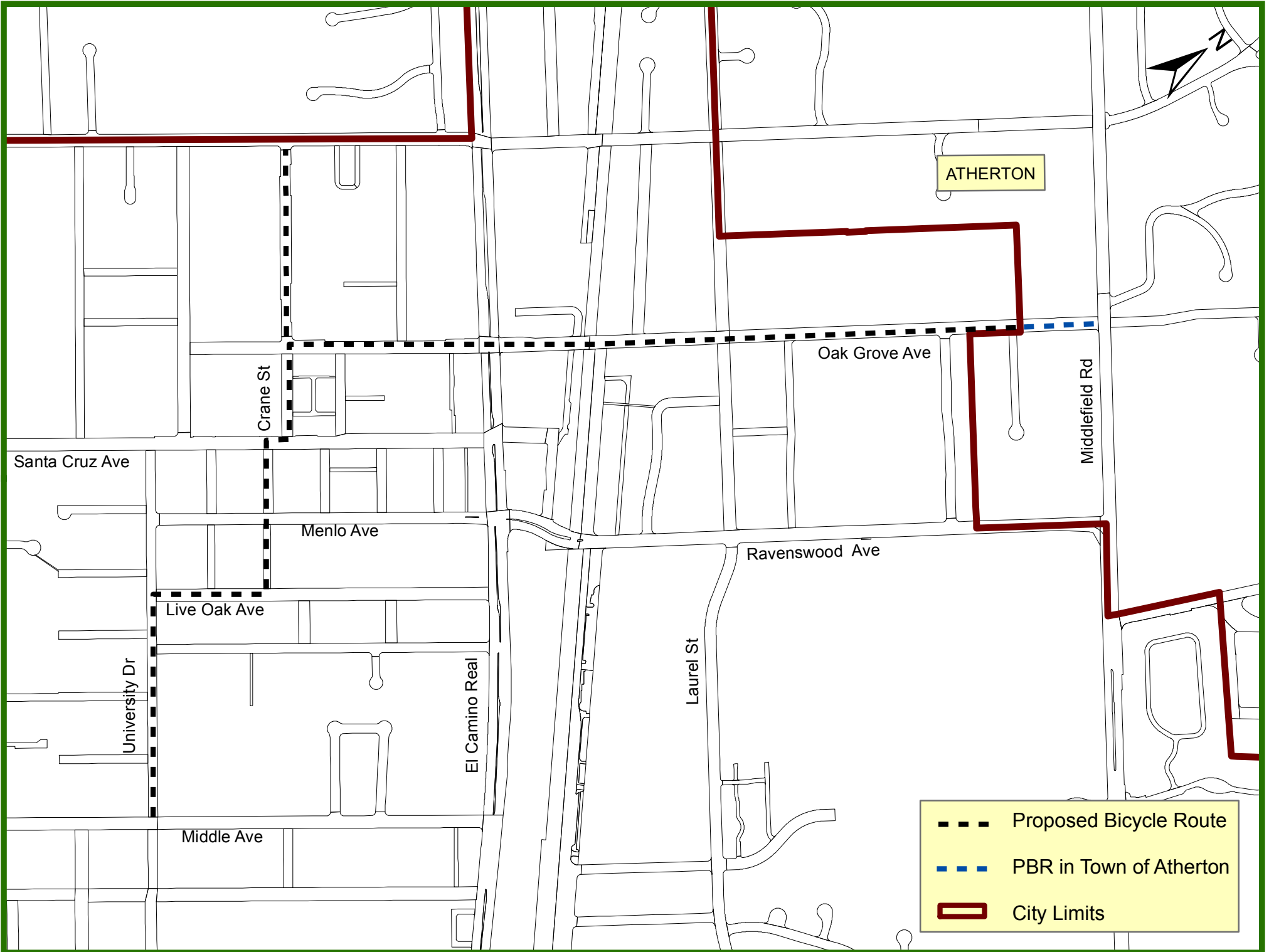
Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Postcard notices of the council meeting were also sent to residents, property and business owners that are located on the route.

### **Attachments**

- A. Proposed Bicycle Route
- B. Impact Summary
- C. Concept Plans

Report prepared by:  
Michael Tsai, Assistant Engineer

Report reviewed by:  
Kristiann Choy, Senior Transportation Engineer  
Nicole H. Nagaya, Transportation Manager



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**To:** Michael Tsai, City of Menlo Park

**From:** Jonathan Schuppert, Alta Planning + Design

**Date:** November 17, 2016

**Re:** Oak Grove Avenue Bicycle Facilities Needs Assessment and Impact Summary

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## Needs Assessment

The Oak Grove Avenue bicycle improvement project includes a one-year trial of Class II bike lanes (with painted buffer where sufficient space exists) or Class III bikeway. On-street automobile parking could be removed to accommodate the facility.

## Challenges

Menlo Park has limited east-west bicycle connectivity. Many corridors require users to change streets at offset intersections in order to maintain direction. Around Downtown Menlo Park, the challenges also include lack of bicycle or pedestrian facilities (e.g., bike lanes or sidewalks) and crossing busy roads such as El Camino Real and Middlefield Road. Many students cross these streets daily, especially to access Menlo-Atherton High School and Hillview Elementary.

## Opportunities

Oak Grove Avenue, Crane Street, and University Drive provide a direct connection to Downtown Menlo Park from the several destinations including schools, job centers, and regional transit. This project would test a project called out in the El Camino Real and Downtown Specific Plan and would help Menlo Park realize its General Plan goal of accommodating all travel modes. It would provide a more comfortable bicycle route and could help encourage more people to ride a bicycle instead of driving

## Attractors

This particular route was chosen due to the attractors this route connects. Installing bicycle facilities between the following attractors would improve the bicycle access to these destinations and could encourage visitors to travel by bicycle, improving traffic conditions in the area.

- Camp Fremont Park
- Downtown Menlo Park
  - Curtis Street Promenade
  - Draeger's Market
  - Menlo Park Farmer's Market
  - Trader Joe's
  - Walgreens
- Kirkhouse Preschool
- Menlo Park Caltrain Station
- Menlo School
- Menlo-Atherton High School

- Nativity Elementary School
- Nealon Park
- Places of Worship
  - Church of Jesus Christ of Latter-day Saints
  - Church of the Nativity
  - Corpus Christi Monastery
  - Menlo Church
  - Religious of the Sacred Heart Church
  - St. Raymond's Catholic Church
  - Vallombrosa Center
- Sacred Heart School, Atherton, CA
- St. Raymond Elementary School

In addition to the destinations listed, this project would connect many streets with existing bicycle facilities, expanding the bicycle network for existing and potential bicyclists. By providing a buffered bikeway, the proposed facility would provide a lower stress route for bicyclists, making bicycling attractive to potential bicyclists, beyond currently confident riders. The following adjacent roadways have bike lanes:

- Laurel Street
- Middle Avenue
- Middlefield Road
- Santa Cruz Avenue
- Valparaiso Avenue

## Policy Support

Menlo Park has an ideal environment for bicycling due to the mild climate, relatively flat terrain, and proximity of many recreational and non-recreational destinations. Approximately eight percent (7.7 percent<sup>1</sup>) of Menlo Park residents commute to work by bicycle, a rate that is six times higher than the rates for both San Mateo County and California and 13 times higher than the national rate. Bicycling is actively used by residents and comprises an important mode of transportation for the City.

## General Plan

The Menlo Park General Plan Circulation Element defines bicycle facility classifications and provides potential bicycle-related improvements. Although this project varies from the potential improvements shown in the bicycle facility section, the General Plan allows for the Bicycle Advisory Commission to make recommendations and determine feasibility consistent with the Implementation Program section of the General Plan.

## El Camino Real and Downtown Specific Plan

The *El Camino Real and Downtown Specific Plan*, adopted in 2012, emphasizes the need to accommodate all travel modes (including pedestrians, bicyclists, and transit users) along El Camino Real. One of the visions identified in the Specific Plan is to provide safe east-west

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<sup>1</sup> U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates.

crossings of El Camino Real to better connect the east and west sides of the city. The Specific Plan identifies several bicycle-priority corridors, including Oak Grove Avenue. The proposed project includes adding bike lanes to Oak Grove Avenue and removing on street parking on the north side of the street.

## **Bicycle Development Plan**

The *Comprehensive Bicycle Development Plan*, adopted in January 2005, provides a blueprint for making bicycling an integral part of daily life in Menlo Park. The Plan lists goals that serve as the foundation of the Plan and policies that provide more specific descriptions of actions to undertake to implement the Plan. Goal 1 is to, “Expand and Enhance Menlo Park’s Bikeway Network,” and Policy 1.1 is to “Complete a network of bike lanes, bike routes, and shared use paths that serve all bicycle user groups, including commuting, recreation, and utilitarian trips.” This project is consistent with the Menlo Park Bicycle Development Plan.

## **Menlo Park Bicycle Commission**

The goal of Menlo Park Bicycle Commission is to “make Menlo Park a bicycle-friendly community where cyclists, pedestrians and motorists thrive.” The Commission advises the Menlo Park City Council on matters related to bicycling.

In 2015, the Bicycle Commission proposed inclusion of a new priority project in the two-year work plan. The proposed project would provide access for bicyclists to key destinations in the City, including schools, Downtown Menlo Park, and adjacent residential neighborhoods. The resulting project proposal for bicycle improvements on Oak Grove Avenue was presented to the City Council in a joint meeting with the Transportation Commission on January 26, 2016, and again to the City Council in a regular meeting on April 12, 2016. That proposal was the genesis for and served as the basis for the Staff Report authorizing this Project (Staff Report Number 16-075-CC).

## **Overnight Parking Restrictions**

Menlo Park restricts on-street overnight parking along residential streets. The Municipal Code states: No person shall stop, stand, or park a vehicle at any time between the hours of two a.m. and five a.m. upon those certain streets or portions thereof located within a residential zone or located within three hundred feet (300’) of a residential zone. A “residential zone” includes all lands located within the following zoning districts of the city: RE, RES, R-1-S, R-1-U, R-2, R-3, R-3-A, R-3-C and R-L-U. (Ord. 697 § 1(A), 1984).

Permits authorizing all-night street parking may be granted to residents of residential living units in R-3, R-3-A and R-3-C zones if the building or complex in which the residential living unit is located was not required to have two (2) parking spaces per unit at the time it was constructed. (Ord. 883 § 1, 1997; Ord. 730 § 1, 1986).

The following figure identifies locations along the project corridor where overnight parking is allowed with valid permit.



## Shared Lane Markings

In June 2015, Menlo Park City Council approved the installation of shared-lane markings (“sharrows”) within Menlo Park, on routes designated by the City’s *Comprehensive Bicycle Route Development Plan* (“Bike Plan”) or *El Camino Real/Downtown Specific Plan* (“Specific Plan”):

- On any Class III bike route
- On any routes designated for Class II bike lanes, but where sufficient width does not exist for bike lanes to be striped without more extensive roadway reconfiguration
- Install green-backed sharrows on roadways where:
  - Posted speed limits of 30 miles per hour or more, or

- o Average weekday travel volumes of 3,000 trips or more, or
- o Designated route included in a Safe Routes to School plan.

If installed along the project corridor(s), green-backed sharrows should be used due to the average weekday travel volumes exceeding 3,000 trips on both Oak Grove Avenue and University Drive. Bike lanes may be more appropriate for these corridors.

## Impact Summary

### Parking Occupancy Study

A parking occupancy study was conducted along the project route and potential alternate route (University Drive) in September 2016 to determine the average parking utilization along the project route.

#### Methodology

The selected on-street parking study method, outlined in the City of Atlanta’s complete streets design manual, required robust data collection over four distinct observation periods and the estimation of average on-street parking utilization of all impacted travelways.<sup>2</sup> For the purposes of this study it is assumed the average unmarked parallel parking space is twenty-two (22) feet long to prevent underestimating available parking spaces. Many roadway segments in the Downtown Menlo Park area have marked parallel parking spaces that range between 14 and 17 feet. However, pairs of spaces are separated by a buffer zone approximately four feet long to allow for longer vehicles to park comfortably without restricting adjacent vehicles.

Observations were taken twice during weekdays between the hours of 10:00 AM and 3:00 PM to capture daytime parking needs. Observations were taken on each roadway segment in the evening between the hours of 7:00 PM and 6:00 AM to capture overnight parking needs as well once during the day on weekends. Taken in composite, these four observations reflect typical parking needs (daytime non-commuters, commuters, and weekend use) for each roadway segment. The estimate of existing parking utilization was calculated by dividing the total number of available parking spaces by the average number of observed parked cars. The existing parking utilization was then compared to the proposed parking utilization. The proposed utilization reflects how current parking needs may change if available spaces are reallocated in order to install bicycle facilities.

The following corridors were studied:

Corridor	Start	End
Oak Grove Ave	Middlefield Rd	Crane St
Crane St/Live Oak Ave	Valparaiso Ave	University Dr
University Dr	Valparaiso Ave	Middle Ave

<sup>2</sup> <http://www.atlantaga.gov/modules/showdocument.aspx?documentid=18418>.

In addition, side streets were studied to determine if those streets could handle overflow parking that may result from parking removal along these corridors. On the residential side streets, parking was counted for approximately 200-300 feet. For some side streets near Downtown, the whole block was counted. A map and table with the extent of each side street counted is attached.

Parking utilization in parking plazas was not captured as a part of this study. However, a 2016 study collected volumes and occupancy rates in the Downtown parking plazas and is referenced in this study.

## **Downtown Parking Plazas**

There are eight parking plazas on either side of Santa Cruz Avenue south of El Camino Real and north of University Drive. Of these eight parking plazas, there are six (Plazas 1 through 6) that are adjacent to the project corridor. These may be the desired locations for parking if on-street parking is removed as part of this project.

According to volumes collected in 2016, these parking plazas include the following number of parking spaces:

1. Plaza 1: 244 parking spaces; longer-term parking available
2. Plaza 2: 80 parking spaces; 3-hour parking limit
3. Plaza 3: 208 parking spaces; 3-hour parking limit
4. Plaza 4: 99 parking spaces; 2-hour parking limit
5. Plaza 5: 151 parking spaces; longer-term parking available
6. Plaza 6: 135 parking spaces; 3-hour parking limit

As with on-street parking, different time limits are in effect at the parking plazas. Plazas 1 and 5 accommodate longer-term (all-day) parking for a fee in addition to 3-hour time limits. These plazas are assumed to capture both employees and patrons of Downtown businesses. Plazas 2 through 4 are hourly lots and are assumed to capture patrons, but not Downtown employees.

The following figure identifies locations of the parking plazas and associated time limits.

The City is also conducting a separate effort to assess the need for a parking garage in Downtown Menlo Park.

## **Downtown Parking Plaza Volumes**

Volumes collected in early 2016 in downtown parking plazas indicate that parking peak occupancies are midday. Observed parking occupancy in Plazas 1 and 5 is higher than 85 percent of capacity during midday. Observed parking occupancy in Plazas 2 and 3 is at or near capacity during midday and afternoon periods. Observed parking occupancy in Plazas 4 and 6 is less than 75 and 85 percent, respectively, capacity throughout the day.

# DOWNTOWN MENLO PARK PARKING PLAZAS

Of the eight parking plazas in Downtown Menlo Park, five have a 3-hour limit, one has a 1-2 hour limit, and two offer long term parking.

-  Long term parking
-  3-hour parking
-  1-2 hour parking



0' 100' 200'



## Summary of Findings

### **Oak Grove Avenue – East of El Camino Real**

Oak Grove Avenue and several side streets were studied between El Camino Real and Middlefield Road. Side streets studied were as follows (from east to west):

- Oak Grove Avenue from University Drive to Crane Street
- Merrill Street from Oak Grove Avenue to Santa Cruz Avenue
- Alma Street from Oak Grove Avenue to Alma Lane
- Mills Street from Oak Grove Avenue to approximately 1250 Mills Street
- Laurel Street from the Laurel Grove Apartment driveway to Noel Drive
- Pine Street from Oak Grove Avenue to 1123 Pine Street
- Marcussen Drive from Oak Grove Avenue to 1145 Marcussen Drive

The observed peak parking utilization on the corridor ranges between 12.5 percent and 81.9 percent. One of the side streets was observed with 100 percent peak utilization: on the west side of Alma Street between Oak Grove Avenue and the end of the first parking aisle. This is likely because this street provides free parking for the Menlo Park Caltrain Station. However, other side streets were observed with lower utilization rates and can accommodate overflow parking demand.

Parking on the north side of Oak Grove Avenue between Laurel Street and Middlefield Road was not observed as part of the study because it would not be removed as part of this project. One sample count was conducted in this segment. It is assumed that the majority of the parked vehicles are from students at Menlo-Atherton High School. There is available parking at the school; however, some students do not meet the criteria to park on school property (parking permit fee, driver's license, and auto insurance) and park on the street instead.

#### *Parking Removal on Oak Grove Avenue (East of El Camino Real)*

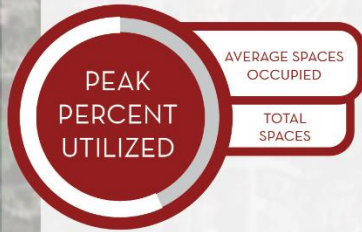
If on-street parking is removed along this corridor, it would result in a loss of 93 parking spaces. However, due to utilization on this corridor, at the peak parking demand, 25 vehicles would need to relocate to a side street or parking plaza.

The following figure highlights the results. A breakdown of observed counts by time and segment is provided in the table at the end of this memo.



# OAK GROVE AVE PARKING UTILIZATION (EAST OF EL CAMINO REAL)

On average, 70% of parking spaces along or near Oak Grove Avenue between Rebecca Lane and El Camino Real are occupied



//// No Parking Allowed

Parking observed over for four periods and averaged:

- September 13, 2016 at 10:00 AM
- September 18, 2016 at 2:00 PM
- September 20, 2016 at 11:00 AM
- September 20, 2016 at 7:00 PM

\*Parking was only studied in this section of the corridor on September 13th. Complete data is not available.



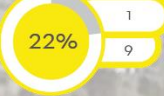
MIDDLEFIELD RD



REBECCA LN



OAK GROVE AVE



\*21 spaces occupied



PINE ST



LAUREL ST



NOEL DR



MILLS ST



DURRY LN



MERRILL ST



EL CAMINO REAL

### **Oak Grove Avenue – West of El Camino Real**

Oak Grove Avenue was studied between El Camino Real and Crane Street. The following side streets were also studied (from east to west):

- Chestnut Street from Oak Grove Street to Ryans Lane
- Hoover Street from Oak Grove Avenue to Elizabeth Lane
- El Camino Real from Oak Grove Avenue to Santa Cruz Avenue

This segment of Oak Grove Avenue includes 73 on-street parking spaces, including 32 on the north side of the street and 41 on south side. Time limits are imposed on the north side (east of Hoover Avenue) and on the south side. Overnight parking permits are required on the north side west of Hoover Avenue. Of the 73 total spaces, 45 have time limits during the day, and are not assumed to be occupied by Downtown employees. The remaining 28 spaces are assumed to be a mix of Downtown employees, patrons, and visitors.

The observed peak parking utilization on the corridor ranges between 37.5 percent and 100 percent on two segments: El Camino Real to Hoover Street (north side) and Hoover Street to Crane Street (south side). One of the side streets (Hoover Street) was commonly observed with 100 percent peak utilization. However, other side streets have lower utilization rates and can accommodate overflow parking demand.

#### *Parking Removal on North and South Sides of Oak Grove Avenue (West of El Camino Real)*

Removing parking on both sides of the corridor would provide sufficient space for buffered bike lanes to be installed. Due to high vehicular volumes along the corridor, buffered bike lanes would provide a higher degree of comfort for people on bicycles.

If parking is removed along both sides of the street, side streets and parking plazas would be used to accommodate the displaced parking. Parking plaza volumes collected in early 2016 indicate that the three parking plazas adjacent to this corridor (Plazas 1, 2, and 3) are not able to accommodate all overflow parking demand if on-street parking is removed. Plaza 1 (244 parking spaces) exceeds 85 percent of capacity during midday and Plazas 2 (80 parking spaces) and 3 (208 parking spaces) are at or near capacity during midday and through the afternoon. Plaza 1 may be able to accommodate overflow parking, but it is assumed that Plazas 2 and 3 are already at capacity.

Removing on-street parking on both sides of Oak Grove Avenue would result in a loss of 73 parking spaces. However, due to utilization on this corridor, at the peak parking demand, 40 vehicles would need to relocate to a side street or parking plaza. Given that 28 of these on-street spaces do not include time limits, it is assumed that Plaza 1 or side streets may be used as a replacement parking if on-street parking is removed.

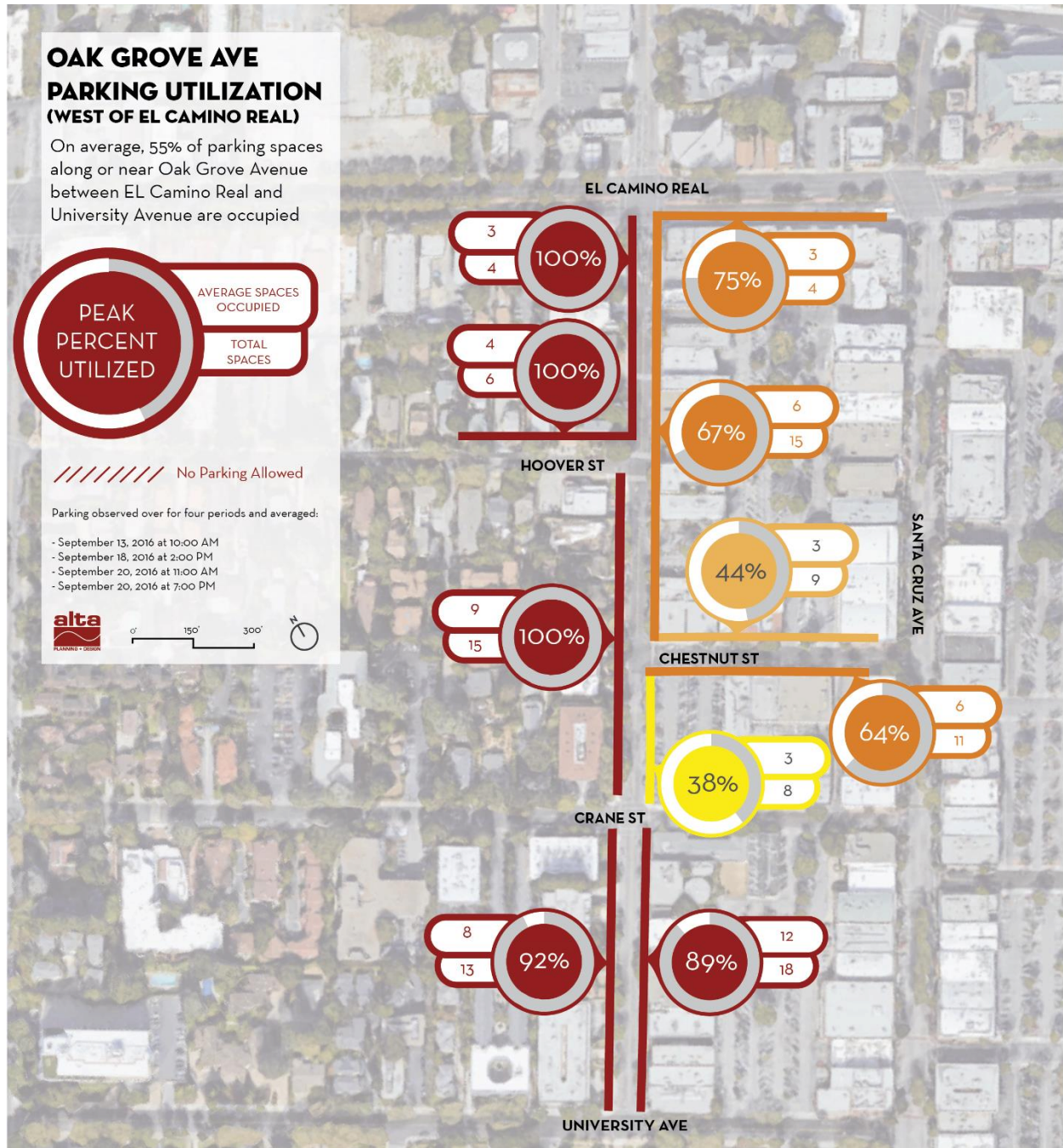
#### *Parking Removal on North Side of Oak Grove Avenue (West of El Camino Real)*

Removing parking on the north side of Oak Grove Avenue would accommodate standard Class II bike lanes, but no buffer.

Parking removal on the north side would remove 19 spaces, all of which are used during the peak period. The combination of the south side of Oak Grove Avenue, Chestnut Street, and a

Plaza 1 have enough parking availability to offset parking removal. Hoover Street is typically at full capacity and may not to accommodate displaced parking. Plaza 1 could be able to accommodate the remaining displaced vehicles.

The following figure highlights the results. A breakdown of observed counts by time and segment is provided in the table at the end of this memo.



### **Crane Street/Live Oak Avenue**

Crane Street was studied from Valparaiso Avenue to Live Oak Avenue and Live Oak Avenue was studied from Crane Street to University Drive. Side streets were also studied as follows (from north to south):

- Valparaiso Avenue from University Drive to Chateau Drive
- Santa Cruz Avenue from Evelyn Street to Chestnut Street
- Menlo Avenue from Evelyn Street to Chestnut Street
- Live Oak Avenue from Crane Street to Blake Street
- Evelyn Street from Menlo Avenue to Live Oak Avenue
- University Drive from Menlo Avenue to Live Oak Avenue

Daytime limits are generally imposed between Oak Grove Avenue and Menlo Avenue. It is assumed that these areas are used by patrons instead of Downtown employees. Plaza 5 accommodates longer-term parking as do most streets north of Oak Grove Avenue and south of Menlo Avenue. It is assumed that Downtown employees, patrons, and visitors park in these locations.

The observed peak parking utilization ranges between 41.2 percent on the south side of Santa Cruz Avenue between Evelyn Street to Crane Street and 100 percent on several segments of Santa Cruz Avenue and Live Oak Avenue.

The side street with the highest observed utilization was Valparaiso Avenue with both segments exceeding 100 percent. The reason these segments exceed 100 percent is because these segments do not have marked spaces and some vehicles may park closer together than the 22 feet assumed parking space length for this study. Several other side streets adjacent to this corridor were observed with high if not full utilization; however, others were observed at less than 50 percent occupied. Only three segments counted had peak utilization under 85 percent: on the north side of Menlo Avenue between Chestnut Street and Crane Street, on the north side of Menlo Avenue between Crane Street and Evelyn Street, and on the north side of Santa Cruz Avenue between Chestnut Street and Crane Street.

Plazas 2 through 6 are adjacent to this corridor. According to volumes collected in early 2016, several of these plazas can accommodate some overflow parking. Plazas 2 and 3 (80 and 208 parking spaces, respectively) were at or near capacity during midday and afternoon. Plazas 4 and 6 (99 and 135 parking spaces, respectively) were less than 75 and 85 percent of capacity throughout the day. Plaza 5 (151 parking spaces) had a midday peak just exceeding 85 percent of capacity.

#### *Parking Removal on Crane Street and Live Oak Avenue*

If on-street parking is removed along this corridor, it would result in a loss of 84 parking spaces. Due to utilization on this corridor, at peak parking demand, 75 vehicles would need to relocate to a side street or parking plaza. Side streets south of Oak Grove Avenue could accommodate limited overflow parking. Side streets north of Oak Grove Avenue would not be able to accommodate overflow parking. According to volumes collected in early 2016, several of the parking plazas could accommodate much of the overflow parking demand.

### *No Parking Removal on Crane Street and Live Oak Avenue*

For this segment, parking is not removed and sharrows are used, resulting in no parking impacts. This is the Staff recommendation for this segment.

The following figure highlights the results. A breakdown of observed counts by time and segment is provided in the table at the end of this memo.



### **University Drive – North of Santa Cruz Avenue**

University Drive was studied from Valparaiso Avenue to Santa Cruz Avenue. Side streets studied included (from north to south):

- Rose Avenue from University Drive to Johnson Avenue
- Millie Avenue from University Drive to Johnson Avenue

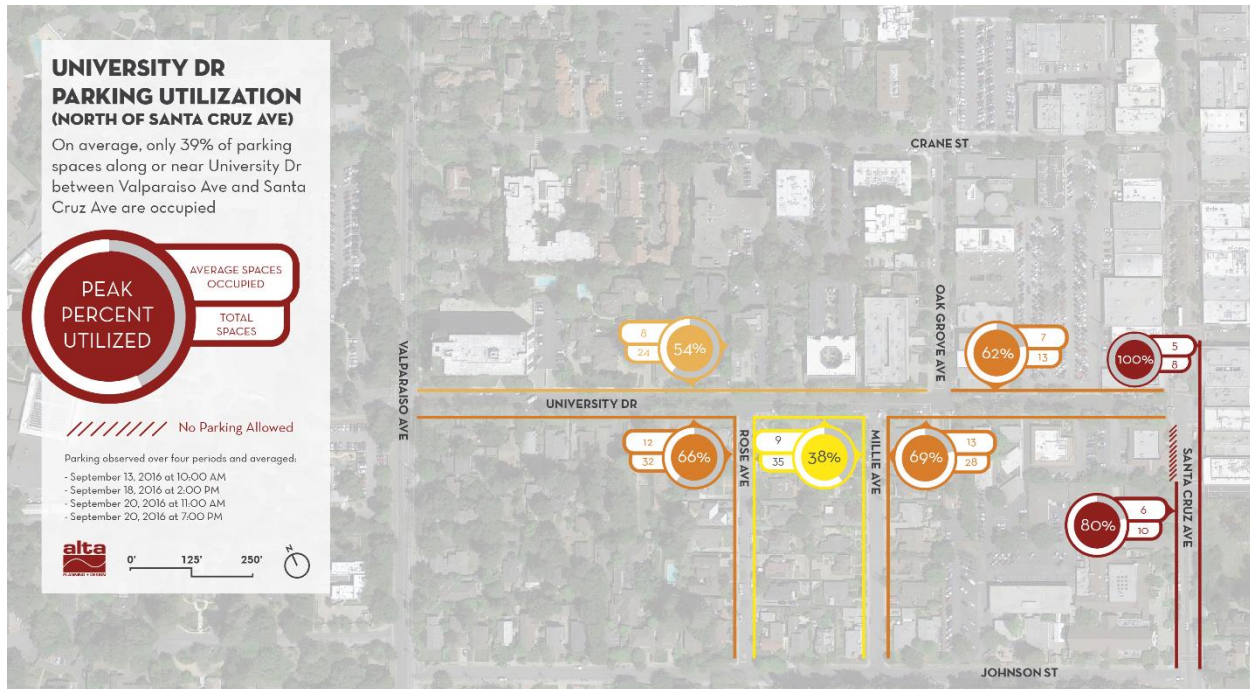
The current peak parking utilization along this segment is 100 percent. However, side streets are underutilized and could accommodate displaced parking. Due to the residential nature of the neighborhood surrounding these roadways, there are extra parking restrictions on side streets. In addition to two-hour time limits, no parking is allowed on Saturdays between 5:00pm and 7:00pm as well as Sundays between 8:00am and 12:00pm.

### *Parking Removal on University Drive (North of Santa Cruz Avenue)*

If on-street parking is removed, it would result in a loss of 73 parking spaces. However, due to utilization on this corridor, at the peak parking demand, 56 vehicles would need to relocate to a side street or parking plaza. Rose Avenue and Millie Avenue are typically underutilized and could accommodate a significant portion of the displaced vehicles for up to two hours.

Plaza 3 is the only parking plaza adjacent to this segment of the corridor. According to volumes collected in early 2016, Plaza 3 is consistently between 85 and 95 percent full during the day, so it may not be able to accommodate displaced vehicles.

The following figures highlight the results. A breakdown of observed counts by time and segment is provided in the table at the end of this memo.



### University Drive – South of Santa Cruz Avenue

University Drive was studied from Santa Cruz Avenue to Middle Avenue. The following side streets were also studied (from north to south):

- Santa Cruz Avenue from Johnson Street to Evelyn Street
- Roble Avenue from eastern end to 879 Roble Avenue
- Florence Lane from University Drive to end
- Alice Lane from University Drive to end
- Middle Avenue from Yale Road to 875 Middle Avenue
- University Drive from Middle Avenue to College Avenue

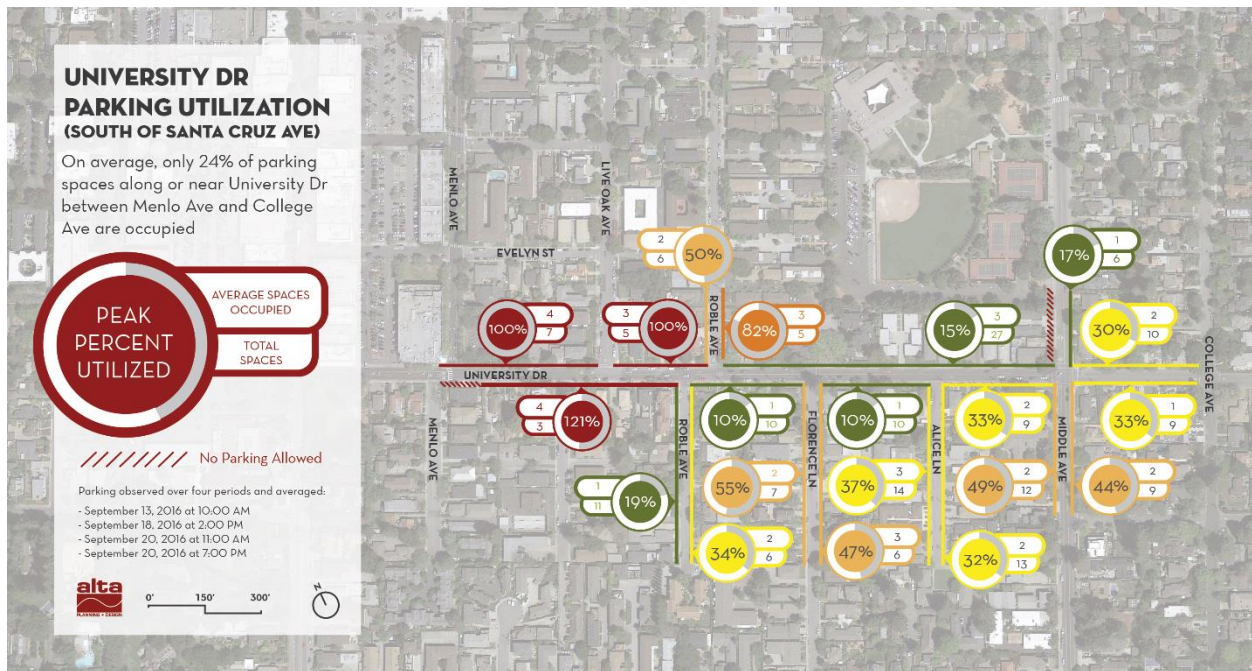
The current peak parking utilization on the corridor ranges between 10.0 percent and 100 percent on several segments. The highest utilization levels occur closest to Downtown.

The side street with the highest utilization is Santa Cruz Avenue with several blocks having 100 percent peak utilization. However, the other side streets have lower utilization rates and can accommodate displaced parking demand.

If on-street parking is removed on University Drive, it would result in a loss of 97 parking spaces. However, due to utilization on this corridor, at the peak parking demand, 39 vehicles would need to relocate to a side street or parking plaza.

According to volumes collected in early 2016, there is one parking plaza adjacent to this corridor that could accommodate overflow parking demand if on-street parking was removed to accommodate bicycle facilities. Plaza 4 can accommodate 99 vehicles and peaks around lunchtime, but only reaches 85 percent utilization.

The following figures highlight the results. A breakdown of observed counts by time and segment is provided in the table at the end of this memo.



## Other Impacts

Other improvements will be implemented as a part of this Project in addition to parking removal. These include adding bike boxes, two-stage turn queue boxes, combined turn lane/bike lane, modified sharrow markings, and wayfinding at one or more places along the corridors. Signal modifications at the Oak Grove Avenue and Laurel Street intersection would be provided for safety. Additionally, narrowing travel lanes and turning lanes to add bike lanes are also recommended.

These treatments will make crossing at intersections and mid-block by bicycle or on foot feel safer. These treatments are not expected to have a significant impact on vehicles in the form of speed reduction.

**Table 1: Oak Grove Avenue - East of El Camino Real Parking Study Results**

Block Segment	Extent	# of Available					Average Cars Observed	Peak Percentage of Use
		Parking Spaces	Daytime #1	Daytime #2	Weekend	Evening		
Oak Grove Ave	Marcussen Dr to Rebecca Ln (south)	9	7	7	0	0	3.5	81.9%
	Pine St to Marcussen Dr (south)	27	10	13	1	1	6.25	48.9%
	Rebecca Ln to Laurel St (north)*	45	21	-	-	-	21	46.8%
Marcussen Dr	1144 Marcussen Dr to Oak Grove Ave (east)	9	0	0	2	1	0.75	21.9%
	Oak Grove Ave to 1145 Marcussen Dr (west)	11	1	1	1	2	1.25	18.6%
Pine St	1126 Pine St to Oak Grove Ave (east)	5	4	0	4	1	2.25	82.9%
	Oak Grove Ave to 1123 Pine St (west)	10	3	3	5	3	3.5	51.9%
Oak Grove Ave	Laurel St to Pine St (south)	8	1	1	0	1	0.75	13.1%
	Laurel St to Mills St (north)	14	1	1	1	5	2	34.6%
Laurel St	Apartment complex driveway to Oak Grove Ave (west)	8	3	0	1	1	1.25	38.6%
	Oak Grove Ave to Noel Dr (west)	7	1	1	2	2	1.5	30.6%
Mills St	driveway of 1249 Mills St to Oak Grove Ave (west)	9	5	6	1	3	3.75	63.5%
	Oak Grove Ave to 1250 Mills St (east)	10	4	6	1	7	4.5	57.9%
Oak Grove Ave	Alma St to Laurel St (south)	16	5	5	6	12	7	76.7%
Alma St	Oak Grove Ave to end of first parking aisle (west)	18	16	18	17	14	16.25	100.0%
Merrill St	Oak Grove Ave to Santa Cruz Ave (west)	15	13	11	5	11	10	86.7%
Oak Grove Ave	Mills St to Derry Ln (north)	5	1	1	2	0	1	28.6%
	Derry Ln to El Camino Real (north)	7	0	0	2	1	0.75	12.5%
	El Camino Real to Merrill St (south)	8	5	4	1	3	3.25	62.5%
<b>TOTAL</b>		<b>194</b>	<b>80</b>	<b>78</b>	<b>52</b>	<b>68</b>	<b>69.50</b>	<b>50.6%</b>

\* This location was counted on September 13, 2016; the available parking is outside of the project extents for striping and would not be removed.



**Table 2: Oak Grove Avenue – West of El Camino Real Parking Study Results**

Block Segment	Extent	# of Available Parking Spaces	# of Available			Average Cars Observed	Peak Percentage of Use	
			Daytime #1	Daytime #2	Weekend Evening			
Oak Grove Ave	El Camino Real to Hoover St (north)	4	4	4	4	0	3	100.0%
	Chestnut St to El Camino Real (south)	15	10	9	1	3	5.75	66.7%
Chestnut St	Chestnut Ln to Oak Grove Ave (east)	9	3	4	0	3	2.5	44.4%
	Oak Grove Ave to Ryans Ln (west)	11	4	7	5	5	5.25	63.6%
El Camino Real	Oak Grove Ave to Santa Cruz Ave (west)	4	2	3	2	3	2.5	75.0%
Oak Grove Ave	Hoover St to Crane St (north)	15	15	15	0	6	9	100.0%
Hoover St	Oak Grove Ave to 1242 Hoover St (east)	6	6	6	2	2	4	100.0%
Oak Grove Ave	Crane St to Chestnut St (south)	8	5	3	1	2	2.75	37.5%
	Crane St to University Dr (north)	13	12	12	2	5	7.75	92.3%
	University Dr to Crane St (south)	18	16	16	8	6	11.5	88.9%
<b>TOTAL</b>		<b>103</b>	<b>77</b>	<b>79</b>	<b>25</b>	<b>35</b>	<b>54.0</b>	<b>76.8%</b>

**Table 3: Crane Street/Live Oak Avenue Parking Study Results**

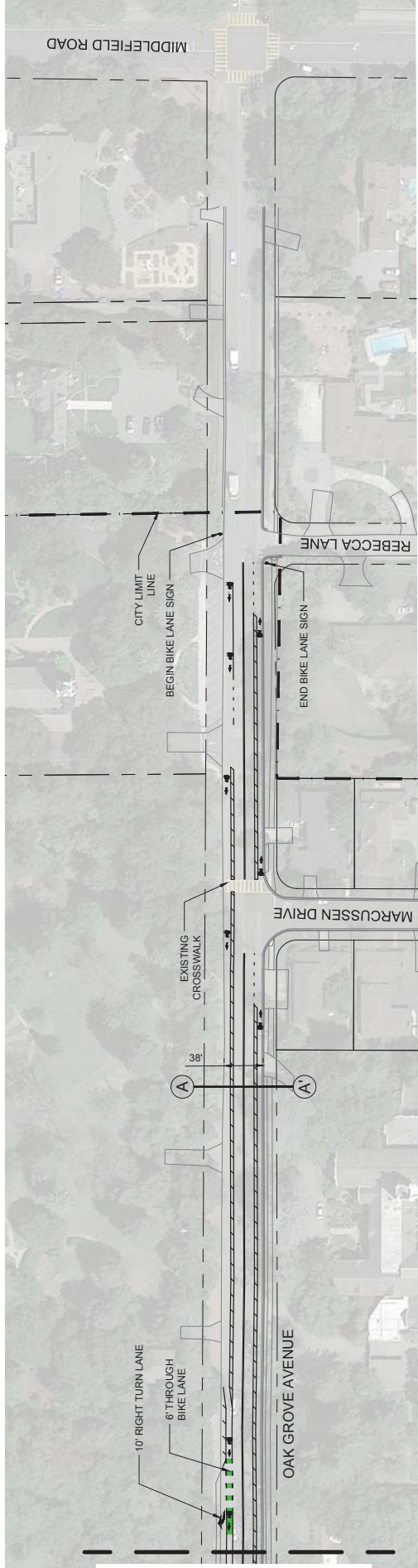
Block Segment	Extent	# of Available					Average Cars Observed	Peak Percentage of Use
		Parking Spaces	Daytime #1	Daytime #2	Weekend	Evening		
Valparaiso Ave	Crane St to Chateau Dr (south)	5	5	6	0	1	3	111.4%
	University Dr to Crane St (south)	6	7	7	1	3	4.5	122.2%
Crane St	Valparaiso Ave to Oak Grove Ave (west)	25	18	23	19	10	17.5	92.0%
	Oak Grove Ave to Santa Cruz Ave (west)	13	6	8	7	10	7.75	76.9%
	Oak Grove Ave to Valparaiso Ave (east)	2	2	2	1	2	1.75	100.0%
	Santa Cruz Ave to Menlo Ave (west)	7	4	6	4	3	4.25	85.7%
	Menlo Ave to Live Oak Ave (west)	8	0	0	0	0	0	0.0%
Santa Cruz Ave	Chestnut St to Crane St (north)	11	9	9	9	2	7.25	81.8%
	Crane St to Chestnut St (south)	5	5	3	3	4	3.75	100.0%
	Crane St to Crane St (north)	1	1	0	1	0	0.5	100.0%
	Crane St to Crane St (south)	3	3	3	3	0	2.25	100.0%
	Crane St to University Dr (north)	25	25	25	20	24	23.5	100.0%
	Evelyn St to Crane St (south)	17	6	7	5	7	6.25	41.2%
	University Dr to University Dr (south)	6	4	5	5	5	4.75	83.3%
Crane St	Menlo Ave to Santa Cruz Ave (east)	9	6	4	4	2	4	66.7%
Menlo Ave	Chestnut St to Crane St (north)	6	3	2	1	1	1.75	50.0%
	Crane St to Chestnut St (south)	8	8	8	5	7	7	100.0%
	Crane St to Evelyn St (north)	9	3	4	0	2	2.25	44.4%
	Evelyn St to Crane St (south)	10	10	9	2	1	5.5	100.0%
Crane St	Live Oak Ave to Menlo Ave (east)	13	13	12	6	7	9.5	100.0%
Evelyn St	Live Oak Ave to Menlo Ave (east)	10	8	9	4	4	6.25	90.0%
	Menlo Ave to Live Oak Ave (west)	10	9	9	2	2	5.5	90.0%
	766 Live Oak Ave to Crane St (north)	5	5	5	0	1	2.75	100.0%

Block Segment	Extent	# of Available					Average	Peak
		Parking Spaces	Daytime #1	Daytime #2	Weekend	Evening	Cars Observed	Percentage of Use
Live Oak Ave	Crane St to Blake St (south)	4	4	4	0	0	2	100.0%
	Crane St to Evelyn St (north)	7	7	7	2	3	4.75	100.0%
	Evelyn St to University Dr (north)	7	7	7	4	2	5	100.0%
	University Dr to Crane St (south)	18	15	18	8	8	12.25	100.0%
<b>TOTAL</b>		<b>298</b>	<b>93</b>	<b>202</b>	<b>116</b>	<b>111</b>	<b>155.5</b>	<b>89.8%</b>

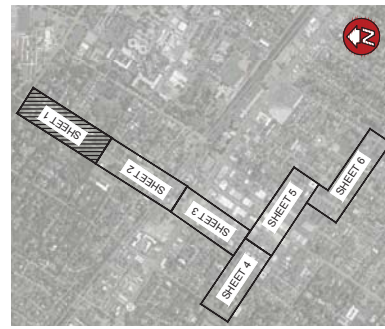
**Table 4: University Drive Parking Study Results**

Block Segment	Extent	# of Available					Average	Peak
		Parking Spaces	Daytime #1	Daytime #2	Weekend	Evening	Cars Observed	Percentage of Use
University Dr	Valparaiso Ave to Rose Ave (west)	16	16	16	6	0	12.67	100.0%
	Rose Ave to Millie Ave (west)	6	6	6	2	3	4.25	100.0%
Rose Ave	Johnson St to University Dr (south)	15	3	3	0	0	1.5	20.4%
	University to Johnson St (north)	16	5	4	1	1	2.75	32.1%
University Dr	Millie Ave to Santa Cruz Ave (west)	14	8	13	5	11	9.25	92.9%
Millie Ave	Johnson St to University Dr (south)	14	1	5	0	8	3.5	58.5%
	University Dr to Johnson St (north)	14	4	4	0	4	3	29.0%
University Dr	Oak Grove Ave to Valparaiso Ave (east)	24	7	13	6	7	8.25	54.2%
	Santa Cruz Ave to Oak Grove Ave (east)	13	7	8	5	8	7	61.5%
Santa Cruz Ave	Evelyn St to University Dr (north)	8	5	6	6	8	6.25	100.0%
	Johnson St to University Dr (south)	6	4	6	1	3	3.5	100.0%
	University Dr to Evelyn St (south)	2	2	2	1	2	1.75	100.0%
	University Dr to Johnson St (north)	10	7	7	1	8	5.75	80.0%

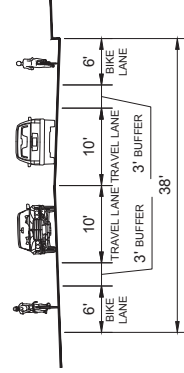
Block Segment	Extent	# of Available					Average	Peak
		Parking Spaces	Daytime #1	Daytime #2	Weekend	Evening	Cars Observed	Percentage of Use
University Dr	Menlo Ave to Oak Ln (west)	6	3	5	4	3	3.75	83.3%
	Live Oak Ave to Menlo Ave (east)	7	6	7	4	0	4.25	100.0%
	Oak Ln to Live Oak Ave (west)	1	1	1	0	0	1	100.0%
	Roble Ave to Live Oak Ave (east)	5	4	5	0	0	2.25	100.0%
Roble Ave	880 Roble Ave to University Dr (north)	6	2	3	0	0	1.25	50.2%
	905 Roble Ave to University Dr (south)	6	0	2	2	1	1.25	34.4%
	University Dr to 879 Roble Ave (south)	5	3	4	3	2	3	82.5%
	University Dr to 922 Roble Ave (north)	5	1	1	1	0	0.75	18.8%
University Dr	Live Oak to Roble Ave (west)	5	4	4	4	1	3.25	80.0%
	Middle Ave to Roble Ave (east)	27	4	1	3	3	2.75	14.8%
	Roble Ave to Florence Ln (west)	10	1	0	0	0	0.25	10.0%
	Florence Ln to Alice Ln (west)	10	1	0	0	1	0.5	10.1%
Florence Ln	917 Florence Ln to University Dr (south)	6	1	2	3	3	2.25	46.7%
	University Dr to 922 Florence Ln (north)	7	2	0	4	0	1.5	54.9%
University Dr	Alice Ln to Middle Ave (west)	9	3	0	0	2	1.25	32.5%
Alice Ln	End to Univeristy Dr (south)	13	0	2	0	4	1.5	31.8%
	University Dr to end (north)	14	3	5	2	2	3	36.6%
University Dr	College Ave to Middle Ave (east)	10	0	3	2	0	1.25	30.2%
	Middle Ave to College Ave (west)	9	0	3	1	0	1	33.3%
Middle Ave	University Dr to 875 Middle Ave (south)	6	0	1	1	0	0.67	16.5%
	University Dr to Yale Rd (north)	12	1	1	2	6	1.3	49.3%
	Yale Rd to University Dr (south)	9	1	4	1	0	2	43.6%
<b>TOTAL</b>		<b>250</b>	<b>73</b>	<b>98</b>	<b>57</b>	<b>64</b>	<b>72.50</b>	<b>63.7%</b>



MATCHLINE: SEE SHEET 2

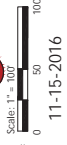


KEY MAP



SECTION A - A'

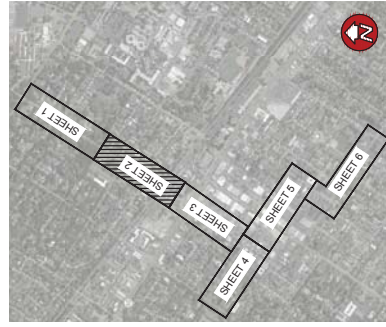
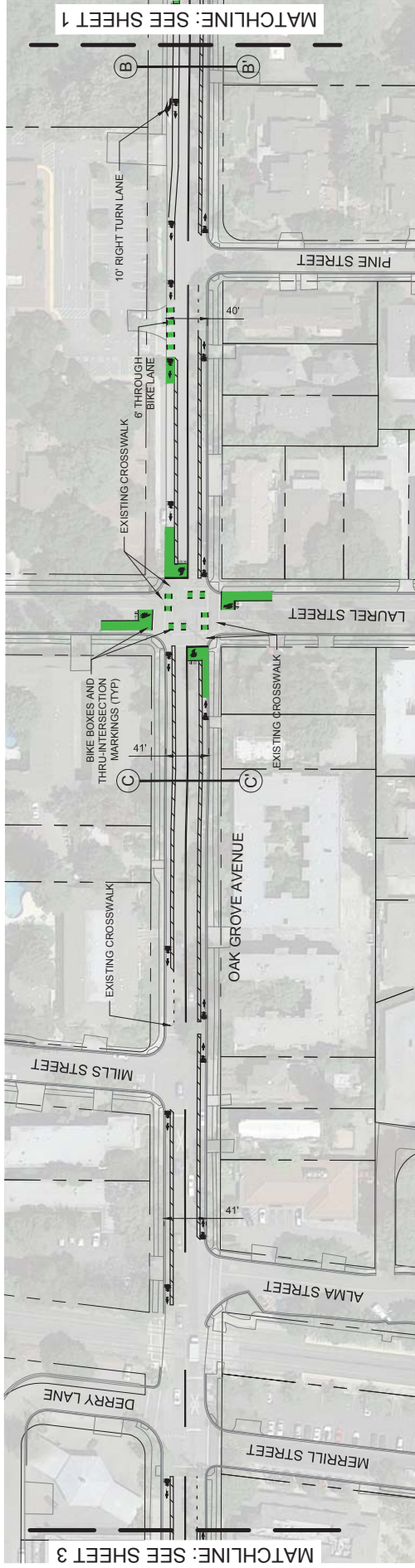
PRELIMINARY



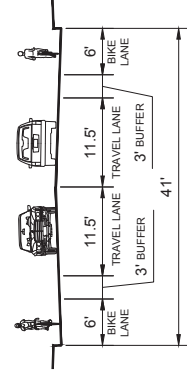
Sheet No. 1 of 6

Oak Grove Avenue, Crane Street, University Drive Bicycle Improvement Project

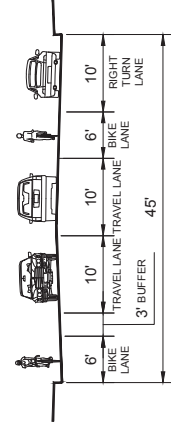
Menlo Park, CA



KEY MAP

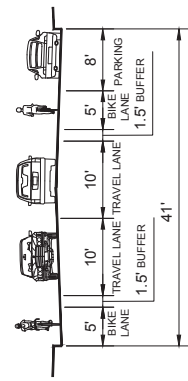
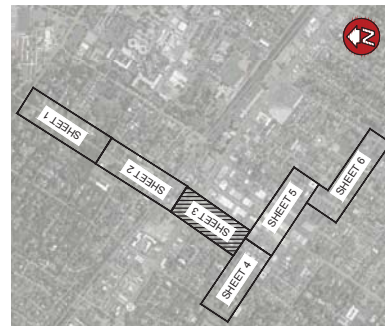
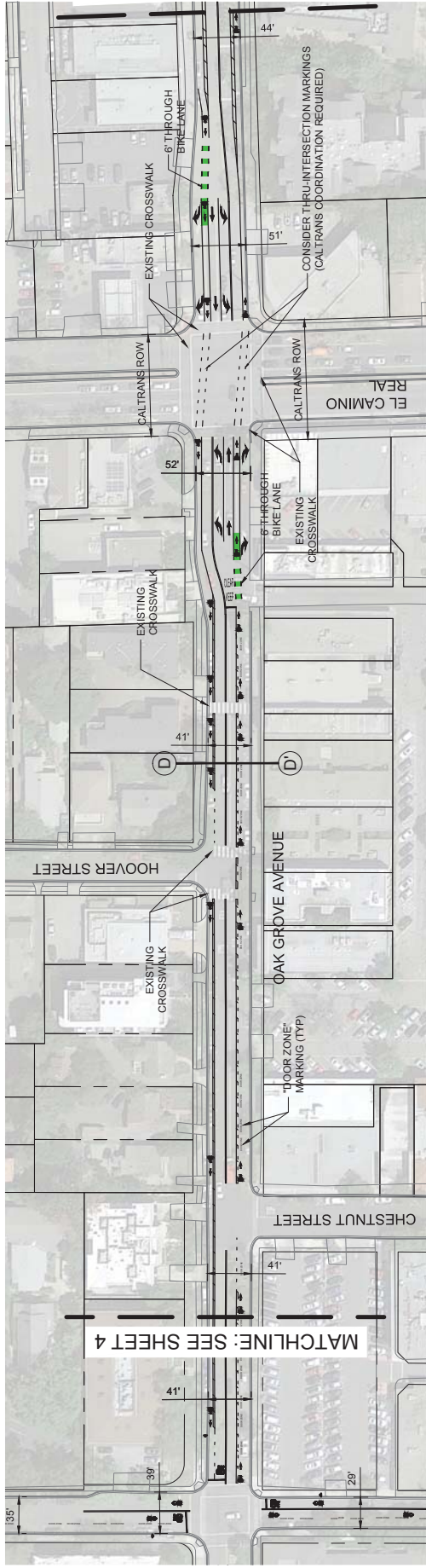


SECTION C - C'



SECTION B - B'

PRELIMINARY



PRELIMINARY

Sheet No. 3 of 6

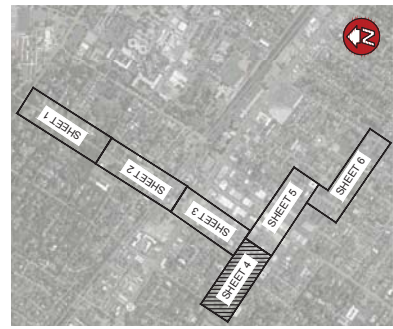
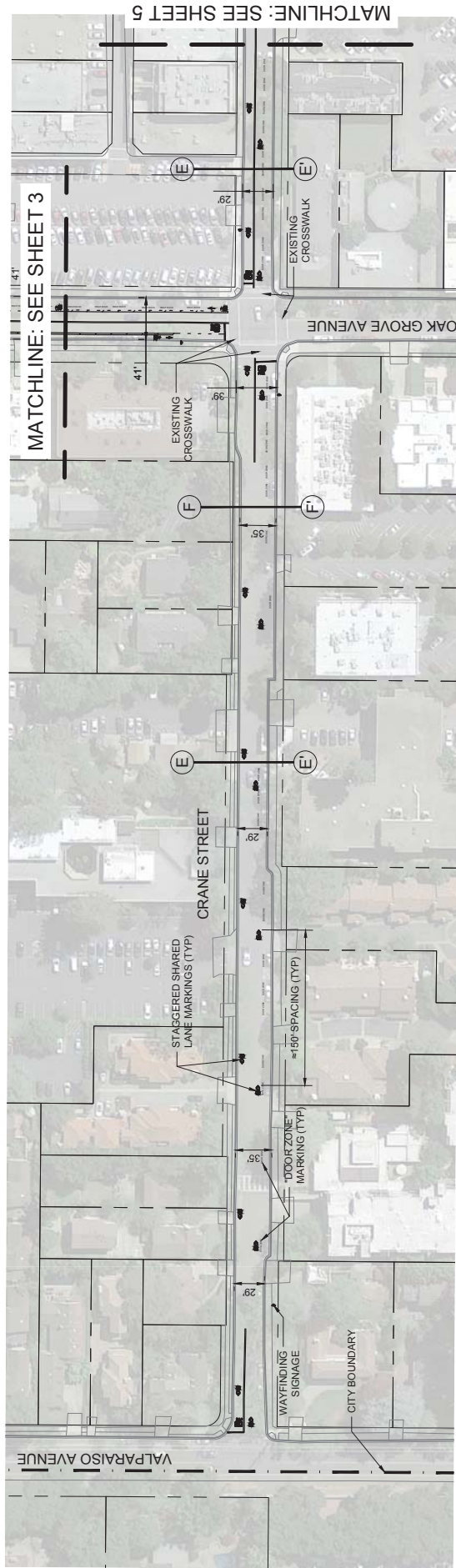
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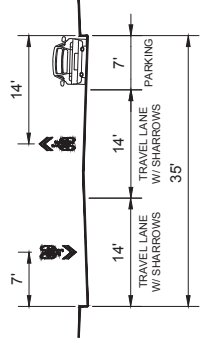
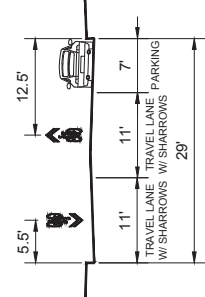
11-15-2016

Oak Grove Avenue, Crane Street, University Drive Bicycle Improvement Project

Menlo Park, CA



KEY MAP



PRELIMINARY

Sheet No. **4** of **6**

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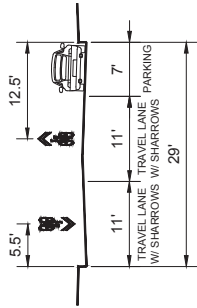
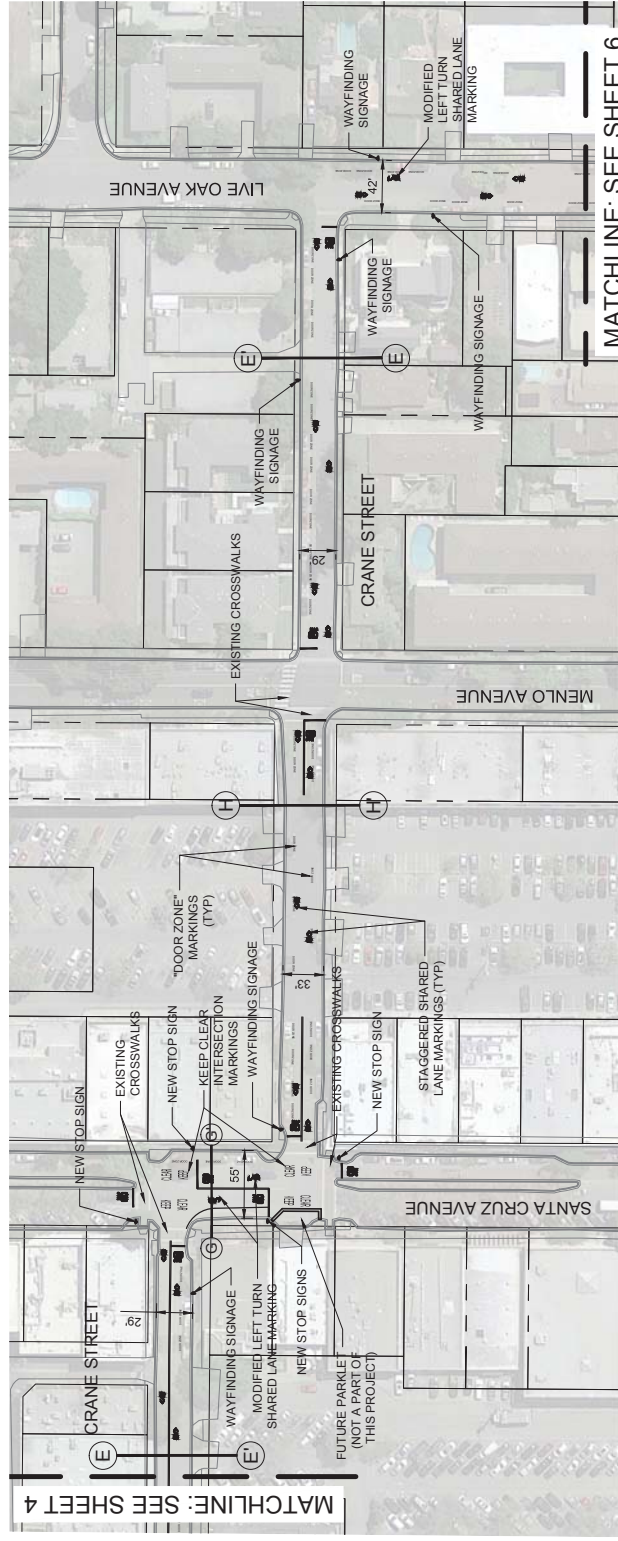
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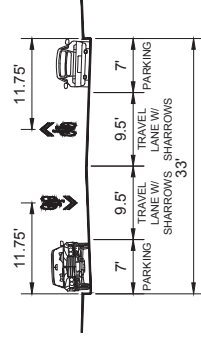
Oak Grove Avenue, Crane Street, University Drive Bicycle Improvement Project

Menlo Park, CA

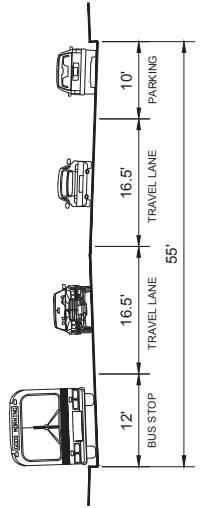




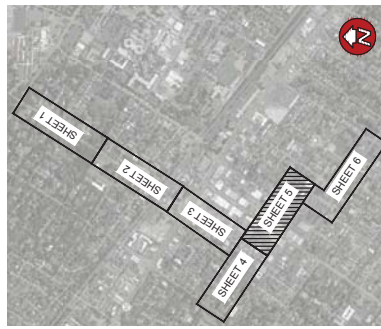
SECTION E - E'



SECTION H - H'



SECTION G - G'



KEY MAP

PRELIMINARY

Sheet No. 5 of 6

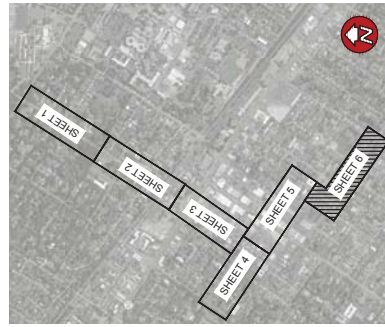
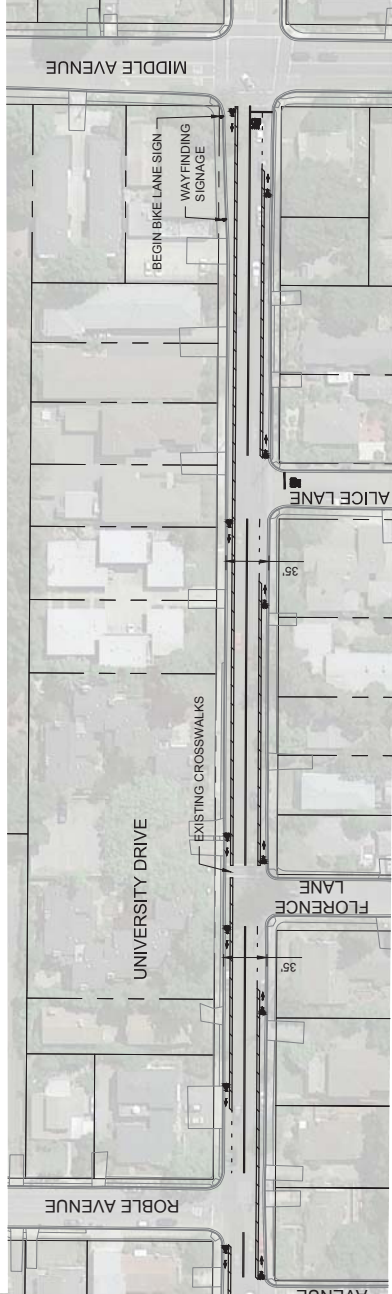
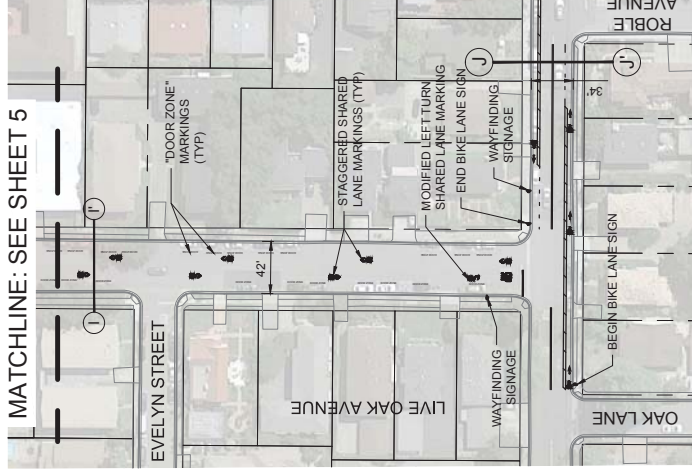


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11-15-2016

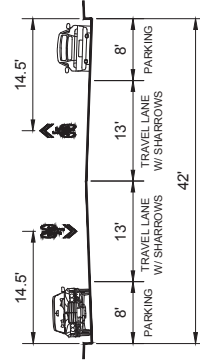
Oak Grove Avenue, Crane Street, University Drive Bicycle Improvement Project

Menlo Park, CA

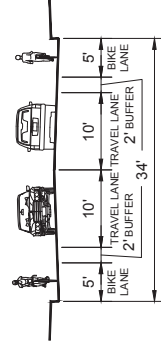
MATCHLINE: SEE SHEET 5



KEY MAP



SECTION I-I'



SECTION J-J'

PRELIMINARY



Scale: 1" = 100'  
0 50 100

11-15-2016

Sheet No. 6 of 6

Oak Grove Avenue, Crane Street, University Drive Bicycle Improvement Project

Menlo Park, CA



## STAFF REPORT

**City Council**  
**Meeting Date:** 12/6/2016  
**Staff Report Number:** 16-204-CC

**Regular Business:** Approve 2017 City Council meeting calendar

### Recommendation

Staff recommends the City Council review and approve the annual meeting schedule for 2017 (Attachment A).

### Policy Issues

The proposed action conforms to current practice of having the City Council annually set the City Council meeting schedule.

### Background

The purpose of the annual City Council meeting schedule is to provide the City Council, staff and the public with advance notice of proposed meeting dates. The meeting schedule has typically been approved by the City Council at a regular meeting in December each year.

### Analysis

Staff is proposing a meeting schedule for 2017, similar to previous years generally, with meetings held twice a month. The proposed dates have been scheduled taking into consideration City holidays, school holidays, and important Council and staff-related conferences. Also included on the calendar are significant events requiring the City Council's participation such as the City Council goal setting session, and the Commissioner Appreciation events.

Once a meeting schedule is approved by the City Council, the schedule will be used by staff to create a tentative calendar to identify when items will likely be considered by the City Council. It is important to note that the tentative calendar is a fluid document that serves as an ongoing reference guide, and that items are frequently rescheduled. The City Council is requested to keep Tuesday evenings free so that meetings, including closed sessions or study sessions, can be scheduled as the need arises.

### Impact on City Resources

The current schedule has no impact on City resources.

### Environmental Review

The proposed action does not require environmental review.

**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. Proposed 2017 City Council meeting schedule

Report prepared by:  
Pamela Aguilar, City Clerk

# 2017 Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30*	31				

\*Goal Setting

February						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16*	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

\*Commission appreciation

June						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22*	23	24	25	26
27	28	29	30	31		

\*Tentative, if needed

September						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Holiday
- City Hall Closure
- MPCSD, Las Lomitas SD, Ravenswood SD & Sequoia Holidays
- Council Meeting

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## STAFF REPORT

**City Council**

**Meeting Date:** 12/6/2016

**Staff Report Number:** 16-203-CC

**Informational Item:** Update on 2016 City Council Work Plan

### Recommendation

This is an informational item and does not require City Council action.

### Policy Issues

It has been the City Council's policy to adopt its work plan annually. Any policy issues that may arise from the implementation of individual work plan items will be considered at that time.

### Background

The City Council held a Special Meeting on January 29, 2016, at the Arrillaga Family Recreation Center to discuss and identify the work plan items for the year. The City Council approved the work plan on February 9, 2016, and staff used it to help craft the fiscal year 2016-17 budget.

### Analysis

The City Council work plan for 2016 includes 72 items, listed in the table (Attachment A). The list has been grouped into themes and priority levels to help categorize the items. The themes, in no specific order, include:

- Responding to the development needs of private residential and commercial property owners
- Realizing Menlo Park's vision of environmental leadership and sustainability
- Attracting thoughtful and innovative private investment to Menlo Park
- Providing high-quality resident enrichment, recreation, discovery and public safety services
- Maintaining and enhancing Menlo Park's municipal infrastructure and facilities
- Furthering efficiency in city service delivery models
- Improving Menlo Park's multimodal transportation system to move people and goods through Menlo Park more efficiently

This quarterly report includes status updates on individual work plan items.

### 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. Status update for 2016 City Council Work Plan

Report prepared by:

Clay J. Curtin, Assistant to the City Manager



Responding to the development needs of private residential and commercial property owners				
Number	Source	Description	Lead Department	Update
<b>Extremely Important</b>				
1	WP	Complete the General Plan Update	Community Development	City Council certified the EIR, adopted the Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, Updated General Plan Land Use and Circulation Elements, and List of Community Amenities, and introduced ordinances to amend the zoning ordinance and rezone property consistent with the Updated General Plan at its meeting of November 29, 2016. Final adoption of the ordinances is scheduled for December 6, 2016.
2	WP	Process complex development projects	Community Development	All projects previously listed as in construction are now complete with the exception of Anton Menlo, which has an extended construction period. All projects identified as undergoing building permit review have been issued permits and are under construction, with one project being completed. Of the projects identified as being in the land use entitlement process, nine have completed the land use entitlements. Eight major projects remain at various stages of the land use entitlement process.
<b>Very Important</b>				
3	WP	Implement Downtown/EI Camino Real Specific Plan biennial review	Community Development	City Council review is complete. Staff has developed a two-phase implementation plan and has contracted with a consultant to modify the text and graphics of the Specific Plan. Work is expected to be completed on Phase 1 by December 2016 with Planning Commission and City Council review in early 2017. Work on Phase 2 will follow.

Realizing Menlo Park’s vision of environmental leadership and sustainability				
Number	Source	Description	Lead Department	Update
<b>Important</b>				
4	CIP	Community Zero Waste Policy Draft	City Manager’s Office	A consultant has been selected and is working on developing the draft. Community meetings were held on November 2 and December 5, 2016. Residents and businesses are encouraged to take the zero waste plan survey.
5	CIP WP	Install EV charging stations as part of the Climate Action Plan	City Manager’s Office	Four chargers at two locations were installed in summer 2016. Locations include the Civic Center parking lot and a downtown parking plaza.
6	WP	Update the Heritage Tree ordinance	City Manager’s Office	Request for proposal (RFP) is being developed and should be released soon. Staff presented to the EQC on November 30 regarding the RFP intent and scope of work, per the EQC’s request.

Attracting thoughtful and innovative private investment to Menlo Park				
Number	Source	Description	Lead Department	Update
<b>Extremely Important</b>				
7	WP	Implement Housing Element programs	City Manager’s Office Community Development	Work on the programs is planned over the term of the Housing Element (2015-2023). Four programs were identified for 2015. One program has been completed (revisions to secondary dwelling unit ordinance) and others are in process (overnight parking restrictions in the R-4-S zoning district, 21 Elements Nexus Study and Modifications to BMR Program). Staff is researching answers to previously submitted questions.
<b>Very Important</b>				
8	WP	Expand downtown outdoor seating program	City Manager’s Office	Santa Cruz Street Café are currently under construction

Important				
9	WP	Implement the Economic Development Plan	City Manager's Office	Ongoing
10	CIP WP	Implement Downtown/El Camino Real Specific Plan streetscape (paseo, parklets)	City Manager's Office Public Works	A new paseo location was piloted on Curtis Street this summer. Staff is reviewing the feedback received.

Providing high-quality resident enrichment, recreation, discovery and public safety services				
Number	Source	Description	Lead Department	Update
<b>Extremely Important</b>				
11	WP	Create a community disaster preparedness partnership (MenloReady) with residents, businesses and schools utilizing the existing agreement with the Menlo Park Fire Protection District	Police	Continue to work with the fire district to address disaster preparedness and have completed the Local Hazard Mitigation Plan Annex (required for eligibility for State and Federal disaster relief funds) which was approved by City Council for Aug. 30. The plan will be in operation for five years.
12	WP	Complete the Belle Haven Pool facility analysis for year-round operations	Community Services	In process; final report expected in Spring 2017.
<b>Very Important</b>				
13	WP	Complete the Belle Haven Action Plan Phase III implementation	Community Services	Completed
14	WP	Enhance Community special events	Community Services	Plan for deploying shared Community Services/Library position is being finalized.
15	WP	Maintain City Council-approved cost recovery levels in all Community Services programs	Community Services	All programs at approved cost recovery level
16	CIP	Undertake a community process to rank potential projects for Measure T funding	Community Services	Now called Parks and Recreation Master Plan Update in fiscal year 2016-17 Capital Improvement Plan (\$125,000). RFP to be issued in January 2016
17	WP	Develop a Bedwell Bayfront Park operations / maintenance plan to enhance use, improve access and determine a sustainable funding source for ongoing maintenance	Community Services	RFP issued in October 2016. Responses due in December 2016.
<b>Important</b>				
18	WP	Develop an implementation plan for the Sister City program	City Manager's Office	The Sister City Committee has met and is developing its work plan.

Maintaining and enhancing Menlo Park’s municipal infrastructure and facilities				
Number	Source	Description	Lead Department	Update
<b>Extremely Important</b>				
19	CIP	Complete Belle Haven Youth Center playground replacement	Community Services Public Works	Complete.
20	CIP WP	Install bicycle and pedestrian improvements on Chilco Street	Public Works	Ongoing; Phase 1 and Phase 2 improvements complete. Phase 3 is in design.
21	CIP	Maintain citywide sidewalk repair program	Public Works	Ongoing; FY 2016-17 saw cutting is complete and repair work is beginning
22	CIP	Maintain citywide street resurfacing program	Public Works	Ongoing; submitted updated pavement management report to MTC in April. Presently developing streets for 2017 Street Resurfacing Project
23	CIP WP	Improve Haven Avenue streetscape (bike lanes, complete sidewalk gaps, new pedestrian bridge over Atherton Channel) (grant funded)	Public Works	In design; completed review by Bicycle and Transportation commissions and City Council approved on-street parking removal. Completed environmental clearance and design. Submitted encroachment permit application to Caltrans. No parking signs in the City right of way have been installed.
24	CIP	Adopt Urban Water Management Plan update	Public Works	Complete; City Council approved May 24.
25	CIP WP	Complete sidewalks on Santa Cruz Avenue	Public Works	Construction contract was awarded and construction will begin upon completion of Cal Water’s water main upgrade project.
26	CIP WP	Develop a water master plan	Public Works	Study is 60 percent complete
27		a. Add an additional emergency water well		Ongoing; City Council approved the environmental document June 7. The City has selected the firm to drill the well with construction targeted to start in early 2017.
28		b. Develop a recycled water program		Ongoing as part of the water system master plan
29		c. Enter into an agreement with West Bay Sanitary District for the Sharon Heights Recycled Water Project		Complete; City Council approved May 3.

Very Important				
30	CIP	Repair and Upgrade the Bedwell Bayfront Park leachate collection system	Public Works	Project moved to 2017-18 following completion of Park Master Plan in 2016-17
31	CIP	Install Library landscaping	Public Works	Ongoing; design is underway. New bike racks and table installed.
32	CIP	Replace Police radio infrastructure	Public Works	Ongoing; Planning Commission completed review in June. Project went out to bid and no bids were received. Project was rebid and now targeting award of contract at the Dec. 6 City Council meeting.
33	CIP WP	Address downtown parking garage (prioritize location, develop design concepts, consider Oak Grove bike lanes)	Public Works	Study session held May 24. Staff to return with scope of work for a sources sought (solicitation of interest) for certain parking plazas downtown. Oak Grove Bike Lanes has been added as a separate project. City retained a consultant and is preparing a report regarding implementation targeted for Dec. 6.
34	CIP	Enter into an agreement with Redwood City and the Salt Pond Restoration Project for the Bayfront Canal Bypass Project	Public Works	On hold; City Council received a status report May 24.
35	CIP	Design Pope/Chaucer bridge improvements	Public Works	Ongoing; waiting for the environmental document to be circulated next year
Important				
36	CIP	Construct restroom at Jack Lyle Park	Public Works	Ongoing; met with Peninsula Volunteers and Rosener House regarding specific location. Retained a landscape architect to prepare design plans. Next step is a public outreach meeting tentatively planned for Dec. 15.
37	CIP	Replace Library interior wall fabric	Public Works	Project moved to 2017-18 following the completion of the Library Strategic Plan and Space Needs Study (#42).
38	CIP	Replace Nealon Park sports field sod and irrigation system	Public Works	City Council held a study session May 24. Focus now is on the installation of a booster pump to enhance the pressure of the irrigation system.
39	CIP	Address Nealon Park dog park	Public Works	City Council held a study session May 24. Focus now is on increasing the maintenance of the sports field to address any issues associated with the shared use with the dog park.

40	CIP	Replace Willow Oaks dog park and install restroom	Public Works	Ongoing; Council awarded consultant contract on November 29. Community outreach targeted for Winter 2017.
41	CIP	Initiate Downtown utility undergrounding	Public Works	On hold; this will be coordinated with downtown parking structures (#33)
42	CIP	Complete library space needs study	Public Works	Ongoing; City Council approved the consultant contract Aug. 30 and the study is being prepared.

Furthering efficiency in city service delivery models				
Number	Source	Description	Lead Department	Update
<b>Extremely Important</b>				
43	WP	Complete the classification and compensation study and work with labor units to address the study's findings	Administrative Services	Ongoing: SEIU, AFSCME and Confidential employees complete; data for unrepresented management employees has been collected and the City Council has provided direction to staff on next steps. Scheduled for City Council consideration on Dec. 6.
44	CIP WP	Complete the information technology master plan and:	Administrative Services	Staff has completed its review of the consultant's initial report and City Council presentation. The IT Master Plan Steering Committee is scheduled to review the information on Dec. 15.
45		a. Implement key best practices		Ongoing
46		b. Launch a selection process for replacement of mission critical systems including an enterprise resource planning (ERP) business management system for the city including administrative and land development operations		On hold pending City Council approval of the IT Master Plan.
47		c. Identify and implement interim upgrades to existing business systems as a bridge to their replacement		Ongoing; online alarm billing payments complete, online parking permits and electronic timecard implementations are underway. Work has begun to provide online access to building permit applications.
48	WP	Complete a fee study for solid waste services	Administrative Services City Manager's Office	Consultant is currently working with Environmental Programs staff on the study.
49	CIP WP	Complete administration building space planning	Public Works	Ongoing; under construction. Phases 1 and 2 nearing completion. Work on the remaining phases will continue into 2017.

Very Important				
50	WP	Complete an updated cost allocation plan, user fee study for non-utility operations, and cost recovery models for non-development related services	Administrative Services	RFP was issued and three proposals were received. Staff is interviewing consultants and will select the consultant in early December. Work on the study is scheduled to begin in late January 2017.
	WP	Implement recommendations from the department operational reviews:	Community Services Library	
51		Develop and implement strategic plans for the Library and Community Services departments		Both plans were completed and are being implemented.
52		Revise and update departmental policies and procedures in the Library and Community Services departments		Community Services policy updates complete. Library policy updates are ongoing.
53		Develop and improve cooperative relationships with community stakeholders (school districts, community groups, etc.)		Ongoing
Important				
54	WP	Analysis and prioritization of alternative service delivery model goals, what outcome is desired (financial, service changes, etc.) and what metrics determine success	City Manager's Office	Ongoing
55	WP	Assess current staffing levels in the Administrative Services department, realign existing resources, and add resources where necessary to support the organization's current and future needs for technology, financial and human resources support	Administrative Services	Ongoing; successfully completed recruitment for two management analysts (Human Resources and Finance), two additional analyst vacancies remain (Human Resources and Information Technology)
56	WP	Improve community communications	City Manager's Office	Ongoing; informational item presented to the City Council on Oct. 11.
57	WP	Initiate organizational study for development services utilizing industry best practices	City Manager's Office Community Development Public Works	Developing a scope of work for the study
58	WP	Initiate organizational study for Public Works maintenance services	City Manager's Office Public Works	Developing a scope of work for the study



Improving Menlo Park’s multimodal transportation system to move people and goods through Menlo Park more efficiently				
Number	Source	Description	Lead Department	Update
<b>Extremely Important</b>				
59	WP	Develop and implement transit improvements (study transit options including enhancements to existing shuttles and transportation management associations, install new shuttle stop signs and amenities)	Public Works	Ongoing; were awarded funds from SMCTA and C/CAG for expanded shuttle service in 2016-17. Next steps are to finalize service enhancements and publicize route changes, expected in early 2017.
60	CIP WP	Study and prioritize Willow Road transportation improvement options	Public Works	Ongoing; conducted City Council study session Aug. 23 about desired improvements and Willow Road curb extensions on Oct. 25. Next step is to return to the Transportation Commission for review in early 2017.
61	CIP WP	Work with Caltrans and regional funding partners to design and begin construction on 101/Willow Road interchange	Public Works	Ongoing; design completed. Secured remaining funds to advance to construction. Project out to bid. Coordinating with PG&E on gas and electric utility relocations.
62	CIP WP	Construct Citywide Bicycle and Pedestrian Visibility Project (add green colored pavement to existing high-use corridors at conflict points and downtown bike racks) (grant funded)	Public Works	Complete; Majority of installation completed in June 2016
63	CIP WP	Construct Menlo Park-Atherton Bike/Pedestrian Improvements Project (Valparaiso Avenue Safe Routes to School project) (grant funded)	Public Works	In construction; project is nearing completion.
64	CIP WP	Construct Menlo Park-East Palo Alto Connectivity Project (add Class III bike routes and sharrows to connecting streets and fill sidewalk gaps on O'Connor Street and Menalto Avenue) (grant funded)	Public Works	Complete; construction substantially complete in October 2016.
65	CIP WP	Prepare Project Study Report for Ravenswood Avenue/Caltrain grade separation Project (grant funded)	Public Works	Ongoing; awarded consultant contract in March 2016. Held the first community workshop May 2 and second workshop Oct. 4. Commission presentations scheduled for Nov./Dec. 2016. Next step is to incorporate feedback into preliminary engineering work and present information to the City Council in early 2017.
66	CIP WP	Explore Dumbarton Rail Corridor activation / reuse	Public Works	Ongoing; the City is coordinating through the SamTrans-led Dumbarton Corridor Study. The first community workshop held in Menlo Park May 12 and the second workshop was held in Redwood City Sept. 14. A presentation to the City Council occurred Nov. 15.

67		Install bus shelters at the Senior Center and on Willow Road between U.S. 101 and Bayfront Expressway	Public Works	Ongoing; Provided update to the City Council on Oct. 25. Next step is authorizing the City Manager to enter into agreements with SamTrans for the installation of bus shelters.
<b>Very Important</b>				
68	CIP WP	Coordinate with regional agencies on High Speed Rail project, including environmental review	Public Works	Ongoing; the High Speed Rail Authority initiated environmental review in May 2016. The City prepared a comment letter on the Notice of Preparation in June 2016.
69	CIP WP	Begin design and implement El Camino Real Corridor Study	Public Works	Ongoing; City Council acted May 3 to advance design and construction of east-west crossings and further evaluation of Alternative 2. North-south corridor improvements on hold pending further City Council direction.
70	CIP	Design and construct Sand Hill Road signal modification project	Public Works	Majority of construction is complete.
71		Establish a crosswalk policy	Public Works	Complete; City Council approved the policy Sept. 13.
<b>Important</b>				
72	CIP WP	Work with Caltrain to complete Peninsula Corridor Electrification Project design review	Public Works	Ongoing; City Council authorized the City Manager to sign the agreement May 24.

THIS STAFF REPORT WILL BE AVAILABLE SHORTLY

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