



SPECIAL MEETING AGENDA

Date: 1/31/2023
Time: 6:00 p.m.
Locations: [Zoom.us/join](https://zoom.us/join) – ID# 898 9366 1507 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

Consistent with Cal. Gov. Code §54953(e), and in light of the declared state of emergency, and maximize public safety while still maintaining transparency and public access, members of the public can listen to the meeting and participate using the following methods.

How to participate in the meeting

- Submit a written comment online up to 1-hour before the meeting start time:
city.council@menlopark.gov
Please include the agenda item number you are commenting on.
- Access the meeting real-time online at:
[Zoom.us/join](https://zoom.us/join) – Meeting ID 898 9366 1507
- Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 898 9366 1507
Press *9 to raise hand to speak
- Spanish interpretation services available for in-person and virtual attendees
- Watch meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
City Council Chambers

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website menlopark.gov. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.gov/agendas).

According to City Council policy, all meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

Special Session

A. Call To Order

B. Roll Call

C. Public Hearing

- C1. Consider 1) the Planning Commission's recommendation to adopt a resolution to certify the subsequent environmental impact report, adopt California Environmental Quality Act findings, adopt a Statement of Overriding Considerations for significant and unavoidable impacts for the Housing Element Update project, and approve a mitigation and monitoring program; and 2) the Planning Commission and Housing Commission's recommendations to adopt a resolution to amend the General Plan to update the Housing Element for the 2023 to 2031 planning period
([Staff Report 23-024-CC](#))

This action includes consideration of the certification of a subsequent environmental impact report in accordance with California Environmental Quality Act (CEQA).

Note: Depending on the number of public speakers, the Mayor may limit public comment to two minutes per speaker for item C1.

D. Adjournment

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 Council 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. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

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 by request by emailing the city clerk at jaherren@menlopark.gov. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.gov/agendas and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.gov/subscribe. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 1/26/2023)



STAFF REPORT

City Council

Meeting Date:

1/31/2023

Staff Report Number:

23-024-CC

Public Hearing:

Consider 1) the Planning Commission's recommendation to adopt a resolution to certify the subsequent environmental impact report, adopt California Environmental Quality Act findings, adopt a Statement of Overriding Considerations for significant and unavoidable impacts for the Housing Element Update project, and approve a mitigation and monitoring program; and 2) the Planning Commission and Housing Commission's recommendations to adopt a resolution to amend the General Plan to update the Housing Element for the 2023 to 2031 planning period

Recommendation

Staff recommends the City Council adopt a resolution (Attachment A) to certify the subsequent environmental impact report (SEIR) that analyzes potential environmental impacts of the proposed Housing Element Update project and makes California Environmental Quality Act (CEQA) findings to address impacts, including a statement of overriding considerations (SOC) for significant and unavoidable environmental effects that would result from the proposed project, and to approve a mitigation monitoring and reporting program (MMRP) for the proposed project to mitigate impacts to less than significant with mitigation or reduce significant impacts (Attachment A, Exhibit 1.)

Staff also recommends the City Council adopt a resolution (Attachment B) to repeal in its entirety the 2015 to 2023 Housing Element of the General Plan and adopt in full the new text comprising the 2023 to 2031 Housing Element of the General Plan.

At a future meeting, the City Council will review and take action on General Plan amendments to update the Safety Element and add a new Environmental Justice Element. The City Council will also consider and take action on Zoning Ordinance, Zoning Map and El Camino Real/Downtown Specific Plan (Specific Plan) amendments that would increase residential development potential in a number of zoning districts, and allow multifamily residential or mixed use developments on opportunity sites included in the Housing Element. Other amendments to the General Plan may be needed to for consistency with these future actions. The Planning Commission will be a recommending body to the City Council on the amendments and rezonings.

Policy Issues

The City Council should consider the Planning Commission and Housing Commission reviews and recommendations when evaluating the merits of the proposed project, including consistency with the City's current General Plan and proposed amendments, Municipal Code, and other adopted policies and programs. The City Council will also need to make findings that the merits of the project and the public

benefits balance the significant and unavoidable environmental impacts as described in the SEIR by adopting a statement of overriding considerations. The policy issues summarized in this section are discussed in detail in the January 12, 2023 joint Planning Commission and Housing Commission staff report (Attachment C) and supplemented by the information in this report.

In addition, the City prepared a fiscal impact analysis (FIA) to inform decision makers and the public of the potential fiscal impacts of the proposed project (Attachment D.) This report is not subject to specific City Council action, but provides background information related to the 2023 to 2031 Housing Element.

Background

The City is updating its Housing Element to comply with the requirements of state law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories. Since the beginning of the Housing Element Update process in 2021, the project team has conducted extensive outreach; participated in a number of public meetings with the Housing Commission, Planning Commission and City Council; and addressed all comments received from the California Department of Housing and Community Development (HCD) October 21, 2022 following submittal of a primary draft Housing Element July 25, 2022. The final Housing Element (Attachment B, Exhibit 3) is a reflection of feedback received from community members, community partners, stakeholders, City decision makers and HCD staff. The state's deadline for the City to adopt the 2023 to 2031 Housing Element is January 31, 2023.

The City Council met December 6, 2022 and December 22, 2022 to discuss proposed Housing Element revisions in response to HCD's letter. City Councilmembers provided the following comments related directly to the Housing Element:

- A request that Program H2.E, an anti-displacement strategy, be re-evaluated to identify which components of the strategy should be implemented earlier in the Housing Element cycle. A City Council subcommittee, consisting of Mayor Wolosin and Vice Mayor Taylor, was created to consider recommendations for which anti-displacement strategy actions to prioritize. At the December 22, 2022 City Council meeting, the project team was directed to return to City Council by June 2024, at the latest, with three potential priority actions related to strengthening just cause eviction and tenant protections, increasing tenant relocation assistance, and developing tenant education programs to understand legal rights around housing and displacement. These changes were subsequently integrated into the Housing Element (page 8-10.)
- A request to review previous City Council direction June 6, 2022, regarding the removal of Site #65 (1000 Marsh Road), Site #66 (3885 Bohannon Drive), and Site #73 (4065 Campbell Avenue) from the draft Housing Element site inventory. The project team reviewed videotape of the meeting and the meeting minutes and confirmed that City Council directed removal of Sites #65, #66 and #73 from the inventory. Sites #67, #68, #69, #70, #71, and #72, also located in the O district in the vicinity of Marsh Road and Bohannon Drive, were not included in the lists of sites that the City Council directed be removed and have remained in the Housing Element site inventory.

City Councilmembers also provided comments on the proposed zoning changes related to the Housing Element and other housing-related policies. The project team noted these comments for future discussion during the zoning implementation process following Housing Element adoption, or as separate items from the Housing Element process.

On January 12, 2023, the Planning Commission and Housing Commission completed reviews of the proposed update to the Housing Element and took a series of actions for the City Council's consideration. The Planning Commission voted 5-1-1, with Commissioner Barnes opposed and Commissioner Riggs absent, to adopt a resolution (Attachment E) recommending certification of the SEIR, approval of the CEQA findings, and adoption of the SOC and MMRP. Commissioner Barnes opposed adoption of the resolution based on concerns that the SEIR did not study the geographic distribution of parks and open spaces throughout different neighborhoods in the community; however, this is not a threshold of significance under CEQA.

The Housing Commission voted 4-0-3, with Commissioners Bigelow, Campos and Leitch absent, to adopt a resolution (Attachment F) recommending the City Council approve the 2023 to 2031 Housing Element with the following modifications:

1. Strengthen fee waivers or defer fees for affordable housing development on sites where the Affordable Housing Overlay (AHO) would be applicable; and
2. Add a program for City participation in a racial equity training program, such as the Government Alliance on Race and Equity (GARE.)

The Housing Commission also voted 3-0-3, with Commissioners Bigelow, Campos, and Leitch absent and Commissioner Merriman abstaining, to recommend an additional modification to the Housing Element:

3. Expedite the implementation of Program H4.G, "Consider City-Owned Land for Housing (Downtown Parking Lots)," with a feasibility study to assess which parking lots are most suitable for residential development to be initiated in 2023.

The Planning Commission voted 6-0-1, with Commissioner Riggs absent, to adopt a resolution (Attachment G) recommending the City Council approve the 2023 to 2031 Housing Element with the following modifications:

1. Accept modifications #1 and #2 as recommended by the Housing Commission (listed above);
2. Consider further accelerating the timeframes for implementation of Program H2.E, "Anti-Displacement Strategy;"
3. Revise Program H4.D, "Modify the Affordable Housing Overlay (AHO)," to indicate that the AHO may be modified to allow maximum densities greater than 100 dwelling units per acre (du/ac);
4. Revise the title of Program H4.G, "Consider City-Owned Land for Housing (Downtown Parking Lots)," to state, "Prioritize City-Owned Land for Housing (Downtown Parking Lots)" and set the timeframe for administrative tasks such as development of the feasibility study, rezoning of the parking lots, and development of a request for qualifications (RFQ) to commence concurrently in 2023;
5. Modify Program H4.M, "Update Parking Requirements and Design Standards," to specify that alternative transportation in-lieu fees collected as part of the program be utilized toward improvements for modes of transport other than personal motor vehicles;
6. Modify Program H6.F, "Transit Incentives," to specify that transit demand management (TDM) strategies should be integrated into all residential development, regardless of proximity to transit; and
7. Add a program to develop a move-in readiness program, including exploring financial assistance, focused on renters.

This staff report focuses on the Commissions' recommendations to the City Council. For a detailed analysis of the proposed project, including information regarding the project purpose, project history and milestones, the FIA, the SEIR analysis, and highlights of the 2023 to 2031 Housing Element, please refer to the January 12, 2023 joint Planning Commission and Housing Commission staff report. A link to the joint Planning Commission and Housing Commission agenda with the staff report, attachments, and presentation is included as Attachment C.

Analysis

The project team has prepared a table demonstrating the Housing Element's compliance with requirements of state law (Attachment B, Exhibit 1), self-certification findings indicating how each HCD comment has been addressed through revisions to the Housing Element (Attachment B, Exhibit 2), and a final Housing Element (Attachment B, Exhibit 3.)

The Housing Element document, which includes revisions shown in underline and strikethrough format, address comments from HCD. Table 1 proposes the draft text for each of the Planning Commission or Housing Commission recommended modifications summarized in the Background section of this report. In the "Recommended Modification" column of the table, ~~strikethrough~~ text indicates wording proposed for removal and underlined text indicates wording proposed to be added to the Housing Element. All of the proposed modifications refer to Chapter 8: Goals, Policies and Programs of the Housing Element. Staff has also identified the need for revisions to correct typographical errors and internal inconsistencies throughout the document. These edits are not enumerated here, but would be considered "clean up" items that do not change the substance of the document. The draft City Council resolution (Attachment B) includes the recommended proposed text changes to Chapter 8 and authorizes the community development director to make "clean up" revisions in the Housing Element before submittal to HCD.

Table 1: Planning Commission and Housing Commission recommendations for the Housing Element			
Recommending body	Draft Housing Element page	Reference	Recommended modification
Housing Commission	8-24	Program H4.D	Modify: "...Evaluate processing fee waivers, deferrals, or further reduction of other fees (such as traffic impact fees, recreation in-lieu fees, etc.) for affordable housing development on sites where the AHO is applicable."
Housing Commission	8-36	NEW program H5.G	Insert: " Racial Equity Training Program. Partner with an organization, such as the Government Alliance on Race and Equity (GARE), to provide racial equity training and build organizational capacity within the City to address racial inequity and advance opportunities for all in housing and other community matters. <i>Responsibility:</i> All City departments; city manager; City commissions; City Council <i>Financing:</i> General Fund <i>Objectives:</i> Increase awareness, build organizational capacity and infrastructure, and strive for racial equity in housing and other local government matters <i>Timeframe:</i> Join program by December 2023; initiate first racial equity training session in 2024
Housing Commission	8-26	Program H4.G: consider City-owned land for housing (Downtown parking lots)	Modify: "...Solicit proposals and initiate a feasibility study to assess which parking lots are most suitable for residential development (2024 <u>2023</u>); issue RFP for affordable housing development on some or all of the parking lots sites, including information on City land write-down incentives (2025 <u>2024</u>); complete development entitlements (2026 <u>2025</u>); seek to complete development of 345 or more affordable

			housing units on a combination of parking lot sites (2028 2027)..."
Planning Commission	8-11	Program H2.E: Anti-Displacement Strategy	Modify: " <u>Timeframe</u> : Develop an anti-displacement strategy for the City, particularly in the Belle Haven neighborhood, and initiate program implementation by June January 2024 beginning with items f., g., h., and i., and expanding to address other potential policies in the program through 2027 2026..."
Planning Commission	8-24	Program H4.D: modify the affordable housing overlay (AHO)	Modify: "...The AHO will be structured so that state density bonus incentives can be utilized in conjunction with the AHO, providing for densities of 100 units/acre or greater..."
Planning Commission	8-26	Program H4.G: consider City-owned land for housing (Downtown parking lots)	Modify: " Consider Prioritize City-Owned Land for Housing (Downtown Parking Lots) ... Solicit proposals, and conduct a feasibility study to assess which parking lots are most suitable for residential development, rezone the parcels, (2024); and issue RFP for affordable housing development on some or all of the parking lots sites, including information on City land write-down incentives (2025 December 2023); complete development entitlements (2026 2024); seek to complete development of 345 or more affordable housing units on a combination of parking lot sites (2028 2026)..."
Planning Commission	8-28	Program H4.M: update parking requirements and design standards	Modify: "Review and modify parking requirements and design standards to provide greater flexibility in site planning for multifamily residential housing, including establishing a parking or alternative transportation in-lieu fee <u>to be utilized toward improvements for modes of transportation other than personal motor vehicles.</u> "
Planning Commission	8-38	Program H6.F: transit incentives	Modify: "Integrate transit demand management strategies for all residential development, particularly in areas further away from transit to increase access to transit and reduce vehicle trips and parking demand.
Planning Commission	8-36	NEW Program H5.H	<p>Insert: "Tenant Readiness Education Program. <u>Develop a program or partner with a community organization that offers educational classes to prospective and existing renters on topics such as finding affordable housing, understanding the application and rental process, learning about fair housing regulations, and identifying other resources for financial and/or legal assistance related to rental housing.</u></p> <p><u>Responsibility:</u> Housing Division <u>Financing:</u> General Fund <u>Objectives:</u> Provide educational assistance and identify resources to help renters acquire and maintain decent and affordable housing. <u>Timeframe:</u> Establish partnership or develop program by December 2024</p>

As shown in Table 1 above, the Planning Commission and Housing Commission provided slightly different

recommendations regarding the timing to implement Program H4.G. Staff recognizes the high priority of providing affordable housing on the downtown parking lots and initiating the program as early as possible in the Housing Element cycle. Staff recommends that the City Council consider adopting modifications to Program H4.G as recommended by the Housing Commission, which would initiate a feasibility study in 2023 followed by issuance of an RFP in 2024. Future progress on Program H4.G will also depend on the process used to determine development of the downtown parking lots, the level of environmental review required, and other details, but targeted timelines have been included. With current staff resources, initiation of the feasibility study would likely follow completion of the Environmental Justice and Safety Elements and implementation of the Zoning Ordinance amendments that would allow for, or increase, residential development potential on the housing opportunity sites. However, an interdisciplinary studio from UC Berkeley College of Environmental Design will be studying one or more of the downtown parking lots for affordable housing development and creating development plans that will be presented to the City as part of a studio symposium this spring, which may yield information and ideas for future consideration as part of the implementation of Program H4.G.

In addition to the Housing Commission's recommendation on Program H4.G, staff recommends adoption of the other seven proposed recommendations made by the Planning Commission and Housing Commission as listed in Table 1.

During the next 12 months, the Planning Commission and City Council will consider details related to implementation of the zoning programs in the Housing Element (such as H4.D "Modify the Affordable Housing Overlay," H4.I "Create New Opportunities for Mixed-Use Development," H4.J "Increase Residential Density and Maximize Development Proposals," H4.L, "Modify El Camino Real/Downtown Specific Plan," H4.T "Residential Overlay," and others.) Future discussions of the Commission and City Council will guide how specific development standards such as height, maximum density, maximum floor area ratio, parking ratios, and other regulations are set for the housing opportunity sites and zoning districts included in the Housing Element.

Correspondence

Since the January 12, 2023 joint Housing Commission/Planning Commission meeting, staff has received one item of correspondence from Public Advocates and the Public Interest Law Project included in Attachment H. The email and attached letter reiterate recommended changes to the Housing Element from a previous letter (dated December 23, 2022) on topics including the anti-displacement strategy, site inventory, homelessness and emergency shelters, reasonable accommodations and additional fair housing issues. The project team added additional narrative and analysis in the Housing Element on the requested topics. The email offers support for the Planning Commission and Housing Commission recommendations on the Housing Element, encourages the prioritization of affordable housing developments on downtown parking lots, and recommends allowing affordable residential development at greater than 100 du/ac.

Conclusion

Since the beginning of the development process in 2021, the project team has conducted extensive outreach using in-person, electronic and hybrid communication formats; participated in public meetings with the Housing Commission, Planning Commission and City Council; and addressed all comments received from HCD following submittal of a primary draft Housing Element in July 2022. The Housing Element is a reflection of feedback received from community members, community partners, stakeholders, City decision makers and HCD staff. The state's deadline for the City to adopt the 2023 to 2031 Housing Element is January 31, 2023. Adoption of the element by January 31, 2023 will allow the City to maintain administration of local zoning, provide continued access to funding opportunities that will aid in developing affordable housing and transportation projects in the community, and begin to focus on implementation of the programs in the Housing Element.

The City Council should consider the Planning Commission and Housing Commission recommendations and determine whether to certify the SEIR and adopt the Housing Element for the 2023 to 2031 planning period. The City Council will also need to consider the environmental analysis and the merits of the proposed Housing Element when considering the resolution to adopt the CEQA findings, SOC and MMRP. The City Council will also need to consider the self-certification findings and responses to HCD's comments when considering adoption of the Housing Element. Following the City Council's action, the Housing Element would be submitted to HCD for a 60-day review period and certification.

Impact on City Resources

As part of the fiscal year 2020-21 budget, the City Council appropriated \$1.5 million from the general fund to support the Housing Element Update (including preparation of the SEIR), which is a City Council priority. A budget amendment request for work related to the project SEIR and water supply assessment is being prepared and will be brought forward for consideration by City Council following adoption of the Housing Element, anticipated during the mid-year budget review.

Environmental Review

As stated in the CEQA Guidelines, an EIR is an informational document that is intended to provide the City, responsible and trustee agencies, other public agencies, and community members and other interested parties with detailed information about the potential environmental effects that could result from implementing the proposed project, examine and implement mitigation measures to reduce or avoid potentially significant physical environmental impacts if the proposed project is approved, and consider feasible alternatives to the proposed project, including a required No Project Alternative. The SEIR is comprised of the Draft SEIR (Attachment I) and the Final SEIR (Attachment J.)

The City released the Draft SEIR for public review and comment November 4, 2022. The comment period closed December 19, 2022. A detailed summary of the environmental analysis, including the significant impacts, the response to comments on the Draft SEIR, and project alternatives is provided in the Planning Commission staff report (Attachment C.)

As part of its consideration of the merits of the project, the City Council will need to review the SOC along with the MMRP. The draft resolution certifying the SEIR, making the CEQA findings, and adopting the SOC and the MMRP is included in Attachment A. The draft SOC outlines the following public benefits of the project: achieves compliance with the requirements of state law; plans for the community in a sustainable, healthy, and balanced way with a focus on affordable housing development and affirmatively furthering fair housing; and updates the Safety Element and provides a new Environmental Justice Element to provide for safety, equity, and the reduction of unique or compounded health risks in disadvantaged communities. The MMRP includes the feasible mitigation measures identified in the SEIR. The MMRP is designed to aid the City in its implementation and monitoring of measures adopted from the certified SEIR.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper, mailed notices to property owners of sites in the housing inventory, an email to over 1,800 Housing Element Update project email subscribers, and a mailed postcard distributed citywide.

Attachments

- A. Draft City Council Resolution Certifying the SEIR (State Clearinghouse No. 20150622054) for the City of Menlo Park Housing Element Update; Adopting Environmental Findings Pursuant to CEQA; Adopting a Statement of Overriding Considerations; and Adopting a MMRP
Exhibits to Attachment A
 - 1. MMRP
- B. Draft City Council Resolution Adopting the 2023-2031 Housing Element to the General Plan
Exhibits to Attachment B
 - 1. Housing Element compliance with state housing law table
 - 2. Self-certification findings in response to October 21, 2022 HCD letter
 - 3. Hyperlink – 2023-2031 Housing Element: menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/final-review-draft-with-redline-changes-2023-2031-housing-element.pdf
- C. Hyperlink – January 12 joint Planning Commission/Housing Commission meeting staff report: menlopark.gov/files/sharedassets/public/agendas-and-minutes/planning-commission/2023-meetings/agendas/20230112-housing-and-planning-commissions-agenda-packet.pdf#page=4
- D. Hyperlink – FIA report: menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/20230105-housing-element-update-fiscal-impact-analysis-report.pdf
- E. Planning Commission resolution recommending City Council certify the SEIR (State Clearinghouse No. 20150622054) for the City of Menlo Park Housing Element Update; adopt environmental findings pursuant to CEQA; adopt a statement of overriding considerations; and adopt a MMRP
- F. Housing Commission resolution recommending City Council approve an amendment to the General Plan to Update the Housing Element for the 2023-2031 planning period
- G. Planning Commission resolution recommending City Council approve an amendment to the General Plan to Update the Housing Element for the 2023-2031 planning period
- H. Correspondence
- I. Hyperlink – Draft SEIR: menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/menlo-park-housing-element-update-draft-seir.pdf
- J. Hyperlink – Final SEIR: menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/20221230-menlo-park-housing-element-update-final-subsequent-environmental-impact-report-seir.pdf

Report prepared by:
Tom Smith, Principal Planner

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

RESOLUTION NO. XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK, CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2015062054) FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE; ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, in 2016 the City of Menlo Park (“City”) prepared and certified an EIR analyzing the update to its General Plan referred to as *ConnectMenlo* (State Clearinghouse No. 20150622054); and

WHEREAS, the City is currently updating its required General Plan Housing Element and Safety Element, and preparing a new Environmental Justice Element, as well as associated General Plan, Zoning Ordinance, Zoning Map, and Specific Plan amendments; and

WHEREAS, the Housing Element update includes analysis of existing and projected housing needs and updates of goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories; and

WHEREAS, the updated Housing Element identifies sites on which housing development is allowed at sufficient densities to accommodate a specific number of units at various levels of affordability, pursuant to the Regional Housing Needs Allocation (RHNA) set forth by the Association of Bay Area Governments (ABAG); and

WHEREAS, the Safety Element update is intended to comply with state law through updates to address fire risk and climate adaptation and resiliency strategies; and

WHEREAS, the new Environmental Justice Element is intended to address the unique or compounded health risks in “Disadvantaged Communities” (“Underserved Communities” within the context of the Environmental Justice Element) within the City, including, but not necessarily limited to, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity; and

WHEREAS, the proposed updates of the Housing Element and Safety Element, the new Environmental Justice Element, and the associated General Plan, Zoning Ordinance, Zoning Map, and Specific Plan amendments are referred to collectively as the Housing Element Update project (“Project”); and

WHEREAS, the Project site encompasses the entirety of the City of Menlo Park and, for purposes of the updated Housing Element, identifies specific sites appropriate for the development of additional multifamily housing—primarily clustered in the downtown area—that the City would rezone if/as necessary to accommodate such housing; and

WHEREAS, the Project requires discretionary approvals from the City, including adoption of a resolution amending the General Plan to update the Housing Element, update the Safety Element, update the Land Use Element and General Plan Land Use Designations map, adopt the Environmental Justice Element, and make any corresponding changes to other elements of the General Plan needed to maintain internal consistency; adoption of a resolution amending

the El Camino Real/Downtown Specific Plan to reflect the modifications in densities and associated development standards; and adoption of an ordinance amending the City's Zoning Ordinance (Menlo Park Municipal Code Title 16) and the City's Zoning Map; and

WHEREAS, pursuant to Public Resources Code Section 21067 of the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) ("CEQA"), Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the City is the lead agency for the proposed Project; and

WHEREAS, pursuant to Section 15162 of the CEQA Guidelines, a Subsequent Environmental Impact Report ("SEIR") is required if the City, as the CEQA Lead Agency, determines on the basis of substantial evidence in light of the whole record that there have been substantial changes to the project and/or the circumstances under which the project is undertaken, or substantial new information has arisen, and that one or more of the foregoing will result in new or substantially more severe impacts and that thus necessitate major revisions to the prior EIR and/or new mitigation measures or alternatives are now applicable; and

WHEREAS, the City issued a Notice of Preparation ("NOP") for the Draft SEIR on December 23, 2021, to each responsible agency, trustee agency, the Office of Planning and Research ("OPR"), and interested parties, including members of the public who had requested such notice; and

WHEREAS, the City held a public scoping meeting, available for remote participation via the internet, before the City's Planning Commission on January 24, 2022, to further solicit comments on the scope of the Draft SEIR; and

WHEREAS, on November 4, 2022, the City issued a Notice of Availability ("NOA") and initiated a 45-day public review and comment period of the Draft SEIR for the proposed Project and released the Draft SEIR for public review and comment; and

WHEREAS, the City also held a public meeting on November 14, 2022, before the City Planning Commission and also accessible remotely via the Zoom Teleconference video platform to receive public comments on the Draft SEIR; and

WHEREAS, pursuant to State CEQA Guidelines Section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the public review and comment period; and

WHEREAS, the analysis in the SEIR tiered from the ConnectMenlo EIR pursuant to Public Resource Code Sections 21166 and CEQA Guidelines Sections 15152, 15162, 15168, and 15183, as appropriate, and as further described in each environmental topic section in the Draft SEIR; and

WHEREAS, the City received two letters from public agencies, and 22 letters from individual members of the public during the 45-day Draft SEIR public review and comment period; and

WHEREAS, the City conducted a public hearing on the environmental analysis contained within the Draft SEIR on November 14, 2022, during which three members of the public provided comments; and

WHEREAS, the City has prepared a Final SEIR, consisting of the comments received during the 45-day public review and comment period on the Draft SEIR, written responses to those comments, and revisions to the Draft SEIR. For the purposes of this Resolution, the "SEIR" shall refer to the Draft SEIR, as revised by the Final SEIR, together with the other sections of the Final SEIR; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the Planning Commission on January 12, 2023, 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 of the City of Menlo Park (City Council) regarding the SEIR and the merits of the proposed Project; and

WHEREAS, the Planning Commission, having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to recommend to the City Council to certify the SEIR pursuant to CEQA; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Council on January 31, 2023, at which all persons interested had the opportunity to appear and comment and at which the City Council considered the SEIR and the merits of the proposed Project; and

WHEREAS, the City Council has reviewed and considered the SEIR, all staff reports pertaining to the SEIR, 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 SEIR was prepared in compliance with CEQA; and

WHEREAS, after closing the public hearing, the City Council, acting on its independent judgment and analysis, voted affirmatively to certify the SEIR pursuant to CEQA; and

WHEREAS, the City Council certifies that it has reviewed the comments received and the responses thereto and finds that the SEIR 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 SEIR reflects the City's independent judgment as the lead agency for the proposed Project and is supported by substantial evidence; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the SEIR, and all oral and written evidence presented to it during all meetings and hearings relating to the proposed Project; and

WHEREAS, the City has not received any comments or additional information that constituted substantial new information requiring recirculation of the SEIR under Public Resources Code Section 21092.1 or State CEQA Guidelines Section 15088.5; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, the SEIR identified certain potentially significant adverse effects on the environment caused by the proposed Project; and

WHEREAS, the City Council specifically finds that where more than one reason for approving the proposed Project and rejecting alternatives and suggested mitigation measures 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; and

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 proposed 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 SEIR, make the findings required by CEQA, adopt the Statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting Program (MMRP), and approve the proposed Project; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the SEIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby certifies the SEIR, makes the following findings with respect to the proposed Project's significant effects on the environment as identified in the SEIR, as required under Sections 15091, 15092, and 15093 of the CEQA Guidelines, and adopts the Statement of Overriding Considerations and the MMRP as follows:

I. Project Description

As more fully described in Chapter 3, *Project Description*, of the Draft SEIR, as clarified in Chapter 1, *Introduction*, of the Final SEIR, the Project would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing, safety, and environmental justice. General Plan amendments would also include conforming amendments to other elements of the General Plan, as needed, to ensure internal consistency. Amendments to the Housing Element would address among other things, the maintenance, preservation, improvement, and development of housing in the City. In addition, the Project would include a housing sites inventory with sufficient existing and new housing sites at appropriate densities to meet the City's RHNA requirement plus an ample buffer, and the City would modify provisions of its Zoning Ordinance, Zoning Map, and El Camino Real/Downtown Specific Plan as necessary to reflect the housing opportunity sites and land use strategies to meet the City's RHNA.

Housing Goals, Policies and Programs

The proposed Housing Element would include updated goals, policies, and programs to address the maintenance, preservation, improvement, and development of housing and to affirmatively further fair housing in the City. Proposed updates to the goals, policies, and programs in the current Housing Element were informed by a review of the implementation and effectiveness of that document, as well as updated information on demographic and economic trends, existing housing and market conditions, and special housing needs experienced by disabled persons,

elderly households, large family households, single female-headed households, and homeless persons. The proposed goals, policies, and programs were also crafted to address an updated assessment of non-governmental and governmental constraints to the development, conservation, and rehabilitation of housing in the City, and to affirmatively further fair housing.

Housing Sites Inventory

The proposed Housing Element identifies specific sites appropriate for development of housing (in particular affordable units), and the City would rezone those sites, as necessary, to meet the requirements of State law. The final housing opportunity sites inventory may be refined based on additional community input and analysis. The SEIR evaluates the effects of adding up to 4,000 new residential units within the eight-year planning period via a variety of strategies in addition to possible pipeline projects and accessory dwelling units, as described below.

Pipeline Projects

Pipeline projects are projects that were recently approved, but not yet occupied or were pending (in review) that would provide housing. Adoption of the El Camino Real/Downtown Specific Plan in 2012; adoption of the current Housing Element in 2014; and the *ConnectMenlo* General Plan Update in 2016 enabled opportunities for over 5,000 new housing units in the City. At the time the Notice of Preparation (NOP) for the SEIR was published in December 2021, there were seven major residential projects in the “pipeline” as either approved or pending housing developments that would provide approximately 3,645 new units. Per guidance from the California Department of Housing and Community Development (HCD), these units, as well as smaller projects in the City, could potentially count towards Menlo Park’s RHNA requirement since the residential units were not completed and occupied prior to June 30, 2022. For purposes of the SEIR, approved projects were considered part of the baseline, and pending projects were considered part of the Project being analyzed.

Accessory Dwelling Units

HCD allows the City to develop a projection of accessory dwelling units (ADUs) that will be built within the planning period based on average annual production between 2018 and 2020. Because Menlo Park permitted an average of 10.6 ADUs per year between 2018 and 2020, the City can anticipate development of 85 units during the 6th Cycle Housing Element planning period. These units could potentially count towards satisfying Menlo Park’s RHNA requirement.

Housing Sites Inventory Strategies

While pipeline projects are generally located on the north side of US-101, with the proposed Housing Element, additional housing sites would be geographically dispersed throughout the City, primarily located in City Council Districts 2, 3, 4, and 5—generally, the areas south of US-101. Sites would be made available for multifamily housing through a combination of rezoning, increased densities, and/or updates to the Zoning Ordinance based on the following general strategies:

- **“Re-use” of sites from the City’s current Housing Element.** The Housing Sites Inventory would reuse selected sites from the 5th Cycle Housing Element, which is ending this year, with densities to allow at least 30 dwelling units per acre (du/ac) and possibly more. Consistent with State law, sites which had been included in the 5th Cycle list but were not developed and are “re-used” would either be up-zoned (increasing allowable residential density) or would have to be zoned to allow by-right (ministerial review) development for projects that include at least 20 percent affordable units (units affordable to low and very low-income households).

- **Increase the permitted densities within the El Camino Real/Downtown Specific Plan area and modify associated development standards.** The Housing Sites Inventory would include sites in the El Camino Real/Downtown Specific Plan area. The HEU would allow at least 30 dwelling units per acre (du/ac) as the base level density, and potentially increase the maximum bonus level density to 80 dwelling units per acre depending on the location within the Specific Plan area. Bonus level development requires a developer to provide a public benefit in exchange for higher density development potential. The intent of this strategy would be to remove the existing residential cap of 680 units permitted in the Specific Plan area and to modify development standards such as height and/or parking ratios to allow greater development potential on parcels. These actions would potentially require amendments to the Specific Plan, Land Use Element, and Zoning Ordinance.
- **Modify the Affordable Housing Overlay.** The Specific Plan area and sites in the Housing Sites Inventory would be permitted to apply the Affordable Housing Overlay (AHO) in Menlo Park Municipal Code Chapter 16.98. The HEU would require the City to amend the Code to allow for densities up to 100 du/ac for 100 percent affordable housing developments (meaning 100 percent of units would be available to low and very low-income residents). This strategy could also include amendments to provide increased residential densities for mixed-income developments (market-rate units and affordable units combined) where the percentage of affordable housing exceeds the City's Below Market Rate requirement as provided in Menlo Park Municipal Code Chapter 16.96.
- **Modify Retail/Commercial Zoning Districts.** The Housing Sites Inventory would include some sites in the C-1, C-1-A, C-1-C, C-2, C-2-A, C-2-B, C-2-S, and C-4 zoning districts and would require the City to modify Code provisions regarding retail/commercial zoning districts to allow for residential uses that would allow 30 du/ac and include other potential modifications to the development standards to encourage the production of mixed-use developments (residential and non-residential uses combined).
- **Remove the minimum lot size for R-3 zoned properties located around downtown.** The Housing Sites Inventory would include some R-3 zoned sites around downtown and would require the City to modify applicable Code provisions to remove the 10,000 square-foot minimum lot size, which would allow all sites in the R-3 area downtown a residential density of up to 30 du/ac.

Other Elements of the General Plan

In addition to the amendments that would take place within the General Plan's Housing Element, a number of amendments to other elements of the General Plan would be required to fully conform those elements to changes made in the Housing Element or comply with other changes in State law.

The City is updating its Safety Element to bring it into compliance with recent changes in California General Plan law codified in Government Code Section 65302(g) and Section 65302.15. The updated Safety Element would incorporate information from the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan and the City's Climate Action Plan. The Safety Element would also be updated to:

- Provide information regarding fire hazards including wildfires, including goals, policies, objectives and implementation programs as needed.
- Identify residential developments in any hazard area identified in the Safety Element that have only one egress route.
- Include updated scientific context about historic and future climate hazards (such as flooding and drought, extreme heat events, and wildfires).
- Include a vulnerability assessment that identifies risks from climate change and is linked to goals and policies, unless this analysis can be referenced in a local hazard mitigation plan.

The City is also preparing its first Environmental Justice Element to address the issue of equity in accordance with changes in State law codified in Government Code Section 65302(h). The Environmental Justice Element would identify objectives and policies to reduce the unique or compounded health risks in “disadvantaged communities” (“Underserved Communities” within the context of the Environmental Justice Element) as defined by Section 39711 of the California Health and Safety Code. Objectives and policies would seek to reduce pollution exposure, including improvement of air quality, and promotion of public facilities, food access, safe and sanitary homes, and physical activity. Other objectives and policies would promote civic engagement in the public decision-making process and prioritize improvements and programs that address the needs of disadvantaged communities.

The City would amend its Land Use Element and General Plan Land Use Designations map as needed to reflect the Housing Sites Inventory and would make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element, Safety Element, and the new Environmental Justice Element.

II. Environmental Review Process

Under 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 an EIR. A Notice of Preparation (NOP) for the SEIR was issued by the City to the OPR State Clearinghouse and interested agencies and persons on December 23, 2021, for a 30-day review period, during which interested agencies and the public could submit comments about the proposed Project. The City also held a public scoping meeting on January 24, 2022. Comments on the NOP were received by the City and considered during preparation of the Draft SEIR.

A Notice of Availability (NOA) for the Draft SEIR was issued on November 4, 2022, and the Draft SEIR was made available for public review for a 45-day public review period through December 19, 2022. The Draft SEIR was distributed to local, regional, and State agencies, and the general public was advised of the availability of the Draft SEIR. The Draft SEIR was made available online at <http://www.menlopark.org/housingelement>. Printed copies of the Draft SEIR were available for review at the City Main Library (800 Alma Street) and the Belle Haven Branch Library (413 Ivy Drive). A public hearing was held before the Planning Commission on November 14, 2022, to receive comments on the Draft SEIR.

The Final SEIR provides responses to the comments on significant environmental issues received during the comment period of the Draft SEIR. The Draft SEIR and the responses to comments, along with the revisions to the Draft SEIR comprise the Final SEIR. The Planning Commission considered the SEIR at a duly noticed public hearing held on January 12, 2023, at the conclusion of which the Planning Commission voted affirmatively to recommend the City Council certify the SEIR pursuant to CEQA. On January 31, 2023, the City Council held a duly noticed public hearing, at which the City Council independently considered the SEIR and the Planning Commission’s recommendation.

III. Certification of the SEIR

In accordance with CEQA Guidelines Section 15090, the City, acting by and through its City Council, hereby certifies that the SEIR has been completed in compliance with CEQA and the CEQA Guidelines. The City further certifies that it has reviewed and considered the information contained in the SEIR prior to approving the proposed Project. The City further certifies that the SEIR 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 ConnectMenlo EIR;
- (b) The NOP and all other public notices issued by the City in conjunction with the Project;
- (c) The Draft SEIR for the proposed Project, dated November 2022;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft SEIR;
- (e) The Final SEIR for the proposed Project, including comments received on the Draft SEIR, responses to those comments, and the technical appendices, as well as text changes to the Draft SEIR, dated January, 2023;
- (f) The MMRP for the Project;
- (g) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the proposed 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 proposed Project, including as well all reports and other related documents prepared by the applicant and peer reviewed by the City and included in the SEIR;
- (h) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public, including the applicant, in connection with the Project;
- (i) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the proposed Project;
- (j) 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;
 - v. Federal, state and local laws and regulations; and
- (k) 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 of Fact

The following findings, including impact statements, mitigation measures, findings, and facts in support of findings, are based on the full administrative record including but not limited to the SEIR which contains a greater discussion of each issue. Pursuant to CEQA Guidelines Section 15091(a)(1), the mitigation measures will be required in the Project and avoid or substantially lessen the significant environmental effects identified in the SEIR, as described herein. In addition to the following findings of fact, the City remakes each of the findings included in Planning Commission Resolution No. _____ and City Council Resolution No. _____, which are incorporated by reference as though fully restated in these Findings.

A. Findings Regarding Impacts that would be Less Than Significant

The City finds that, based upon substantial evidence in the record, the following areas would result in impacts that have been determined to be less than significant by the SEIR. Therefore, no mitigation measures would be required for any of the following impacts:

Aesthetics

Impact AES-1: Implementation of the HEU would not have a substantial adverse effect on a scenic vista.

As with the development assessed in the *ConnectMenlo* EIR, development under the Housing Element Update (HEU) would be required to comply with applicable City policies, regulations, and development standards governing scenic quality. New development that could occur under the HEU would generally occur in areas that currently accommodate commercial/industrial uses, mixed uses, and/or multifamily housing, and other areas that are visually appropriate for increased development intensities. New development under the HEU would generally not affect areas with a high degree of scenic value, and scenic views of the Santa Cruz Mountains and San Francisco Bay would, in large part, be maintained. Potential future development Citywide would continue to be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance, as well as the relevant policies in the El Camino Real/Downtown Specific Plan and the General Plan. Finally, the identification of housing sites in the City's Housing Element does not mean housing would necessarily be developed on those sites at the planned density, as individual project applicants would be responsible for subsequent housing development. Based upon the foregoing, implementation of the HEU would not have a substantial adverse effect on a scenic vista.

Impact AES-2: Implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

The only scenic highway in Menlo Park is the approximately one-mile segment of I-280 along the City's southern boundary, the defining characteristics of which ("forest and mountain vistas, background water and mountain panoramas, and enclosed lake and mountain ridge views") are west of the highway and not within Menlo Park. Moreover, as with development assessed in the *ConnectMenlo* EIR, any future development within the I-280 viewshed would be subject to the City's existing architectural control processes and design guidelines, in accordance with the City's Zoning Ordinance, and would also have to comply with the City's General Plan. Therefore, implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact AES-3: Implementation of the HEU would not substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies, regulations, and any objective development standards governing scenic quality. New development that could occur under the HEU would generally be in areas that currently accommodate commercial/industrial uses, mixed uses, and/or multifamily housing, and other areas that are visually appropriate for increased

development intensities. Moreover, change in the existing setting does not necessarily equate to degradation of the visual character and overall quality of the site and surroundings. New development under the HEU would generally not affect areas with a high degree of scenic value, and would be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance. Based on the foregoing, implementation of the HEU would not substantially degrade the existing visual character or quality of public views or conflict with applicable zoning and other regulations governing scenic quality.

Impact AES-4: Implementation of the HEU would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies and development standards designed to minimize adverse light and glare. New development that could occur under the HEU would generally occur in areas that currently accommodate commercial/industrial uses, mixed uses, multifamily housing, and/or other areas that are visually appropriate for increased development intensities. As discussed in the *ConnectMenlo* EIR, potential future development Citywide would be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance. In addition, development under the HEU would incorporate best management practices that require lighting that is context sensitive in style and intensity required under the California Green Building Standards Code of the California Code of Regulations, Title 24, Part 11. Therefore, implementation of the HEU would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impact AES-5: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to aesthetics.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be subject to General Plan policies and Municipal Code provisions related to aesthetics, including potential project-level design review requirements. With these development review mechanisms in place, future development under the HEU would not be anticipated to create substantial impacts to visual resources. Therefore, implementation of the HEU would not result in aesthetic effects that would be cumulatively considerable.

Air Quality

Impact AQ-1: Implementation of the HEU would not conflict with or obstruct implementation of the applicable air quality plan.

The majority of the 85 control measures in the 2017 California Clean Air Plan fall under the implementation responsibility of the Bay Area Air Quality Management District (BAAQMD) and would not be directly applicable to the development pursuant to the HEU. However, construction of dense multifamily housing under the HEU, with many units proximate to transit and/or bicycle/pedestrian facilities, would support the implementation of transportation-, energy-, building-, waste-, and water conservation-related control measures. Therefore, as was the case

with the *ConnectMenlo* EIR, the SEIR found the HEU would not conflict with or obstruct implementation of the applicable Clean Air Plan.

Impact AQ-4: Implementation of the HEU would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

During construction of the developments that may occur as a result of the HEU, the use of diesel-powered vehicles and equipment could temporarily generate localized odors; however, these odors would cease upon completion of construction, and would therefore not result in a significant odor impact. The BAAQMD CEQA Guidelines identify land uses that have the potential to generate odor impacts and complaints, including wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. Development under the HEU would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, like the *ConnectMenlo* EIR, the SEIR found the HEU would not result in odors adversely affecting a substantial number of people.

Impact AQ-5: Implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter (PM_{2.5}) and TACs under cumulative conditions.

Both cumulative traffic volumes in the 2040 No Project condition and HEU-related traffic will incrementally increase the existing roadway emissions and health risks, resulting in a cumulatively significant impact. However, given that the vast majority of the cumulative impact is from existing sources, that an extremely small percentage of the total risk would be attributed to the HEU, and that the HEU's risks would be below project-level significance thresholds with mitigation, the Project's contribution to the cumulative impact would not be considerable, and therefore implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter (PM_{2.5}) and TACs under cumulative conditions.

Impact AQ-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not combine with other sources of odors that would adversely affect a substantial number of people.

Impact AQ-4 describes the potential of odorous emissions from the HEU. Development under the HEU would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, operation the HEU would not generate odors and there is no potential for the HEU to combine with cumulative projects to result in a significant cumulative odor impact, as there are no major sources of odors in the vicinity. Therefore, the HEU would not combine with other sources of odors to adversely affect a substantial number of people.

Biological Resources

Impact BIO-5: Implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

As with the *ConnectMenlo* project, adoption of the HEU would also include amendments to the General Plan and the Zoning Ordinance to maintain internal consistency with the General Plan.

The same established regulatory requirements would also apply. As such, implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Energy

Preparation of the 2016 *ConnectMenlo* EIR predated the inclusion of energy as a topic in Appendix G of the CEQA Guidelines. Therefore, the analysis in the SEIR was largely additional to the analysis in the *ConnectMenlo* EIR.

Impact EN-1: Implementation of the HEU would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation.

Construction and operation of the housing facilitated by the HEU and rezoning of parcels to allow for greater densities than currently allowed within the City would increase energy consumption within the City, including for construction (fuel for construction vehicles) and operation of subsequent projects (fuel for motor vehicles and electricity and natural gas for building operations, with natural gas use anticipated to be less than historic levels due to increasing limitations on its use). However, with compliance with current regulations energy use associated with the construction and operation of housing facilitated by the HEU would not be considered unnecessary, inefficient, or wasteful.

Impact EN-2: Implementation of the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Construction energy use by development pursuant to the HEU would be subject to California's In-Use Off-Road Diesel Vehicle Regulation and Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and federal fuel requirements for stationary equipment. Operational energy use would be subject to the California Building Standards Code (Title 24 of the California Code of Regulations), which is updated every three years and which is likely to require increasingly efficient energy use. The state's Renewable Power Standard will also increase the use of renewable resources for energy generation. Additionally, development would be subject to energy policies and standards in the Menlo Park General Plan and the City's Reach Codes. These requirements would increase onsite energy generation, decrease the amount of energy required for building operation, and ensure that building energy use related to development facilitated by the HEU would not be inefficient or wasteful and would comply with applicable regulations and energy efficiency goals. As development under the HEU would be required to implement the regulatory requirements discussed above, construction and operation of housing facilitated by the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Impact EN-3: Implementation of the HEU, in conjunction with cumulative development in the City, would not result in energy use that would be considered wasteful and unnecessary, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency under cumulative conditions.

The HEU, in conjunction with cumulative development in the City, would increase housing in an already developed area and result in increased energy consumption. However, cumulative development would be subject to the same energy regulations and policies as would development pursuant to the HEU. Given this, future development, including development

facilitated by the HEU, would not result in significant environmental impacts from the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation; and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Geology and Paleontological Resources

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the required geotechnical testing of geotechnical conditions at building sites and the development of geotechnical recommendations to address seismic shaking and seismic-induced ground failures would ensure structures are designed to withstand seismic shaking and seismic-induced ground failures. Future development allowed by the HEU would likewise require compliance with the numerous laws and regulations governing housing development, as part of the City's project approval process. Accordingly, development pursuant to the HEU would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading.

Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.

The *ConnectMenlo* EIR determined that compliance with the existing legal and regulatory framework governing construction activities and erosion control would prevent substantial soil erosion or the loss of topsoil. Development pursuant to the HEU would be subject to the same regulatory framework, as currently in force, and would therefore likewise not result in substantial soil erosion or the loss of topsoil.

Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse.

The *ConnectMenlo* EIR determined that compliance with existing laws, regulations, and policies governing geotechnical conditions at building sites would ensure that unstable geologic and soil units are either removed, treated, or designed to address unstable geologic and soils units. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.

Impact GEO-4: The project would not be located on expansive soil creating direct or indirect substantial risks to life or property.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies governing geotechnical conditions at building sites would ensure that expansive soils are either removed or treated to avoid potential damage from expansive soils. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not be located on expansive soil creating direct or indirect substantial risks to life or property.

Hazards and Hazardous Materials

Impact HAZ-1: Implementation of the HEU would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the routine use or accidental release of hazardous materials. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials.

Impact HAZ-2: Implementation of the HEU would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact HAZ-4: Implementation of the HEU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (*Less than Significant*)

The *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan because potential land use changes would not impair or physically interfere with the ability to implement the City's Emergency Operations Plan. Moreover, General Plan policies require local planning and development decisions to consider impacts related to adopted emergency response plan(s). Development pursuant to the HEU would be subject to the same policy framework and land use changes proposed under the HEU would likewise not impair or physically interfere with the ability to implement the City's Emergency Operations Plan.

Impact HAZ-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to hazards and hazardous materials.

Because construction activities and operational requirements for all cumulative development would be subject to the same regulatory requirements as would development pursuant to the HEU, there would be no cumulatively significant effects related to hazards or hazardous materials, and implementation of the HEU would therefore not contribute considerably to any cumulative hazards impacts.

Hydrology and Water Quality

Impact HYDRO-1: Implementation of the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The *ConnectMenlo* EIR determined that regulatory controls, combined with implementation of site design, source control, and treatment control measures required for new development or redevelopment projects would ensure the protection of water quality. Development pursuant to the HEU would be subject to the same regulatory framework, including stormwater pollution prevention controls and required best management practices during construction, and compliance with National Pollution Discharge Elimination System (NPDES) requirements during operation of subsequent projects. Moreover, subsequent projects must include a stormwater management plan and include Low Impact Development design measures. Accordingly, as with the *ConnectMenlo* EIR, development pursuant to the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Impact HYDRO-2: Implementation of the HEU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable management of the groundwater basin.

The *ConnectMenlo* EIR concluded that implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that a net deficit in aquifer volume or a lowering of the local groundwater table level would occur. Inasmuch as the City of Menlo Park is not reliant upon groundwater for its water supply, and because construction activities would rely at least in part on recycled water, construction activities would not substantially decrease groundwater supplies. With respect to operational water use by subsequent developments, while the City does not rely on groundwater, it does have an emergency water supply well and plans to construct an emergency additional well. While drought frequency and severity could result in curtailments of regional water supplies and thus potential use of emergency well(s), the San Mateo Groundwater subbasin has relatively stable groundwater levels, and long-term depletion of groundwater is not anticipated even with emergency pumping as needed because the Basin is stable and groundwater recharge balances extractions. Therefore, implementation of the HEU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that sustainable groundwater management would be impeded.

Impact HYDRO-3: Implementation of the HEU would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or offsite; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.

The *ConnectMenlo* EIR concluded that development consistent with the Menlo Park General Plan would not require extensive expansions of the existing stormwater drainage infrastructure, because most of the sites would either be infill projects or located within existing storm drainage systems and because the development would be subject to City requirements for no net increase in stormwater flow rates. In addition, the EIR determined that such development would be required to implement landscaping features that provide on-site infiltration of stormwater runoff. Compliance with construction stormwater laws and regulations, and with Municipal Code stormwater pollution controls would ensure that development pursuant to the HEU would likewise not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in significant adverse effects related to erosion, runoff, or flooding.

Impact HYDRO-4: Implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation.

Inundation across portions of Menlo Park could occur in the event of localized flooding or regionally in the event of a dam failure. However, potential housing opportunity and land use strategy sites associated with the HEU would be subject to local controls applicable to development within flood zones, which would reduce potential impacts. In terms of the potential for dam failure, development sites identified in the HEU are unlikely to be subject to risks resulting therefrom, because of the location of such sites. Accordingly, implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation.

Impact HYDRO-5: Implementation of the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The *ConnectMenlo* EIR concluded that future development, as part of the City's approval process would be required to comply with existing federal, State, and local regulations with respect to water quality, and implement stormwater best management practices (BMPs) to prevent the introduction of pollutants to stormwater. Development pursuant to the HEU would be subject to numerous regulatory controls that limit unauthorized discharges. Moreover, the San Mateo Plain Groundwater Basin is not an adjudicated basin nor identified as a medium or high priority groundwater basin. Menlo Park water providers have adopted water shortage contingency plans, which contain mandates for water conservation and specific use limits that the Project would be subject to in dry years (or years of prolonged drought). Given the foregoing, implementation of the HEU would not conflict with a water quality control sustainable groundwater management plan.

Impact HYDRO-6: Implementation of the HEU, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality.

As noted above, Menlo Park is not in a medium- or high-priority groundwater basin or one that is in condition of overdraft, and the City does not rely on groundwater. Although the HEU and other recently constructed and reasonably foreseeable future projects would place demands on potable water, these demands would not result in cumulatively considerable groundwater supply impacts. Cumulative development would be subject to the same conditions and to the same regional and local stormwater management guidelines and requirements. Therefore, when considered in the cumulative context, implementation of the HEU, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality.

Land Use and Planning

Impact LU-1: Implementation of the HEU would not physically divide an established community.

The *ConnectMenlo* EIR found that the project would not physically divide an established community. Implementation of the HEU would provide for the development of additional housing units in the City, although it is not necessarily the case that housing development would occur on all sites identified, at the densities identified, in the HEU. As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed, nor does the HEU propose any roadways that would divide the City or isolate individual neighborhoods it. Accordingly, implementation of the HEU would not physically divide an established community.

Impact LU-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to land use and planning.

The *ConnectMenlo* EIR evaluated cumulative effects related to land use to take into account growth projected by the project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Mateo County and the surrounding region, and found that effects would be less than significant. Cumulative development under the HEU would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed. Moreover, development pursuant to the HEU would be consistent with the General Plan and Zoning Ordinance, as would cumulative development. For these reasons, there would be no cumulative impacts related to conflict with local land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Noise

Impact NOI-2: Stationary noise sources from development within the HEU area would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The *ConnectMenlo* EIR found that the project would have a potential adverse effect with respect to future projects in Menlo Park resulting in noise that could exceed noise limits required under the City's regulations. The *ConnectMenlo* EIR identified Mitigation Measure NOISE-1b to require stationary noise sources, and landscaping and maintenance activities to comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code. The type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. However, compliance with Municipal Code requirements for mechanical equipment and screening would ensure that stationary noise sources would not exceed established standards.

Impact NOI-3: Implementation of the HEU would not result in generation of excessive groundborne vibration or groundborne noise levels.

The *ConnectMenlo* EIR found that future projects in Menlo Park could result in the potential for architectural damage Citywide as a result of construction-generated vibration. The EIR identified Mitigation Measure NOISE-2a to require the project applicant/developer to prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts for any development project requiring pile driving or blasting. The *ConnectMenlo* EIR also identified Mitigation Measure Noise-2b to locate sensitive receptors away from vibration sources. However, impact of the environment on the project is no longer an impact under CEQA as of 2015. Future construction activities could occur under the proposed HEU which could have the potential to expose sensitive land uses within the City to groundborne vibration. Since specific future projects within the City are unknown at this time, it is conservatively assumed that the construction areas associated with these future projects could be located within 50 feet of sensitive land uses. Typical vibration levels produced by construction equipment would be below the threshold of 0.25 PPV to avoid structural damage to historic and older buildings. Project-related construction and operational groundborne vibration impacts associated with development under the HEU would not exceed building damage thresholds.

Impact NOI-4: Transportation increases along roadways under the HEU would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project.

The *ConnectMenlo* EIR found that with development of future projects in Menlo Park, there would be no roadway segments that would experience a substantial permanent increase in ambient noise levels and that, therefore, operational traffic noise impacts would be less than significant. Vehicular traffic noise increases associated with the proposed HEU would result in roadside noise level increases of less than 1 dBA along all roadways analyzed. Therefore, adoption of the HEU would not result in a substantial permanent increase in ambient noise levels.

Impact NOI-5: Implementation of the HEU would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.

The *ConnectMenlo* EIR found that development of future projects in Menlo Park would not result in exposure to excessive aircraft noise levels and the impact would be less than significant. Although a small portion of Menlo Park falls within two miles of the Palo Alto Airport, this area is not covered by the airport's influence area, nor is it within the airport's 55 dB noise contour. The Palo Alto Airport Comprehensive Land Use Plan (CLUP) indicates that the existing 60 dBA CNEL noise contour of Palo Alto Airport extends about 500 feet west of and out along the extended runway center line to about 2,300 feet northwest of Bay Road in East Palo Alto in San Mateo County. Therefore, aircraft operations of the Palo Alto Airport would not impact the potential occupants of any of the prospective housing opportunity sites and land use strategy sites of the HEU.

Impact NOI-7: Stationary noise sources from development within the HEU area, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Development that could occur with implementation of the HEU and the cumulative development could result in stationary source noise levels higher than those of development of the HEU alone at some receptor locations. At the present time, the type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. However, compliance with the Municipal Code requirements for roof-mounted equipment and screening would apply to the cumulative development. Cumulative impacts related to substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance would be less than significant.

Impact NOI-8: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels.

Development that could occur with implementation of the HEU and the cumulative development could be constructed contemporaneously. With regard to the potential for a cumulative vibration-related damage impact to occur, because vibration impacts are based on instantaneous PPV levels, worst-case groundborne vibration levels from construction are generally determined by whichever individual piece of equipment generates the highest vibration levels. Vibration from multiple construction sites, even if they are located close to one another, would not combine to raise the maximum PPV. Therefore, the cumulative impact of construction vibration from multiple construction projects located near one another would generally not combine to further increase vibration levels. Vibration impacts resulting from construction of subsequent projects under the HEU would not combine with vibration effects from cumulative projects in the vicinity. Therefore, cumulative groundborne vibration impacts related to potential damage effects and interference with vibration-sensitive equipment would be less than significant.

Impact NOI-9: Transportation activities under the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project and cumulative development.

Development that could occur with implementation of the HEU and the cumulative development could result in increased roadside noise levels generated by an increase in roadway traffic. Vehicular traffic noise increases associated with the proposed HEU inclusive of projected development in the cumulative year 2040 would result in roadside noise level increases of less than 2 dBA. Therefore, the cumulative increase in roadside noise levels would be less than significant.

Population and Housing

Impact PH-1: Implementation of the HEU would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

The *ConnectMenlo* EIR found that the project would not induce substantial population growth. With respect to extension of roads and other infrastructure, the EIR noted that the City is largely built out and is already well served by utility and transportation infrastructure. Future development would be infill development and would be concentrated on sites previously identified for development. Any necessary improvements to the existing infrastructure would be made to accommodate the proposed new development and would not accommodate additional growth beyond that need that would lead to additional growth outside of the already urbanized areas of the City. These same findings apply to implementation of the HEU. Implementation of the HEU would provide for the development of up to 4,000 new housing units in the City via a variety of strategies in addition to pending projects and accessory dwelling unit production. In doing so, the Housing Element would be updated to identify specific sites for multifamily housing, including the HEU housing opportunity sites and land use strategy sites. In addition, the Land Use Element of the General Plan would be amended to update applicable land use designations if/as needed to reflect the housing sites, and the sites would be rezoned if necessary to allow greater residential densities than are currently allowed. If all sites were developed at the planned densities to accommodate the 4,000 new units, pending projects, and ADUs, the population of the City would increase by approximately 17,522 persons, based on a ratio of 2.57 persons per household. As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be infill in nature and would not require extension of services to previously undeveloped areas. Any upsizing or improvement to existing infrastructure would be designed to serve only the planned housing and would not enable growth or facilitate unplanned growth beyond that housing. Based upon each of these considerations, implementation of the HEU would not directly or indirectly induce unplanned population growth to the area, and the impact would therefore be less than significant.

Impact PH-2: Implementation of the HEU would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The *ConnectMenlo* EIR found that the project would not displace substantial numbers of people that could require the construction of replacement housing elsewhere. This was based on the fact that no new nonresidential land use designations proposed under the project were located on sites where residential land uses currently exist, and housing was proposed as part of the project to address local and regional housing needs. Thus, no displacement of existing housing units would occur. These same findings from the *ConnectMenlo* EIR apply to implementation of the HEU. Much of the developable area of the City is already developed, and nearly all of the parcels identified for upzoning as part of the HEU are already developed with some sort of use, typically office or commercial. The City's General Plan contains a number of policies to limit the conversion of existing residential areas to non-residential uses. The HEU would support General Plan policies LU-2.7, H4.1, H4.8, and H-4.12, in that the HEU would not redesignate or rezone an existing residential area to a nonresidential use. In general, the HEU would generally upzone existing sites to accommodate more housing. Therefore, there would be no conversion of housing uses to non-housing uses and residential displacements would not occur. Ultimately, the number of housing units in the City would increase and would address the region's housing needs. As such, the effect would generally be beneficial in nature, and the impact would be less than significant.

Impact PH-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to create a significant impact to population and housing.

The *ConnectMenlo* EIR evaluated cumulative effects to take into account growth projected by the proposed project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Mateo County and the surrounding region, as forecast by ABAG. The EIR found that the project's impact would be significant and unavoidable based on the misalignment between the proposed project and the regional growth projections that were then in effect. The EIR conservatively determined that until the regional projections were updated, the project's impacts related to exceeding regional growth without adequate regional planning would be significant, and that there were no available mitigation measures to reduce the impact. This same finding is *not* applicable to the HEU, since the HEU itself is being prepared in response to ABAG's RHNA plan. When growth planned for in the HEU is combined with other growth projected to occur in the City, there would be a total of 24,829 dwelling units, and 63,810 residents in Menlo Park by the year 2040 (the year used for analysis in the *ConnectMenlo* EIR). This would represent an increase of 9,365 dwelling units and 23,372 people from the 2021 baseline and would exceed the projection of households and population for the City of Menlo Park in *Plan Bay Area 2040*. However, the complete build-out of the HEU in the timeframe of the housing element and this analysis represents a conservative assumption. The potential population and housing growth provided for in the HEU would conform to the ABAG RHNA Plan and would conform to the City's zoning code and General Plan, as amended, and would thus constitute "planned growth." The HEU would not redesignate or rezone an existing residential area to a nonresidential use. The number of housing units in the City and the region would increase and would address the region's housing needs, particularly as the number of jobs in the region also increases. Based upon each of the above considerations, implementation of the HEU would not be cumulatively considerable, and the impact would be less than significant.

Public Services

Impact PS-1: Implementation of the HEU would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts.

The *ConnectMenlo* EIR found that the project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts. The EIR concluded that compliance with existing regulations, payment of impact fees and taxes, and compliance with environmental requirements would ensure that the overall impact would be less than significant. These same findings apply to implementation of the HEU. The HEU would provide for development of up to 4,000 new residential units in the City, in addition to pending projects and accessory dwelling unit production, for a potential population increase of 17,522 new residents in the City, and increased daytime employment in the City, which would require fire protection and emergency medical services. Therefore, the HEU is expected to increase fire and medical calls from new Menlo Park residents and the onsite employees. The extent to which any additional fire facility expansion and upgrades to existing water lines could be required, and where, is currently unknown and would be dependent upon the actual location of additional development that could result from the HEU's implementation. Development under the HEU is anticipated to occur incrementally over many years and would be subject to existing City and MPFPD policies and procedures to address and respond to increased facilities needs as appropriate. Any actual construction of fire facility and water line upgrades that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. As such, implementation of the HEU would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered fire and emergency service facilities in order to maintain acceptable service ratios, response times, or other performance objectives. This finding is consistent with that found in the *ConnectMenlo* EIR. Impacts related to fire services would therefore be less than significant.

Impact PS-2: Implementation of the HEU would not result in an increase in demand for police protection services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts.

The *ConnectMenlo* EIR thus found that any impacts associated with provision of additional police facilities would be less than significant. These same findings apply to implementation of the HEU. For buildout of the *ConnectMenlo* project, the MPPD indicated that it would need to hire an additional 17 sworn officers and purchase commensurate equipment for those officers to accommodate the level of growth projected from *ConnectMenlo* and to maintain the Department's 2015 staffing ratio. The total sworn officer requirements of the HEU (66 projected total sworn officers to meet the current 0.9 officers to 1,000-person service population) could be accommodated using existing facilities, although this would likely push the capacity limits of the current facility footprint. Since no concrete plans are currently available for any of the police facility upgrades that might be required at some future time if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and

respond to increased facilities needs as appropriate. This finding is consistent with that found in the *ConnectMenlo* EIR. Impacts related to police services would therefore be less than significant.

Impact PS-3: Implementation of the HEU would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts.

The EIR determined that since future development under the *ConnectMenlo* project would occur incrementally over the 24-year buildout horizon and, in compliance with SB 50, all developments would be subject to development impact fees and future school facilities construction would require its own environmental review. Accordingly, the EIR found that impacts to school facilities would be less than significant. This same finding applies to implementation of the HEU, even if development were to occur at a faster pace than that assumed for *ConnectMenlo*. Population growth under the HEU at full build-out would occur in many areas of the City, and potential HEU housing sites are scattered throughout each of the school districts that serve the City's residents. Implementation of the HEU would result in a direct increase in demand for school facilities through its provision of residential units throughout the City. The HEU would generate additional students within Menlo Park that would result in exceedances of school capacities within the Menlo Park CSD and Menlo-Atherton High School. However, projects constructed under the HEU would likely unfold over many years and would be subject to SB 50 school impact fee requirements, providing a mechanism to support this demand. Section 65996 of the State Government Code states that the payment of school impact fees constitutes full and complete mitigation for school impacts from development. Since no concrete plans are currently available for any of the school facility upgrades that might be required if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. As a result, the impacts related to schools would be less than significant.

Impact PS-4: Implementation of the HEU would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The *ConnectMenlo* EIR determined that additional parkland would not be required to serve the additional residents that would be generated by the project, and that the impact would therefore be less than significant. The HEU would increase the City's population by approximately 17,522 persons, for a total population of 57,960 persons. To meet the City's standard of 5 acres of parkland for each 1,000 residents, the amount of parkland required would be approximately 290 acres, or approximately 45 acres beyond that currently available. Full buildout of the HEU, however, would likely occur incrementally over many years, and some of the development projects undertaken as part of the HEU's implementation would likely include parks and recreational facilities as part of their own development. New developments would be required to pay fees towards recreational facilities, as prescribed in the Quimby Act, should they be required. Since no definitive plans are available for any recreational facilities that might be required if the HEU is implemented, it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only

result in localized impacts. It is not anticipated that the increase in the residential population would adversely affect park and recreational facilities through overuse, since the increased use of these facilities would be spread across existing facilities Citywide. For this reason, the HEU would not cause or accelerate the physical deterioration of existing neighborhood and regional parks or other recreational facilities. Based upon each of these considerations, impacts to park and recreational facilities would be less than significant.

Impact PS-5: Implementation of the HEU would not result in substantial adverse impacts associated with the provision of or the need for new or physically altered library facilities.

The *ConnectMenlo EIR* determined that future development under the project would be required to comply with existing regulation, including General Plan policies prepared to minimize impacts related to library services. Accordingly, the EIR determined that impacts to library services would be less than significant. These same findings apply to implementation of the HEU. Like *ConnectMenlo*, the HEU would introduce an increased residential population that would use the City's library resources. The HEU would increase the City's population by approximately 17,552 persons, for a total population of 57,960 persons. The Menlo Park Library assesses service needs through user surveys and by monitoring collection use, collecting direct user feedback on programs and services, and comparing services provided to those of other local libraries as well as library best practices. The Library System Improvement Project would expand Menlo Park's library capacity substantially. Further, projects constructed under the HEU would likely unfold incrementally over many years. While it is possible that the population increases associated with the HEU during that time could require expansion or construction of new library facilities, no concrete plans are currently available, and it is not possible to speculate as to the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. Based upon these considerations, the HEU's impacts to library services would be less than significant.

Impact PS-6: The HEU, combined with cumulative development in the vicinity and Citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental or park facilities, construction of which could have significant physical environmental impacts.

The *ConnectMenlo EIR* determined that ongoing compliance with state and local laws, including the payment of developer fees and mandatory school impact fees to provide adequate services to its service area, would minimize impacts related to public services. Furthermore, any future expansion of fire, police, library, and parks and recreational facilities would require permitting and review in accordance with CEQA, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Thus, cumulative impacts to public service facilities were determined to be less than significant. The HEU, in combination with cumulative projects would increase demand on fire, police, library, and parks and recreational facilities and services. The extent to which any additional expansion could be required, and where, is currently unknown and would be dependent upon the actual location of additional development that could result from the HEU's implementation and cumulative growth within the service area. Since no plans are available for any of the fire, police, library, and parks and recreational facility upgrades that might be required, it is not possible to speculate on the level of environmental impacts that could occur. Regardless, any actual construction that could be

proposed in the future would be required to undergo a separate environmental review process, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Further, impacts associated with construction of new or expanded facilities would tend to be localized. As such, implementation of the HEU, together with other cumulative growth that could occur concurrently, would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered government of park facilities. Cumulative impacts to public service and recreation facilities caused by increased residential development and employment in the City would be offset by payment of standard fees, compliance with existing policies and regulations, and required environmental review for facility improvement projects if and when the need for such improvements is identified. This finding is consistent with that found in the *ConnectMenlo* EIR. Cumulative impacts related to fire services would therefore be less than significant.

Transportation

Impact TRANS-3: Implementation of the HEU would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.

Subsequent projects under the HEU, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are already developed where impacts related to incompatible traffic related land uses would not likely occur. Therefore, the HEU would result in a less than significant impact to transportation hazards.

Impact TRANS-4: Implementation of the HEU would not result in inadequate emergency access to development sites.

There are no specific development projects associated with the HEU; and thus, specific housing sites developed under the HEU cannot be analyzed for their adequacy of emergency access at this time. *ConnectMenlo* and other City standards and regulations include policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur. Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans that include use of alternate routes, sirens and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on the above considerations, adequate emergency access would be provided to new development sites, and the impact would be less than significant.

Impact TRANS-7: Implementation of the HEU, in combination with cumulative development, would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.

Subsequent projects under the HEU or the buildout of the upzoned areas, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are already developed where impacts related to incompatible traffic related land uses would not likely occur. Therefore, the HEU would result in a less than significant cumulative impact to transportation hazards.

Impact TRANS-8: Implementation of the HEU, in combination with cumulative development, would not result in inadequate emergency access to development sites.

There are no specific development projects associated with the HEU. Therefore, specific housing sites developed under the HEU or the buildout of the upzoned areas cannot be analyzed for adequacy of emergency access at this time. *ConnectMenlo* and other City standards and regulations includes policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur. Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on these considerations, adequate emergency access would be provided to new development sites, and the cumulative impact would be less than significant.

Utilities and Service Systems

Impact UT-1: Implementation of the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects.

The *ConnectMenlo* EIR found that impacts related to the construction or relocation of utilities were less than significant as it is expected that the City will implement General Plan programs that require expansion of the MPMW's conservation programs and future development to employ green building best practices. These same findings apply to implementation of the HEU, as discussed below.

Water

Treatment

Under the HEU, the increase in demand (i.e., about 1.5 mgd) would not be considered a significant increase for the SFPUC system, which can treat approximately 615 mgd with the combined capacity of its three WTPs. Any surface water demanded by development under the HEU would be treated by Cal Water's Bear Gulch District's WTP, which has a capacity of 6.0 mgd. Any increase in water demand associated with the HEU would be offset with purchased water, and thus expansion of the Bear Gulch District's WTP to serve the development under the HEU would not be required. Sufficient capacity exists to treat purchased and surface water

demanded by development allowed under the HEU, and no new or expanded water treatment facilities would be required.

Conveyance

Development allowed under the HEU would be required to comply with the applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of water requiring treatment and conveyance. Larger residential development projects (500 or more units) would be required to coordinate with the City and either the MPMW or Cal Water's Bear Gulch District to address water-flow requirements through the subdivision mapping process to ensure that existing and proposed water delivery infrastructure would be adequate for each project.

Wastewater

Treatment

Wastewater generated by development allowed under the HEU would be treated at the SVCW WWTP. The HEU's 1.35 mgd increase in wastewater generation would not be significant relative to the currently available excess dry-weather and wet weather design flow capacities of the WWTP. Thus, wastewater flows associated with the HEU represent a very small percentage of the total daily wastewater capacities of the SVCW WWTP.

Conveyance

As discussed in the *ConnectMenlo* EIR, the design and planning of operation, maintenance, and capital improvements to the WBSD collection system is expected to continue in the future, independent of the proposed project. Future development allowed under the HEU would be required to connect to the existing WBSD conveyance system. As discussed in the *ConnectMenlo* EIR, potential construction-related impacts from such project-level improvements would be evaluated during project-level analysis, as needed. In addition, future development allowed under the HEU would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of wastewater requiring treatment and conveyance. Finally, individual development projects would be required to coordinate with the City and WBSD to address wastewater-flow requirements through the development approval and review process to ensure that existing and proposed wastewater conveyance infrastructure would be adequate for each project.

Storm Drain

Development allowed under the HEU could result in an increase in impervious surface area on individual project sites, and thus would increase the amount of stormwater runoff. However, the new development would be located on parcels that are already developed or otherwise covered by impervious surfaces. As a result, post-development runoff rates would not be significantly different than pre-development runoff rates. Furthermore, projects that create or replace 10,000 square feet of more of impervious surface area would be required to prepare a stormwater control plan to comply with C.3 provisions of the MRP to ensure that post-development runoff rates do not exceed pre-development rates and durations. Finally, regulated projects for which building or grading permits are issued (after January 1, 2016) must include LID-based design measures for stormwater capture and pretreatment.

Summary

Development allowed under the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects beyond the construction impacts discussed throughout the SEIR (e.g., refer to Section 4.4, *Air Quality*; Section 4.9, *Hydrology and Water Quality*; and Section 4.11, *Noise and Vibration*). At the project level, environmental impacts from construction of new or expanded water, wastewater, storm drain, electricity and natural gas, and telecommunications facilities deemed necessary through the planning process would be addressed in the CEQA review conducted by the lead agency for such facility expansion or development, as required. Therefore, a detailed evaluation of the possible environmental effects of future expansion/ development of such facilities would be speculative and beyond the scope of the SEIR. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to construction or relocation of utilities would therefore be less than significant.

Impact UT-2: Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

The *ConnectMenlo* EIR found that impacts related to water supply were less than significant as water supply would be adequate to serve existing and future needs during a normal year and water shortages could be managed through demand reductions during single and multiple dry years. In addition, future development would be required to comply with existing regulations, including City General Plan policies and zoning requirements, to minimize impacts related to water supplies. These same findings apply to implementation of the HEU. Development allowed under the HEU would result in an increase in City-wide population and thus an increase in demand for water. The land use changes proposed in the HEU would create a net yearly increase in water demand of 670 acre-feet per year (AFY). The Updated 2040 Cumulative Growth Build Out scenario is calculated to be 715 AFY (without deducting water demand by existing uses on the housing sites that will be replaced under the HEU). The Water Supply Assessment prepared for the proposed HEU relied on water supply planning information contained in 2020 Urban Water Management Plans of Menlo Park Municipal Water (MPMW) and California Water Service's (Cal Water's) Bear Gulch District, and determined that adequate water supplies would be available during normal or above-normal precipitation (years of normal supply) to meet projected demand through 2040 and 2045. With respect to single dry and multiple dry years, projections indicated that without the Bay-Delta Plan Amendment being implemented, the San Francisco Public Utilities Commission (SFPUC), as wholesale supplier, would be able to supply 100 percent of projected regional demand in all year types through 2045, except for the 4th and 5th consecutive dry year in 2045, during which 90 percent of projected regional demand (85 percent of the wholesale demands) would be met. However, substantial water supply shortfalls are currently projected in single dry years and with increasing shortfalls in multiple dry years if the Bay-Delta Plan Amendment is implemented as adopted. Numerous uncertainties regarding Bay-Delta Plan Amendment implementation remain, and thus this represents a worst-case water supply scenario in which the Bay-Delta Plan Amendment is implemented. Under this worst-case scenario, insufficient supplies are expected and this would be a potentially significant impact under single dry and multiple dry year scenarios. MPMW, Cal Water Bear Gulch District, SFPUC, and the Bay Area Water Supply and Conservation Agency have developed strategies and actions to address the projected dry year

supply shortfalls. Implementation of the Water Supply Improvement Program adopted by the SFPUC is expected to mitigate impacts of the implementation of the Bay-Delta Plan Amendment. Other strategies include implementation of the Alternative Water Supply Program (surface water storage expansion, recycled water expansion, water transfers, desalination, and potable reuse), local strategies and actions, water demand reductions and conservation savings, demand management measures, and dry-year shortage and demand reduction. While water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the water shortage contingency plans by MPMW and Cal Water's Bear Gulch District. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies. While results of the previously mentioned projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, demand management measures (DMMs) and implementation of the water storage contingency plans (WSCPs) by MPMW and Cal Water's Bear Gulch District would further reduce demand to meet the water supply shortage. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to water supply would therefore be less than significant.

Impact UT-3: Implementation of the HEU would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

The *ConnectMenlo* EIR found that impacts related to wastewater capacity would be less than significant as all future development under *ConnectMenlo* is expected to tie into existing collection facilities, and thus would have to comply with applicable sewer permits, which require that projects reduce impacts on sewer capacity. In addition, the EIR found that all future projects would be required to comply with existing regulations that promote water conservation and minimize impacts related to wastewater generation. These same findings apply to implementation of the HEU. Under the HEU the estimated increase in wastewater generation would be approximately 1.35 mgd. As reported by the RWQCB, from October 2012 through August 2017, the WWTP treated an average of 13.5 mgd, with a maximum instantaneous flow of 50 mgd, which are well within the 29 mgd average dry-weather design flow and 71 mgd peak wet-weather design flow. The HEU's 1.35 mgd increase in wastewater generation would not be significant relative to the currently available excess dry-weather and wet weather design flow capacities. In addition, future development allowed under the HEU would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of wastewater requiring treatment and conveyance. The SVCW has adequate capacity to serve development allowed under the HEU in addition to its existing commitments. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to wastewater generation would therefore be less than significant.

Impact UT-4: Implementation of the HEU would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

The *ConnectMenlo* EIR found that impacts related to solid waste generation would be less than significant as all future development under *ConnectMenlo* would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals. These same findings apply to implementation of the HEU. Development allowed under the HEU would be required to comply with the City's Construction and Demolition Recycling Ordinance, which calls for salvage or recycling at least 60 percent of construction-related solid waste through recycling, reuse, salvage, or other diversion programs. Construction allowed under the HEU would not generate solid waste in excess of local landfill capacity. The estimated amount of solid waste generated during operation of development allowed under the HEU would represent approximately one percent of the daily capacity (3,598 tons per day) of the Ox Mountain landfill. In addition, development allowed under the HEU would be required to comply with the applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote recycling and solid waste reduction and diversion, thus reducing the amount of solid waste requiring processing and disposal. Therefore, operation of development allowed under the HEU would not generate solid waste in excess of the local landfill infrastructure. Construction and operation of development allowed under the HEU would not generate solid waste in excess of the local landfill infrastructure. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to solid waste generation would therefore be less than significant.

Impact UT-5: Implementation of the HEU would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

The *ConnectMenlo* EIR found that impacts related to solid waste regulations would be less than significant as all future development under *ConnectMenlo* would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals, thereby complying with applicable status and regulations related to solid waste. These same findings apply to implementation of the HEU. During construction and operation associated with development under the HEU, development projects would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR, such as AB 939, SB 1016, AB 341, AB 1826, the CALGreen Code, and the Menlo Park Municipal Code. As a result, development allowed under the HEU would not conflict with applicable waste reduction policies. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to compliance with solid waste regulations would therefore be less than significant.

Impact UT-6: Implementation of the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems.

Water

Cumulative impacts with respect to water service in the *ConnectMenlo* EIR were considered within the geographic context of the SFPUC retail and wholesale service area. The *ConnectMenlo* EIR found that the cumulative impact with respect to water service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU. Development allowed under the HEU, in combination with cumulative development within the SFPUC retail and wholesale service areas would increase demand for water supply. The MPMW and Cal Water Bear Gulch District's water service areas along with all other water suppliers on the San Francisco Bay Peninsula would have adequate water supplies during normal or above-normal precipitation (years of normal supply) to meet projected demand

through 2040 and 2045. While water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the WSCPs. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies such as the CALGreen Code and City's Water Efficient Landscaping Ordinance. While results of the projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. For these reasons, implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, DMMs and implementation of the WSCPs by all water suppliers would further reduce demand to meet the water supply shortage. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to water supply would therefore be less than significant.

Wastewater

The *ConnectMenlo* EIR determined that the cumulative impact with respect to wastewater service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU. Development allowed under the HEU, in combination with cumulative development within the service areas of the WBSD and SVCW, would increase the amount of wastewater requiring conveyance and treatment. The amount of cumulative wastewater requiring treatment at the end of the HEU's planning horizon (2031) would be approximately 15.3 mgd, which is less than SVCW WWTP's existing treatment capacity (29 mgd). In addition, like development allowed under the HEU, all future development in the SVCW's service area would be required to comply with applicable regulations that promote water conservation, thus reducing the amount of wastewater requiring treatment. Finally, with respect to conveyance, with adherence to its Sanitary Sewer Master Plan (2011) and CIP, the WBSD's wastewater collection system would have sufficient capacity to service future growth within its service area. For these reasons, the SVCW WWTP and WBSD wastewater collection system would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Stormwater

The *ConnectMenlo* EIR determined that through compliance with existing state and local regulations, as well as general plan design guidelines, Menlo Park Municipal Code requirements, and other applicable City requirements, development under *ConnectMenlo* in combination with other new development within the San Francisquito watershed would not contribute to a significant cumulative impact with respect to stormwater service. Thus, the cumulative impact with respect to stormwater service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU. Development allowed under the HEU, in combination with cumulative development within the San Francisquito Creek watershed would increase the amount of impervious surface in the watershed, and thus would increase the amount of stormwater runoff. However, similar to development allowed under the HEU, cumulative development would be required to adhere to State and local standards that would ensure that post-development runoff rates do not exceed pre-development rates and durations and that LID measures be implemented. Therefore, the stormwater collection system in the San Francisquito Creek watershed would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Solid Waste

The *ConnectMenlo* EIR determined that implementation of *ConnectMenlo* when considered with the other jurisdictions that divert solid waste to the same facilities, in particular Ox Mountain Landfill, may eventually experience insufficient future capacity at a specific landfill to accommodate existing or increased population and employment levels. Implementation of Mitigation Measure UTIL-10 requires the City to 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. Furthermore, proposed development in Menlo Park would be required to comply with the City's regulations prepared to reduce solid waste and therefore, reduce impacts related to landfill capacity. Thus, and because the growth under *ConnectMenlo* would occur incrementally over a period of 24 years, implementation of *ConnectMenlo* would not contribute to a significant cumulative impact on solid waste service, and the cumulative impact with respect to solid waste service was considered determined to be less than significant. Development allowed under the HEU, in combination with cumulative development within the region would increase the amount of solid waste requiring processing and disposal at landfills that serve the City and the region. Cumulative development projects would also be required to comply with federal, state, and local solid waste standards, including waste diversion during construction, and during operation, including recycling and organic material diversion requirements. As such, non-renewable sources of solid waste and the solid waste disposal requirements of cumulative development would be reduced. For these reasons, the Ox Mountain landfill would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Electricity and Natural Gas

The *ConnectMenlo* EIR determined that, through compliance with existing state and local regulations, as well as general plan design guidelines, Menlo Park Municipal Code requirements, and other applicable City requirements, development under *ConnectMenlo* in combination with other new development within the PG&E service territory would not contribute to a cumulative impact with respect to natural gas and electrical service. Thus, the cumulative impact with respect to electrical and natural gas service was determined to be less than significant.

Development allowed under the HEU, in combination with cumulative development within the PG&E's service area would increase demand for electricity and natural gas. However, development projects would be required to comply with applicable state and local regulations pertaining to energy conservation. Furthermore, as noted in the *ConnectMenlo* EIR, PG&E routinely updates its long-range plans to incorporate potential growth in its service area. Therefore, the electrical and natural gas infrastructure would be sufficient to serve cumulative development, including development allowed under the HEU.

Telecommunications

Development allowed under the HEU, in combination with cumulative development within the service areas for the telecommunication providers that serve the City would increase demand for telecommunication service. However, similar to the development provided for under the HEU, cumulative development of underground conduits and overhead cables to facilitate

telecommunications services would be required to comply with applicable federal, state, and local standards pertaining to underground and overhead utility infrastructure. Therefore, the telecommunications infrastructure would be sufficient to serve cumulative development, including development allowed under the HEU.

Summary

The utilities and service systems would have capacity and/or be adequate to serve cumulative development, including development allowed under the HEU. Therefore, the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems, and this cumulative impact would be less than significant. This finding is consistent with that found in the *ConnectMenlo* EIR.

Wildfire

Impact WILD-1: Implementation of the HEU would not substantially impair an adopted emergency response plan or emergency evacuation plan.

The *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The EIR found that the project would not include potential land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operations Plan. The construction of residences from implementation of the HEU would include the transportation and movement of equipment, materials, and construction workers. If located along designated evacuation and emergency response routes or in areas subjected to limited or constrained access, these construction activities could impair or interfere with adopted emergency response plans or emergency evacuation plans, and could be potentially significant. Compliance with Section 13.18.020 of the City's Municipal Code for encroachment permits and compliance with restrictions on operational interference as specified in MPFPD's Resolution No. 1476-2011 through the permit review process. Construction of residential projects that might arise as a result of the HEU's implementation would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan during construction. Once constructed, the residential projects would not restrict or interfere with the flow of emergency vehicles or evacuation because they would not reconfigure or physically block routes used for emergency access or evacuation. The City would also be required to periodically update its emergency response and evacuation plan(s) as required under AB 747 and the City's General Plan. This ongoing and periodic reevaluation would address these changed conditions, and would adjust the emergency response and evacuation plans accordingly. For these reasons, the HEU would result in less-than-significant impacts with respect to interference with an adopted emergency response plan or emergency evacuation plan. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Impact WILD-2: Implementation of the HEU would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Though utilizing criteria that have since been replaced by updates to the CEQA Guidelines Appendix G Checklist, the *ConnectMenlo* EIR found that the project would have a less-than-significant impact with respect to exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized

areas or where residences are intermixed with wildlands. These same findings apply to implementation of the HEU. The City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires. Menlo Park does not contain areas of moderate, high, or very high Fire Hazard Severity for the LRA, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for a SRA. However, zones of high Fire Hazard Severity designated as SRAs are present adjacent to the southwestern City limits. All development under the HEU would be constructed pursuant to applicable building codes and the California Building Code and the MPFPD Fire Prevention Code. In addition, MPFPD conducts a weed-abatement program throughout its jurisdiction to minimize fire risk on empty or unmaintained parcels. Implementation of the HEU would have a less than significant impact with respect to enhanced wildfire risk.

Impact WILD-3: Implementation of the HEU would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities that could exacerbate fire risk or that could result in temporary or ongoing impacts to the environment. (Less than Significant Impact)

The *ConnectMenlo* EIR did not consider this impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As discussed above, the City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires, nor is any portion of the City located within a CalFire-designated wildfire hazard severity zone. As such, installation of infrastructure related to abating wildfire risks would not be required, and the impact would be less than significant.

Impact WILD-4: Implementation of the HEU would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The *ConnectMenlo* EIR did not consider this impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. All of the HEU housing opportunity sites and land use strategy sites are in developed and urbanized areas, and are similarly surrounded by areas that are already developed. Post-fire impacts such as slope instability and downstream flooding conditions do not apply to lands within the City or to the HEU housing opportunity sites and land use strategy sites. Further, the City's low potential for wildfire largely negates the potential for substantial post-fire effects to occur due to increased risk within the City. Based on these considerations, the effect of the HEU's implementation would be less than significant.

Impact WILD-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would/would not result in a cumulative impact related to wildfire.

The *ConnectMenlo* EIR evaluated cumulative impacts related to wildland fire using the CEQA Appendix G Checklist criteria that were in effect at the time of the EIR's certification. Those criteria considered effects related to emergency response and evacuation, as well as significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The *ConnectMenlo* EIR did not consider cumulative effects related to the construction of wildfire-related infrastructure or post-fire effects. Cumulative projects would be required to receive an encroachment permit and

to prepare and implement similar traffic management plans to maintain traffic flow and prevent interference with emergency access during construction. Therefore, any cumulative projects would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No portion of the City lies within a Very High Fire Hazard Severity Zone. As a condition of approval, all development projects would be required to comply with building code and General Plan requirements relating to fire service features, building services and systems, access requirements, water supply, fire and smoke protection features, building materials, construction requirements, and defensible space and vegetation management. The implementation of these standard requirements would reduce impacts associated with accidental ignitions emanating from project sites, and would also reduce impacts associated with wildfires encroaching onto project sites from adjacent areas. The *ConnectMenlo* EIR did not consider this cumulative impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. The City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires, nor is any portion of the City located within a CalFire-designated wildfire hazard severity zone. Cumulative projects would be evaluated at the time of project application, and would follow established regulations and development protocols as defined in City regulation and General Plan policy. The *ConnectMenlo* EIR did not consider this cumulative impact because this criteria was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As noted above, nearly all of the HEU housing opportunity sites and land use strategy sites are developed and urbanized, and are similarly surrounded by areas that are already developed. Post-fire impacts such as slope instability and downstream flooding conditions do not apply to the City. Further, the City's low potential for wildfire largely negates the potential for substantial post-fire effects to occur. Based on the above considerations, the effect of the cumulative projects and the HEU's implementation would be less than significant.

Impacts Not Analyzed in Detail

Agricultural and Forestry Resources

The *ConnectMenlo* EIR evaluated Agricultural and Forestry Resources in Section 6.1.1 of the EIR. The EIR found that there would be no impact to these resources. These same findings are applicable to the proposed HEU. The entirety of the City is mapped as "Urban and Built-Up Land" or "Other Land" by the California Farmland Mapping and Monitoring Program (FMMP). No existing farming or forestry operations are present within any area of the City. No areas of the City are specifically designated or zoned for agricultural use, and no agricultural zoning districts are provided for in the City's Zoning Code. With respect to forestry resources, no existing timber-harvest uses are located on or in the vicinity of the City. No areas of the City are designated or zoned for such. Based on these considerations, implementation of the HEU would result in no impacts to agricultural or forestry resources. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Mineral Resources

The *ConnectMenlo* EIR evaluated Mineral Resources in Section 6.1.2 of the EIR. The EIR found that there would be no impact to these resources. These same findings are applicable to the proposed HEU. No areas of the City are known to contain existing mineral resources, and there are no mineral resources extraction activities currently occurring in the City. Neither the State of California, San Mateo County, nor the City of Menlo Park have designated mineral resource

recovery areas or preservation sites in any portion of the City. Implementation of the HEU would not result in the loss of availability of mineral resource that would be of value to the region and the residents of the state; and would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Implementation of the HEU would have no impact on mineral resources. This conclusion is the same as that found in the *ConnectMenlo* EIR.

B. Findings and Recommendations for Significant Impacts Avoided or Reduced to Less Than Significant by Mitigation

Air Quality

Impact AQ-3: Implementation of the HEU would not expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measure AQ-3: Health Risk Reduction Measures.

- a) [AQ-3b from *ConnectMenlo* with amendments]: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park 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 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 (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 ($10E^{-06}$), $PM_{2.5}$ concentrations exceed $0.3 \mu g/m^3$, 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:

- Air intakes located away from high volume roadways and/or truck loading zones.
- Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.

Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.

Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors and with a similar type of development (e.g., bedroom counts) where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts. The selection of comparison projects shall be subject to

preapproval by the City. If the comparison does not show the project will have the same or less impact, a project-level health risk assessment is required.

In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2(c) to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.

Finding

Implementation of Mitigation Measure AQ-3, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The ConnectMenlo EIR addressed two types of pollutant concentrations: carbon monoxide (CO) hotspots and toxic air contaminants (TACs). Areas of vehicle congestion can create CO hotspots with the potential to exceed the state ambient air quality standards. The ConnectMenlo EIR found that the developments under the project were consistent with the 2013 Congestion Management Program adopted by the City/County Association of Governments of San Mateo County (C/CAG) and therefore localized air quality impacts related to pollutant concentrations from mobile-source emissions would be less than significant. Likewise, the HEU SEIR found that development under the HEU would be consistent with C/CAG's 2021 Congestion Management Program, and localized air quality impacts related to pollutant concentrations from mobile-source emissions would be less than significant. With respect to TACs, the ConnectMenlo EIR evaluated impacts of placing new sensitive receptors near major sources of TACs found the impact to be less than significant.¹ Because this impact was evaluated in the ConnectMenlo EIR, the SEIR evaluated potential new sensitive receptors near existing sources of TACs, including stationary sources and 15 major streets and the Bayshore Freeway. Consistent with BAAQMD guidance, the SEIR also evaluated health risks from future development projects under the HEU. Such projects could expose existing nearby sensitive receptors to potentially significant health risks from TACs and fine particulate matter (PM2.5), both from construction (largely, emissions from diesel off-road equipment) and operation (primarily, emissions from motor vehicle traffic). Mitigation Measure AQ-3 would require a health risk assessment both for projects containing new sensitive receptors proposed to be developed within 1,000 feet of major sources of TACs and for new projects proposed to be developed within 1,000 feet of existing sensitive receptors. In both cases, health risk reduction measures would be required for projects exceeding BAAQMD significance thresholds. Implementation of Mitigation Measure AQ-3 would reduce health risks for existing receptors by requiring appropriate siting of air intakes and installation of filtration systems if necessary. Implementation of Mitigation Measure AQ-3 would reduce health risks from new project by reducing TAC emissions from off-road, diesel construction equipment. With implementation of Mitigation Measures AQ-3, health risk impacts from construction and operation of subsequent projects that could be developed under the HEU would be less than significant with mitigation.

¹ Such effects of the environment on the project need not be evaluated under CEQA, pursuant to a 2015 California Supreme Court ruling in *California Building Industry Association v. Bay Area Air Quality Management District*.

Biological Resources

Impact BIO-1: Implementation of the HEU would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.

Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed project would primarily occur in urbanized areas where special-status species would not be expected to occur; however, the EIR identified the Bayfront Area as a location where several special-status species associated with coastal salt marsh, salt ponds, and tidal mudflats are documented. The EIR also identified additional special-status species that have the potential to occur elsewhere in the City. As described in the *ConnectMenlo* EIR, adoption of the General Plan Land Use (LU) Element as part of the proposed project served to minimize potential adverse impacts on special-status species, including bird-safe design features. However, even with these policies in place, the *ConnectMenlo* EIR concluded that construction- and operation-related impacts to special-status species or the inadvertent loss of active bird nests, could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce impacts to special-status species and protected birds by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects on HEU

housing sites containing natural features that could support special-status species and protected birds prior to individual project approval, and implementation of avoidance and minimization measures if sensitive species were present. Therefore, implementation of this mitigation measure would reduce potential impacts to special-status species and protected birds to a less-than-significant level with mitigation.

Impact BIO-2: Implementation of the HEU would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Mitigation Measure BIO-2: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that construction-related direct and indirect impacts could occur as a result of converting natural resources to developed properties, including reducing the size or function of existing habitat, and increasing the area of impervious surfaces, thereby increasing stormwater runoff and potentially degrading aquatic habitat. Temporary impacts could also occur during construction. As described in the *ConnectMenlo* EIR, several policies in the General Plan would serve to protect and enhance riparian habitat and sensitive natural communities in the HEU study area; however, significant construction- and operation-related impacts to riparian habitat and sensitive natural communities could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to riparian habitat and sensitive natural communities by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures riparian habitat or other sensitive natural communities are present, or provision of compensatory mitigation if avoidance is infeasible. Therefore, implementation of this mitigation measure would reduce potential impacts to riparian habitat and sensitive natural communities to a less-than-significant level, with mitigation.

Impact BIO-3: Implementation of the HEU would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Mitigation Measure BIO-3: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed project could result in direct loss or modification to existing wetlands and unvegetated other waters, including streams, as well as indirect impacts due to water quality degradation, including erosion and sedimentation during construction and inadvertent introduction of deleterious materials. The *ConnectMenlo* EIR concluded that significant construction-related impacts to wetlands and waters could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to wetlands and waters by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures, or compensatory mitigation if avoidance is infeasible, should jurisdictional wetlands or waters be present. Therefore, implementation of this mitigation measure would reduce potential impacts to jurisdictional wetlands and waters to a less-than-significant level, with mitigation.

Impact BIO-4: Implementation of the HEU would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites.

Mitigation Measure BIO-4: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the proposed project could result in reduction in natural habitat that could serve as a wildlife corridor and, as a result, significant construction- and operation-related impacts to wildlife movement corridors could occur. These same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to wildlife movement corridors by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures, or compensatory mitigation if avoidance is infeasible, should important wildlife movement corridors be present. Therefore, implementation of this mitigation measure would reduce potential impacts to wildlife movement corridors to a less-than-significant level, with mitigation.

Impact BIO-6: Implementation of the HEU in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to biological resources.

Mitigation Measure BIO-6: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the potential impacts of the proposed project on biological resources would be site-specific and the overall cumulative effect would be dependent on the degree to which native vegetation (e.g., native grasslands, oak woodlands, riparian woodland), populations of special-status plant or animal species, and wetland features are protected on a particular development site. The HEU housing sites are concentrated in urbanized areas and no parcels are proposed within natural habitats such as coastal salt marsh, salt ponds, tidal marsh, oak woodland or grassland; however, cumulative biological resources impacts could result due to projected growth in addition to that pursuant to the HEU. The HEU, in combination with cumulative projects, could result in a significant cumulative impact on nesting birds and special-status species during construction. However, with implementation of Mitigation Measure BIO-1, implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be less than significant with mitigation.

Cultural Resources

Impact CR-2: Implementation of the HEU would not cause a substantial adverse change in the significance of an archaeological historical resource or a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CR-2a. Cultural Resources Study Requirements.

The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage

Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.

Mitigation Measure CR-2b. Inadvertent Discovery of Cultural Resources.

If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.

If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.

If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR did not identify any archaeological resources within the City, but did identify Native American remains. It found that compliance with the General Plan and with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits. Nevertheless, the *ConnectMenlo* EIR did identify the potential for unrecorded archaeological resources to be adversely affected and identified mitigation measures for this potentially significant effect. However, given the passage of time, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological resources and cultural resources. Moreover, a records search conducted for the SEIR of the housing opportunity sites and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources within both of these areas. Archaeological resources have the potential to contain intact deposits of artifacts, associated features, and burials that could contribute to the regional pre-contact or historic record and be of substantial importance to members of the local and regional community, and these resources could be subject to significant impacts from ground disturbance during construction. Accordingly, the SEIR identifies new mitigation measures. Implementation of Mitigation Measures CR-2a and CR-2b would reduce the potential impact to archaeological resources to a less-than-significant level because all projects with ground-disturbance would be reviewed by a qualified archaeologist and any potential archaeological resources identified would be evaluated and treated appropriately, including consulting with Native American representatives.

Impact CR-3: Implementation of the HEU could disturb human remains, including those interred outside of formal cemeteries.

Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.

Procedures of conduct following the discovery of human remains 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 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. 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 landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.

Finding

Implementation of Mitigation Measure CR-3, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that there was the potential for human remains to exist within City boundaries and for human remains to be encountered during project construction. As stated by the *ConnectMenlo* EIR, there are State laws that establish a formal procedure in the event of the inadvertent discovery of human remains. The *ConnectMenlo* EIR found that the disturbance of human remains would constitute a significant impact because descendant communities may ascribe religious or cultural significance to the remains. This finding remains applicable to the HEU. To address this potential significant impact, the *ConnectMenlo* EIR identified mitigation that remains applicable, with minor revisions for clarity. Therefore, the mitigation measure has been re-numbered CR-3 to match the conventions in the SEIR. Implementation of Mitigation Measures CR-3 (formerly Mitigation Measure CULT-4 of the *ConnectMenlo* EIR), would reduce the potential impact to human remains to a less-than-significant level because all laws and regulations regarding the inadvertent discovery of human remains would be followed.

Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a less-than-significant cumulative impacts for archaeological resources and human remains.

Chapter 5 Mitigation Measure: Implement Mitigation Measures CR-2a, CR-2b, and CR-3.

Finding

Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))
It is noted that Impact CR-4 would be significant and unavoidable with respect to historic architectural resources, and that finding is made below in Section C.

Facts in Support of Finding

Future development in the City under the HEU and cumulative projects could include excavation and grading that could potentially impact archaeological resources and human remains that may be present. The cumulative effect of this future development is the continued loss of cultural remains. Potential future development increases the likelihood that additional archaeological resources could be uncovered, so it is therefore possible that cumulative development could result in the demolition or destruction of unique archaeological resources, which could contribute to the erosion of the pre-contact record of the City and the wider region. However, Mitigation Measures CR-2a, CR-2b, and CR-3 would effectively avoid these effects. Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocol to identify, evaluate, and address any potential impacts to previously unknown archaeological and tribal cultural resources and would establish appropriate protocol to protect cultural resources and human remains if they are inadvertently discovered during project construction. With implementation of these mitigation measures, the HEU would not make a considerable contribution to cumulative impacts to archaeological resources and human remains would be reduced to a less-than-significant level.

Geology and Paleontological Resources

Impact GEO-5: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Mitigation Measure GEO-5, Discovery of Paleontological Resources

In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, 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 2010), 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.

Finding

Implementation of Mitigation Measure GEO-5, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that no fossils or unique paleontological resources or unique geologic features are known within the City limits. However, the Pleistocene alluvium geological formation that underlies portions of Menlo Park has the potential for containing paleontological resources that could be adversely affected by ground-disturbing construction activity. This conclusion remains applicable to the HEU. Compliance with the General Plan and with existing federal, state, and local laws and regulations would generally protect unrecorded paleontological resources by providing for the early detection and prevention or minimization of adverse effects through excavation or preservation. However, deep excavation retains the potential for significant effects on unrecorded fossils of scientific significance. *ConnectMenlo* EIR Mitigation Measure CULT-3 addressed this impact; the measure has been renumbered to conform to subsequent changes in the CEQA Guidelines. Implementation of Mitigation Measure GEO-5 would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist and implementation of excavation and preservation, if warranted, thereby reducing the significance of the impact to a less-than-significant level, with mitigation.

Impact GEO-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to geology and paleontological resources.

Mitigation: Implement Mitigation Measure GEO-5.

Finding

Implementation of Mitigation Measure GEO-5, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Significant cumulative impacts related to geologic hazards or paleontological resources could occur if the incremental impacts of housing opportunity and land use strategy sites provided for under the HEU combined with the incremental impacts of one or more of the cumulative projects to substantially increase risk that people or the environment would be exposed to geologic hazards. Cumulative effects due to erosion, underlying soils, and seismic activity would be less than significant because all cumulative projects would be subject to the same stormwater controls and building code standards as would the HEU. Cumulative projects could contribute to potential effects on paleontological resources; however, they would be required to implement mitigation similar to Mitigation Measure GEO-5, *Discovery of Paleontological Resources*, described above under Impact GEO-5. Implementation of Mitigation Measure GEO-5 would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist and implementation of excavation and preservation, if warranted, thereby reducing the significance of the impact to a less-than-significant level, with mitigation, and the impact would not be cumulatively considerable.

Greenhouse Gas Emissions

Impact GHG-1: Implementation of the HEU would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.

Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement.

Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the “all electric” requirement in the City’s Reach Codes.

Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2.

Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.

Finding

Implementation of Mitigation Measures GHG-1a and GHG-1b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed General Plan Update would result in a substantial increase in GHG emissions from existing conditions by the proposed General Plan horizon year 2040 and would not achieve the 2040 efficiency target, based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels pursuant to Executive Order (EO) S-03-05. The EIR determined that additional state and federal actions are necessary to ensure that state and federally regulated sources (i.e., sources outside the City's control) ensure the deep cuts needed to achieve the 2050 target. Pursuant to *ConnectMenlo* EIR Mitigation Measure GHG-1, the City adopted its 2030 Climate Action Plan in July 2020 to address GHG reduction for sectors over which the City has control. GHG emissions from development pursuant to the HEU would result in both direct and indirect emissions from construction (construction equipment) and operational activities (sources such as landscaping equipment, on-road motor vehicles, and natural gas usage). While the City's Reach Codes prohibit natural gas in all new construction for space and water heating, the code allows certain exceptions for cooking appliances and fireplaces in residences. Recently updated BAAQMD GHG thresholds address the two main direct sources of GHG emissions in land use development projects: building energy use and motor vehicle trips, specifying all-electric operation for new buildings; avoiding wasteful, inefficient, or unnecessary electrical usage; compliance with Tier 2 electric vehicle charging requirements in the California Green Building Standards Code ("CALGreen"); and consistency with the 15 percent reduction in vehicle miles traveled (VMT) target in Senate Bill 743. Compliance with existing codes and regulations would ensure the project would not result in wasteful, inefficient, or unnecessary electrical usage, and per-capita VMT generated by development pursuant to the HEU would be 25 percent below the Citywide average in 2040. However, because the City's Reach Codes allow exceptions to the no natural gas standard, and do not ensure compliance with future updates to the CALGreen Tier 2 EV requirements, the HEU would not comply with BAAQMD's updated GHG thresholds, and thus would result in a potentially significant impact requiring mitigation. With the implementation of Mitigation Measures GHG-1a and GHG-1b, all future projects proposed for development under the HEU would be consistent with the BAAQMD's updated GHG significance thresholds, and this impact would therefore be less than significant with mitigation.

Impact GHG-2: Implementation of the HEU would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation: Implement Mitigation Measures GHG-1a and GHG-1b.

Finding

Implementation of Mitigation Measures GHG-1a and GHG-1b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found the General Plan Update to be consistent with the regional objectives of the *Plan Bay Area* and the City's Climate Action Plan. However, as it could not be

demonstrated that Menlo Park would achieve GHG emissions reductions consistent with a 40 percent reduction below 1990 levels by 2030 or an 80 percent reduction below 1990 levels by the year 2050, this impact was found to be significant and unavoidable with mitigation. The SEIR evaluates the HEU's consistency with CARB's 2017 Scoping Plan Update, Plan Bay Area 2040, the City's Climate Action Plan, CALGreen codes and the City's Reach Codes. The Scoping Plan Update incorporates a broad array of regulations, policies, and state plans designed to reduce GHG emissions. The HEU would implement all applicable actions identified in the Scoping Plan Update to reduce energy use, conserve water, reduce waste generation, promote EV use, and reduce vehicle travel consistent with statewide strategies and regulations. Although the HEU would not meet the EO B-55-13 target of carbon neutrality by 2045, carbon neutrality is not a significance threshold for the purposes of the SEIR because carbon neutrality is not an adopted plan, policy, or regulation of the State that is applicable to the City. In fact, the 2017 Scoping Plan Update explicitly acknowledges and states that the inability to achieve carbon neutrality or net zero GHG emissions does not imply that a project contributes to a significant impact under CEQA. Accordingly, the HEU would be consistent with the 2017 Scoping Plan Update. The HEU would also be consistent with *Plan Bay Area 2040* because it would encourage growth in existing communities with good transit access and that would generate fewer miles per capita than the Citywide average. The HEU would be consistent with the Menlo Park Climate Action Plan's actions to reduce GHG emissions, including by increasing access to electric vehicles and the necessary charging infrastructure and reducing VMT. Finally, with implementation of the HEU would be consistent with the Menlo Park Reach Codes and, with implementation of Mitigation Measures GHG-1a and GHG-1b, would comply with Tier 2 EV charging requirements in the applicable CALGreen code. Accordingly, this impact would be less than significant with mitigation. Inasmuch as the significance of GHG emissions in this analysis is determined based on whether such emissions would have a cumulatively considerable impact on global climate change, the HEU's incremental impact relative to GHG emissions in the cumulatively context would also be less than significant with mitigation.

Hazards and Hazardous Materials

Impact HAZ-3: Implementation of the HEU could result in development projects being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Mitigation Measure HAZ-3a: Environmental Site Management Plan

Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared by qualified personnel in consultation with the RWQCB or the 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-3b: Vapor Intrusion Assessment

Project applicants shall ensure that a vapor intrusion assessment is performed by a licensed environmental professional for sites with potential residual contamination in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. 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 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.

Finding

Implementation of Mitigation Measures HAZ-3a and HAZ-3b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to developing housing on or adjacent to known hazardous materials release sites (i.e., hazardous materials sites listed on the Cortese List). However, the disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, the public, and the environment, and impacts could be potentially significant. To reduce the impacts to less than significant, the *ConnectMenlo* EIR developed two mitigation measures. These same findings and mitigation measures apply to implementation of the HEU, because there are known hazardous materials release sites on or adjacent to potential housing opportunity and land use strategy sites. Accordingly, construction workers, the public, and the environment could be exposed to hazardous materials and the impact could be potentially significant. However, implementation of Mitigation Measures HAZ-3a and HAZ-3b, together with compliance with applicable laws and regulations regarding cleanup and reuse of a listed hazardous material site, would ensure that the adoption of the proposed project would render this impact less-than-significant with mitigation, both with respect to construction and operations of development pursuant to the HEU.

Land Use and Planning

Impact LU-2: Implementation of the HEU would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.

Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be 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.

Finding

Implementation of Mitigation Measure LU-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that future development proposals 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. To address this potential significant impact, the *ConnectMenlo* EIR included Mitigation Measure LU-2 to ensure plan and policy consistency. These same findings apply to implementation of the HEU, as proposals for future development pursuant to the HEU could be inconsistent with the General, resulting in a potentially significant impact. Implementation of Mitigation Measure LU-2 would ensure that future development that would occur with implementation of the HEU not cause a significant environmental impact due to a conflict with the General Plan and the supporting Zoning standards. Therefore, implementation of this mitigation measure would reduce potential impacts to a less-than-significant level with mitigation. The SEIR found that the HEU would be consistent with other applicable plans, including the El Camino Real/Downtown Specific Plan; *Plan Bay Area 2040*; the San Francisco Bay Plan; and the Comprehensive Land Use Plan for the Palo Alto Airport, with no mitigation required.

Noise

Impact NOI-1: Construction activities associated with implementation of the HEU would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measure NOI-1: Construction Noise Control.

Project applicants 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:

- Demonstrate that any construction activities taking place outside daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 6:00 a.m. to 7:00 a.m. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA Leq at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours.
- Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when working outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and verify compliance with the Menlo Park Municipal Code through measurement.
- 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.

- Additional controls, as warranted, may include but are not limited to:
 - Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for Project construction.
 - Equipment staging plans (e.g., locating stationary equipment at adequate distances).
 - Limitations on equipment and truck idling.
 - Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code.

Finding

Implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the project would have a substantial noise impact due to construction activity on subsequent projects; the EIR identified Mitigation Measure NOISE-1c to reduce construction noise. Under the HEU, the primary source of temporary noise within the City would be from demolition and construction, although noise levels near individual construction sites would not be substantially different from what they would be under the existing Housing Element. The Menlo Park Municipal Code includes certain noise limitations. However, future projects would be required to demonstrate compliance with the City's required standards and in this respect, impacts are therefore considered potentially significant. With implementation of Mitigation Measure NOI-1, construction noise impacts of subsequent projects would be reduced to a less-than-significant level with mitigation.

Impact NOI-6: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measure: Implement Mitigation Measure NOI-1.

Finding

Implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Development that could occur with implementation of the HEU and cumulative development could overlap and therefore result in construction noise levels higher than those of development of the HEU alone at some receptor locations, which would be a significant impact. However, with implementation of Mitigation Measure NOI-1, and with cumulative projects subject to comparable construction noise controls, construction noise impacts of subsequent HEU projects would not contribute considerably to cumulative noise impacts, and the cumulative impact would be less than significant with mitigation.

Tribal Cultural Resources

Impact TCR-1: Implementation of the HEU would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).

Mitigation: Implement Mitigation Measures CR-2a and CR-2b (see Impact CR-2) and Mitigation Measure CR-3 (see Impact CR-3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b (see Impact CR-2), and Mitigation Measure CR-3 (see Impact CR-3), which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR did not identify any archaeological resources within the City, but did identify Native American remains. It found that compliance with the General Plan and with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits. Nevertheless, the *ConnectMenlo* EIR did identify the potential for unrecorded archaeological resources to be adversely affected and identified mitigation measures for this potentially significant effect. However, given the passage of time, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological resources and human remains. Moreover, a records search conducted for the SEIR of the housing opportunity sites and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources within both of these areas. Given the long history of pre-contact and historic-age human occupation, the City is considered sensitive for the presence of subsurface pre-contact Native American cultural resources and human remains. Additionally, there may be previously unknown buried archaeological resources and/or tribal cultural resources that have not been recorded. No tribal cultural resources have been identified during tribal consultation. However, the NAHC Sacred Lands File search had a positive result for sacred lands within the HEU housing opportunity sites and land use strategy sites. Any Tribal Cultural Resources present could be subject to significant impacts from ground disturbance during construction. The *ConnectMenlo* EIR found that there was a potential for the project to significantly impact tribal cultural resources and determined that mitigation identified therein would reduce potential impacts to a less-than-significant level. However, as stated under Impact CR-2, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological and cultural resources. Accordingly, the SEIR identifies new Mitigation Measures CR-2a and CR-2b, and incorporates *ConnectMenlo* EIR mitigation for inadvertent discovery of human remains as renumbered Mitigation Measure CR-3, slightly modified for clarity. Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocols to identify, evaluate, and address any potential impacts to previously unknown tribal cultural resources, and establish appropriate protocols to protect cultural resources and human remains if they are inadvertently discovered during construction activities. With implementation of these measures, any potential impacts to tribal cultural resources would be reduced to a less-than-significant level.

Impact TCR-2: Implementation of the HEU, in combination with other cumulative projects, would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).

Mitigation: Implement Mitigation Measures CR-2a and CR-2b (see Impact CR-2) and Mitigation Measure CR-3 (see Impact CR-3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b (see Impact CR-2), and Mitigation Measure CR-3 (see Impact CR-3), which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Based on tribal consultation, the professional experience of the SEIR preparers, research, and the pre-contact context, this analysis conservatively assumes that the land within this area contains tribal cultural resources that are not yet known. In this context, the incremental impacts of the HEU could combine with similar incremental impacts of other projects in the cumulative scenario to cause or contribute to a significant cumulative impact. However, the HEU would contribute a negligible less-than-significant incremental impact after the implementation of Measures CR-2a, CR-2b, and CR-3, which would require a Secretary of the Interior-qualified archaeologist to conduct a review of applicable projects prior to construction, the cessation of activities and buffering of inadvertent finds, training of construction personnel in cultural resource identification and inadvertent discovery procedures, and tribal consultation when indigenous resources are inadvertently identified during project construction. As a result, the HEU's incremental impact would not be cumulatively considerable and would not result in a significant cumulative effect.

C. Findings and Recommendations Regarding Significant and Unavoidable Impacts

Air Quality

Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

Mitigation Measure AQ-2: Emission Reduction Measures.

The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.

- a) [AQ-2b1 from *ConnectMenlo* with clarifying amendments]: As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM₁₀ (Table 8-48-2, Basic Construction Mitigation Measures Recommended for All proposed Projects, of the BAAQMD CEQA Guidelines).
- b) [AQ-2b2 from *ConnectMenlo* EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants 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 in 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 City of Menlo Park shall require that applicants for new development projects incorporate emission reduction ~~mitigation~~ measures to reduce air pollutant emissions during construction activities to below these thresholds of significance (see for example e.g., Table 8-28-3, 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).² These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Building Division and/or Planning Division
- c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.
1. Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.
The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.
 2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.
- d) [AQ-2a from *ConnectMenlo* EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in 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 City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate emission reduction

² Table 8-3 was previously numbered at Table 8-2 in BAAQMD's 2011 guidance document, as recorded in the *ConnectMenlo* EIR.

mitigation measures to reduce air pollutant emissions during operational activities to below the thresholds of significance.

Finding

Implementation of Mitigation Measure AQ-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR compared the VMT and population increases anticipated from the plan and concluded that the impact would be less than significant. This SEIR also compares anticipated VMT and population increases, in accordance with the 2017 BAAQMD CEQA Guidance and likewise found that, because percentage growth in VMT would be less than the growth in population, the HEU would result in a less-than-significant impact with respect to regional criteria air pollutants. The SEIR further considers the potential for subsequent individual development projects pursuant to the HEU to result in emissions in excess of the BAAQMD's project-level thresholds for criteria air pollutants, which are different from the plan-level thresholds. Future construction and operational emissions from development under the *ConnectMenlo* EIR were found to be significant and unavoidable after mitigation, and the SEIR reaches the same conclusion. Subsequent development projects would generate vehicle trips and other operational emissions, such as those from landscape maintenance activities, painting, and the use of consumer products, while construction of such projects would generate emissions from construction equipment exhaust and dust. Those projects larger than the BAAQMD screening criteria for either operations or construction would result in a cumulatively considerable net increase in criteria air pollutants and thus a significant impact. Mitigation Measure AQ-2, adapted from the *Connect Menlo* EIR, would require projects that exceed the operational screening criteria included in the BAAQMD Guidelines to complete a detailed assessment of construction and/or operational emissions—depending on which screening criterion is exceeded—to determine whether criteria air pollutant emissions would exceed significance thresholds and would require implementation of emission reduction measures if significance thresholds are exceeded. With implementation of Mitigation Measure AQ-2, construction dust impacts would be reduced to a less-than-significant level with mitigation. However, it cannot be stated with certainty that construction and operational criteria air pollutant impacts associated with all subsequent projects would be reduced to less-than-significant levels, even with implementation of Mitigation Measure AQ-2, as the volume of emissions is largely a function of project size. Due to this uncertainty, criteria pollutant emissions from construction and operation of subsequent projects that could be developed under the HEU would be significant and unavoidable with mitigation.

Cultural Resources

Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CR-1a: Identify Architectural Historic Resources.

Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing in the National Register, California Register, and for local eligibility.

Mitigation Measure CR-1b: Identify Character-Defining Features.

Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource "must retain... the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both why a property is significant...and when it was significant" (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.

Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.

Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.

Finding

Implementation of Mitigation Measures CR-1a, CR-1b, and CR-1c, which are hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-

significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR evaluated potential impacts to historical resources including historic buildings. It determined that although general plan polices were in place to identify and protect historic buildings, there was still a potential for future development to cause a significant impact on historical resources, and mitigation was identified to evaluate and record buildings more than 50 years old retain the character-defining features of buildings deemed eligible for the California Register of Historical Resources to be preserved. The measure essentially precludes demolition of eligible structures, which was unlikely to present a substantial constraint on development in the Bayfront Area since the area was determined to contain no such structures. Development under the HEU, however, has the potential to result in more severe impacts since it covers the entire City of Menlo Park and not just the Bayfront Area. Moreover, of the 74 potential housing opportunity sites, one includes a National Register-listed property and 24 others have buildings that are historic-era that have not yet been evaluated. It is also likely that there are additional historic resources outside of the housing opportunity sites. Finally, additional sites and buildings may qualify as historic resources in the future. Modification or demolition of historical resources associated with development under the HEU could result in a significant impact. There are a number of federal, state, and local regulations, and General Plan policies, in place to protect architectural historic resources. However, there remains the potential for adverse effects to historic resources and mitigation is identified in the SEIR. It is noted that *ConnectMenlo* EIR Mitigation Measure CULT-1, which would preclude demolition, is not feasible for all projects given the State-mandated requirement to plan for and allow and encourage housing development, so this measure is therefore not included in the SEIR. While Mitigation Measures CR-1a, CR-1b, and CR-1c would require identification and documentation of the resources, they would not fully mitigate adverse effects to a less-than-significant level if historic resources were permanently lost. Therefore, even with implementation of Measures CR-1a, CR-1b, and CR-1c the impact would be significant and unavoidable.

Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impact with respect to historic architectural resources.

Mitigation Measures: Implement Mitigation Measures CR-1a, CR-1b, CR-1c.

Finding

Implementation of Mitigation Measures CR-1a, CR-1b, and CR-1c, which are hereby adopted and incorporated into the proposed Project, would reduce the impact on historic architectural resources but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

It is noted that Impact CR-4 would be less than significant with mitigation with respect to archaeological resources and human remains, and that finding is made above in Section B.

Facts in Support of Finding

Future development under the HEU as well as other development within the City of Menlo Park could potentially impact architectural historic resources. The cumulative effect of this future development is the continued loss of significant architectural historic resources. Potential future development increases the likelihood that additional architectural historic resources could be lost, so it is therefore possible that cumulative development could result in the demolition or destruction of significant architectural historic resources. The loss of these resources would result in a significant impact, and impacts associated with the HEU would be considered cumulatively considerable, resulting in a significant impact. While Mitigation Measures CR-1a, CR-1b, and CR-1c would require identification and documentation of the resources, they would not fully mitigate adverse effects to a less-than-significant level if historic resources were permanently lost. Therefore, even with implementation of Measures CR-1a, CR-1b, and CR-1c the cumulative impact would be significant and unavoidable.

Transportation

Impact TRANS-1: Implementation of the HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.

Finding

No mitigation is available to reduce or avoid this impact. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* Final EIR found that the development potential under *ConnectMenlo* would generate new bicyclists and pedestrians in the Bayfront Area, including properties located east of US-101 that are not adequately connected to the pedestrian and bicycle circulation network. Although mitigation was identified to update the City's Transportation Impact Fee (TIF) program to secure funding for pedestrian and bicycle improvements, the impact was considered significant and unavoidable because the required nexus study had not yet been prepared, meaning the City could not guarantee improvements. Subsequently, the City's updated TIF program was approved by the City Council, as was the City's Transportation Master Plan. However, the identified bicycle and pedestrian improvements would not be fully funded by the TIF, and therefore the impact would remain significant. While most of the HEU's units would be located west of US-101, the units included in the HEU east of US-101 (in the Bayfront area) would contribute to the identified impact that was caused by the proposed development in the Bayfront area. No additional mitigation is available to provide additional funding. Therefore, the HEU impact on bicycle and pedestrian facilities would also be significant and unavoidable.

Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT [vehicle miles traveled] threshold of significance.

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

Individual multifamily housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City's most recent VMT guidelines. Projects that result in a significant impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.

- Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.
- Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.
- Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.

Finding

Implementation of Mitigation Measure TRANS-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The ConnectMenlo EIR did not evaluate VMT, as the state had not yet adopted legislation eliminating intersection level of service as a CEQA significance threshold. The City's Transportation Impact Analysis Guidelines do not include thresholds for plan-level VMT analysis. The SEIR determined that plan-wide VMT impacts of the HEU would be less than significant because buildout pursuant to the HEU would result in Menlo Park's Citywide daily residential per-capita VMT (11.74) being less than the baseline per-capita VMT (12.18). This is likely because many of HEU units would be located within close proximity to the Menlo Park Caltrain station, and/or could take advantage of the complementary land uses in the downtown area to reduce vehicular trip making and reduce vehicular trip length, both of which reduce VMT. In addition to considering VMT impacts associated with the HEU as a whole, the SEIR evaluated potential impacts of individual multifamily development projects allowed by the HEU. Because subsequent development projects that do not meet the City's VMT screening criteria would require a separate, project-specific VMT analysis, and because some of these projects

(e.g., those with limited transit access) may not meet the City's project-specific VMT threshold of 15 percent below the regional average VMT per capita, the impact is conservatively considered potentially significant, requiring mitigation. However, because the effectiveness of Mitigation Measure TRANS-2 in reducing an individual project's VMT cannot be determined until the specific characteristics of the project are known, the impact is conservatively determined to be significant and unavoidable with mitigation.

Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.

Finding

No mitigation is available to reduce or avoid this impact. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

As explained under Impact TRANS-1, bicycle and pedestrian improvements would not be fully funded by the TIF, and therefore the impact on bicycle and pedestrian facilities would be significant and unavoidable. Cumulative development beyond that facilitated by the HEU would add to this impact, to which HEU growth would contribute considerably. No additional funding for necessary transportation improvements has been identified, and therefore the cumulative impact on pedestrian and bicycle facilities would be significant and unavoidable.

Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance. (Significant and Unavoidable Impact, with Mitigation)

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

Finding

Implementation of Mitigation Measure TRANS-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The Cumulative + HEU scenario includes buildout of *ConnectMenlo* and the currently pending General Plan Amendments, the HEU, and additional housing units resulting from the buildout of parcels proposed for up-zoning. As with the HEU VMT analysis, the Citywide residential VMT per capita under Cumulative + HEU scenario would be lower than the baseline scenario, and therefore, the HEU Plan would generate a less than significant cumulative VMT impact. However, as discussed under Impact TRANS-2, certain future individual development projects may not meet the City's project-specific VMT threshold of 15 percent below the regional

average VMT per capita. Although implementation of Mitigation Measure TRANS-2 would reduce this significant impact, the effectiveness of Mitigation Measure TRANS-2 cannot be determined at this time, and the cumulative impact is conservatively determined to be significant and unavoidable with mitigation.

D. Findings and Recommendations Regarding Alternatives to the Project

As required under CEQA, the SEIR analyzed a reasonable range of alternatives to the proposed Project and evaluated the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet Project objectives. The proposed Project objectives are listed in Chapter 3 (Project Description) of the Draft SEIR; the potentially significant environmental effects of the proposed Project, including feasible mitigation measures identified to avoid significant environmental impacts, are analyzed in Chapter 4 (Environmental Setting, Impacts, and Mitigation Measures) of the Draft SEIR; and the alternatives are described in detail in Chapter 5 (Alternatives) of the Draft SEIR.

Brief summaries of the alternatives are provided below, along with those alternatives considered but rejected from further evaluation. The findings in this section are based on the SEIR, the discussion and analysis of which is hereby incorporated in full by this reference. The reasons stated in the SEIR for rejecting certain alternatives likewise are hereby adopted and incorporated herein by reference. Each individual reason constitutes a separate and independent basis to reject the alternative and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative.

Alternatives Considered but Rejected from Further Evaluation

A number of alternatives were considered for analysis and determined not to be feasible for the reasons explained in this section. These alternatives were not carried forward for analysis in the SEIR.

Off-Site Alternative

The primary objective of the HEU is to ensure the City's conformance with State law. There would be no way to meet this objective with an alternative that did not focus on the city itself, and therefore this alternative was not analyzed further.

Less Intensive HEU or HEU with a Smaller Buffer

Consideration was given to developing an HEU with substantially less density and a correspondingly fewer number of housing units, either by simply not meeting the Regional Housing Needs Allocation (RHNA) or incorporating a substantially reduced buffer. However, the City's obligations to provide for additional housing are determined by State law, and are manifested through the RHNA, as promulgated by the State Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG). Preparation of an HEU with a smaller buffer (that is, no buffer at all or a buffer smaller than the 30 percent recommended by HCD) could incrementally lessen the overall effects of the HEU, but the significant and unavoidable impacts identified in the SEIR would be unlikely to be substantially lessened because these impacts are not a function of the number of units provided for in the HEU. Ultimately, preparation of an HEU that does not meet the City's RHNA allocation or provide a suitable buffer would run counter to the requirements of State law, and the City does not have the option of considering alternatives that are not legally feasible. Meeting the State-mandated housing requirements as manifested in the RHNA is the foremost objective of

the HEU. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

More Intensive HEU

Consideration was given to developing an HEU and housing inventory with substantially greater density and a correspondingly greater number of housing units in consideration of comments received in response to the Notice of Preparation for the SEIR suggesting that the proposed HEU housing opportunity sites and land use strategy sites might not be sufficient to meet the City's current and future housing needs, including affordable housing needs. However, an HEU and housing inventory alternative that would include sites, densities, and new residential units that would exceed the requirements of State law and the City's RHNA requirement would result in greater environmental impacts than those identified for the proposed HEU due to the increased extent and intensity of new development. Consequently, a more-intensive HEU alternative would not meet the CEQA requirement to consider alternatives to the project that would avoid or substantially lessen any significant effects of the project. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

Alternatives Selected for Analysis

Alternative 1: No Project

Description. This alternative assumes that the proposed HEU would not be adopted and that the goals and policies within the existing Housing Element would remain unchanged. An update of the General Plan's Safety Element, preparation and adoption of a new Environmental Justice Element, and conforming amendments to other elements of the General Plan would not occur under this alternative. Housing opportunity sites and land use strategy sites proposed as part of the HEU to meet the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance, would not occur under this alternative. However, approved and pending development and continued ADU development identified in Chapter 3, *Project Description*, of the Draft SEIR would be assumed to proceed under this alternative. In addition, residential development within the City would continue to be directed and governed in the manner that it is currently pursuant to the City's General Plan and Zoning Ordinance in their present form.

Impacts. The No Project Alternative would result in the same significant and unavoidable impacts (with mitigation, where applicable) to Historic Architectural Resources and Transportation as would the HEU. The No Project Alternative would likely result in lesser impacts to Air Quality (with mitigation), but would likely remain significant and unavoidable, the same as the proposed HEU. The No Project Alternative would result in similar less-than-significant impacts (in some cases, with mitigation) to those of the HEU with respect to Aesthetics; Archaeological Resources; Biological Resources; Energy; Geology and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise and Vibration; Public Service and Recreation; Tribal Cultural Resources; Utilities and Service Systems; and Wildfire. However, unlike the HEU, the No Project Alternative would result in significant and unavoidable impacts with respect to Land Use and Planning and Population and Housing, because this alternative would not provide housing to fulfill the requirements of State law or to meet the City's RHNA requirements.

Objectives and Feasibility. This alternative would not meet any of the objectives of the proposed HEU as defined in Section 5.1.1 of the Draft SEIR. The No Project Alternative would not update

the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031; would not include an adequate inventory of housing sites and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer; and would not amend land use designations in the Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law. The new Environmental Justice Element would also not be adopted.

Finding. The City Council rejects the No Project Alternative because it fails to meet any of the Project objectives and is legally infeasible. Therefore, the No Project Alternative is eliminated from further consideration.

Alternative 2: Low VMT Area Alternative

Description. This alternative would concentrate all residential upzoning associated with the proposed HEU to those areas of the City that lie within a designated Priority Development Area (PDA) as described in Section 5.3.2 of the Draft SEIR, along with adjoining areas of the City that have been identified as generating low vehicle miles traveled (VMT). Generally, these areas are close to quality transit facilities and are developed at relatively high densities. By concentrating all HEU development within the low-VMT area, the City could potentially meet its RHNA obligations and also reduce the adverse VMT impacts of the proposed HEU.

Impacts. The Low VMT Area Alternative would result in the same significant and unavoidable impacts (with mitigation, where applicable) to Air Quality and Historic Architectural Resources as would the HEU. With respect to Transportation, the Low VMT Area Alternative would result in the same significant and unavoidable impact as the HEU with respect to pedestrian and bicycle facilities; however, this alternative, unlike the HEU, would have less-than-significant impacts—both for the HEU alone and cumulatively—with respect to VMT. The Low VMT Area Alternative would result in similar less-than-significant impacts (in some cases, with mitigation) to those of the HEU with respect to Aesthetics; Archaeological Resources; Biological Resources; Energy; Geology and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise and Vibration; Population and Housing; Public Service and Recreation; Tribal Cultural Resources; Utilities and Service Systems; and Wildfire.

Objectives and Feasibility. This alternative is potentially feasible, and would generally meet the objectives of the proposed HEU as defined in Section 5.1.1 of the Draft SEIR. The Low VMT Area Alternative would update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031; would include an adequate inventory of housing sites and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer; and would amend land use designations in the Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law. The new Environmental Justice Element would also be adopted.

However, the Low VMT Area Alternative would also result in other effects that would not be present with the proposed HEU. Most notably, development of the Low VMT Area alternative would require substantial densification within the downtown and El Camino Real/Downtown area to accommodate the HEU's residential units. Building heights and massing would be

increased, which would increase the overall aesthetic effect, which some viewers could perceive as adverse. This change would represent a significant departure from the “village” character envisioned under the El Camino Real/Downtown Specific Plan, which required that buildings be kept low with limited massing. While the El Camino Real/Downtown Specific Plan would necessarily need to be amended to accommodate the greater building heights and massing required to accommodate all of the HEU’s units within the El Camino Real/Downtown area, the overall effect would be a substantially modified El Camino Real/Downtown area from that currently provided for under the existing Specific Plan. In addition, greater impacts associated with improvements to the area’s existing utility and transportation infrastructure would also be realized, and impacts to public services like parks and schools would likely be greater. Therefore, the overall effects related to aesthetics, land use, noise, public services, and utilities and infrastructure would be greater under the Low VMT Area Alternative than the HEU as proposed.

In summary, while the Low VMT Alternative would potentially reduce VMT based on the alternative’s location within a PDA and low VMT area, impacts related to aesthetics, land use, noise, public services, utilities, and transportation infrastructure would be more severe than the HEU as proposed. While it cannot be stated with certainty whether these effects would rise to a level of significantly adverse and unavoidable, the overall effect would be greater than the HEU as currently proposed, which would tend to distribute these effects over a broader area. Finding. The City Council rejects the Low VMT Area Alternative because it could result in more concentrated and therefore greater impacts with respect to aesthetics, land use, noise, public services, utilities, and transportation infrastructure than would the proposed HEU. Therefore, the Low VMT Area Alternative is eliminated from further consideration.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. Based on the evaluation described in this section, both the No Project Alternative and the Low VMT Area Alternative would be environmentally superior alternatives with the fewest environmental impacts, though the No Project Alternative could result in the need to develop housing further from the City, and could thus contribute to greater impacts related to air quality, GHG emissions, and VMT. Regardless, the No Project Alternative would not meet any of the basic objectives of the project, nor is it legally feasible to adopt and implement.

CEQA requires that a second alternative be identified when the “No Project” alternative is the environmentally superior alternative (CEQA *Guidelines*, Section 15126.6(e)). Therefore, the Low VMT Area Alternative would be the Environmentally Superior Alternative for the purpose of this analysis.

Under the Low VMT Area Alternative, the significant and unavoidable impacts of the HEU with respect to VMT (Impacts TRANS-2 and TRANS-6 [VMT from the HEU and Cumulative VMT]) would no longer occur. However, significant and unavoidable impacts would remain with respect to Air Quality (Impact AQ-2 [criteria air pollutants]), Cultural Resources (Impacts CR-1 and CR-4 [adverse changes to historic architectural resources from the HEU and cumulatively]); and Transportation (Impacts TRANS-2 and Trans-5 [conflict with transportation plans from the HEU and cumulatively]).

Moreover, and as stated above, the Low VMT Area Alternative would also result in other effects that would not be present with the proposed HEU. Most notably, development of the Low VMT Area alternative would require substantial densification within the downtown and El Camino Real/Downtown area to accommodate the HEU's residential units. Building heights and massing would be increased, which would increase the overall aesthetic effect, which some viewers could perceive as adverse. This change would represent a significant departure from the "village" character envisioned under the El Camino Real/Downtown Specific Plan, which required that buildings be kept low with limited massing. While the El Camino Real/Downtown Specific Plan would necessarily need to be amended to accommodate the greater building heights and massing required to accommodate all of the HEU's units within the El Camino Real/Downtown area, the overall effect would be a substantially modified El Camino Real/Downtown area from that currently provided for under the existing Specific Plan. In addition, greater impacts associated with improvements to the area's existing utility and transportation infrastructure would also be realized, and impacts to public services like parks and schools would likely be greater. Therefore, the overall effects related to aesthetics, land use, noise, public services, and utilities and infrastructure would be greater under the Low VMT Area Alternative than the HEU as proposed.

In summary, while the Low VMT Alternative would potentially reduce VMT based on the alternative's location within a PDA and low VMT area, impacts related to aesthetics, land use, noise, public services, utilities, and transportation infrastructure would be more severe than the HEU as proposed. While it cannot be stated with certainty whether these effects would rise to a level of significantly adverse and unavoidable, the overall effect would be greater than the HEU as currently proposed, which would tend to distribute these effects over a broader area.

VI. Statement of Overriding Considerations

As set forth above, the City has found that the proposed Project will result in project and cumulative significant adverse environmental impacts related to air quality, historic architectural resources and transportation that cannot be avoided following adoption of the HEU, incorporation into the General Plan, and implementation of mitigation measures described in the SEIR. 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 Council hereby finds that the proposed Project's 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 proposed Project outweigh the significant and unavoidable effects. The City Council finds that each of the proposed Project's benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the SEIR and other information contained in the administrative record for the proposed Project.

1. The primary purpose of the HEU is to comply with the requirements of State law by: 1) analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing; 2)

updating goals, policies and programs regarding safety; and 3) addressing the issue of environmental justice in the City's General Plan.

2. The Project will plan for the whole community in a sustainable, healthy and balanced way; focus on affordable housing given the difficulty of developing it compared to market-rate housing, and the demand for affordable housing options; and involve the community to help ensure participation and access to the public decision-making process and take intentional steps that improve equity for historically marginalized people and areas.

3. The Project will update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.

4. The Project will include an inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and will affirmatively further fair housing by integrating this concept into the process of site selection, outreach, and policy/program development.

5. The Project will update the General Plan's Safety Element to bring it into compliance with recent changes in California General Plan law codified in Government Code section 65302(g) and section 65302.15. The updated Safety Element will incorporate information from the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan (LHMP) and the City's Climate Action Plan. The Safety Element would also be updated to: provide information regarding fire hazards including wildfires, including goals, policies, objectives and implementation programs; identify residential developments in any hazard area with only one emergency evacuation route; include updated scientific context about historic and future climate hazards; and include a vulnerability assessment that identifies risks from climate change. As the LHMP was adopted prior to January 1, 2022, evacuation routes have not been analyzed. This analysis will be required upon the next revision of the LHMP as per AB 747 (2019).

6. The Project will include the City's first General Plan Environmental Justice Element to address equity in accordance with changes in State law codified in Government Code section 65302(h). The Environmental Justice Element will identify objectives and policies to reduce the unique or compounded health risks in "disadvantaged communities" as defined by state law, seeking to reduce pollution exposure, promote civic engagement, and prioritize improvements and programs that address the needs of disadvantaged communities.

7. The Project will also amend the General Plan Land Use Element and Land Use Designations map as needed to reflect the Housing Sites Inventory and make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element, Safety Element, and the new Environmental Justice Element.

VII. Mitigation Monitoring and Reporting Program (MMRP)

Based on the entire record before the City Council and having considered the impacts of the proposed Project, the City Council hereby determines that all feasible mitigation measures identified in the SEIR within the responsibility and jurisdiction of the City have been adopted to reduce or avoid the significant impacts identified in the EIR.

As noted in City Council Resolution No. _____ adopting the updated Housing Element, all feasible mitigation measures identified in the SEIR will also be incorporated as conditions of approval for the Project.

The City Council further finds that no additional feasible mitigation measures are available to further reduce significant impacts. The feasible mitigation measures are discussed in these Findings, above, and are set forth in the Mitigation Monitoring and Reporting Program.

Section 21081.6 of the Public Resources Code requires the City Council to adopt a monitoring or compliance program regarding the changes in the proposed Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to this Resolution as Exhibit A. The City Council finds that this Mitigation Monitoring and Reporting Program fulfills the CEQA mitigation monitoring requirements because:

- The Mitigation Monitoring and Reporting Program is designed to ensure compliance with the changes in the proposed Project and mitigation measures imposed on the proposed Project during Project implementation; and
- Measures to mitigate or avoid significant effects on the environment will be fully enforceable through conditions of approval, permit conditions, agreements or other measures.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Exhibits:

A. MMRP

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM**

	Implemented By	When Implemented	Monitored By	Verified By
Air Quality				
<p>Mitigation Measure AQ-2: Emission Reduction Measures.</p> <p>The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.</p> <p>a) [AQ-2b1 from <i>ConnectMenlo</i> with clarifying amendments]: As part of the City’s development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions of PM₁₀ (Table 8-18-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).</p> <p>b) [AQ-2b2 from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants 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 in 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 City of Menlo Park shall require that applicants for new development projects incorporate <u>emission reduction</u> mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds <u>of significance</u> (see for example e.g., Table 8-28-3, 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).¹ These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City’s Building Division and/or Planning Division</p> <p>c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.</p> <p>1. Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor</p>	Project sponsor	Prior to issuance of grading and/or building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

¹ Table 8-3 was previously numbered at Table 8-2 in BAAQMD’s 2011 guidance document, as recorded in the *ConnectMenlo* EIR.

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.</p> <p>The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.</p> <p>d) [AQ-2a from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in 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 City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate <u>emission reduction</u> mitigation measures to reduce air pollutant emissions during operational activities <u>to below the thresholds of significance</u>.</p>				
<p>Mitigation Measure AQ-3: Health Risk Reduction Measures.</p> <p>a) [AQ-3b from <i>ConnectMenlo</i> with amendments]: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park 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 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 (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 ($10E^{-06}$), $PM_{2.5}$ concentrations exceed $0.3 \mu g/m^3$, 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"> • Air intakes located away from high volume roadways and/or truck loading zones. • Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. 	Project sponsor	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

<p>Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.</p> <p>Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts.</p> <p>In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2(c) to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.</p>				
<p>Biological Resources</p>				
<p>Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.</p> <p>Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFG). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy.</p>	<p>Project applicant</p>	<p>Prior to issuance of building permits</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>
<p>Cultural Resources</p>				
<p>Mitigation Measure CR-1a: Identify Architectural Historic Resources.</p> <p>Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing on the National Register, California Register, and for local eligibility.</p>	<p>Project applicant</p>	<p>Prior to issuance of building permits</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>Mitigation Measure CR-1b: Identify Character-Defining Features.</p> <p>Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource “must retain... the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both <i>why</i> a property is significant...and <i>when</i> it was significant” (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.</p>	Project applicant	During initial project review and environmental analysis	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.</p> <p>Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service’s standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4”x5”) black-and-white negatives and 8”x10” enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.</p>	Project applicant	Prior to issuance of demolition permits	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure CR-2a: Cultural Resources Study Requirements.</p> <p>The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

<p>documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.</p>				
<p>Mitigation Measure CR-2b: Inadvertent Discovery of Cultural Resources.</p> <p>If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.</p> <p>If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.</p> <p>If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.</p> <p>Procedures of conduct following the discovery of human remains 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 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. 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,</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>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 landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.</p>				
<p>Geology, Soils, and Paleontological Resources</p>				
<p>Mitigation Measure GEO-5: Discovery of Paleontological Resources In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, 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 2010), 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.</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Greenhouse Gas Emissions</p>				
<p>Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement. Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the "all electric" requirement in the City's Reach Codes.</p>	Project applicant	When building permit application is filed	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2. Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.</p>	Project applicant	When building permit application is filed	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Hazards and Hazardous Materials</p>				
<p>Mitigation Measure HAZ-3a: Environmental Site Management Plan. Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared by qualified personnel in consultation with the RWQCB or the 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:</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

<ol style="list-style-type: none"> 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>Mitigation Measure HAZ-3b: Vapor Intrusion Assessment.</p> <p>Project applicants shall ensure that a vapor intrusion assessment is performed by a licensed environmental professional for sites with potential residual contamination in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. 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 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-3a).</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Land Use and Planning</p>				
<p>Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.</p> <p>Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be 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.</p>	Project applicant	Prior to approval	Planning Division	Planning Division
<p>Noise and Vibration</p>				
<p>Mitigation Measure NOI-1: Construction Noise Control.</p> <p>Project applicants 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:</p> <ul style="list-style-type: none"> • Demonstrate that any construction activities taking place outside daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 6:00 a.m. to 7:00 a.m. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA Leq at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours. • Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when 	Project applicant	Prior to issuance of construction permits	Building Division and/or Planning Division	Building Division and/or Planning Division

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>working outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and verify compliance with the Menlo Park Municipal Code through measurement.</p> <ul style="list-style-type: none"> • 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. • Additional controls, as warranted, may include but are not limited to: <ul style="list-style-type: none"> – Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for project construction. – Equipment staging plans (e.g., locating stationary equipment at adequate distances). – Limitations on equipment and truck idling. – Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code. 				
Transportation				
<p>Mitigation Measure TRANS-2: Implement VMT Reduction Measures.</p> <p>Individual multifamily housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City’s most recent VMT guidelines. Projects that result in a significant impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.</p> <ul style="list-style-type: none"> • Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook. • Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. • Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook. 	Project applicant	Prior to discretionary project approvals	Transportation Division and/or Planning Division	Transportation Division and/or Planning Division

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK,
CALIFORNIA, REPEALING IN ITS ENTIRETY THE 2015-2023 HOUSING
ELEMENT OF THE GENERAL PLAN AND ADOPTING IN FULL THE NEW TEXT
COMPRISING THE 2023-2031 HOUSING ELEMENT TO THE GENERAL PLAN**

WHEREAS, there is a statutory recognition that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals; and

WHEREAS, California Government Code Section 65588(b) requires the City of Menlo Park to periodically prepare an update to the Housing Element of its General Plan; and

WHEREAS, the City of Menlo Park prepared the draft 2023-2031 Housing Element ("Housing Element") in accordance with California Housing Element law (Government Code Section 65580 *et seq.*, "Housing Element Law"); and

WHEREAS, California Government Code Section 65583 requires that the Housing Element contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of these needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element; and

WHEREAS, the City's share of the regional housing was established in the Regional Housing Needs Allocation Plan (RHNP) prepared and adopted by the Association of Bay Area Governments in December, 2021; and

WHEREAS, the allocation in the RHNP establishes the number of new units needed, by income category, to accommodate expected population growth over the planning period of the Housing Element; and

WHEREAS, Housing Element Law requires local governments to be accountable for ensuring projected housing needs reflected by the Regional Housing Needs Assessment (RHNA) allocation can be accommodated; and

WHEREAS, the City of Menlo Park was assigned a RHNA of 2,946 units (740 very-low income, 426 low income, 496 moderate income, and 1,284 above-moderate income); and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the City mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and other entities listed and no California Native American tribe requested consultation; and

WHEREAS, the City conducted extensive community outreach over the last 19 months including more than eight public meetings before the City Council; and

WHEREAS, in accordance with Government Code Section 65585(b), on May 11, 2022 the Housing Element was posted/released for public review, with the intent to garner as much feedback as possible, the City continued to receive and consider comments for the draft Housing Element up through July 5, 2022, and on July 22, 2022, the City submitted the 6th Cycle (2023-2031) Draft Housing Element to the State Department of Housing and Community Development (HCD); and

WHEREAS, HCD issued a letter to the City dated October 21, 2022, which found that in HCD's opinion the City's July 22, 2022 draft Housing Element required revisions to comply with Housing Element Law requirements; and

WHEREAS, the City incorporated all of HCD's specific requirements identified in the October 21, 2022 letter into the City's Housing Element Update so that the Housing Element will meet all State Housing Element Law Requirements; and

WHEREAS, the Planning Commission and Housing Commission held a duly noticed public hearing as prescribed by law to consider the 2023-2031 Housing Element Update on January 12, 2022; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2023-04, on file with the Office of the City Clerk and incorporated by this reference, recommending that the City Council certify the Subsequent Environmental Impact Report (State Clearinghouse #2015062054) for the City of Menlo Park Housing Element Update, make CEQA findings of fact and adopt a statement of overriding considerations, and adopt the mitigation monitoring and reporting program; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2023-05, on file with the Office of the City Clerk and incorporated by this reference, recommending approval of the 2023-2031 Housing Element Update, with the following recommended modifications:

1. Add or modify a program to evaluate waiving or deferring fees for development on sites where the Affordable Housing Overlay (AHO) would be applicable;
2. Add a program for City participation in a racial equity training program, such as the Government Alliance on Race and Equity (GARE);
3. Consider further accelerating the timeframes for implementation of Program H2.E, "Anti-Displacement Strategy;"
4. Revise Program H4.D, "Modify the Affordable Housing Overlay (AHO)," to indicate that the AHO may be modified to allow maximum densities greater than 100 dwelling units per acre;
5. Revise the title of Program H4.G, "Consider City-Owned Land for Housing (Downtown Parking Lots)," to state, "Prioritize City-Owned Land for Housing (Downtown Parking Lots)" and set the timeframe for administrative tasks such as development of the feasibility study, rezoning of the parking lots, and development of a request for qualifications (RFQ) to occur concurrently in 2023;
6. Modify Program H4.M, "Update Parking Requirements and Design Standards," to specify that alternative transportation in-lieu fees collected as part of the program be utilized toward improvements for modes of transportation other than personal motor vehicles;
7. Modify Program H6.F, "Transit Incentives," to specify that transit demand strategies should be integrated into all residential development, regardless of proximity to transit; and
8. Add a tenant readiness education program to offer educational classes to prospective and existing renters; and

WHEREAS, the Housing Commission adopted Housing Commission Resolution No. 2023-01, on file with the Office of the City Clerk and incorporated by this reference, recommending approval of the 2023-2031 Housing Element Update, with the following recommended modifications:

1. Add a program to waive or defer fees for development on sites where the Affordable Housing Overlay (AHO) would be applicable;
2. Add a program for City participation in a racial equity training program, such as the Government Alliance on Race and Equity (GARE); and
3. Expedite the implementation of Program H4.G, "Consider City-Owned Land for Housing (Downtown Parking Lots)," with a feasibility study to assess which parking lots are most suitable for residential development to be prepared in 2023; and

WHEREAS, on January 31, 2023, the City Council held a duly noticed public hearing as prescribed by law, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments; and determined the Housing Element to be consistent with State law and the General Plan of the City of Menlo Park; and

WHEREAS, the City has prepared and certified a Subsequent Environmental Impact to analyze, and mitigate where feasible, the potential effects of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby finds that in its independent judgment and based on substantial evidence in the record: after fully considering all alternatives, hereby declares that:

1. The foregoing recitations are true and correct and are hereby incorporated into this Resolution.
2. The Housing Element is consistent with the purposes of the General Plan and Municipal Code in that the amendments support a variety of objectives including increasing housing choice by accommodating a variety of housing types to meet the needs of all Menlo Park residents; promoting the orderly development of Menlo Park and its surrounding area (Land Use Goal LU-1); maintaining and enhancing the character, variety and stability of Menlo Park's residential neighborhoods (Land Use Goal LU-2); encouraging mixed-use projects with residential units through compatible project design (Land Use Policy LU-2.3); encouraging the development of accessory dwelling units on single-family lots (Land Use Policy LU-2.4); promoting residential uses in mixed-use arrangements (Land Use Policy LU-2.9); encouraging underutilized properties to redevelop with uses that complement existing uses and support vibrant neighborhoods (Land Use Policy LU-3.1); encouraging development of a range of housing types in the El Camino Real/Downtown Specific Plan ("Specific Plan") Area (Land Use Policy LU-5.2); exploring opportunities to evaluate and update parking requirements so that they are appropriate for new development to accommodate residents, employees, customers and visitors (Circulation Policy CIRC-7.1 and Program CIRC-7-A); planning for residential recreational needs through connected neighborhoods (Open Space/Conservation Policy OSC2.2); encouraging a sustainable approach to land use planning to reduce resource consumption, including a balance and match between jobs and housing, and higher density residential and mixed-use development connected to services and transit (Open Space/Conservation Policy OSC4.1); providing adequate sites with corresponding density to meet the City's RHNA; adopting State mandated and locally desired programs to implement the Housing Element Update effectively; and supporting development that help reduces vehicle miles traveled.

3. The Housing Element update complies with Housing Element Law, as provided in Government Code Section 65580 *et seq.*, and contains all provisions required by Housing Element Law, as shown in Exhibit 1 to this resolution, incorporated herein by this reference.
4. Based on substantial evidence in the record including a strong history of residential development on non-vacant sites in Menlo Park, demonstrating market demand for such development; examples of affordable housing projects constructed on non-vacant sites throughout San Mateo and Santa Clara Counties in recent years; examples of the redevelopment of existing parking lots with residential uses throughout the Bay Area and the City's ownership and control of eight surface parking lots in the Downtown area; the removal of a residential development cap of 680 units and increased residential densities in the Specific Plan area; application of an Affordable Housing Overlay to all inventory sites except for Site #38 (the former Flood School site), allowing up to 100 dwelling units per acre for 100 percent affordable housing development; and other incentives for residential development citywide, such as permitting housing in certain existing commercial-only zoning districts and increasing residential densities in certain zoning districts where residential uses are currently allowed, the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the site during the planning period.
5. As required by Government Code Section 65585(e), the City Council has considered the findings made by the California Department of Housing and Community Development (HCD) included in HCD's letter to the City dated October 21, 2022. Consistent with Government Code Section 65585(f)(1), the City has changed the Housing Element Update in response to the findings of the Department to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD, as described in Exhibit 2, which is incorporated by this reference and adopted along with this resolution.

BE IT FURTHER RESOLVED that the 2015-2023 Housing Element is hereby repealed in its entirety and is replaced with the 2023-2031 Housing Element (Exhibit 3) which is hereby adopted with the following modifications:

1. Program H4.D shall be modified to include the following statement: "Evaluate processing fee waivers, deferrals, or further reduction of other fees (such as traffic impact fees, recreation in-lieu fees, etc.) for affordable housing development on sites where the AHO is applicable";
2. A new Program H4.G shall be added: "Racial Equity Training Program. Partner with an organization, such as the Government Alliance on Race and Equity (GARE), to provide racial equity training and build organizational capacity within the City to address racial inequity and advance opportunities for all in housing and other community matters.

Responsibility: All City Departments; City Manager; City Commissions; City Council
Financing: General Fund

Objectives: Increase awareness, build organizational capacity and infrastructure, and strive for racial equity in housing and other local government matters

Timeframe: Join program by December 2023; initiate first racial equity training session in 2024";

3. Program H4.G shall be modified as follows: "...Solicit proposals and initiate a feasibility study to assess which parking lots are most suitable for residential development (~~2024~~2023); issue RFP for affordable housing development on some or all of the parking lots sites, including information on City land write-down incentives (~~2025~~2024); complete development entitlements (~~2026~~2025); seek to complete development of 345 or more affordable housing units on a combination of parking lot sites (~~2028~~2027)..."

4. Program H2.E shall be modified as follows: “Timeframe: Develop an anti-displacement strategy for the City, particularly in the Belle Haven neighborhood, and initiate program implementation by ~~June~~January 2024 beginning with items f., g., h., and i., and expanding to address other potential policies in the program through ~~2027~~2026...”;
5. Program H4.D shall be modified as follows: “...The AHO will be structured so that state density bonus incentives can be utilized in conjunction with the AHO, providing for densities of 100 units/acre or greater...”;
6. Program H4.M shall be modified as follows: “Review and modify parking requirements and design standards to provide greater flexibility in site planning for multifamily residential housing, including establishing a parking or alternative transportation in-lieu fee to be utilized toward improvements for modes of transportation other than personal motor vehicles.”;
7. Program H6.F shall be modified as follows: “Integrate transit demand management strategies for all residential development, ~~particularly in areas further away from transit~~ to increase access to transit and reduce vehicle trips and parking demand.”;
8. A new program H5.H shall be added: “**Tenant Readiness Education Program. Develop a program or partner with a community organization that offers educational classes to prospective and existing renters on topics such as finding affordable housing, understanding the application and rental process, learning about fair housing regulations, and identifying other resources for financial and/or legal assistance related to rental housing.**”

Responsibility: Housing Division

Financing: General Fund

Objectives: Provide educational assistance and identify resources to help renters acquire and maintain decent and affordable housing.

Timeframe: Establish partnership or develop program by December 2024”.

BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the City Council.

BE IT FURTHER RESOLVED that the Assistant Community Development Director or designee is hereby directed to file all necessary material with the HCD for the Department to find that the Housing Element is in conformance with Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by HCD to achieve certification.

BE IT FURTHER RESOLVED that the Assistant Community Development Director or designee is hereby directed to file all necessary materials with the Department of Housing and Community Development to certify the 2023-2031 Housing Element.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Exhibits:

- A. 2023-2031 Housing Element Compliance with State Housing Law
- B. 2023-2031 Housing Element Findings for HCD letter dated October 21, 2022
- C. 2023-2031 Housing Element

Attachment B, Exhibit A
Housing Element Compliance with State Housing Element Law

Government Code Provision	Housing Element Compliance
Section 65583	
The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.	<ul style="list-style-type: none"> • Existing and projected housing needs: Chapter 3 – Overall Housing Needs • Goals and policies; scheduled programs: Chapter 8 – Housing Element Goals, Policies and Programs • Quantified objectives: Chapter 7 – Quantified Objectives • Financial resources: Chapter 5 – Non-Governmental Constraints to Housing
The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.	Site Inventory (Appendix 7-1)
The element shall contain all of the following:	
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:	<ul style="list-style-type: none"> • Assessment of Housing Needs: Chapter 3 – Overall Housing Needs • Inventory of Resources and Constraints: Chapter 5 – <i>Entire Chapter</i>
(a)(1) An analysis of population and employment trends and documentation of projections	Chapter 3 – Overall Housing Needs

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<p>(a)(1) A quantification of the locality’s existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality’s share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction’s allocation of very low income households pursuant to Section 65584.</p>	<p>Chapter 3 – Projected Housing Need</p>
<p>(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay,</p>	<p>Chapter 5 – Cost burden</p>
<p>(a)(2) housing characteristics, including overcrowding, and</p>	<p>Chapter 3 – General Housing Characteristics</p>
<p>(a)(2) housing stock condition.</p>	<p>Chapter 3 – Housing Stock Condition</p>
<p>(a)(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction’s duty to affirmatively further fair housing.</p>	<p>Site Inventory (Appendix 7-1)</p>
<p>(a)(4) Amendments added by AB 2339 effective January 1, 2023</p>	<p>Pursuant to Government Code Section 65583(e) the modifications to Section (a)(4) made by AB 2339 effective January 1, 2023 are not applicable because the City’s draft Housing</p>

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	Element was submitted to HCD on July 22, 2022
(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.	Chapter 5 – Emergency Shelters
(a)(4)(A) If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit.	Not required. See Chapter 5 – Emergency Shelters
(a)(4)(A) The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.	Chapter 5 – Emergency Shelters
(a)(4)(A) Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following: (i) The maximum number of beds or persons permitted to be served nightly by the facility. (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. (iii) The size and location of exterior and interior onsite waiting and client intake areas. (iv) The provision of onsite management. (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart. (vi) The length of stay.	Chapter 5 – Emergency Shelters. Program H3.G reduces actual and potential constraints for emergency shelters.

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(vii) Lighting. (viii) Security during hours that the emergency shelter is in operation.	
(a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).	Chapter 5 – Emergency Shelters
(a)(4)(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction’s need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.	Chapter 5 – Emergency Shelters
(a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.	Chapter 5 – Emergency Shelters
(a)(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and	Chapter 5, generally
(a)(5) for persons with disabilities as identified in the analysis pursuant to paragraph (7),	Chapter 5 – Constraints for People with Disabilities
(a)(5) including land use controls,	Chapter 5 – Land Use Controls
(a)(5) building codes and their enforcement,	Chapter 5 – Codes and Enforcement
(a)(5) site improvements,	Chapter 5 –On and Off Site Improvement Standards
(a)(5) fees and other exactions required of developers,	Chapter 5 – Fees and/or Exactions

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(a)(5) local processing and permit procedures,	Chapter 5 – Development Processing Time
(a)(5) and any locally adopted ordinances that directly impact the cost and supply of residential development.	Chapter 5 – Inclusionary Zoning
(a)(5) The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584	Chapter 5 – Actions Taken by the City in the 2015-2023 Housing Element to Remove Actual and Potential Governmental Constraints
(a)(5) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).	Chapter 5 – Actions Taken by the City in the 2015-2023 Housing Element to Remove Actual and Potential Governmental Constraints: 3) Implementation of Special Needs Housing Changes
(a)(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing,	Chapter 5 – Non-Governmental Constraints to Housing
(a)(6) the price of land,	Chapter 5 – Land and Construction Costs
(a)(6) the cost of construction,	Chapter 5 – Land and Construction Costs
(a)(6) the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2,	Chapter 5 – Land and Construction Costs
(a)(6) and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need in accordance with Section 65584.	Chapter 5 – Permit Times

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(a)(6) The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality’s planning for the development of housing for all income levels and the construction of that housing.	Chapter 5 – Non-Governmental Constraints to Housing
(a)(7) An analysis of any special housing needs, such as those of the	Chapter 4 – Special Housing Needs
(a)(7) elderly;	Chapter 4 – Special Housing Needs: Seniors
(a)(7) persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code;	Chapter 4 – Special Housing Needs: People Living with Disabilities
(a)(7) large families;	Chapter 4 – Special Housing Needs: Large Families
(a)(7) farmworkers;	Chapter 4 – Special Housing Needs: Farmworkers
(a)(7) families with female heads of households;	Chapter 4 – Special Housing Needs: Female-Headed Households
(a)(7) and families and persons in need of emergency shelter.	Chapter 4 – Special Housing Needs: Unhoused Individuals
(a)(7) The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.	Chapter 5 – Emergency Shelters
(a)(7) The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.	N/A

Government Code Provision	Housing Element Compliance
(a)(7) An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.	Chapter 4 – Special Housing Needs: Unhoused Individuals (Outreach)
(a)(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.	Chapter 6
(a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. “Assisted housing developments,” for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. “Assisted housing developments” shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65915.	Chapter 3 – Assisted Rental Housing “At Risk” of Conversion
(a)(9)(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality’s low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.	Chapter 3 – Table 3-10: At-Risk Affordable Housing Developments In Menlo Park (2022)
(a)(9)(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.	Chapter 3 – Assisted Rental Housing “At Risk” of Conversion

Government Code Provision	Housing Element Compliance
(a)(9)(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.	Chapter 5 – Working with Non-Profit Housing Developers
(a)(9)(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.	Chapter 3 – Financial and Administrative Support
(b) (1) A statement of the community’s goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.	Chapter 8 – Fair Housing – Policy and Program Development
(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community’s ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.	Chapter 7 – Quantified Objectives
(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that	Chapter 8 – Housing Element Goals, Policies and Programs

Government Code Provision	Housing Element Compliance
the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element	
(c) through the administration of land use and development controls,	Chapter 8 – Housing Element Goals, Policies and Programs
(c) the provision of regulatory concessions and incentives,	Chapter 8 – Housing Element Goals, Policies and Programs
(c) the utilization of appropriate federal and state financing and subsidy programs when available,	Chapter 8 – Housing Element Goals, Policies and Programs
(c) and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).	Chapter 8 – Housing Element Goals, Policies and Programs
In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:	
(c)(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09.	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(1) Sites shall be identified as needed to affirmatively further fair housing	Chapter 7 – Affirmatively Furthering Fair Housing
(c)(1) and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing,	Site Inventory (Appendix 7-1)
(c)(1) factory-built housing,	Chapter 5 – Manufactured Homes

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(c)(1) mobilehomes,	Chapter 5 – Mobile Home Parks
(c)(1) housing for agricultural employees,	Chapter 5 – Small Employee Housing
(c)(1) supportive housing,	Chapter 5 – Supportive Housing
(c)(1) single-room occupancy units,	Chapter 5 – Single-Room Occupancy Units (SROs)
(c)(1) emergency shelters,	Chapter 5 – Emergency Shelters
(c)(1) and transitional housing.	Chapter 5 – Transitional Housing
(c)(1)(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	Program H4.K
(c)(1)(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.	Program H4.K

Government Code Provision	Housing Element Compliance
Note: Please see Section 65583.2 regarding the land inventory and conformance with subdivision (h).	
(c)(1)(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.	Small Employee Housing is permitted in all residential zoning designations, see Chapter 5 – Table 5-1: Land Use Controls Table
(c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(3) and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(3) Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.	Transitional and Supportive Housing is permitted in all residential zoning designations, see Chapter 5 – Table 5-1: Land Use Controls Table
(c)(3) Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).	Supportive Housing is permitted in all residential zoning designations, see Chapter 5 – Table 5-1: Land Use Controls Table
(c)(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.	Chapter 8 – Housing Element Goals, Policies and Programs

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(c)(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a).	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(6) The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available.	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(6) The program may include strategies that involve local regulation and technical assistance.	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.	Program H4.F
(c)(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.	Chapter 8 – Housing Element Goals, Policies and Programs
(c)(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.	Chapter 4 – Community Outreach

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(c)(10)(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:	
(c)(10)(A)(i) A summary of fair housing issues in the jurisdiction	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(i) and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity.	Chapter 4 – Fair Housing Enforcement and Capacity
(c)(10)(A)(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends,	Chapter 4 – Integration and Segregation Patterns and Trends
(c)(10)(A)(ii) racially or ethnically concentrated areas of poverty and affluence,	Chapter 4 – Racially or Ethnically Concentrated Areas
(c)(10)(A)(ii) disparities in access to opportunity,	Chapter 4 – Disparities in Access to Opportunity
(c)(10)(A)(ii) and disproportionate housing needs,	Chapter 4 – Disproportionate Housing Needs and Displacement Risk
(c)(10)(A)(ii) including displacement risk.	Chapter 4 – Disproportionate Housing Needs and Displacement Risk
(c)(10)(A)(ii) The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction.	Chapter 4 – Assessment of Fair Housing
(c)(10)(A)(ii) and comparing the jurisdiction to the region in which it is located, based on race and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) and Section 65008.	Chapter 4 – Assessment of Fair Housing
(c)(10)(A)(iii) An assessment of the contributing factors, including the local and regional historical origins	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions

Government Code Provision	Housing Element Compliance
(c)(10)(A)(iii) and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).	Chapter 4 – Assessment of Fair Housing
(c)(10)(A)(iv) An identification of the jurisdiction’s fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance,	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(iv) and identifying the metrics and milestones for determining what fair housing results will be achieved.	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) and encouraging development of new affordable housing in areas of opportunity,	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing,	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) and protecting existing residents from displacement.	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions

Government Code Provision	Housing Element Compliance
(c)(10)(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.	
(d)(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.	Chapter 5 – Emergency Shelters; Policy H6.5
(d)(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.	
(d)(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:	
(d)(3)(A) How the joint facility will meet the jurisdiction’s emergency shelter need. (d)(3)(B) The jurisdiction’s contribution to the facility for both the development and ongoing operation and management of the facility. (d)(3)(C) The amount and source of the funding that the jurisdiction contributes to the facility.	
(d)(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.	
(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:	
(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county	

Government Code Provision	Housing Element Compliance
submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.	
(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.	
(f) – (j): Not applicable	Not Applicable.
Section 65583.1(a)	
(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.	
(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.	
Section 65583.2	

Government Code Provision	Housing Element Compliance
(a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583,	Site Inventory (Appendix 7-1)
(a) that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):	
(a)(1) Vacant sites zoned for residential use.	Site Inventory (Appendix 7-1)
(a)(2) Vacant sites zoned for nonresidential use that allows residential development.	Site Inventory (Appendix 7-1)
(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county	Site Inventory (Appendix 7-1)
(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.	Site Inventory (Appendix 7-1)
(b) The inventory of land shall include all of the following:	
(b)(1) A listing of properties by assessor parcel number.	Site Inventory (Appendix 7-1)
(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.	Site Inventory (Appendix 7-1)
(b)(3) For nonvacant sites, a description of the existing use of each property.	Site Inventory (Appendix 7-1)

Government Code Provision	Housing Element Compliance
(b)(3) If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	Program H4.G
(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.	Chapter 7 – Environmental Constraints
(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.	Chapter 7 - Infrastructure
(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.	Site Inventory (Appendix 7-1)
(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.	N/A
(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction’s general plan, for reference purposes only.	Chapter 7 – Figure 7-1: Map of Sites
(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the	Site Inventory (Appendix 7-1)

Government Code Provision	Housing Element Compliance
number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.	
(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality’s housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right.	Program H4.Q
(c) Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	
(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing,	Site Inventory (Appendix 7-1)
(c) factory-built housing, mobile homes,	Chapter 5 – Manufactured Homes; Mobile Home Parks
(c) housing for agricultural employees, supportive housing,	Chapter 5 – Small Employee Housing; Supportive Housing
(c) single-room occupancy units,	Chapter 5 – Single-Room Occupancy Units (SROs)

Government Code Provision	Housing Element Compliance
(c) emergency shelters, and	Chapter 5 – Emergency Shelters
(c) transitional housing	Chapter 5 – Transitional Housing
(c) and whether the inventory affirmatively furthers fair housing.	Chapter 7 – Affirmatively Furthering Fair Housing
(c) The city or county shall determine the number of housing units that can be accommodated on each site as follows:	
(c)(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency’s calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.	Chapter 7 – Site Capacity
(c)(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583,	Site Inventory (Appendix 7-1)
(c)(2) the realistic development capacity for the site,	Site Inventory (Appendix 7-1); see Site Sheets (Appendix 7-5)
(c)(2) typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,	Site Inventory (Appendix 7-1); see Site Sheets (Appendix 7-5)
(c)(2) and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	Site Inventory (Appendix 7-1); see Site Sheets (Appendix 7-5)
(c)(2)(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality	Chapter 7 – Small and Large Sites

Government Code Provision	Housing Element Compliance
provides other evidence to the department that the site is adequate to accommodate lower income housing.	
(c)(2)(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing.	Chapter 7 – Small and Large Sites
(c)(2)(B) For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.	
(c)(2)(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.	
(c)(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:	
(c)(3)(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.	
(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households: (i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.	Chapter 7 – Default Density

Government Code Provision	Housing Element Compliance
<p>(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.</p> <p>(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.</p> <p>(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.</p>	
<p>(4)(A) For a metropolitan jurisdiction:</p>	
<p>(4)(A)(i) At least 25 percent of the jurisdiction’s share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.</p>	Chapter 7 – AB 725 (Wicks)
<p>(4)(A)(ii) At least 25 percent of the jurisdiction’s share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.</p>	Chapter 7 – AB 725 (Wicks)
<p>(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:</p> <p>(i) Deny a project that does not comply with the allocation.</p> <p>(ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law.</p> <p>(iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.</p>	
<p>(C) This paragraph does not apply to an unincorporated area.</p>	
<p>(D) For purposes of this paragraph:</p>	
<p>(i) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.</p>	

Government Code Provision	Housing Element Compliance
<p>(ii) “Unit of housing” does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.</p>	
<p>(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.</p>	
<p>(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.</p>	
<p>(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction’s population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.</p>	
<p>(2)(A)(i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a</p>	

Government Code Provision	Housing Element Compliance
<p>population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.</p>	
<p>(2)(A)(ii) A county subject to this subparagraph shall utilize the sum existing in the county’s housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.</p>	
<p>(2)(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.</p>	
<p>(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for “suburban area” above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction’s population is less than 25,000 in which case it shall be considered suburban.</p>	
<p>(g)(1) For sites described in paragraph (3) of subdivision (b) [non-vacant sites], the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.</p>	Chapter 7 – Site Inventory Analysis and Methodology
<p>(g)(1) The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development,</p>	Chapter 7 – Non-vacant Sites Analysis

Government Code Provision	Housing Element Compliance
(g)(1) the city’s or county’s past experience with converting existing uses to higher density residential development,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) the current market demand for the existing use,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) development trends,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) market conditions,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) and regulatory or other incentives or standards to encourage additional residential development on these sites.	Chapter 7 – Non-vacant Sites Analysis
(g)(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.	Chapter 7 – Non-vacant Sites Analysis
(g)(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity’s valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those	Chapter 7 – Residential Development on Nonvacant Sites

Government Code Provision	Housing Element Compliance
units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.	
(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period.	Program H4.K
(h) These sites shall be zoned with minimum density and development standards that permit at least	
(h) 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c),	
(h) shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c)	Program H4.K
(h) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b).	Program H4.K
(h) At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.	Program H4.K

Government Code Provision	Housing Element Compliance
<p>(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act.</p>	
<p>(i) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.</p>	
<p>(i) Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.</p>	
<p>(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.</p>	

Attachment B, Exhibit B

Changes to City of Menlo Park 2023-2031 Housing Element in response to Letter from the California Department of Housing and Community Development

As required by Government Code Section 65585(e), the City Council has considered the findings made by the California Department of Housing and Community Development (HCD) included in HCD's letter to the City dated October 21, 2022. Consistent with Government Code Section 65585(f)(1), the City has made changes to the 2023-2031 Housing Element in response to the findings of the Department to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD. The changes made in the City's 6th Cycle Housing Element Primary HCD Review Draft dated July 22, 2022 in response to HCD's letter are described below, organized by HCD comment in its October 21, 2022 letter.

HCD Comment (p. 1): *Revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code).*

City Response: After receiving HCD's October 21, 2022 letter regarding the City's draft 2023-2031 Housing Element, the City made substantive changes throughout the document to incorporate HCD's direction. An overview of the revisions made in response to HCD's comments to ensure that the adopted Housing Element is in substantial compliance with State law is included below, including references to the location in the Housing Element with redlined changes where additions and/or revisions have been made in response to HCD's letter. With the referenced additions and revisions, the City Council believes that the 2023-2031 Housing Element substantially complies with the requirements of State law.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

HCD Comment (Appendix p. 1): *Integration and Segregation: The element reports and maps data on components of the assessment of fair housing but should evaluate patterns and trends. The element should describe what contributes to the concentration of Hispanic residents within the City, as well as what contributes to the identified segregation in the Belle Haven neighborhood. In addition, the element should describe what contributes to the concentration of female headed households north of Highway 101. The element should also describe the concentration of low-income residents east of Highway 101 as well as describe and analyze the City's high median income in relation to the immediate surrounding region (i.e., East Palo Alto, Palo Alto, Redwood City).*

City Response: A detailed discussion of integration and segregation has been provided in Chapter 4 (Affirmatively Furthering Fair Housing) within the "Integration and Segregation Patterns and Trends" subsection (Page 4-36). It includes detailed local histories as assembled by Menlo Together and other local organizations, and includes all items in the ABAG/MTC Affirmatively Furthering Fair Housing Data Checklist from December 13, 2021. The section notes that concentrations indicated in the comment have largely been driven by restrictive covenants and federal discrimination that were in place when Menlo Park expanded after World War II, and more recently by displacement

trends that began to increase after the 2008 financial crisis. The element includes detailed income information including comparison to the surrounding region (Page 4-38). Areas of the city east of US-101, notably Belle Haven, are disproportionately more composed of low to moderate income households than the areas of Menlo Park west of US-101 (Figure 4-18). Further, Menlo Park has a higher median income than some of its neighboring jurisdiction (Table 4-9). This is likely due to Menlo Park's history as a racially-exclusive suburb, albeit one that was more exclusive than some and less exclusive than others. A new "Disparities by Family Composition and Income" section is included to analyze what contributes to the concentration of female headed households in certain areas of the city (Page 4-25).

HCD Comment (Appendix p. 1): *Racial/Ethnic Areas of Concentration of Affluence (RCAA): The element currently states that there are no RCAAs within the City. However, HCD's fair housing data viewer indicates that the City and much of the surrounding region is considered a RCAA. The analysis should include updated data regarding the City's RCAA designations and as noted above this should be analyzed relative to the broader region, County, and neighboring communities including the City's eastern neighbors. For more information, please visit: <https://affh-data-resources-cahcd.hub.arcgis.com>.*

City Response: Much of San Mateo County – including Menlo Park – is classified as a Racially Concentrated Area of Affluence (RCAA). A detailed discussion of racial or ethnic areas of concentrated affluence and poverty has been added in Chapter 4 (Affirmatively Furthering Fair Housing) within the "Racially or Ethnically Concentrated Areas" subsection (Page 4-48). The areas of Menlo Park west of US-101 are designated as RCAAs, but the areas east of US-101 are not. A map has also been provided to show how Menlo Park fits within the context of other communities with RCAAs in the Bay Area (Figure 4-24). The areas of Menlo Park west of US-101 are designated as Racially Concentrated Areas of Affluence, but the areas east of US-101 are not (Page 4-49).

HCD Comment (Appendix p. 1): *Disparities in Access to Opportunity: While the element included some data, additional information is required. The element should analyze the identified disparities in access to opportunity locally as well as include a regional analysis (City compared to the broader region). In addition, the element should describe whether there is access to jobs for protected classes and analyze the relationship between the least positive economic outcomes located in the same areas with the highest proximity to jobs. The element should also describe availability and access to transit geographically within the City and whether protected classes have access to transit. Lastly, the element must describe what contributes to the low environmental scores other than location of the highway.*

City Response: Updated analysis regarding disparities in access to opportunity is provided in Chapter 4 (Affirmatively Furthering Fair Housing) within the "Disparities in Access to Opportunity" subsection (Page 4-13). Analysis regarding schools, jobs, transportation, environment, and disability is provided. Discussion of Opportunity Area Maps prepared by HCD and the State Tax Credit Allocation Committee (TCAC) is also provided (Page 4-15). The highest resource tracts are primarily concentrated in central neighborhoods. All the neighborhoods east of Highway 101 are considered low or moderate resource tracts. The additional analysis indicated above describes factors that may contribute to lower environmental scores, but additional information and context is also being provided in the City's new Environmental Justice Element that is currently being developed.

HCD Comment (Appendix p. 2): *Disproportionate Housing Needs including Displacement: While the element reports some data on disproportionate needs, it should analyze what contributes to the concentration of cost burdened renters and owners. In addition, the element should analyze the identified concentration of substandard housing and provide a regional analysis. The element should also describe and analyze disproportionate housing needs for persons experiencing homelessness, including impacts on protected characteristics and patterns or areas of higher need relative to access to transportation and services. Lastly, the element must also describe and analyze areas sensitive to displacement, including displacement risk due to disaster (e.g., earthquake, fire, and flood).*

City Response: Updated analysis regarding disproportionate housing needs, including displacement, is available in Chapter 4 (Affirmatively Furthering Fair Housing) within the “Disproportionate Housing Needs and Displacement Risk” subsection (Page 4-50). District 1 (east of Highway 101) is disproportionately impacted by equity issues, including being comparatively lower resourced and having a higher risk for displacement than the rest of the city west of Highway 101 (Districts 2 through 5). Analysis regarding cost burdens, overcrowding, substandard housing, and displacement is provided. Discussion regarding homelessness/unhoused individuals, large families, and other groups with particular needs, is available in Chapter 4 within the “Special Housing Needs” subsection (Page 4-61).

HCD Comment (Appendix p. 2): *Affirmatively Furthering Fair Housing (AFFH) and Identified Sites: While the element includes a general summary of fair housing related to the sites inventory, it must analyze how the identified sites contribute to or mitigate fair housing issues. The element must identify and analyze sites throughout the community to foster inclusive communities and affirmatively further fair housing. An analysis should address all of the income categories of identified sites with respect to location, the number of units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).*

City Response: The City is meeting its Regional Housing Needs Allocation (RHNA) requirements for the 2023-2031 planning period through the identification of 69 housing opportunity sites made up of 83 parcels. These sites are focused in Districts 2 through 5 to disperse affordable housing and housing development in general throughout the City of Menlo Park (Page 7-1). A new requirement for this 6th Cycle Housing Element is for the Site Inventory to be consistent with a jurisdiction's duty for Affirmatively Furthering Fair Housing (AFFH). A detailed discussion regarding AFFH and identified housing opportunity sites is available in Chapter 7 (Site Inventory and Analysis) within the “Affirmatively Furthering Fair Housing” subsection (Page 7-19); Chapter 4 (Affirmatively Furthering Fair Housing); and Appendix 4-2 (City of Menlo Park Assessment of Fair Housing).

Within Chapter 7, new text relating the AFFH data and population makeup to the Site Inventory is provided (Page 7-20); references are made to Chapter 4 and Appendix 4-2 which provide further fair housing analysis; and a new “Site Inventory and Existing Social Patterns” subsection is included to discuss how the identified sites contribute to or mitigate fair housing issues (Page 7-22). The sites in the 6th Cycle Site Inventory wholly consist of parcels allocated towards the City’s lower income or moderate income RHNA.

This is because Pipeline Projects, which are disproportionately in Council District 1, are sufficient to provide Menlo Park's above moderate income RHNA. The affordable allocations in the Site Inventory are largely located in Council Districts 2-5, which are areas of high or highest opportunity according to TCAC/HCD mapping. This strategy of allocating affordable units in high-resource areas and market-rate units in lower-resource areas improves integration, alleviates access to opportunity, and supports the disproportionate housing needs of special needs populations.

HCD Comment (Appendix p. 2): *Goals, Actions, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community preservation and revitalization and displacement protection.*

City Response: Chapter 4 (Affirmatively Furthering Fair Housing) includes an updated "Fair Housing Issues, Contributing Factors, and City Actions" subsection (Page 4-84). The 2023-2031 Housing Element goals, policies, and programs were developed and refined based on community priorities and concerns. The City coordinated with local fair housing non-profit organizations/partners such as Project Sentinel to receive fair housing intake and referral statistics unique to Menlo Park with the intent to use the data to better understand fair housing issues, contributing factors, and plan City actions. Project Sentinel's data provided information such as certain racial groups (Black/African American) and special needs populations (persons with disabilities, seniors, and female-headed households) having a higher incidence of fair housing complaints compared to their percentage of the City's population as a whole (Page 4-84). One of the highlighted action outcomes is that the City will seek to increase the number of Menlo Park residents counseled through Project Sentinel from an average of ten to twelve annually (Page 4-87). With all information considered, and based on community input and an analysis of City capacity, the project team developed a table of fair housing issues, their contributing factors, a priority level for the fair housing issues, and City actions to remediate the issue (Table 4-26). The fair housing issues identified are:

- A. Fair Housing outreach (Medium Priority);
- B. Need for affordable housing options throughout Menlo Park to promote mobility (High Priority); and
- C. Need for community conservation and revitalization in low and moderate resource neighborhoods located east of Highway 101 (Council District 1) (High Priority).

Menlo Park's approach to affirmatively furthering fair housing is integrated into the goals, policies, and programs of the Housing Element. This Housing Element contains seven housing goals that provide overarching housing objectives for the City to strive towards. Within each goal are policies that describe the approach or behavior that will move the City towards the respective goal. These policies and goals will be realized through housing programs, which detail actionable implementation steps that the City will take throughout the planning period. Each housing program includes the responsible party for implementation, funding source, measurable objective, and timeframe for implementing the program. The policies and programs reinforce and promote the development of

affordable housing while encouraging equitable dispersion of affordable housing throughout the city and avoiding further concentration of opportunity and poverty.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

HCD Comment (Appendix p. 2): *Extremely Low Income (ELI): While the element includes the total number of ELI households in the City, it must include this data by tenure (i.e., renter and owner) and analyze their housing needs.*

City Response: Updated data regarding extremely low-income (ELI) households is available in Chapter 3 (Housing Conditions and Trends) within the “Income” (Page 3-12) and “General Housing Characteristics” (Page 3-14) subsections. Highlighted discussion points include:

- Menlo Park's extremely low ownership vacancy rate is an indicator of the high demand for housing in the city, correlated with the high house sale prices seen in the city. By producing more housing units at all income levels, Menlo Park can ease the pressure on home sales. Meeting RHNA would increase the number of housing units by 21 percent over 2020 levels, which would help address this issue.
- Of the 1,400 extremely low-income households in Menlo Park (those making 0-30 percent of Area Median income (AMI), 565 households are owners and 835 are renters (40 percent and 60 percent, respectively).
- Of the City's extremely low income households, 73 are spending more than half their income towards housing, and as stated, 60 percent of the City's ELI households are renters, a group particularly vulnerable to rising rents. Household overcrowding is not a particular issue for the City's ELI households, with just 4.9 percent identified as overcrowded.
- The City continues to encourage eligible persons to participate in the Section 8 Housing Voucher Program administered through the San Mateo County Housing Authority, thereby enhancing access to housing opportunities among lower income households (Program H3.B).
- The City will also facilitate the provision of ELI units through the Affordable Housing Overlay (Program H4.D). Supporting ELI homeowners in adding accessory dwelling units that can generate rental income (Program H4.F), as well as promoting available housing rehabilitation programs (Program H2.C) can assist homeowners spending a large portion of their incomes on housing costs.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

HCD Comment (Appendix p. 2): *Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).*

City Response: Updated data regarding overpayment is available in Chapter 3 (Housing Conditions and Trends) within the “Affordability” subsection (Page 3-23). Out of Menlo Park's 5,010 renter households, 2,020 units are paying more than 30 percent of their income for housing (40 percent of all renters). 1,125 units pay more than 50 percent of their income for housing (22 percent of all renters). Of Menlo Park's 2,910 renter

households making less than 80 percent of area median income, 2,000 (69 percent) pay more than 30 percent of their household income on housing. Of these, 1,125 (39 percent of all lower income renter households) pay more than 50 percent of their household income on housing.

For Menlo Park's 6,895 owner-occupied households, 2,070 units pay more than 30 percent of their income for housing (30 percent of all owner-occupied households). 885 pay more than 50 percent of their income for housing (13 percent of all owner-occupied households). Of Menlo Park's 2,445 homeowner households making less than 80 percent of area median income, 1,455 (59 percent) pay more than 30 percent of their household income on housing. Of these, 815 (33 percent of all lower income renter households) pay more than 50 percent of their household income on housing. Proportionally more renters are overpaying for housing compared to homeowners, and more lower income renters are overpaying than lower income homeowners. Additional housing opportunities for rental housing available to all income levels could help alleviate this overpayment issue. (Page 3-24). Additional data and analysis is provided using the U.S. Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy's American Community Survey tabulation of 2013-2017 data (Page 3-26).

HCD Comment (Appendix p. 3): *Overcrowding: The element must quantify the total number of overcrowded households within the City and analyze their housing needs.*

City Response: Updated data regarding overcrowding is available in Chapter 3 (Housing Conditions and Trends) within the "Overcrowding" subsection (Page 3-30). Households experiencing overcrowding require larger units with more bedrooms to increase the health and safety of their household. In many cities, overcrowding is more common amongst renters, with multiple households sharing a unit to make it possible to stay in their communities. In Menlo Park, 2.2 percent of households that rent are severely overcrowded, compared to 0.8 percent of households that own. About 3.1 percent of renters experience moderate overcrowding, compared to 1.7 percent for those that own. Low-income households are more likely to experience overcrowding. About 4 percent of households making less than 50 percent of AMI are severely overcrowded, while 0.7 percent of households making more than 100 percent AMI experience the same level of severe overcrowding. A new Table 3-9 (Overcrowding by Severity in Menlo Park and the Region) is provided to show overcrowding by severity in Menlo Park, San Mateo County, and the greater Bay Area (Page 3-31). Communities of color are also more likely to experience overcrowding similar to how they are more likely to experience poverty, financial instability, and housing insecurity. People of color tend to experience overcrowding at higher rates than White (Non-Hispanic) residents. In Menlo Park, the racial group with the greatest overcrowding rate is Hispanic or Latinx.

HCD Comment (Appendix p. 3): *Housing Costs: While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge) to reflect more current market conditions.*

City Response: Updated data regarding housing costs is available in Chapter 3 (Housing Conditions and Trends) within the "Typical Home Values and Rents" subsection (Page 3-19). Highlighted discussion points include:

- The Bay Area has seen a stark increase in housing demand in the past two decades but that has not correlated to an increase in housing supply. Home prices and rents

have been steadily increasing the past two decades, but in recent years, the jump has been dramatic. Since 2009, median rent increased 41 percent to \$2,200, and median home values have more than doubled to \$1,445,000 (Page 3-19).

- According to a review of rentals in Menlo Park using Zillow, Apartments.com, and Craigslist, rents range from \$1,825 for a studio to \$7,500 for a three-bedroom apartment. Houses can be rented for \$2,000 for a one-bedroom to \$9,000 for a four-bedroom house. There were also very few units available for rent: only 47 rental apartments and 48 rental homes (not including short-term rentals, which were not analyzed) were available (Page 3-21).
- Apartments available online tend to be older construction, and subsequently lower cost. Analysis of a single new apartment complex of approximately 400 units (ranging from studio to 4-bedroom units) demonstrated an average unit rent of \$3,602 and a cost per square foot of \$4.10. This is an average of market-rate and below-market-rate units. This is markedly higher than median apartment rental rates in the region (\$3.76 in the San Francisco metropolitan area and \$3.32 in the San Jose metropolitan area) (Page 3-21).

4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

HCD Comment (Appendix p. 3): *Progress in Meeting the Regional Housing Need Allocation (RHNA): As you know, the City's RHNA may be reduced by the number of new units built since June 30, 2022, however, the element must demonstrate the affordability and availability of units in the planning period. The availability or likelihood the units will be built in the planning period should account for any barriers to development, phasing, anticipated build out horizons, market conditions and other relevant factors. This analysis should specifically address proposed projects, particularly the 1,729 units in Willow Village, rescale assumptions if appropriate and, given the magnitude of the project relative to the RHNA, should include a program to monitor progress and make adjustments as appropriate.*

City Response: The housing opportunity sites, along with the "Pipeline Projects" identified in Chapter 7 (Site inventory and Analysis), detailed within the "Site Inventory Analysis and Methodology" subsection of the chapter, provide sufficient site capacity to meet Menlo Park's RHNA with an additional 30 percent buffer, as recommended by HCD. Table 7-5 (Pipeline Projects) includes updated unit counts and footnotes with information regarding the availability or likelihood the units will be built in the planning period (Page 7-7). To clarify, the Willow Village project includes 1,730 dwelling units. With regard to Willow Village, in December 2022, the City Council adopted resolutions and ordinances associated with entitlements required to carry out the proposed master plan. Future architectural control reviews by the Planning Commission are required to review the architectural designs for compliance with the Zoning Ordinance, conditional development permit, development agreement, and mitigation monitoring and reporting program from the certified EIR. The City is working with the project team to process the architectural control packages for each building, the final subdivision maps and infrastructure improvement plans efficiently and believe the reviews and actions on these implementing items will be completed in the first half of 2023, at which point building permits could be filed. Construction could potentially begin as soon as building permits are issued, although the exact timing will depend on the developer's priorities and

market conditions at that time. For more information, please visit the project webpage: <https://menlopark.gov/WillowVillage>. The City has included Program H1.H (Transparency on Progress towards RHNA). The City will publish information regarding below market rate development pipeline projects, including the anticipated number of units and affordability, on the City's housing website in coordination with the Housing Element's annual progress report. Should adjustments to the City's housing plan be needed, they will be undertaken.

HCD Comment (Appendix p. 3): *Realistic Capacity: The element must include a methodology for calculating the realistic residential capacity on identified sites. The methodology must account for land use controls land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element includes a methodology that essentially starts with developable area then multiplies that area by maximum densities then a series of adjustments. This method can be generally consistent with statute. However, in many cases the adjustments are 100 percent or more, do not appear to discount from the maximum allowable density and conflate non-residential likelihood and nonvacant development potential in a manner that the reasoning for the assumption is indiscernible. To address this requirement, the element could utilize a minimum density and HCD shall accept that methodology without any analysis or demonstration or the element could utilize a conservative methodology that will also assist in maintaining sites throughout the planning period pursuant to Government Code section 65863. Otherwise, the element must provide adequate supporting information for the various adjustment factors, rescale assumptions as appropriate and should separate the non-residential and nonvacant adjustment factor. Adequate supporting information would include a listing of all recent developments in the City by acreage, zone, allowable density, built density and affordability and then relate that information to the assumptions utilized in the inventory. For example, if the characteristics of past development are not similar to identified sites then the assumptions should not be utilized. With respect to the non-residential adjustment factor, the element should list or evaluate all development (residential and non-residential) to determine the likelihood for 100 percent nonresidential development than account for that trend in the adjustment factor. For example, the element could list and evaluate all recent development in the City by acreage, zone, allowable density, allowable uses, built uses, built densities and affordability.*

City Response: Chapter 7 (Site Inventory and Analysis) includes a significant change to the realistic site capacity methodology used to estimate how many units could be developed on the 69 housing opportunity sites in the Site Inventory (Page 7-10). The City undertook a parcel-by-parcel capacity analysis that determined the likely potential capacity of each site. This parcel-by-parcel analysis was developed according to the realistic capacity methodology laid out by HCD, where the maximum unit capacity (developable acreage multiplied by maximum density) is modified by several adjustment factors (land use controls, realistic capacity, typical densities, infrastructure availability, and environmental constraints). The adjustment factors were renamed and modified to reflect the methodology and comments provided by HCD (Page 7-11). A full description of this methodology is available in Appendix 7-5 (Site Sheets), along with individual site sheets describing how unit capacity and affordability allocation was determined, as well as key findings for the sites. Parcels were analyzed for their capacity for lower-income units. Parcels that could hold a higher number of lower-income units tended to be located in central Menlo Park, a transit-rich area containing many amenities such as grocery stores and parks that would support fair housing goals for lower-income

populations. Moderate and above-moderate housing tended to be located in other areas of the city (Page 7-11).

HCD Comment (Appendix p. 4): *Small and Large Sites: Sites smaller than a half acre and larger than ten acres in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). The element lists small and large sites but also evaluate whether those sites are suitable to accommodate housing for lower income households and add or modify programs as appropriate. For example, the element could list past consolidations by the number of parcels, number of owners, zone, number of units, affordability and circumstances leading to consolidation and then relate those trends to the identified sites or could explain the potential for consolidation on a site-by-site basis.*

City Response: Chapter 7 (Site Inventory and Analysis) includes an enhanced “Small and Large Sites” subsection (Page 7-17) which discusses small sites (parcels less than 0.5 acres), large sites (parcels greater than 10.0 acres), and a “carveout” strategy of one or two acres on the larger sites that would allow residential development in mixed-use areas. These carveouts are intended to make land costs more manageable for residential developers, particularly lower income housing developers, and to complement the existing uses that may likely remain intact with new development. Parcel consolidation has not been a demonstrated constraint in Menlo Park’s recent residential development history. Of the eight pipeline projects that are part of the Housing Element update, six include consolidated parcels. The affordability allocation for the sites was also modified. In the revised draft, none of the sites consisting of small parcels have lower-income units allocated (Page 7-17). The only large sites with lower income units allocated are the USGS site at 345 Middlefield Road (Site #12), made up of two parcels that are approximately 12 and five acres in size, and the Menlo Park VA Medical Center site at 795 Willow Road (Site #64), which is the site of a collaboration project between the VA and MidPen Housing to develop a 61-unit, 100% affordable housing development for veterans. The rationale for allocating lower-income units on Site #12 and Site #64 site is provided (Page 7-18).

HCD Comment (Appendix p. 4): *Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. While the element includes a detailed description of existing uses, it must also demonstrate the potential for additional development in the planning period. In addition, the element must analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as religious institutions, a post office, parking lots, a supermarket, and office buildings. The element should describe how residential development is likely to occur on sites including an office building built in 2013, as well as a supermarket, and an operating post office. The element can summarize past experiences converting similar existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. In addition, the element should tie the feasibility of parking lot developments mentioned in nearby cities to the sites listed in the inventory. The element should also provide additional support for development on church sites including a history of development with few units affordable to lower income, especially on the sites where there is not church interest.*

In addition, as noted in the housing element, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.

City Response: Chapter 7 (Site Inventory and Analysis) includes an enhanced “Non-vacant Sites Analysis” subsection (Page 7-24) to describe how the City is meeting lower income RHNA on non-vacant sites, including the highlighted sites within the HCD comment. Page 7-27 addresses § 65583.2, subd. (g)(2) and describes the City Council findings that shall be made based on substantial evidence that existing uses are not impediments and will likely discontinue during the planning period. Non-vacant sites are grouped into six potential redevelopment types to further analyze their development potential:

- Religious Facilities
- Parking Lots
- Non-Residential with Carveout
- Non-Residential with Complete Redevelopment
- El Camino Real/Downtown Specific Plan Area
- Underutilized Residential

Further, each site is described with a Site Sheet available in Appendix 7-5. The Site Sheets provide general planning information, site-specific HCD Housing Opportunity Site Criteria, and Key Findings for what development is likely to occur on the site.

HCD Comment (Appendix p. 4): *City-Owned Sites: The element must include additional discussion on each of the City-owned sites identified to accommodate the RHNA. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.*

City Response: Chapter 7 (Site Inventory and Analysis) includes an enhanced “City Owned Properties” subsection (Page 7-15). The City owns a majority of the downtown parking lots and can facilitate the use of these parking lots for development of affordable housing. The value of the land as a residential use and the opportunity for new affordable housing downtown provides a public benefit that exceeds the value as surface parking facilities. Also addressed in Chapter 7:

- Reference to Program H4.L (Modify El Camino Real/Downtown Specific Plan” is included with the default density discussion (Page 7-10).
- Surplus Land Act description and City compliance is included (Page 7-16).

- The reference to nine City-owned surface parking lots is revised (Page 7-28). There are eight surface parking lots suitable for multifamily development.
- Added language regarding Program H4.G, the City-led process to promote housing development on underutilized City-owned parking lots in downtown and adhere to procedures consistent with the Surplus Lands Act to provide affordable housing developers a first right of refusal (AB 1486). The objective is to achieve the development of 345 affordable units on a combination of City-owned parking lot sites in the downtown, supporting the integration of affordable housing options in high resource areas of the community (Page 7-29).
- Added Program H4.K (Rezone for Lower Income Shortfall), to rezone sites to address a lower income RHNA shortfall.

HCD Comment (Appendix p. 5): *Federally-Owned Sites and School Sites: The element identifies two federally-owned sites, the USGS and Veterans Affairs hospital site in addition to the Ravenswood School District site. The element should provide additional discussion on each of the sites and address general plan designations, allowable densities, support for residential capacity assumptions, existing uses, whether lot splits are needed, and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). The element must provide additional support and describe whether the City has contacted the owners regarding feasibility of development on these sites and whether they will be available during the planning period.*

City Response: Chapter 7 (Site Inventory and Analysis) includes enhanced description regarding the USGS (Site #12), VA (Site #64), and Ravenswood City School District-owned sites (Site #38). Sites #12 and #64 are described within the “Carveouts and Large Sites” subsection (Page 7-17). Site #38, the only vacant site within the Site Inventory, is described within the “Non-vacant Sites Analysis” subsection (Page 7-24). A new Program H4.K has been added to rezone sites to address a lower income RHNA shortfall.

HCD Comment (Appendix p. 5): *Replacement Housing Requirements: The element identifies sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).*

City Response: Chapter 7 (Site Inventory and Analysis) includes added description of replacement housing requirements within the “Non-vacant Sites Analysis” subsection (Page 7-24): *Pursuant to Government Code 65583.2(g)(3), the Housing Element must include a program requiring the replacement of units affordable to the same or lower income level as a condition of any development on a non-vacant site consistent with those requirements set forth in Density Bonus Law (Government Code 65915(c)(3)). Replacement requirements shall be required for sites identified in the inventory that currently have residential uses, or within the last five years have had residential uses that have been vacated or demolished, and were either rent or price restricted, or were occupied by low or very low income households. This requirement is satisfied by Program H2.B (Amend the Zoning Ordinance to Protect Existing Housing).*

HCD Comment (Appendix p. 5): *Availability of Infrastructure: The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities, to accommodate the RHNA.*

City Response: Discussion regarding the availability of infrastructure is available in Chapter 7 within the “Infrastructure” subsection (Page 7-47). The water, sewer, and dry utilities review is taken from the Supplemental Environmental Impact Report (SEIR) prepared for the project (Draft SEIR published November 4, 2022; Final SEIR published January 3, 2023).

HCD Comment (Appendix p. 5): *Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must describe any other known environmental constraints or conditions within the City that could impact housing development in the planning period.*

City Response: Discussion regarding environmental constraints is available in Chapter 7 within the “Infrastructure” subsection (Page 7-49). The environmental constraints review is taken from the Supplemental Environmental Impact Report (SEIR) prepared for the project (Draft SEIR) published November 4, 2022; Final SEIR published January 3, 2023).

HCD Comment (Appendix pp. 5-6): *Zoning for a Variety of Housing Types:*

- *Emergency Shelters: The element should describe the permit processing, development, and management standards of the Homeless Overlay that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. In particular, the element describes a limit of 16 beds per facility, which is a constraint. In addition, the element should describe the capacity of sites included in the overlay to accommodate the City’s need. Lastly, the element should describe how emergency shelter parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- Updated Table 5-1 (Land Use Controls Table) (Page 5-9).
 - The “Emergency Shelters” subsection (Page 5-11) includes updated text describing the Emergency Shelter for the Homeless Overlay, including compliance with AB 139 (2020), as well as information regarding the 2022 Point-in-Time count and shelters in San Mateo County. In an effort to reduce potential constraints to housing, the City will modify the Emergency Shelter for the Homeless Overlay to increase the number of beds allowed in an emergency shelter for the homeless.
 - Program H3.G (Zoning Text Amendments for Special Needs Housing) is included to reduce actual and potential constraints to emergency shelters. Specifically, the City will modify Municipal Code 16.99, Emergency Shelter for Homeless Overlay, subsection .030 to increase the number of beds allowed in an emergency shelter for the homeless (Page 5-12).
- *Transitional and Supportive Housing: Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject*

to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) The element must demonstrate compliance with these requirements and include programs as appropriate.

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- Updated Table 5-1 (Land Use Controls Table) (Page 5-9).
 - Program H3.G (Zoning Text Amendments for Special Needs Housing) is included to reduce actual and potential constraints to transitional and supportive housing.
- *By-Right Permanent Supportive Housing: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with these requirements and include programs as appropriate.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- Updated Table 5-1 (Land Use Controls Table) (Page 5-9).
 - Program H3.G (Zoning Text Amendments for Special Needs Housing) is included to reduce actual and potential constraints to transitional and supportive housing.
- *Housing for Employees: The Employee Housing Act permits housing under specific provisions. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. The element must demonstrate compliance with these requirements and include programs as appropriate.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- Updated Table 5-1 (Land Use Controls Table) (Page 5-9).
 - Updated “Housing for Agricultural Employees” subsection with “Small Employee Housing” subsection (Page 5-11).
 - Program H3.G (Zoning Text Amendments for Special Needs Housing) is included to reduce actual and potential constraints to housing for employees.
- *Accessory Dwelling Unit (ADU): The element indicates the City modifies its zoning code to ease barriers to the development of ADU’s. However, after a cursory review of the City’s ordinance, HCD discovered several areas which are not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should modify Program H4-F to update the City’s ADU ordinance to comply with state law. For more information, please consult HCD’s ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- The “Accessory Dwelling Units” subsection includes revised text: *The State Department of Housing and Community Development (HCD) has reviewed the City’s ADU ordinance and has identified several areas which do not comply with State ADU law. HCD will be providing the City with a letter outlining non-compliance issues in the ordinance. The City has included Program H4.F (Modify Accessory Dwelling Unit (ADU) Development Standards and Permit Process) in the Housing Element to update the ADU ordinance to bring it into full compliance with current State requirements (Page 5-16).*
- Program H4.F (Modify Accessory Dwelling Unit (ADU) Development Standards and Permit Process) is included to reduce actual and potential constraints for accessory dwelling units. Within six months of receipt of HCD’s letter regarding ADU regulations non-compliance issues, the City will make revisions to address the identified issues.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

HCD Comment (Appendix p. 6-7): *Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to parking, heights, lot coverage and limits on allowable densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. For example, the element should analyze the conditional use permit (CUP) requirement for multifamily development in the R4 zone where densities are allowed at 40 dwelling units per acre. In addition, the element should describe whether three stories are allowed without a use permit in the R-3, R3A, R3-C, C 2B, and R-MU zones where height limits are 35 feet or less. The element should also analyze the land use controls including landscaping, parking, and floor area ration (FAR) requirements in the R-3 zone and whether they allow maximum build out at allowed densities. The element should also describe and analyze densities and development standards that are allowed in the Affordable Housing Overlay. In addition, the element must describe and analyze the X Conditional Development District (p. 5-14) and any related land use controls. Lastly, the element should add programs as appropriate to address any identified constraints.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of land use controls. Highlighted revisions include:

- Added responses to existing governmental constraints concerning General Plan policies (Page 5-5).
- Added text to the Conditional Development District description: *The Conditional Development District (X), also referred to as combining district, is a zoning district specifically established for the purpose of combining special regulations or conditions with one of the zoning districts as set forth in Municipal Code Section 16.08.010. The X district is not delineated by any particular area of the city and can be generally described as a mechanism by which to regulate and plan development through approval of a Conditional Development Permit. A Conditional Development Permit*

may be issued to allow adjustment of the requirements of the district in order to secure special benefits possible through comprehensive planning of such large development. Further, such adjustment is intended to obtain public benefits; control the commercial component of projects in mixed-use areas; and to encourage more usable open space than would otherwise be provided with standard development. Conditional Development Permits are subject to review and recommendation by the Planning Commission and ultimate action by the City Council. There has been one approved development (Willow Village, December 2022) on X district properties in the previous eight years and no rejected developments in the X district during that time frame (Page 5-17).

- *Added text to the Conditional Development District description: **The Housing Element Sites Inventory includes 3 sites (Sites #21, #28, #50) which have been previously developed with a Conditional Development Permit. Development regulations in the X district are as specified in the Conditional Development Permit and in no event does the number of dwelling units, floor area ratio, or floor area limit, exceed the development regulations as set forth in base zoning district with which the X district is combined (Page 5-17).***
- *Corrected existing parking minimums in Table 5-2 (Summary of City of Menlo Park Zoning Requirements (2021)) for C-2-B and R-MU districts as 1 space/unit or 1 space/1,000 (Page 5-20).*
- *Added text: **On January 1, 2020, Senate Bill 330 (SB 330) went into effect. The bill is intended to streamline housing projects that are subject to discretionary review under local zoning laws. The bill establishes a two-step process by which an applicant can “lock in” applicable fees and development regulations by submitting a Preliminary Application, then submit a complete development application within 180 days of the submittal of the complete Preliminary Application. The City of Menlo Park complies with SB 330. Resources such as application checklists and process guidance handouts are available on the City's webpage. As of October 2022, the City has received and processed eight development applications under SB 330 (Page 5-23).***

HCD Comment (Appendix p. 7): *Voter Initiative: HCD was made aware of a proposed ballot measure in the City seeking to put any single-family rezoning to a vote, seemingly blocking affordable housing. The City must monitor and analyze the proposed ballot measure. If it passes, the element must add a program to include outreach and mitigation measures for the impact of the ballot measure on housing development throughout the planning period. The element should analyze the measure as a constraint on development based on site suitability for development and add or modify programs to address the constraint.*

City Response: *Measure V was a citizen-sponsored initiative measure to amend the Land Use Element of the General Plan to prohibit the City Council of the City of Menlo Park from re-designating or re-zoning certain properties designated and zoned for single family detached homes. Measure V did not pass at the November 8, 2022 General Election, no additional analysis is provided.*

HCD Comment (Appendix p. 7): *Parking: The element must analyze the parking requirements (p. 5-16) of more than one space per studio and one-bedroom unit and more than two spaces for two or more bedroom units. In addition, the element must describe what determines the parking requirements for C-2B and R-MU zones and analyze potential constraints. Should the analysis determine the parking standards or permit procedures are a constraint on residential development, it must include a program to address or remove any identified constraints.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes revisions. Highlighted revisions include:

- Added text: *City staff note that particularly on smaller parcels, current development standards may preclude the achievement of maximum zoned densities. These development standards can include, but are not limited to, parking requirements of more than one space per studio and one-bedroom unit and more than two spaces for two or more bedroom units. In addition, the parking requirements for the C-2-B (Neighborhood Mixed Use District, Restrictive) and R-MU (Residential Mixed Use) districts are determined by a minimum parking space ratio (1 space per unit or 1,000 square feet) and maximum parking space ratio (1.5 space per unit or 1,000 square feet), and such requirements are potential constraints to housing. The Housing Element includes Program H4.M (Update Parking Requirements and Design Standards). Program H4.M updates parking requirements and design standards to provide greater flexibility in site planning for multifamily residential housing, including establishing a parking or alternative transportation in-lieu fee. Parking amendments could involve reducing parking minimums, modifying parking maximums, eliminating parking requirements for affordable housing projects, expanding shared parking, exploring district parking, and exploring other parking recommendations provided by ABAG-MTC (Page 5-22).*

HCD Comment (Appendix p. 7): *Density Bonus: The City's current density bonus ordinance should be reviewed for compliance with current state density bonus law and programs should be added as necessary. (Gov. Code, § 65915.). In addition, the City's Affordable Housing Overlay states that the overlay will be an alternative to state density bonus law. This is in conflict with state law and must be revised.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes added text regarding the City's Affordable Housing Overlay (AHO) zoning and the State's Density Bonus law. Chapter 16.97 of Menlo Park's Municipal Code lays out local compliance with State Density Bonus Law (California Government Code Sections 659115-95918). Program H4.D (Modify the Affordable Housing Overlay (AHO)) describes that the AHO will be structured so that State Density Bonus incentives can be utilized in conjunction with the AHO (Page 5-45).

HCD Comment (Appendix p. 7): *Fees and Exaction: The element must describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. While the element lists some standard fees in Table 5-4, it must list typical fees including, but not limited to, CUPs, zone changes, general plan amendments, variances, site plans, specific plans, affordable housing in lieu fee, lot line adjustment, and other environmental fees. In addition, the element should describe and analyze fees as a proportion to the development costs for both single family and multifamily housing. Based on the outcomes of the analysis, the element should include programs to address identified constraints.*

City Response: Within Chapter 5 (Actual and Potential Constraints to Housing), the fees for Menlo Park are summarized within Table 5-4 (City of Menlo Park Fees (2019)) for three developments: (1) a 2,000-square foot single-family unit valued at \$900,000 or greater; (2) a 16,000-square foot, 10-unit for-rent multifamily project valued at \$5,000,000 (\$500,000 for each unit); and (3) a 750 square foot detached accessory dwelling unit valued at \$195,000. The fees below are shown for the entire 10-unit multifamily project, not on a per-unit basis, except within the fees summary in Table 5-5

(Summary of Fees). Table 5-5 (Summary of Fees) has been updated with the project valuation estimates for the sample single family (\$900,000), multifamily (\$5,000,000), and ADU developments (\$195,000). Typical development fees as a percentage of estimated project valuation are provided. Development fees for multifamily and ADU projects (5.4% and 6.4%, respectively) are much lower, as a proportion of the project value, than development fees for single-family developments (7.9%).

HCD Comment (Appendix p. 7-8): *Local Processing and Permit Procedures: While the element describes the use permit procedure for single family housing, it must describe and analyze the City's permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing). The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and time for typical single- and multi-family developments, including type of permit, level of review, approval findings and any discretionary approval procedures. The element should also describe and analyze the process and approval for a CUP and architectural control review. Lastly, the element should analyze the total processing time for both single family and multifamily developments and add a program as needed.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes additional detail regarding local processing and permit procedures for a variety of zones and housing types. Highlighted in Chapter 5:

- Revised Table 5-7, with focus on review for single family and multifamily projects (Page 5-33):
 - Updated title of Table 5-7 to “Single Family and Multifamily Use Permit and Architectural Control Review by Planning Commission”
 - Added text to Step 4: Determine if project requires environmental review under CEQA
 - Added text to Step 5: Continue CEQA process (if necessary)
 - Added new Step 8: Certify EIR and public hearing on entitlements
- Added “Project Review by Planning Commission” section which includes calling out required Use Permit findings (Page 5-35)
- Added data following Table 5-8 (Typical Application Processing Times (Menlo Park)) regarding median length of processing time for single-family and multi-family projects (Page 5-37)
- Updated “Architectural Control” section (Page 5-39)
- Multifamily Rental Housing section (Page 5-10)
- Mobile Home Parks section (Page 5-15) – No mobile home parks exist in Menlo Park (Page 3-15).
- Small Employee Housing section (formerly Housing for Agricultural Employees) (Page 5-11)
- Supportive Housing section (Page 5-13)
- Added footnote describing ministerial review in M-2 Zoning District and removed reference to non-existent Policy H5.8 (Page 5-39).

HCD Comment (Appendix p. 8): *Design Review: The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For*

example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes additional detail regarding local processing and permit procedures. Addressed in Chapter 5:

- Added reference to Program H4.E (Streamlined Project Review) (Page 5-41). This program sets up revised processes to streamline development projects.
- New subsection for “Project Review by Planning Commission” added to describe the applicability of Use Permit review and the required findings for granting a Use Permit (Page 5-35).
- Architectural Control design review subsection is clarified with project applicability and required findings (Page 5-39)
- Added clarification regarding design review generally: “The design review process is concurrent with the use permit process. Because it is not a separate process, it is not necessarily a constraint.” (Page 5-40)

HCD Comment (Appendix p. 8): *Streamlining Provisions: The element must clarify whether the City has procedures in place consistent with streamlining procedures pursuant to Government Code section 65913.4 and include programs as appropriate.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes a new “Streamlining Provisions” subsection (page 5-40). Menlo Park is not currently subject to SB 35. Program H4.E (Streamlined Project Review) requires the development of SB 35 streamlining processes.

HCD Comment (Appendix p. 8): *Codes and Enforcement: The element must describe the City’s building and zoning code enforcement processes and procedures, including any local amendments to the building code, and analyze their impact as potential constraints on housing supply and affordability.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes a new “Code Enforcement” subsection (Page 5-41). The Menlo Park Police Department has primary responsibility for enforcing the City’s codes and ordinances. Any police officer can take a complaint of unsafe conditions or issue citations for violations. Most complaints are referred to the City’s Code Enforcement Unit for follow-up; this is the primary method by which Code Enforcement is conducted. Code Enforcement officers also look for violations, coordinate clean-up or repair; and issue notices, warnings and citations. Program H2.C (Assist in Implementing Housing Rehabilitation Programs) directs for the connecting of individuals to housing rehabilitation programs, including Habitat for Humanity’s Homeowner Preservation Program. Additional analysis of the City’s amendments to the building code is provided in Chapter 5 (Actual and Potential Constraints to Housing) on Page 5-40. With several developments of varying scale over recent years (see Appendix 7-3: Development in Menlo Park) and more developments in the pipeline, the City’s amendments to the building code have not served as a constraint to development.

HCD Comment (Appendix p. 8): *Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. For example, the analysis must describe any zoning code definitions of family and any spacing or concentration requirements for housing for persons with disabilities. While the element describes the City’s definition of family, it should analyze the requirement of “a common housekeeping management plan based on an internally structured relationship providing organization and stability”, whether this is a potential constraint on housing for persons with disabilities and add or modify programs as appropriate. In addition, the element must describe the findings and approval procedure for the City’s Reasonable Accommodation procedure. Lastly, the element must describe and analyze how group homes for six or fewer and seven or more are allowed within the City and add programs as appropriate. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary exceptions processes and standards where an applicant must, for example, demonstrate compatibility with the neighborhood, unlike other residential uses.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) has been updated. Addressed in Chapter 5:

- Added note (***) to “Residential Care Facilities” in Table 5-1 (Land Use Controls Table): Individual zoning district chapters do not mention large or small residential care facilities as permitted or conditionally permitted uses (Page 5-9).
- Added language within the “Group Homes” subsection: Pursuant to State law, there is no distance separation requirement for community care facilities. Zoning Ordinance Chapter 16.04 (Definitions) differentiates between large and small residential care facilities. Program H3.G (Zoning Text Amendments for Special Needs Housing) amends the zoning ordinance to ensure requirements for group homes of more than six persons are consistent with State law and fair housing requirements (Page 5-43).
- Added language within the “Group Homes” subsection: *In addition, HCD’s review of Menlo Park’s initial draft has identified the need for the city’s definition of a family to be revised. Program H3.G (Zoning Text Amendments for Special Needs Housing) provides that the City will undertake revisions to the Municipal Code to amend the definition of family in the Code to eliminate the requirement of a common housekeeping management plan based on an internally structured relationship providing organization and stability (Page 5-44).*

HCD Comment (Appendix p. 8-9): *Zoning Fees and Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards, inclusionary requirements, and fees for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1(a)(1).*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) has been updated with a new “Zoning Fees and Transparency” subsection (Page 5-16). As a means of providing information and transparency to the public, all zoning and development standards and development fees are posted on the City’s website. Program H5.G (Improve Access to City Law) directs the City to improve ease of access

for the public to find fees, zoning, and development standards. The objective is to have a one-stop landing page for development information that can be easily understood by developers and members of the public.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

HCD Comment (Appendix p. 9): *Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) has been updated with new "Developed Densities" and "Permit Times" subsections providing the required analyses (Page 5-48).

7. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

HCD Comment (Appendix p. 9): *While the element includes Table 3-9 listing at-risk properties within the next 10 years, it must provide additional information on the expiration date on projects listed "n/a" and "beyond 2025" to help determine whether these properties are eligible to change to non-low-income housing uses during the next ten years. In addition, the element must identify public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units, as well as identify federal, state and local financing and subsidy programs.*

City Response: Chapter 3 (Housing Conditions and Trends) includes an updated Table 3-9 (At-Risk Affordable Housing Developments in Menlo Park (2022) with added detail regarding certain properties with expiration years in "perpetuity" (Page 3-38). The City-owned properties at 1175 and 1177 Willow Road do not have an expiration year as the units are foreseen to continue being rented as long as the City retains property control. Haven Family House (260 Van Buren Road) is managed by LifeMoves and Partridge Place (817 Partridge Avenue) is managed by Peninsula Volunteers, both mission-driven organizations with units foreseen to continue being rented as long as property control is retained. LifeMoves has relayed to the City that some government funding is dedicated to Haven Family House, however, much of their funding comes from philanthropy. A new subsection on "Financial and Administrative Support" is included to detail public and nonprofit agencies with capacity to acquire at-risk units (Page 3-40).

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

HCD Comment (Appendix p. 9-10): *To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:*

- *Program H2.C (Assist in Implementing Housing Rehabilitation Programs): The program should include proactive outreach as well as specify how often sponsors and the City will apply for funding.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H2.C, which includes proactive outreach and also funding and goal specifications for Habitat for Humanity's Homeownership Preservation Program in the Belle Haven Neighborhood to prevent existing housing units, both single-family houses and apartments, from deteriorating (Page 8-9).

- *Program H2.D (Accessory Dwelling Unit Amnesty Program): The program should include proactive outreach to owners.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H2.D, which includes a marketing program for homeowners on the benefits of ADUs and of legalizing unpermitted units, and the availability of funds to support conversion of unpermitted development (Page 8-10).

- *Program H2.E (Anti-Displacement Strategy): The program should include outreach to owners and organizations in the identified neighborhoods. It should also define which neighborhoods will be the focus. Lastly, the program should include timing for implementing the actions that result from the new programs identified.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H2.E, which includes a plan to conduct outreach and meet with residents and organizations primarily in the Belle Haven neighborhood to develop an anti-displacement strategy that the City Council can adopt after review from the Housing Commission and Planning Commission. This strategy should reflect community engagement, potentially including research and tools such as community meetings, surveys and field visits in collaboration with local community organizations. The timeframe includes developing an anti-displacement strategy for the City, particularly the Belle Haven neighborhood, by December 2026, and beginning program implementation in 2027 (Page 8-10).

- *Program H3.E (Continue Support for Countywide Homeless Programs): The program should describe what the City is doing to implement the results of the check-in meetings. The program should also include timing of implementing the resulting actions.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H3.E, which includes a timeline to conduct check-ins with the Menlo Park homeless Outreach Team at least once quarterly and to follow up with actions including, but not limited to, the program's list of specific support activities intended to address homelessness in San Mateo County (Page 8-15).

- *Program H3.F (Work with the U.S. Department of Veterans Affairs on Homeless Issues): This program should include specific timing to implement the potential programs identified.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H3.F, which seeks to provide 60 supportive homes for very low income veterans and their families who were formerly homeless or at risk of homelessness on the Palo Alto Health Care System Campus in Menlo Park in cooperation with MidPen Housing. The program timeframe includes meeting with the U.S. Department of Veterans Affairs annually. Per the VA and MidPen, construction is intended to start in December 2024 and project opening would be in March 2026 (lease up period: March 2026 through July 2026) (Page 8-16).

- *Program H3.H (Inclusionary Accessible Units): This program should describe what the City will do to encourage the units and whether incentives will be provided.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H3.H. As part of the development review process, the City will encourage increasing the number of accessible units beyond State building code requirements to provide more housing opportunities for individuals living with disabilities, including developmental disabilities. The City will also incorporate incentives for accessible units beyond State requirements in the Affordable Housing Overlay and the City's updated BMR Inclusionary Housing Regulations (Page 8-18).

- *Program H3.L (Large Units): This program should include proactive outreach to developers.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H3.L. The City will develop floor area ratio (FAR) bonuses to encourage the development of affordable developments with three or more bedrooms that are suitable for larger families. The City will prepare an outreach handout for developers to identify the City's various housing requirements and incentives, and will incorporate information on large unit bonuses (Page 8-19).

- *Program H5.B (Undertake Community Outreach When Implementing Housing Element Programs): This program should clarify how often outreach will occur throughout the planning period.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H5.B, which lists a variety of outreach activities the City may pursue on an annual basis. The City will coordinate with local businesses, housing advocacy groups, neighborhood groups and others in building public understanding and support for workforce, special needs housing and other issues related to housing, including the community benefits of affordable housing, mixed-use, and pedestrian-oriented development. The City will notify a broad representation of the community, including people living with disabilities, including developmental disabilities, to solicit ideas for housing strategies when they are discussed at City Commissions or City Council meetings (Page 8-32).

- *Program H5.D (Address Rent Conflicts): This program should describe whether the progress is in place or include timing for implementation. The program should also include proactive outreach.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H5.D, which provides for increased use and support of tenant/landlord educational and mediation opportunities by continuing to fund and refer residents to Project Sentinel, as well as other non-profits that handle fair housing complaints. The City also plans for the following AFFH actions: Provide multilingual fair housing information at City facilities (2023); Conduct informational workshops at the Family Recreation Center and before City Council (2024, 2026); Provide fair housing information to rental property owners (2025, 2028) (Page 8-34).

- *Program H5.F (First-Time Homebuyer Program): This program should be revised to include proactive outreach. In addition, the program should include specific implementation timing.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H5.F, which includes proactive outreach with organizations the City already engages with such as the Housing Endowment and Regional Trust of San Mateo County (HEART). The City will conduct program outreach by December 2024, including adding information on the HEART homeownership program to the City's website, and coordinating with HEART on additional opportunities to promote the program (Page 8-35).

- *Program H7.A (Create Residential Design Standards): This program includes timing to start implementation two years after adoption but should also specify when the actions will be completed.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H7.A, which includes a timeframe for conducting objective design/development standards outreach in 2024 and pursuing City adoption in 2025 (Page 8-38).

2. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level

that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

HCD Comment (Appendix p. 10-11): *As noted in Finding A4, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:*

City Response: Chapter 7 (Site inventory and Analysis) has been updated. The City is meeting its RHNA requirements for the 2023-2031 planning period through the identification of 69 housing opportunity sites made up of 83 parcels. These sites are focused in Districts 2 through 5 to disperse affordable housing and housing development in general throughout the City of Menlo Park. The housing opportunity sites, along with the “pipeline projects” identified in the "RHNA Progress" section of this chapter, provide sufficient site capacity to meet Menlo Park's RHNA with an additional 30 percent buffer, as recommended by HCD.

HCD Comment (Appendix p. 11): *Shortfall of Adequate Sites: if the element does not identify adequate sites to accommodate the regional housing need for lower-income households, it must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period. The program should identify the shortfall by income group, acreage, allowable densities, appropriate development standards and meet all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i), including but not limited to permitting multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households. The element must clarify whether programs 4H.I (Create New Opportunities for Mixed-Use Development), 4H.J (Increase Residential Density), 4.HK (Maximize Development Proposals), and 4H.L (Modify El Camino Real/Downtown Specific Plan) are needed to meet the City's RHNA, and if so, address the requirements above. In addition, program 4H.L should include specific commitment to the action, beyond considering implementation.*

City Response: As shown in Table 7-3, the City has a shortfall of sites with zoning currently in place to address its lower income RHNA. A new rezone Program H4.K (Rezone for Lower Income Shortfall) has been added to the Housing Element consistent with Government Code section 65583.2, subdivisions (h) and (i) to address this lower income RHNA shortfall. Rezoning will be implemented within one year of Housing Element adoption, encompassing programs 4H.I (Create New Opportunities for Mixed-Use Development), 4H.J (Increase Residential Density and Maximize Development Proposals), 4.HK (Rezone for Lower Income Shortfall), and 4H.L (Modify El Camino Real/Downtown Specific Plan).

HCD Comment (Appendix p. 11): *Program H4.G (Consider City-Owned Land for Housing): This program should commit to comply with surplus lands requirements for City owned sites. In addition, the program should describe when the sites will be offered, when an RFP will be*

issued during the planning period and include a numerical objective consistent with assumptions in the sites inventory.

City Response: Program H4.G (Consider City-Owned Land for Housing) within Chapter 8 (Goals, Policies and Programs) is updated. This program has been updated to include adherence to the Surplus Lands Act procedures, and includes issuance of a request for proposals (RFP) by 2025, completion of entitlements by 2026, and development on some or all eight of the City-owned parking lots by 2028 in order to produce 345 or more affordable housing units (Page 8-26).

3. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

HCD Comment (Appendix p. 11): *As noted in Findings A5 and A6, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:*

- *Program H4.E (Ministerial Review of 100 Percent Affordable Housing): This program should clarify whether creating objective design standards are included within this program. Proactive outreach should also be included throughout the planning period.*

City Response: Program H4.E (Streamlined Project Review) within Chapter 8 (Goals, Policies and Programs) is updated (Page 8-25). The City will undertake the following actions to streamline project review and accelerate housing production, complemented by proactive outreach throughout the planning period:

- Solicit input from the development community in the creation and adoption of objective design and development standards that would apply to 100 percent affordable housing projects
 - Amend the Zoning Ordinance to allow ministerial review of 100 percent affordable housing projects
 - Eliminate the current CUP requirement for multi-family projects in the R-3, R-3A and R-4 zoning districts
 - Develop written procedures for SB 35 applications so the City is prepared should it be subject to SB 35 streamlining in the future
- *Program H4.M (Update Parking Requirements and Design Standards): The program should clarify what parking requirements will be revised and ensure updates will result in addressing constraints on development.*

City Response: Program H4.M (Update Parking Requirements and Design Standards) within Chapter 8 (Goals, Policies and Programs) is updated (Page 8-28). The City will review and modify parking requirements and design standards to provide greater flexibility in site planning for multifamily residential housing, including establishing a parking or alternative transportation in-lieu fee. Parking amendments could involve

reducing parking minimums, expanding parking maximums, eliminating parking requirements for affordable housing projects, expanding shared parking, exploring district parking, and exploring other parking recommendations provided by ABAG-MTC.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics...* (Gov. Code, § 65583, subd. (c)(5).)

HCD Comment (Appendix p. 12): *As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.*

In addition, Program H5.C (Provide Multilingual Information on Housing Programs) should clarify whether the multilingual information is currently available or whether they will need to be translated. If translation needs to occur, the program should include timing related to the action.

City Response: Chapter 4 (Affirmatively Furthering Fair Housing) includes an updated “Fair Housing Issues, Contributing Factors, and City Actions” subsection (Page 4-84). The 2023-2031 Housing Element goals, policies, and programs were developed and refined based on community priorities and concerns. Based on community input and an analysis of City capacity, the project team developed a table of fair housing issues, their contributing factors, a priority level for the fair housing issues, and City actions to remediate the issue. Program H5.C (Provide Multilingual Information on Housing Programs) within Chapter 8 (Goals, Policies and Programs) is updated (Page 8-33). Some multilingual information is currently available and the objective is to improve access to information on housing programs to persons with limited English proficiency. The City will continue to provide readily translatable information on the City’s webpage and work to provide written information and handouts on the City’s key housing programs in multiple languages by December 2024.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)...* (Gov. Code, § 65583, subd. (c)(6).)

HCD Comment (Appendix p. 12): *Program H2.A (Adopt Ordinance for “At-Risk” Units): While this program commits to actions for at-risk properties, it should also include a commitment to reach out to owners to ensure compliance with state preservation notice law (Gov. Code Sections 65863.10, 65863.11, and 65863.13).*

City Response: Program H2.A (Preservation of Assisted Housing; formerly Adopt Ordinance for “At-Risk” Units) within Chapter 8 (Goals, Policies and Programs) has been updated to include a commitment to reach out to owners to ensure compliance with state preservation notice law. The City will prepare an ordinance requiring an 18-month notice to residents, the City, and the San Mateo County Department of Housing of all proposed conversions of subsidized housing units to market-rate rents. In addition, the City will

initiate discussions with property owners of potential "at-risk" units at least 3 years prior to expiration to monitor tenant noticing requirements for compliance with State preservation notice law (Page 8-8).

C. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

HCD Comment (Appendix p. 12): *The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group for very low-, low-, moderate- and above-moderate income, the element must also include objectives for extremely low-income households. In addition, while the element includes these objectives for construction, it must also include estimates for rehabilitation and conservation/preservation.*

City Response: Chapter 7 (Site Inventory and Analysis) includes an updated "Summary of Quantified Objectives" subsection (Page 7-50). Table 7-16 (Quantified Objectives) summarizes Menlo Park's quantified objectives for the 2023-2031 Housing Element planning period across all income levels (Above Moderate, Moderate, Low, Very Low, Extremely Low). The objectives include the City's new construction objectives to meet its RHNA (7,185 units) and conservation objectives which reflect preservation of Crane Place (93 units), which is at moderate risk for conversion to market-rate prices. The City will fund Habitat for Humanity's Homeownership Preservation Program in the Belle Haven neighborhood, with a goal of assisting 20 very low-income homeowners to complete major rehabilitation improvements to their homes.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

HCD Comment (Appendix p. 13): *While the element includes a summary of public participation including outreach to the community, it must also describe how comments from public participation were considered and incorporated into the element.*

City Response: Chapter 1 (Introduction) includes a new "Consideration of Public Comment" subsection that describes revisions that were made to the primary draft Housing Element in response to 108 comments from individuals, agencies, and organizations received through July 5, 2022 (Page 1-5). Comments were also received after July 5, 2022 and considered. Appendix 1-1 provides the comments received and considered. In general, several new policies and programs were added to the document to remove constraints on the development of affordable housing; increase housing equity through transitional housing, inclusionary housing, and anti-displacement strategies; provide support for special needs populations; increase coordination with schools; and increase opportunities for childcare facilities.

PLANNING COMMISSION RESOLUTION NO. 2023-04**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK RECOMMENDING CITY COUNCIL CERTIFY THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2015062054) FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE, MAKE CEQA FINDINGS OF FACT AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, in 2015 and 2016, the City of Menlo Park prepared and certified an environmental impact report (EIR) analyzing the update to its General Plan referred to as ConnectMenlo, a program environmental analysis certified in 2016 (State Clearinghouse Number 2015062054); and

WHEREAS, pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, a Subsequent Environmental Impact Report (SEIR) is required if the City, as the CEQA Lead Agency, determines that there have been substantial changes to the previously-approved project and/or the circumstances under which the project is undertaken, or substantial new information has arisen, and that one or more of the foregoing will result in new or substantially more severe impacts that thus necessitate major revisions to the prior EIR and/or new mitigation measures or alternatives; and

WHEREAS, the City is currently updating its required General Plan Housing Element and Safety Element, and preparing a new Environmental Justice Element, as well as associated General Plan, Zoning Ordinance, Zoning Map, and Specific Plan amendments; and

WHEREAS, the Housing Element update includes analysis of existing and projected housing needs and updates of goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories; and

WHEREAS, the updated Housing Element identifies sites on which housing development is allowed at sufficient densities to accommodate a specific number of units at various levels of affordability, pursuant to the Regional Housing Needs Allocation (RHNA) set forth by the Association of Bay Area Governments (ABAG); and

WHEREAS, the Safety Element update is intended to comply with state law through updates to address fire risk and climate adaptation and resiliency strategies; and

WHEREAS, the new Environmental Justice Element is intended to address the unique or compounded health risks in “Disadvantaged Communities” (“Underserved Communities” within the context of the Environmental Justice Element) within the City, including, but not necessarily limited to, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity; and

WHEREAS, the proposed updates of the Housing Element and Safety Element, the new Environmental Justice Element, and the associated General Plan, Zoning Ordinance, Zoning

Map, and Specific Plan amendments are referred to collectively as the Housing Element Update project (“Project”); and

WHEREAS, the Project site encompasses the entirety of the City of Menlo Park and, for purposes of the updated Housing Element, identifies specific sites appropriate for the development of additional multifamily housing—primarily clustered in the downtown area—that the City would rezone if/as necessary to accommodate such housing; and

WHEREAS, the Project requires discretionary approvals from the City, including adoption of resolutions amending the General Plan to update the Housing Element, update the Safety Element, update the Land Use Element and General Plan Land Use Designations map, adopt the Environmental Justice Element, and make any corresponding changes to other elements of the General Plan needed to maintain internal consistency; adoption of a resolution amending the El Camino Real/Downtown Specific Plan to reflect the modifications in densities and associated development standards; and adoption of an ordinance amending the City’s Zoning Ordinance (Menlo Park Municipal Code Title 16) and the City’s Zoning Map; and

WHEREAS, pursuant to Public Resources Code Section 21067 of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”), Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City is the lead agency for the proposed Project (the “CEQA Lead Agency”); and

WHEREAS, pursuant to Section 15162 of the CEQA Guidelines, a Subsequent Environmental Impact Report (“SEIR”) is required if the City, as the CEQA Lead Agency, determines on the basis of substantial evidence in light of the whole record that there have been substantial changes to the project and/or the circumstances under which the project is undertaken, or substantial new information has arisen, and that one or more of the foregoing will result in new or substantially more severe impacts and that thus necessitate major revisions to the prior EIR and/or new mitigation measures or alternatives are now applicable; and

WHEREAS, the City issued a Notice of Preparation (“NOP”) for the Draft SEIR on December 23, 2021, to each responsible agency, trustee agency, the Office of Planning and Research (“OPR”), and interested parties, including members of the public who had requested such notice; and

WHEREAS, the City held a public scoping meeting, available for remote participation via the internet, before the City’s Planning Commission on January 24, 2022, to further solicit comments on the scope of the Draft SEIR; and

WHEREAS, comments on the NOP were received by the City and considered during preparation of the Draft SEIR; and

WHEREAS, on November 4, 2022, the City issued a Notice of Availability (“NOA”) and initiated a 45-day public review and comment period of the Draft SEIR for the proposed Project and released the Draft EIR for public review and comment; and

WHEREAS, a public hearing was held before the City’s Planning Commission November 14, 2022, and also accessible remotely via the Zoom teleconference video platform to receive public comments on the Draft SEIR; and

WHEREAS, pursuant to State CEQA Guidelines Section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the public review and comment period; and

WHEREAS, the analysis in the SEIR tiered from the ConnectMenlo EIR pursuant to Public Resource Code Sections 21166 and CEQA Guidelines Sections 15152, 15162, 15168, and 15183, as appropriate, and as further described in each environmental topic section in the Draft SEIR; and

WHEREAS, the City received two letters from public agencies, and 22 letters from individual members of the public during the 45-day Draft SEIR public review and comment period; and

WHEREAS, during the public hearing on the environmental analysis contained within the Draft SEIR held by the Planning Commission on November 14, 2022, three members of the public provided comments; and

WHEREAS, the City has prepared a Final SEIR, consisting of the comments received during the 45-day public review and comment period on the Draft SEIR, written responses to those comments, and revisions to the Draft SEIR; for the purposes of this Resolution, the "SEIR" shall refer to the Draft SEIR, as revised by the Final SEIR, together with the other sections of the Final SEIR; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, after notice having been lawfully given a duly noticed joint public hearing was held before the Planning Commission and the Housing Commission on January 12, 2023, at which all persons interested had the opportunity to appear and comment; and

WHEREAS, the Planning Commission reviewed the comments received and the responses thereto; and

WHEREAS, the SEIR identified certain potentially significant adverse effects on the environment caused by the Project; and

WHEREAS, the Planning Commission fully reviewed, considered, evaluated, and recommended certification of the SEIR, along with all public and written comments, pertinent information, and documents.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds the above recitals together with the staff report and the attachments thereto, including without limitation, the SEIR, and all other documents, reports, studies, memoranda, maps, oral and written testimony, and materials in the City's file for the Project and the Project Site, and all adopted applicable City planning documents related to the Project and all associated approved or certified environmental documents, have together served as an adequate and appropriate evidentiary basis for the recommendations set forth in this resolution.

BE IT FURTHER RESOLVED that the Planning Commission, having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, finds:

1. The Final SEIR was prepared in compliance with CEQA and provides adequate, good faith, and reasoned responses to the comments.
2. Pursuant to Public Resources Code section 21082.1(c)(3), the SEIR reflects the City's independent judgment as the lead agency for the Project and is supported by substantial evidence.
3. Where more than one reason for approving the Project and rejecting its 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 Planning Commission would have made its recommendation on the basis of any one of those reasons.
4. Based on the findings in Exhibit 1, for the reasons stated therein and incorporated fully here, 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 justify the occurrence of those impacts.
5. Having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, the Planning Commission recommends that the City Council vote to certify the SEIR, make the findings required by CEQA, adopt the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program ("MMRP") in a form substantially consistent with Exhibit 2 to this resolution, and approve the project.

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.

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I, Deanna Chow, Assistant Community Development Director of Menlo Park, do hereby certify that the above and foregoing Planning Commission Resolution was duly and regularly passed and adopted at a meeting by said Planning Commission on the 12th day of January, 2023, by the following votes:

- AYES: Do, DeCardy, Harris, Schindler, Tate
- NOES: Barnes
- ABSTAIN: None
- ABSENT: Riggs

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this 12th day of January, 2023.

DocuSigned by:

6460E10C635B4F0...
Deanna Chow
Assistant Community Development Director
City of Menlo Park

Exhibits:

1. Draft City Council Resolution Certifying the Subsequent Environmental Impact Report (State Clearinghouse No. 20150622054) for the City of Menlo Park Housing Element Update; Adopting Environmental Findings Pursuant to CEQA; Adopting a Statement of Overriding Considerations; and Adopting a Mitigation Monitoring and Reporting Program
2. Mitigation Monitoring and Reporting Program

Exhibit 1
City Council Draft Resolution, CEQA Findings, and Statement of Overriding Considerations

DRAFT CITY COUNCIL RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF MENLO PARK, CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2015062054) FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE; ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, in 2016 the City of Menlo Park (“City”) prepared and certified an EIR analyzing the update to its General Plan referred to as *ConnectMenlo* (State Clearinghouse No. 20150622054); and

WHEREAS, the City is currently updating its required General Plan Housing Element and Safety Element, and preparing a new Environmental Justice Element, as well as associated General Plan, Zoning Ordinance, Zoning Map, and Specific Plan amendments; and

WHEREAS, the Housing Element update includes analysis of existing and projected housing needs and updates of goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories; and

WHEREAS, the updated Housing Element identifies sites on which housing development is allowed at sufficient densities to accommodate a specific number of units at various levels of affordability, pursuant to the Regional Housing Needs Allocation (RHNA) set forth by the Association of Bay Area Governments (ABAG); and

WHEREAS, the Safety Element update is intended to comply with state law through updates to address fire risk and climate adaptation and resiliency strategies; and

WHEREAS, the new Environmental Justice Element is intended to address the unique or compounded health risks in “Disadvantaged Communities” (“Underserved Communities” within the context of the Environmental Justice Element) within the City, including, but not necessarily limited to, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity; and

WHEREAS, the proposed updates of the Housing Element and Safety Element, the new Environmental Justice Element, and the associated General Plan, Zoning Ordinance, Zoning Map, and Specific Plan amendments are referred to collectively as the Housing Element Update project (“Project”); and

WHEREAS, the Project site encompasses the entirety of the City of Menlo Park and, for purposes of the updated Housing Element, identifies specific sites appropriate for the development of additional multifamily housing—primarily clustered in the downtown area—that the City would rezone if/as necessary to accommodate such housing; and

WHEREAS, the Project requires discretionary approvals from the City, including adoption of a resolution amending the General Plan to update the Housing Element, update the Safety Element, update the Land Use Element and General Plan Land Use Designations map, adopt the Environmental Justice Element, and make any corresponding changes to other elements of the General Plan needed to maintain internal consistency; adoption of a resolution amending the El Camino Real/Downtown Specific Plan to reflect the modifications in densities and associated development standards; and adoption of an ordinance amending the City’s Zoning Ordinance (Menlo Park Municipal Code Title 16) and the City’s Zoning Map; and

WHEREAS, pursuant to Public Resources Code Section 21067 of the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) (“CEQA”), Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the City is the lead agency for the proposed Project; and

WHEREAS, pursuant to Section 15162 of the CEQA Guidelines, a Subsequent Environmental Impact Report (“SEIR”) is required if the City, as the CEQA Lead Agency, determines on the basis of substantial evidence in light of the whole record that there have been substantial changes to the project and/or the circumstances under which the project is undertaken, or substantial new information has arisen, and that one or more of the foregoing will result in new or substantially more severe impacts and that thus necessitate major revisions to the prior EIR and/or new mitigation measures or alternatives are now applicable; and

WHEREAS, the City issued a Notice of Preparation (“NOP”) for the Draft SEIR on December 23, 2021, to each responsible agency, trustee agency, the Office of Planning and Research (“OPR”), and interested parties, including members of the public who had requested such notice; and

WHEREAS, the City held a public scoping meeting, available for remote participation via the internet, before the City’s Planning Commission on January 24, 2022, to further solicit comments on the scope of the Draft SEIR; and

WHEREAS, on November 4, 2022, the City issued a Notice of Availability (“NOA”) and initiated a 45-day public review and comment period of the Draft SEIR for the proposed Project and released the Draft SEIR for public review and comment; and

WHEREAS, the City also held a public meeting on November 14, 2022, before the City Planning Commission and also accessible remotely via the Zoom Teleconference video platform to receive public comments on the Draft SEIR; and

WHEREAS, pursuant to State CEQA Guidelines Section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the public review and comment period; and

WHEREAS, the analysis in the SEIR tiered from the ConnectMenlo EIR pursuant to Public Resource Code Sections 21166 and CEQA Guidelines Sections 15152, 15162, 15168, and 15183, as appropriate, and as further described in each environmental topic section in the Draft SEIR; and

WHEREAS, the City received two letters from public agencies, and 22 letters from individual members of the public during the 45-day Draft SEIR public review and comment period; and

WHEREAS, the City conducted a public hearing on the environmental analysis contained within the Draft SEIR on November 14, 2022, during which three members of the public provided comments; and

WHEREAS, the City has prepared a Final SEIR, consisting of the comments received during the 45-day public review and comment period on the Draft SEIR, written responses to those comments, and revisions to the Draft SEIR. For the purposes of this Resolution, the "SEIR" shall refer to the Draft SEIR, as revised by the Final SEIR, together with the other sections of the Final SEIR; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the Planning Commission on January 12, 2023, 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 of the City of Menlo Park (City Council) regarding the SEIR and the merits of the proposed Project; and

WHEREAS, the Planning Commission, having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to recommend to the City Council to certify the SEIR pursuant to CEQA; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Council on January 31, 2023, at which all persons interested had the opportunity to appear and comment and at which the City Council considered the SEIR and the merits of the proposed Project; and

WHEREAS, the City Council has reviewed and considered the SEIR, all staff reports pertaining to the SEIR, 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 SEIR was prepared in compliance with CEQA; and

WHEREAS, after closing the public hearing, the City Council, acting on its independent judgment and analysis, voted affirmatively to certify the SEIR pursuant to CEQA; and

WHEREAS, the City Council certifies that it has reviewed the comments received and the responses thereto and finds that the SEIR 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 SEIR reflects the City's independent judgment as the lead agency for the proposed Project and is supported by substantial evidence; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the SEIR, and all oral and written evidence presented to it during all meetings and hearings relating to the proposed Project; and

WHEREAS, the City has not received any comments or additional information that constituted substantial new information requiring recirculation of the SEIR under Public Resources Code Section 21092.1 or State CEQA Guidelines Section 15088.5; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, the SEIR identified certain potentially significant adverse effects on the environment caused by the proposed Project; and

WHEREAS, the City Council specifically finds that where more than one reason for approving the proposed Project and rejecting alternatives and suggested mitigation measures 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; and

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 proposed 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 SEIR, make the findings required by CEQA, adopt the Statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting Program (MMRP), and approve the proposed Project; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the SEIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby certifies the SEIR, makes the following findings with respect to the proposed Project's significant effects on the environment as identified in the SEIR, as required under Sections 15091, 15092, and 15093 of the CEQA Guidelines, and adopts the Statement of Overriding Considerations and the MMRP as follows:

I. Project Description

As more fully described in Chapter 3, *Project Description*, of the Draft SEIR, as clarified in Chapter 1, *Introduction*, of the Final SEIR, the Project would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing, safety, and environmental justice. General Plan amendments would also include conforming amendments to other elements of the General Plan, as needed, to ensure internal consistency. Amendments to the Housing Element would address among other things, the maintenance, preservation, improvement, and development of housing in the City. In addition, the Project would include a housing sites inventory with sufficient existing and new housing sites at appropriate densities to meet the City's RHNA requirement plus an ample buffer, and the City would modify provisions of its Zoning Ordinance, Zoning Map, and El Camino Real/Downtown Specific Plan as necessary to reflect the housing opportunity sites and land use strategies to meet the City's RHNA.

Housing Goals, Policies and Programs

The proposed Housing Element would include updated goals, policies, and programs to address the maintenance, preservation, improvement, and development of housing and to affirmatively further fair housing in the City. Proposed updates to the goals, policies, and programs in the current Housing Element were informed by a review of the implementation and effectiveness of that document, as well as updated information on demographic and economic trends, existing housing and market conditions, and special housing needs experienced by disabled persons, elderly households, large family households, single female-headed households, and homeless persons. The proposed goals, policies, and programs were also crafted to address an updated assessment of non-governmental and governmental constraints to the development, conservation, and rehabilitation of housing in the City, and to affirmatively further fair housing.

Housing Sites Inventory

The proposed Housing Element identifies specific sites appropriate for development of housing (in particular affordable units), and the City would rezone those sites, as necessary, to meet the requirements of State law. The final housing opportunity sites inventory may be refined based on additional community input and analysis. The SEIR evaluates the effects of adding up to 4,000 new residential units within the eight-year planning period via a variety of strategies in addition to possible pipeline projects and accessory dwelling units, as described below.

Pipeline Projects

Pipeline projects are projects that were recently approved, but not yet occupied or were pending (in review) that would provide housing. Adoption of the El Camino Real/Downtown Specific Plan in 2012; adoption of the current Housing Element in 2014; and the *ConnectMenlo* General Plan Update in 2016 enabled opportunities for over 5,000 new housing units in the City. At the time the Notice of Preparation (NOP) for the SEIR

was published in December 2021, there were seven major residential projects in the “pipeline” as either approved or pending housing developments that would provide approximately 3,645 new units. Per guidance from the California Department of Housing and Community Development (HCD), these units, as well as smaller projects in the City, could potentially count towards Menlo Park’s RHNA requirement since the residential units were not completed and occupied prior to June 30, 2022. For purposes of the SEIR, approved projects were considered part of the baseline, and pending projects were considered part of the Project being analyzed.

Accessory Dwelling Units

HCD allows the City to develop a projection of accessory dwelling units (ADUs) that will be built within the planning period based on average annual production between 2018 and 2020. Because Menlo Park permitted an average of 10.6 ADUs per year between 2018 and 2020, the City can anticipate development of 85 units during the 6th Cycle Housing Element planning period. These units could potentially count towards satisfying Menlo Park’s RHNA requirement.

Housing Sites Inventory Strategies

While pipeline projects are generally located on the north side of US-101, with the proposed Housing Element, additional housing sites would be geographically dispersed throughout the City, primarily located in City Council Districts 2, 3, 4, and 5—generally, the areas south of US-101. Sites would be made available for multifamily housing through a combination of rezoning, increased densities, and/or updates to the Zoning Ordinance based on the following general strategies:

- **“Re-use” of sites from the City’s current Housing Element.** The Housing Sites Inventory would reuse selected sites from the 5th Cycle Housing Element, which is ending this year, with densities to allow at least 30 dwelling units per acre (du/ac) and possibly more. Consistent with State law, sites which had been included in the 5th Cycle list but were not developed and are “re-used” would either be up-zoned (increasing allowable residential density) or would have to be zoned to allow by-right (ministerial review) development for projects that include at least 20 percent affordable units (units affordable to low and very low-income households).
- **Increase the permitted densities within the El Camino Real/Downtown Specific Plan area and modify associated development standards.** The Housing Sites Inventory would include sites in the El Camino Real/Downtown Specific Plan area. The HEU would allow at least 30 dwelling units per acre (du/ac) as the base level density, and potentially increase the maximum bonus level density to 80 dwelling units per acre depending on the location within the Specific Plan area. Bonus level development requires a developer to provide a public benefit in exchange for higher density development potential. The intent of this strategy would be to remove the existing residential cap of 680 units permitted in the Specific Plan area and to modify development standards such as height and/or parking ratios to allow greater development potential on parcels. These actions would potentially require amendments to the Specific Plan, Land Use Element, and Zoning Ordinance.

- **Modify the Affordable Housing Overlay.** The Specific Plan area and sites in the Housing Sites Inventory would be permitted to apply the Affordable Housing Overlay (AHO) in Menlo Park Municipal Code Chapter 16.98. The HEU would require the City to amend the Code to allow for densities up to 100 du/ac for 100 percent affordable housing developments (meaning 100 percent of units would be available to low and very low-income residents). This strategy could also include amendments to provide increased residential densities for mixed-income developments (market-rate units and affordable units combined) where the percentage of affordable housing exceeds the City's Below Market Rate requirement as provided in Menlo Park Municipal Code Chapter 16.96.
- **Modify Retail/Commercial Zoning Districts.** The Housing Sites Inventory would include some sites in the C-1, C-1-A, C-1-C, C-2, C-2-A, C-2-B, C-2-S, and C-4 zoning districts and would require the City to modify Code provisions regarding retail/commercial zoning districts to allow for residential uses that would allow 30 du/ac and include other potential modifications to the development standards to encourage the production of mixed-use developments (residential and non-residential uses combined).
- **Remove the minimum lot size for R-3 zoned properties located around downtown.** The Housing Sites Inventory would include some R-3 zoned sites around downtown and would require the City to modify applicable Code provisions to remove the 10,000 square-foot minimum lot size, which would allow all sites in the R-3 area downtown a residential density of up to 30 du/ac.

Other Elements of the General Plan

In addition to the amendments that would take place within the General Plan's Housing Element, a number of amendments to other elements of the General Plan would be required to fully conform those elements to changes made in the Housing Element or comply with other changes in State law.

The City is updating its Safety Element to bring it into compliance with recent changes in California General Plan law codified in Government Code Section 65302(g) and Section 65302.15. The updated Safety Element would incorporate information from the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan and the City's Climate Action Plan. The Safety Element would also be updated to:

- Provide information regarding fire hazards including wildfires, including goals, policies, objectives and implementation programs as needed.
- Identify residential developments in any hazard area identified in the Safety Element that have only one egress route.
- Include updated scientific context about historic and future climate hazards (such as flooding and drought, extreme heat events, and wildfires).
- Include a vulnerability assessment that identifies risks from climate change and is linked to goals and policies, unless this analysis can be referenced in a local hazard mitigation plan.

The City is also preparing its first Environmental Justice Element to address the issue of equity in accordance with changes in State law codified in Government Code Section 65302(h). The Environmental Justice Element would identify objectives and policies to reduce the unique or compounded health risks in “disadvantaged communities” (“Underserved Communities” within the context of the Environmental Justice Element) as defined by Section 39711 of the California Health and Safety Code. Objectives and policies would seek to reduce pollution exposure, including improvement of air quality, and promotion of public facilities, food access, safe and sanitary homes, and physical activity. Other objectives and policies would promote civic engagement in the public decision-making process and prioritize improvements and programs that address the needs of disadvantaged communities.

The City would amend its Land Use Element and General Plan Land Use Designations map as needed to reflect the Housing Sites Inventory and would make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element, Safety Element, and the new Environmental Justice Element.

II. Environmental Review Process

Under 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 an EIR. A Notice of Preparation (NOP) for the SEIR was issued by the City to the OPR State Clearinghouse and interested agencies and persons on December 23, 2021, for a 30-day review period, during which interested agencies and the public could submit comments about the proposed Project. The City also held a public scoping meeting on January 24, 2022. Comments on the NOP were received by the City and considered during preparation of the Draft SEIR.

A Notice of Availability (NOA) for the Draft SEIR was issued on November 4, 2022, and the Draft SEIR was made available for public review for a 45-day public review period through December 19, 2022. The Draft SEIR was distributed to local, regional, and State agencies, and the general public was advised of the availability of the Draft SEIR. The Draft SEIR was made available online at <http://www.menlopark.org/housingelement>. Printed copies of the Draft SEIR were available for review at the City Main Library (800 Alma Street) and the Belle Haven Branch Library (413 Ivy Drive). A public hearing was held before the Planning Commission on November 14, 2022, to receive comments on the Draft SEIR.

The Final SEIR provides responses to the comments on significant environmental issues received during the comment period of the Draft SEIR. The Draft SEIR and the responses to comments, along with the revisions to the Draft SEIR comprise the Final SEIR. The Planning Commission considered the SEIR at a duly noticed public hearing held on January 12, 2023, at the conclusion of which the Planning Commission voted affirmatively to recommend the City Council certify the SEIR pursuant to CEQA. On January 31, 2023, the City Council held a duly noticed public hearing, at which the City

Council independently considered the SEIR and the Planning Commission's recommendation.

III. Certification of the SEIR

In accordance with CEQA Guidelines Section 15090, the City, acting by and through its City Council, hereby certifies that the SEIR has been completed in compliance with CEQA and the CEQA Guidelines. The City further certifies that it has reviewed and considered the information contained in the SEIR prior to approving the proposed Project. The City further certifies that the SEIR 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 ConnectMenlo EIR;
- (b) The NOP and all other public notices issued by the City in conjunction with the Project;
- (c) The Draft SEIR for the proposed Project, dated November 2022;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft SEIR;
- (e) The Final SEIR for the proposed Project, including comments received on the Draft SEIR, responses to those comments, and the technical appendices, as well as text changes to the Draft SEIR, dated January, 2023;
- (f) The MMRP for the Project;
- (g) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the proposed 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 proposed Project, including as well all reports and other related documents prepared by the applicant and peer reviewed by the City and included in the SEIR;
- (h) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public, including the applicant, in connection with the Project;
- (i) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the proposed Project;
- (j) 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;
- (v) Federal, state and local laws and regulations; and
- (k) 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 of Fact

The following findings, including impact statements, mitigation measures, findings, and facts in support of findings, are based on the full administrative record including but not limited to the SEIR which contains a greater discussion of each issue. Pursuant to CEQA Guidelines Section 15091(a)(1), the mitigation measures will be required in the Project and avoid or substantially lessen the significant environmental effects identified in the SEIR, as described herein. In addition to the following findings of fact, the City remakes each of the findings included in Planning Commission Resolution No.

_____ and City Council Resolution No. _____, which are incorporated by reference as though fully restated in these Findings.

A. Findings Regarding Impacts that would be Less Than Significant

The City finds that, based upon substantial evidence in the record, the following areas would result in impacts that have been determined to be less than significant by the SEIR. Therefore, no mitigation measures would be required for any of the following impacts:

Aesthetics

Impact AES-1: Implementation of the HEU would not have a substantial adverse effect on a scenic vista.

As with the development assessed in the *ConnectMenlo* EIR, development under the Housing Element Update (HEU) would be required to comply with applicable City policies, regulations, and development standards governing scenic quality. New development that could occur under the HEU would generally occur in areas that currently accommodate commercial/industrial uses, mixed uses, and/or multifamily housing, and other areas that are visually appropriate for increased development intensities. New development under the HEU would generally not affect areas with a high degree of scenic value, and scenic views of the Santa Cruz Mountains and San Francisco Bay would, in large part, be maintained. Potential future development Citywide would continue to be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance, as well as the

relevant policies in the El Camino Real/Downtown Specific Plan and the General Plan. Finally, the identification of housing sites in the City's Housing Element does not mean housing would necessarily be developed on those sites at the planned density, as individual project applicants would be responsible for subsequent housing development. Based upon the foregoing, implementation of the HEU would not have a substantial adverse effect on a scenic vista.

Impact AES-2: Implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

The only scenic highway in Menlo Park is the approximately one-mile segment of I-280 along the City's southern boundary, the defining characteristics of which ("forest and mountain vistas, background water and mountain panoramas, and enclosed lake and mountain ridge views") are west of the highway and not within Menlo Park. Moreover, as with development assessed in the *ConnectMenlo* EIR, any future development within the I-280 viewshed would be subject to the City's existing architectural control processes and design guidelines, in accordance with the City's Zoning Ordinance, and would also have to comply with the City's General Plan. Therefore, implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact AES-3: Implementation of the HEU would not substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies, regulations, and any objective development standards governing scenic quality. New development that could occur under the HEU would generally be in areas that currently accommodate commercial/industrial uses, mixed uses, and/or multifamily housing, and other areas that are visually appropriate for increased development intensities. Moreover, change in the existing setting does not necessarily equate to degradation of the visual character and overall quality of the site and surroundings. New development under the HEU would generally not affect areas with a high degree of scenic value, and would be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance. Based on the foregoing, implementation of the HEU would not substantially degrade the existing visual character or quality of public views or conflict with applicable zoning and other regulations governing scenic quality.

Impact AES-4: Implementation of the HEU would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies and development

standards designed to minimize adverse light and glare. New development that could occur under the HEU would generally occur in areas that currently accommodate commercial/industrial uses, mixed uses, multifamily housing, and/or other areas that are visually appropriate for increased development intensities. As discussed in the *ConnectMenlo* EIR, potential future development Citywide would be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance. In addition, development under the HEU would incorporate best management practices that require lighting that is context sensitive in style and intensity required under the California Green Building Standards Code of the California Code of Regulations, Title 24, Part 11. Therefore, implementation of the HEU would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impact AES-5: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to aesthetics.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be subject to General Plan policies and Municipal Code provisions related to aesthetics, including potential project-level design review requirements. With these development review mechanisms in place, future development under the HEU would not be anticipated to create substantial impacts to visual resources. Therefore, implementation of the HEU would not result in aesthetic effects that would be cumulatively considerable.

Air Quality

Impact AQ-1: Implementation of the HEU would not conflict with or obstruct implementation of the applicable air quality plan.

The majority of the 85 control measures in the 2017 California Clean Air Plan fall under the implementation responsibility of the Bay Area Air Quality Management District (BAAQMD) and would not be directly applicable to the development pursuant to the HEU. However, construction of dense multifamily housing under the HEU, with many units proximate to transit and/or bicycle/pedestrian facilities, would support the implementation of transportation-, energy-, building-, waste-, and water conservation-related control measures. Therefore, as was the case with the *ConnectMenlo* EIR, the SEIR found the HEU would not conflict with or obstruct implementation of the applicable Clean Air Plan.

Impact AQ-4: Implementation of the HEU would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

During construction of the developments that may occur as a result of the HEU, the use of diesel-powered vehicles and equipment could temporarily generate localized odors; however, these odors would cease upon completion of construction, and would therefore not result in a significant odor impact. The BAAQMD CEQA Guidelines identify land uses that have the potential to generate odor impacts and complaints, including wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. Development under the HEU would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, like the *ConnectMenlo* EIR, the SEIR found the HEU would not result in odors adversely affecting a substantial number of people.

Impact AQ-5: Implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter (PM_{2.5}) and TACs under cumulative conditions.

Both cumulative traffic volumes in the 2040 No Project condition and HEU-related traffic will incrementally increase the existing roadway emissions and health risks, resulting in a cumulatively significant impact. However, given that the vast majority of the cumulative impact is from existing sources, that an extremely small percentage of the total risk would be attributed to the HEU, and that the HEU's risks would be below project-level significance thresholds with mitigation, the Project's contribution to the cumulative impact would not be considerable, and therefore implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter (PM_{2.5}) and TACs under cumulative conditions.

Impact AQ-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not combine with other sources of odors that would adversely affect a substantial number of people.

Impact AQ-4 describes the potential of odorous emissions from the HEU. Development under the HEU would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, operation the HEU would not generate odors and there is no potential for the HEU to combine with cumulative projects to result in a significant cumulative odor impact, as there are no major sources of odors in the vicinity. Therefore, the HEU would not combine with other sources of odors to adversely affect a substantial number of people.

Biological Resources

Impact BIO-5: Implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

As with the *ConnectMenlo* project, adoption of the HEU would also include amendments to the General Plan and the Zoning Ordinance to maintain internal consistency with the General Plan. The same established regulatory requirements would also apply. As such, implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Energy

Preparation of the 2016 *ConnectMenlo* EIR predated the inclusion of energy as a topic in Appendix G of the CEQA Guidelines. Therefore, the analysis in the SEIR was largely additional to the analysis in the *ConnectMenlo* EIR.

Impact EN-1: Implementation of the HEU would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation.

Construction and operation of the housing facilitated by the HEU and rezoning of parcels to allow for greater densities than currently allowed within the City would increase energy consumption within the City, including for construction (fuel for construction vehicles) and operation of subsequent projects (fuel for motor vehicles and electricity and natural gas for building operations, with natural gas use anticipated to be less than historic levels due to increasing limitations on its use). However, with compliance with current regulations energy use associated with the construction and operation of housing facilitated by the HEU would not be considered unnecessary, inefficient, or wasteful.

Impact EN-2: Implementation of the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Construction energy use by development pursuant to the HEU would be subject to California's In-Use Off-Road Diesel Vehicle Regulation and Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and federal fuel requirements for stationary equipment. Operational energy use would be subject to the California Building Standards Code (Title 24 of the California Code of Regulations), which is updated every three years and which is likely to require increasingly efficient energy use. The state's Renewable Power Standard will also increase the use of renewable resources for energy generation. Additionally, development would be subject to energy policies and standards in the Menlo Park General Plan and the City's Reach Codes. These requirements would increase onsite energy generation, decrease the amount of energy required for building operation, and ensure that building energy use related to development facilitated by the HEU would not be inefficient or wasteful and would

comply with applicable regulations and energy efficiency goals. As development under the HEU would be required to implement the regulatory requirements discussed above, construction and operation of housing facilitated by the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Impact EN-3: Implementation of the HEU, in conjunction with cumulative development in the City, would not result in energy use that would be considered wasteful and unnecessary, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency under cumulative conditions.

The HEU, in conjunction with cumulative development in the City, would increase housing in an already developed area and result in increased energy consumption. However, cumulative development would be subject to the same energy regulations and policies as would development pursuant to the HEU. Given this, future development, including development facilitated by the HEU, would not result in significant environmental impacts from the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation; and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Geology and Paleontological Resources

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the required geotechnical testing of geotechnical conditions at building sites and the development of geotechnical recommendations to address seismic shaking and seismic-induced ground failures would ensure structures are designed to withstand seismic shaking and seismic-induced ground failures. Future development allowed by the HEU would likewise require compliance with the numerous laws and regulations governing housing development, as part of the City's project approval process. Accordingly, development pursuant to the HEU would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading.

Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.

The *ConnectMenlo* EIR determined that compliance with the existing legal and regulatory framework governing construction activities and erosion control would prevent substantial soil erosion or the loss of topsoil. Development pursuant to the HEU would be subject to the same regulatory framework, as currently in force, and would therefore likewise not result in substantial soil erosion or the loss of topsoil.

Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse.

The *ConnectMenlo* EIR determined that compliance with existing laws, regulations, and policies governing geotechnical conditions at building sites would ensure that unstable geologic and soil units are either removed, treated, or designed to address unstable geologic and soils units. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.

Impact GEO-4: The project would not be located on expansive soil creating direct or indirect substantial risks to life or property.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies governing geotechnical conditions at building sites would ensure that expansive soils are either removed or treated to avoid potential damage from expansive soils. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not be located on expansive soil creating direct or indirect substantial risks to life or property.

Hazards and Hazardous Materials

Impact HAZ-1: Implementation of the HEU would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the routine use or accidental release of hazardous materials. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials.

Impact HAZ-2: Implementation of the HEU would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal,

and disposal of hazardous materials would limit the potential for creation of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact HAZ-4: Implementation of the HEU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (*Less than Significant*)

The *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan because potential land use changes would not impair or physically interfere with the ability to implement the City's Emergency Operations Plan. Moreover, General Plan policies require local planning and development decisions to consider impacts related to adopted emergency response plan(s). Development pursuant to the HEU would be subject to the same policy framework and land use changes proposed under the HEU would likewise not impair or physically interfere with the ability to implement the City's Emergency Operations Plan.

Impact HAZ-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to hazards and hazardous materials.

Because construction activities and operational requirements for all cumulative development would be subject to the same regulatory requirements as would development pursuant to the HEU, there would be no cumulatively significant effects related to hazards or hazardous materials, and implementation of the HEU would therefore not contribute considerably to any cumulative hazards impacts.

Hydrology and Water Quality

Impact HYDRO-1: Implementation of the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The *ConnectMenlo* EIR determined that regulatory controls, combined with implementation of site design, source control, and treatment control measures required for new development or redevelopment projects would ensure the protection of water quality. Development pursuant to the HEU would be subject to the same regulatory framework, including stormwater pollution prevention controls and required best management practices during construction, and compliance with National Pollution Discharge Elimination System (NPDES) requirements during operation of subsequent projects. Moreover, subsequent projects must include a stormwater management plan

and include Low Impact Development design measures. Accordingly, as with the *ConnectMenlo* EIR, development pursuant to the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Impact HYDRO-2: Implementation of the HEU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable management of the groundwater basin.

The *ConnectMenlo* EIR concluded that implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that a net deficit in aquifer volume or a lowering of the local groundwater table level would occur. Inasmuch as the City of Menlo Park is not reliant upon groundwater for its water supply, and because construction activities would rely at least in part on recycled water, construction activities would not substantially decrease groundwater supplies. With respect to operational water use by subsequent developments, while the City does not rely on groundwater, it does have an emergency water supply well and plans to construct an emergency additional well. While drought frequency and severity could result in curtailments of regional water supplies and thus potential use of emergency well(s), the San Mateo Groundwater subbasin has relatively stable groundwater levels, and long-term depletion of groundwater is not anticipated even with emergency pumping as needed because the Basin is stable and groundwater recharge balances extractions. Therefore, implementation of the HEU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that sustainable groundwater management would be impeded.

Impact HYDRO-3: Implementation of the HEU would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or offsite; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.

The *ConnectMenlo* EIR concluded that development consistent with the Menlo Park General Plan would not require extensive expansions of the existing stormwater drainage infrastructure, because most of the sites would either be infill projects or located within existing storm drainage systems and because the development would be subject to City requirements for no net increase in stormwater flow rates. In addition, the EIR determined that such development would be required to implement landscaping features that provide on-site infiltration of stormwater runoff. Compliance with construction stormwater laws and regulations, and with Municipal Code stormwater pollution controls would ensure that development pursuant to the HEU would likewise

not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in significant adverse effects related to erosion, runoff, or flooding.

Impact HYDRO-4: Implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation.

Inundation across portions of Menlo Park could occur in the event of localized flooding or regionally in the event of a dam failure. However, potential housing opportunity and land use strategy sites associated with the HEU would be subject to local controls applicable to development within flood zones, which would reduce potential impacts. In terms of the potential for dam failure, development sites identified in the HEU are unlikely to be subject to risks resulting therefrom, because of the location of such sites. Accordingly, implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation.

Impact HYDRO-5: Implementation of the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The *ConnectMenlo* EIR concluded that future development, as part of the City's approval process would be required to comply with existing federal, State, and local regulations with respect to water quality, and implement stormwater best management practices (BMPs) to prevent the introduction of pollutants to stormwater. Development pursuant to the HEU would be subject to numerous regulatory controls that limit unauthorized discharges. Moreover, the San Mateo Plain Groundwater Basin is not an adjudicated basin nor identified as a medium or high priority groundwater basin. Menlo Park water providers have adopted water shortage contingency plans, which contain mandates for water conservation and specific use limits that the Project would be subject to in dry years (or years of prolonged drought). Given the foregoing, implementation of the HEU would not conflict with a water quality control sustainable groundwater management plan.

Impact HYDRO-6: Implementation of the HEU, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality.

As noted above, Menlo Park is not in a medium- or high-priority groundwater basin or one that is in condition of overdraft, and the City does not rely on groundwater. Although the HEU and other recently constructed and reasonably foreseeable future projects would place demands on potable water, these demands would not result in cumulatively considerable groundwater supply impacts. Cumulative development would be subject to the same conditions and to the same regional and local stormwater management guidelines and requirements. Therefore, when considered in the cumulative context, implementation of the HEU, in combination with past, present, and reasonably

foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality.

Land Use and Planning

Impact LU-1: Implementation of the HEU would not physically divide an established community.

The *ConnectMenlo* EIR found that the project would not physically divide an established community. Implementation of the HEU would provide for the development of additional housing units in the City, although it is not necessarily the case that housing development would occur on all sites identified, at the densities identified, in the HEU. As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed, nor does the HEU propose any roadways that would divide the City or isolate individual neighborhoods it. Accordingly, implementation of the HEU would not physically divide an established community.

Impact LU-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to land use and planning.

The *ConnectMenlo* EIR evaluated cumulative effects related to land use to take into account growth projected by the project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Mateo County and the surrounding region, and found that effects would be less than significant. Cumulative development under the HEU would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed. Moreover, development pursuant to the HEU would be consistent with the General Plan and Zoning Ordinance, as would cumulative development. For these reasons, there would be no cumulative impacts related to conflict with local land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Noise

Impact NOI-2: Stationary noise sources from development within the HEU area would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The *ConnectMenlo* EIR found that the project would have a potential adverse effect with respect to future projects in Menlo Park resulting in noise that could exceed noise limits

required under the City's regulations. The *ConnectMenlo* EIR identified Mitigation Measure NOISE-1b to require stationary noise sources, and landscaping and maintenance activities to comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code. The type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. However, compliance with Municipal Code requirements for mechanical equipment and screening would ensure that stationary noise sources would not exceed established standards.

Impact NOI-3: Implementation of the HEU would not result in generation of excessive groundborne vibration or groundborne noise levels.

The *ConnectMenlo* EIR found that future projects in Menlo Park could result in the potential for architectural damage Citywide as a result of construction-generated vibration. The EIR identified Mitigation Measure NOISE-2a to require the project applicant/developer to prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts for any development project requiring pile driving or blasting. The *ConnectMenlo* EIR also identified Mitigation Measure Noise-2b to locate sensitive receptors away from vibration sources. However, impact of the environment on the project is no longer an impact under CEQA as of 2015. Future construction activities could occur under the proposed HEU which could have the potential to expose sensitive land uses within the City to groundborne vibration. Since specific future projects within the City are unknown at this time, it is conservatively assumed that the construction areas associated with these future projects could be located within 50 feet of sensitive land uses. Typical vibration levels produced by construction equipment would be below the threshold of 0.25 PPV to avoid structural damage to historic and older buildings. Project-related construction and operational groundborne vibration impacts associated with development under the HEU would not exceed building damage thresholds.

Impact NOI-4: Transportation increases along roadways under the HEU would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project.

The *ConnectMenlo* EIR found that with development of future projects in Menlo Park, there would be no roadway segments that would experience a substantial permanent increase in ambient noise levels and that, therefore, operational traffic noise impacts would be less than significant. Vehicular traffic noise increases associated with the proposed HEU would result in roadside noise level increases of less than 1 dBA along all roadways analyzed. Therefore, adoption of the HEU would not result in a substantial permanent increase in ambient noise levels.

Impact NOI-5: Implementation of the HEU would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.

The *ConnectMenlo* EIR found that development of future projects in Menlo Park would not result in exposure to excessive aircraft noise levels and the impact would be less

than significant. Although a small portion of Menlo Park falls within two miles of the Palo Alto Airport, this area is not covered by the airport's influence area, nor is it within the airport's 55 dB noise contour. The Palo Alto Airport Comprehensive Land Use Plan (CLUP) indicates that the existing 60 dBA CNEL noise contour of Palo Alto Airport extends about 500 feet west of and out along the extended runway center line to about 2,300 feet northwest of Bay Road in East Palo Alto in San Mateo County. Therefore, aircraft operations of the Palo Alto Airport would not impact the potential occupants of any of the prospective housing opportunity sites and land use strategy sites of the HEU.

Impact NOI-7: Stationary noise sources from development within the HEU area, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Development that could occur with implementation of the HEU and the cumulative development could result in stationary source noise levels higher than those of development of the HEU alone at some receptor locations. At the present time, the type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. However, compliance with the Municipal Code requirements for roof-mounted equipment and screening would apply to the cumulative development. Cumulative impacts related to substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance would be less than significant.

Impact NOI-8: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels.

Development that could occur with implementation of the HEU and the cumulative development could be constructed contemporaneously. With regard to the potential for a cumulative vibration-related damage impact to occur, because vibration impacts are based on instantaneous PPV levels, worst-case groundborne vibration levels from construction are generally determined by whichever individual piece of equipment generates the highest vibration levels. Vibration from multiple construction sites, even if they are located close to one another, would not combine to raise the maximum PPV. Therefore, the cumulative impact of construction vibration from multiple construction projects located near one another would generally not combine to further increase vibration levels. Vibration impacts resulting from construction of subsequent projects under the HEU would not combine with vibration effects from cumulative projects in the vicinity. Therefore, cumulative groundborne vibration impacts related to potential damage effects and interference with vibration-sensitive equipment would be less than significant.

Impact NOI-9: Transportation activities under the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project and cumulative development.

Development that could occur with implementation of the HEU and the cumulative development could result in increased roadside noise levels generated by an increase in roadway traffic. Vehicular traffic noise increases associated with the proposed HEU inclusive of projected development in the cumulative year 2040 would result in roadside noise level increases of less than 2 dBA. Therefore, the cumulative increase in roadside noise levels would be less than significant.

Population and Housing

Impact PH-1: Implementation of the HEU would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

The *ConnectMenlo* EIR found that the project would not induce substantial population growth. With respect to extension of roads and other infrastructure, the EIR noted that the City is largely built out and is already well served by utility and transportation infrastructure. Future development would be infill development and would be concentrated on sites previously identified for development. Any necessary improvements to the existing infrastructure would be made to accommodate the proposed new development and would not accommodate additional growth beyond that need that would lead to additional growth outside of the already urbanized areas of the City. These same findings apply to implementation of the HEU. Implementation of the HEU would provide for the development of up to 4,000 new housing units in the City via a variety of strategies in addition to pending projects and accessory dwelling unit production. In doing so, the Housing Element would be updated to identify specific sites for multifamily housing, including the HEU housing opportunity sites and land use strategy sites. In addition, the Land Use Element of the General Plan would be amended to update applicable land use designations if/as needed to reflect the housing sites, and the sites would be rezoned if necessary to allow greater residential densities than are currently allowed. If all sites were developed at the planned densities to accommodate the 4,000 new units, pending projects, and ADUs, the population of the City would increase by approximately 17,522 persons, based on a ratio of 2.57 persons per household. As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be infill in nature and would not require extension of services to previously undeveloped areas. Any upsizing or improvement to existing infrastructure would be designed to serve only the planned housing and would not enable growth or facilitate unplanned growth beyond that housing. Based upon each of these considerations, implementation of the HEU would not directly or indirectly induce

unplanned population growth to the area, and the impact would therefore be less than significant.

Impact PH-2: Implementation of the HEU would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The *ConnectMenlo* EIR found that the project would not displace substantial numbers of people that could require the construction of replacement housing elsewhere. This was based on the fact that no new nonresidential land use designations proposed under the project were located on sites where residential land uses currently exist, and housing was proposed as part of the project to address local and regional housing needs. Thus, no displacement of existing housing units would occur. These same findings from the *ConnectMenlo* EIR apply to implementation of the HEU. Much of the developable area of the City is already developed, and nearly all of the parcels identified for upzoning as part of the HEU are already developed with some sort of use, typically office or commercial. The City's General Plan contains a number of policies to limit the conversion of existing residential areas to non-residential uses. The HEU would support General Plan policies LU-2.7, H4.1, H4.8, and H-4.12, in that the HEU would not redesignate or rezone an existing residential area to a nonresidential use. In general, the HEU would generally upzone existing sites to accommodate more housing. Therefore, there would be no conversion of housing uses to non-housing uses and residential displacements would not occur. Ultimately, the number of housing units in the City would increase and would address the region's housing needs. As such, the effect would generally be beneficial in nature, and the impact would be less than significant.

Impact PH-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to create a significant impact to population and housing.

The *ConnectMenlo* EIR evaluated cumulative effects to take into account growth projected by the proposed project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Mateo County and the surrounding region, as forecast by ABAG. The EIR found that the project's impact would be significant and unavoidable based on the misalignment between the proposed project and the regional growth projections that were then in effect. The EIR conservatively determined that until the regional projections were updated, the project's impacts related to exceeding regional growth without adequate regional planning would be significant, and that there were no available mitigation measures to reduce the impact. This same finding is *not* applicable to the HEU, since the HEU itself is being prepared in response to ABAG's RHNA plan. When growth planned for in the HEU is combined with other growth projected to occur in the City, there would be a total of 24,829 dwelling units, and 63,810 residents in Menlo Park by the year 2040 (the year used for analysis in the *ConnectMenlo* EIR). This would represent an increase of 9,365 dwelling units and 23,372 people from the 2021 baseline and would exceed the projection of households and population for the City of Menlo Park

in *Plan Bay Area 2040*. However, the complete build-out of the HEU in the timeframe of the housing element and this analysis represents a conservative assumption. The potential population and housing growth provided for in the HEU would conform to the ABAG RHNA Plan and would conform to the City's zoning code and General Plan, as amended, and would thus constitute "planned growth." The HEU would not redesignate or rezone an existing residential area to a nonresidential use. The number of housing units in the City and the region would increase and would address the region's housing needs, particularly as the number of jobs in the region also increases. Based upon each of the above considerations, implementation of the HEU would not be cumulatively considerable, and the impact would be less than significant.

Public Services

Impact PS-1: Implementation of the HEU would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts.

The *ConnectMenlo* EIR found that the project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts. The EIR concluded that compliance with existing regulations, payment of impact fees and taxes, and compliance with environmental requirements would ensure that the overall impact would be less than significant. These same findings apply to implementation of the HEU. The HEU would provide for development of up to 4,000 new residential units in the City, in addition to pending projects and accessory dwelling unit production, for a potential population increase of 17,522 new residents in the City, and increased daytime employment in the City, which would require fire protection and emergency medical services. Therefore, the HEU is expected to increase fire and medical calls from new Menlo Park residents and the onsite employees. The extent to which any additional fire facility expansion and upgrades to existing water lines could be required, and where, is currently unknown and would be dependent upon the actual location of additional development that could result from the HEU's implementation. Development under the HEU is anticipated to occur incrementally over many years and would be subject to existing City and MPFPD policies and procedures to address and respond to increased facilities needs as appropriate. Any actual construction of fire facility and water line upgrades that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. As such, implementation of the HEU would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered fire and emergency service facilities in order to maintain acceptable service ratios, response times, or other performance objectives. This finding is consistent with that found in the *ConnectMenlo* EIR. Impacts related to fire services would therefore be less than significant.

Impact PS-2: Implementation of the HEU would not result in an increase in demand for police protection services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts.

The *ConnectMenlo* EIR thus found that any impacts associated with provision of additional police facilities would be less than significant. These same findings apply to implementation of the HEU. For buildout of the *ConnectMenlo* project, the MPPD indicated that it would need to hire an additional 17 sworn officers and purchase commensurate equipment for those officers to accommodate the level of growth projected from *ConnectMenlo* and to maintain the Department's 2015 staffing ratio. The total sworn officer requirements of the HEU (66 projected total sworn officers to meet the current 0.9 officers to 1,000-person service population) could be accommodated using existing facilities, although this would likely push the capacity limits of the current facility footprint. Since no concrete plans are currently available for any of the police facility upgrades that might be required at some future time if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. This finding is consistent with that found in the *ConnectMenlo* EIR. Impacts related to police services would therefore be less than significant.

Impact PS-3: Implementation of the HEU would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts.

The EIR determined that since future development under the *ConnectMenlo* project would occur incrementally over the 24-year buildout horizon and, in compliance with SB 50, all developments would be subject to development impact fees and future school facilities construction would require its own environmental review. Accordingly, the EIR found that impacts to school facilities would be less than significant. This same finding applies to implementation of the HEU, even if development were to occur at a faster pace than that assumed for *ConnectMenlo*. Population growth under the HEU at full build-out would occur in many areas of the City, and potential HEU housing sites are scattered throughout each of the school districts that serve the City's residents. Implementation of the HEU would result in a direct increase in demand for school facilities through its provision of residential units throughout the City. The HEU would generate additional students within Menlo Park that would result in exceedances of school capacities within the Menlo Park CSD and Menlo-Atherton High School. However, projects constructed under the HEU would likely unfold over many years and would be subject to SB 50 school impact fee requirements, providing a mechanism to

support this demand. Section 65996 of the State Government Code states that the payment of school impact fees constitutes full and complete mitigation for school impacts from development. Since no concrete plans are currently available for any of the school facility upgrades that might be required if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. As a result, the impacts related to schools would be less than significant.

Impact PS-4: Implementation of the HEU would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The *ConnectMenlo EIR* determined that additional parkland would not be required to serve the additional residents that would be generated by the project, and that the impact would therefore be less than significant. The HEU would increase the City's population by approximately 17,522 persons, for a total population of 57,960 persons. To meet the City's standard of 5 acres of parkland for each 1,000 residents, the amount of parkland required would be approximately 290 acres, or approximately 45 acres beyond that currently available. Full buildout of the HEU, however, would likely occur incrementally over many years, and some of the development projects undertaken as part of the HEU's implementation would likely include parks and recreational facilities as part of their own development. New developments would be required to pay fees towards recreational facilities, as prescribed in the Quimby Act, should they be required. Since no definitive plans are available for any recreational facilities that might be required if the HEU is implemented, it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. It is not anticipated that the increase in the residential population would adversely affect park and recreational facilities through overuse, since the increased use of these facilities would be spread across existing facilities Citywide. For this reason, the HEU would not cause or accelerate the physical deterioration of existing neighborhood and regional parks or other recreational facilities. Based upon each of these considerations, impacts to park and recreational facilities would be less than significant.

Impact PS-5: Implementation of the HEU would not result in substantial adverse impacts associated with the provision of or the need for new or physically altered library facilities.

The *ConnectMenlo EIR* determined that future development under the project would be required to comply with existing regulation, including General Plan policies prepared to minimize impacts related to library services. Accordingly, the EIR determined that impacts to library services would be less than significant. These same findings apply to

implementation of the HEU. Like *ConnectMenlo*, the HEU would introduce an increased residential population that would use the City's library resources. The HEU would increase the City's population by approximately 17,552 persons, for a total population of 57,960 persons. The Menlo Park Library assesses service needs through user surveys and by monitoring collection use, collecting direct user feedback on programs and services, and comparing services provided to those of other local libraries as well as library best practices. The Library System Improvement Project would expand Menlo Park's library capacity substantially. Further, projects constructed under the HEU would likely unfold incrementally over many years. While it is possible that the population increases associated with the HEU during that time could require expansion or construction of new library facilities, no concrete plans are currently available, and it is not possible to speculate as to the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. Based upon these considerations, the HEU's impacts to library services would be less than significant.

Impact PS-6: The HEU, combined with cumulative development in the vicinity and Citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental or park facilities, construction of which could have significant physical environmental impacts.

The *ConnectMenlo* EIR determined that ongoing compliance with state and local laws, including the payment of developer fees and mandatory school impact fees to provide adequate services to its service area, would minimize impacts related to public services. Furthermore, any future expansion of fire, police, library, and parks and recreational facilities would require permitting and review in accordance with CEQA, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Thus, cumulative impacts to public service facilities were determined to be less than significant. The HEU, in combination with cumulative projects would increase demand on fire, police, library, and parks and recreational facilities and services. The extent to which any additional expansion could be required, and where, is currently unknown and would be dependent upon the actual location of additional development that could result from the HEU's implementation and cumulative growth within the service area. Since no plans are available for any of the fire, police, library, and parks and recreational facility upgrades that might be required, it is not possible to speculate on the level of environmental impacts that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Further, impacts associated with construction of new or expanded facilities would tend to be localized. As such, implementation of the HEU, together with other cumulative growth that could occur

concurrently, would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered government of park facilities. Cumulative impacts to public service and recreation facilities caused by increased residential development and employment in the City would be offset by payment of standard fees, compliance with existing policies and regulations, and required environmental review for facility improvement projects if and when the need for such improvements is identified. This finding is consistent with that found in the *ConnectMenlo* EIR. Cumulative impacts related to fire services would therefore be less than significant.

Transportation

Impact TRANS-3: Implementation of the HEU would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.

Subsequent projects under the HEU, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are already developed where impacts related to incompatible traffic related land uses would not likely occur. Therefore, the HEU would result in a less than significant impact to transportation hazards.

Impact TRANS-4: Implementation of the HEU would not result in inadequate emergency access to development sites.

There are no specific development projects associated with the HEU; and thus, specific housing sites developed under the HEU cannot be analyzed for their adequacy of emergency access at this time. *ConnectMenlo* and other City standards and regulations include policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur. Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans that include use of alternate routes, sirens and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on the above considerations, adequate emergency access would be provided to new development sites, and the impact would be less than significant.

Impact TRANS-7: Implementation of the HEU, in combination with cumulative development, would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.

Subsequent projects under the HEU or the buildout of the upzoned areas, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are already developed where impacts related to incompatible traffic related land uses would not likely occur. Therefore, the HEU would result in a less than significant cumulative impact to transportation hazards.

Impact TRANS-8: Implementation of the HEU, in combination with cumulative development, would not result in inadequate emergency access to development sites.

There are no specific development projects associated with the HEU. Therefore, specific housing sites developed under the HEU or the buildout of the upzoned areas cannot be analyzed for adequacy of emergency access at this time. *ConnectMenlo* and other City standards and regulations includes policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur. Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on these considerations, adequate emergency access would be provided to new development sites, and the cumulative impact would be less than significant.

Utilities and Service Systems

Impact UT-1: Implementation of the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects.

The *ConnectMenlo* EIR found that impacts related to the construction or relocation of utilities were less than significant as it is expected that the City will implement General Plan programs that require expansion of the MPMW's conservation programs and future

development to employ green building best practices. These same findings apply to implementation of the HEU, as discussed below.

Water

Treatment

Under the HEU, the increase in demand (i.e., about 1.5 mgd) would not be considered a significant increase for the SFPUC system, which can treat approximately 615 mgd with the combined capacity of its three WTPs. Any surface water demanded by development under the HEU would be treated by Cal Water's Bear Gulch District's WTP, which has a capacity of 6.0 mgd. Any increase in water demand associated with the HEU would be offset with purchased water, and thus expansion of the Bear Gulch District's WTP to serve the development under the HEU would not be required. Sufficient capacity exists to treat purchased and surface water demanded by development allowed under the HEU, and no new or expanded water treatment facilities would be required.

Conveyance

Development allowed under the HEU would be required to comply with the applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of water requiring treatment and conveyance. Larger residential development projects (500 or more units) would be required to coordinate with the City and either the MPMW or Cal Water's Bear Gulch District to address water-flow requirements through the subdivision mapping process to ensure that existing and proposed water delivery infrastructure would be adequate for each project.

Wastewater

Treatment

Wastewater generated by development allowed under the HEU would be treated at the SVCW WWTP. The HEU's 1.35 mgd increase in wastewater generation would not be significant relative to the currently available excess dry-weather and wet weather design flow capacities of the WWTP. Thus, wastewater flows associated with the HEU represent a very small percentage of the total daily wastewater capacities of the SVCW WWTP.

Conveyance

As discussed in the *ConnectMenlo* EIR, the design and planning of operation, maintenance, and capital improvements to the WBSD collection system is expected to continue in the future, independent of the proposed project. Future development allowed under the HEU would be required to connect to the existing WBSD conveyance system. As discussed in the *ConnectMenlo* EIR, potential construction-related impacts from such project-level improvements would be evaluated during project-level analysis, as needed. In addition, future development allowed under the HEU would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of wastewater requiring treatment and conveyance. Finally, individual development projects

would be required to coordinate with the City and WBSD to address wastewater-flow requirements through the development approval and review process to ensure that existing and proposed wastewater conveyance infrastructure would be adequate for each project.

Storm Drain

Development allowed under the HEU could result in an increase in impervious surface area on individual project sites, and thus would increase the amount of stormwater runoff. However, the new development would be located on parcels that are already developed or otherwise covered by impervious surfaces. As a result, post-development runoff rates would not be significantly different than pre-development runoff rates. Furthermore, projects that create or replace 10,000 square feet of more of impervious surface area would be required to prepare a stormwater control plan to comply with C.3 provisions of the MRP to ensure that post-development runoff rates do not exceed pre-development rates and durations. Finally, regulated projects for which building or grading permits are issued (after January 1, 2016) must include LID-based design measures for stormwater capture and pretreatment.

Summary

Development allowed under the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects beyond the construction impacts discussed throughout the SEIR (e.g., refer to Section 4.4, *Air Quality*; Section 4.9, *Hydrology and Water Quality*; and Section 4.11, *Noise and Vibration*). At the project level, environmental impacts from construction of new or expanded water, wastewater, storm drain, electricity and natural gas, and telecommunications facilities deemed necessary through the planning process would be addressed in the CEQA review conducted by the lead agency for such facility expansion or development, as required. Therefore, a detailed evaluation of the possible environmental effects of future expansion/ development of such facilities would be speculative and beyond the scope of the SEIR. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to construction or relocation of utilities would therefore be less than significant.

Impact UT-2: Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

The *ConnectMenlo* EIR found that impacts related to water supply were less than significant as water supply would be adequate to serve existing and future needs during a normal year and water shortages could be managed through demand reductions during single and multiple dry years. In addition, future development would be required

to comply with existing regulations, including City General Plan policies and zoning requirements, to minimize impacts related to water supplies. These same findings apply to implementation of the HEU. Development allowed under the HEU would result in an increase in City-wide population and thus an increase in demand for water. The land use changes proposed in the HEU would create a net yearly increase in water demand of 670 acre-feet per year (AFY). The Updated 2040 Cumulative Growth Build Out scenario is calculated to be 715 AFY (without deducting water demand by existing uses on the housing sites that will be replaced under the HEU). The Water Supply Assessment prepared for the proposed HEU relied on water supply planning information contained in 2020 Urban Water Management Plans of Menlo Park Municipal Water (MPMW) and California Water Service's (Cal Water's) Bear Gulch District, and determined that adequate water supplies would be available during normal or above-normal precipitation (years of normal supply) to meet projected demand through 2040 and 2045. With respect to single dry and multiple dry years, projections indicated that without the Bay-Delta Plan Amendment being implemented, the San Francisco Public Utilities Commission (SFPUC), as wholesale supplier, would be able to supply 100 percent of projected regional demand in all year types through 2045, except for the 4th and 5th consecutive dry year in 2045, during which 90 percent of projected regional demand (85 percent of the wholesale demands) would be met. However, substantial water supply shortfalls are currently projected in single dry years and with increasing shortfalls in multiple dry years if the Bay-Delta Plan Amendment is implemented as adopted. Numerous uncertainties regarding Bay-Delta Plan Amendment implementation remain, and thus this represents a worst-case water supply scenario in which the Bay-Delta Plan Amendment is implemented. Under this worst-case scenario, insufficient supplies are expected and this would be a potentially significant impact under single dry and multiple dry year scenarios.

MPMW, Cal Water Bear Gulch District, SFPUC, and the Bay Area Water Supply and Conservation Agency have developed strategies and actions to address the projected dry year supply shortfalls. Implementation of the Water Supply Improvement Program adopted by the SFPUC is expected to mitigate impacts of the implementation of the Bay-Delta Plan Amendment. Other strategies include implementation of the Alternative Water Supply Program (surface water storage expansion, recycled water expansion, water transfers, desalination, and potable reuse), local strategies and actions, water demand reductions and conservation savings, demand management measures, and dry-year shortage and demand reduction. While water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the water shortage contingency plans by MPMW and Cal Water's Bear Gulch District. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies. While results of the previously mentioned projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be

obtained. Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, demand management measures (DMMs) and implementation of the water storage contingency plans (WSCPs) by MPMW and Cal Water's Bear Gulch District would further reduce demand to meet the water supply shortage. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to water supply would therefore be less than significant.

Impact UT-3: Implementation of the HEU would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

The *ConnectMenlo* EIR found that impacts related to wastewater capacity would be less than significant as all future development under *ConnectMenlo* is expected to tie into existing collection facilities, and thus would have to comply with applicable sewer permits, which require that projects reduce impacts on sewer capacity. In addition, the EIR found that all future projects would be required to comply with existing regulations that promote water conservation and minimize impacts related to wastewater generation. These same findings apply to implementation of the HEU. Under the HEU the estimated increase in wastewater generation would be approximately 1.35 mgd. As reported by the RWQCB, from October 2012 through August 2017, the WWTP treated an average of 13.5 mgd, with a maximum instantaneous flow of 50 mgd, which are well within the 29 mgd average dry-weather design flow and 71 mgd peak wet-weather design flow. The HEU's 1.35 mgd increase in wastewater generation would not be significant relative to the currently available excess dry-weather and wet weather design flow capacities. In addition, future development allowed under the HEU would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of wastewater requiring treatment and conveyance. The SVCW has adequate capacity to serve development allowed under the HEU in addition to its existing commitments. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to wastewater generation would therefore be less than significant.

Impact UT-4: Implementation of the HEU would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

The *ConnectMenlo* EIR found that impacts related to solid waste generation would be less than significant as all future development under *ConnectMenlo* would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals. These same findings apply to implementation of the HEU. Development allowed under the HEU would be required to comply with the City's Construction and Demolition Recycling Ordinance, which calls for salvage or recycling at least 60 percent of construction-related solid waste through recycling, reuse, salvage, or other diversion programs. Construction allowed under the HEU would not generate solid

waste in excess of local landfill capacity. The estimated amount of solid waste generated during operation of development allowed under the HEU would represent approximately one percent of the daily capacity (3,598 tons per day) of the Ox Mountain landfill. In addition, development allowed under the HEU would be required to comply with the applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote recycling and solid waste reduction and diversion, thus reducing the amount of solid waste requiring processing and disposal. Therefore, operation of development allowed under the HEU would not generate solid waste in excess of the local landfill infrastructure. Construction and operation of development allowed under the HEU would not generate solid waste in excess of the local landfill infrastructure. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to solid waste generation would therefore be less than significant.

Impact UT-5: Implementation of the HEU would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

The *ConnectMenlo* EIR found that impacts related to solid waste regulations would be less than significant as all future development under *ConnectMenlo* would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals, thereby complying with applicable status and regulations related to solid waste. These same findings apply to implementation of the HEU. During construction and operation associated with development under the HEU, development projects would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR, such as AB 939, SB 1016, AB 341, AB 1826, the CALGreen Code, and the Menlo Park Municipal Code. As a result, development allowed under the HEU would not conflict with applicable waste reduction policies. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to compliance with solid waste regulations would therefore be less than significant.

Impact UT-6: Implementation of the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems.

Water

Cumulative impacts with respect to water service in the *ConnectMenlo* EIR were considered within the geographic context of the SFPUC retail and wholesale service area. The *ConnectMenlo* EIR found that the cumulative impact with respect to water service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU. Development allowed under the HEU, in combination with cumulative development within the SFPUC retail and wholesale service areas would increase demand for water supply. The MPMW and Cal Water Bear Gulch District's water service areas along with all other water suppliers on the San Francisco Bay Peninsula would have adequate water supplies during normal or above-normal precipitation (years of normal supply) to meet projected demand through 2040 and 2045.

While water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the WSCPs. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies such as the CALGreen Code and City's Water Efficient Landscaping Ordinance. While results of the projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. For these reasons, implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, DMMs and implementation of the WSCPs by all water suppliers would further reduce demand to meet the water supply shortage. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to water supply would therefore be less than significant.

Wastewater

The *ConnectMenlo* EIR determined that the cumulative impact with respect to wastewater service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU. Development allowed under the HEU, in combination with cumulative development within the service areas of the WBSD and SVCW, would increase the amount of wastewater requiring conveyance and treatment. The amount of cumulative wastewater requiring treatment at the end of the HEU's planning horizon (2031) would be approximately 15.3 mgd, which is less than SVCW WWTP's existing treatment capacity (29 mgd). In addition, like development allowed under the HEU, all future development in the SVCW's service area would be required to comply with applicable regulations that promote water conservation, thus reducing the amount of wastewater requiring treatment. Finally, with respect to conveyance, with adherence to its Sanitary Sewer Master Plan (2011) and CIP, the WBSD's wastewater collection system would have sufficient capacity to service future growth within its service area. For these reasons, the SVCW WWTP and WBSD wastewater collection system would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Stormwater

The *ConnectMenlo* EIR determined that through compliance with existing state and local regulations, as well as general plan design guidelines, Menlo Park Municipal Code requirements, and other applicable City requirements, development under *ConnectMenlo* in combination with other new development within the San Francisquito watershed would not contribute to a significant cumulative impact with respect to stormwater service. Thus, the cumulative impact with respect to stormwater service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU. Development allowed under the HEU, in combination with cumulative

development within the San Francisquito Creek watershed would increase the amount of impervious surface in the watershed, and thus would increase the amount of stormwater runoff. However, similar to development allowed under the HEU, cumulative development would be required to adhere to State and local standards that would ensure that post-development runoff rates do not exceed pre-development rates and durations and that LID measures be implemented. Therefore, the stormwater collection system in the San Francisquito Creek watershed would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Solid Waste

The *ConnectMenlo* EIR determined that implementation of *ConnectMenlo* when considered with the other jurisdictions that divert solid waste to the same facilities, in particular Ox Mountain Landfill, may eventually experience insufficient future capacity at a specific landfill to accommodate existing or increased population and employment levels. Implementation of Mitigation Measure UTIL-10 requires the City to 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. Furthermore, proposed development in Menlo Park would be required to comply with the City's regulations prepared to reduce solid waste and therefore, reduce impacts related to landfill capacity. Thus, and because the growth under *ConnectMenlo* would occur incrementally over a period of 24 years, implementation of *ConnectMenlo* would not contribute to a significant cumulative impact on solid waste service, and the cumulative impact with respect to solid waste service was considered determined to be less than significant.

Development allowed under the HEU, in combination with cumulative development within the region would increase the amount of solid waste requiring processing and disposal at landfills that serve the City and the region. Cumulative development projects would also be required to comply with federal, state, and local solid waste standards, including waste diversion during construction, and during operation, including recycling and organic material diversion requirements. As such, non-renewable sources of solid waste and the solid waste disposal requirements of cumulative development would be reduced. For these reasons, the Ox Mountain landfill would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Electricity and Natural Gas

The *ConnectMenlo* EIR determined that, through compliance with existing state and local regulations, as well as general plan design guidelines, Menlo Park Municipal Code requirements, and other applicable City requirements, development under *ConnectMenlo* in combination with other new development within the PG&E service territory would not contribute to a cumulative impact with respect to natural gas and electrical service. Thus, the cumulative impact with respect to electrical and natural gas service was determined to be less than significant.

Development allowed under the HEU, in combination with cumulative development within the PG&E's service area would increase demand for electricity and natural gas. However, development projects would be required to comply with applicable state and local regulations pertaining to energy conservation. Furthermore, as noted in the *ConnectMenlo* EIR, PG&E routinely updates its long-range plans to incorporate potential growth in its service area. Therefore, the electrical and natural gas infrastructure would be sufficient to serve cumulative development, including development allowed under the HEU.

Telecommunications

Development allowed under the HEU, in combination with cumulative development within the service areas for the telecommunication providers that serve the City would increase demand for telecommunication service. However, similar to the development provided for under the HEU, cumulative development of underground conduits and overhead cables to facilitate telecommunications services would be required to comply with applicable federal, state, and local standards pertaining to underground and overhead utility infrastructure. Therefore, the telecommunications infrastructure would be sufficient to serve cumulative development, including development allowed under the HEU.

Summary

The utilities and service systems would have capacity and/or be adequate to serve cumulative development, including development allowed under the HEU. Therefore, the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems, and this cumulative impact would be less than significant. This finding is consistent with that found in the *ConnectMenlo* EIR.

Wildfire

Impact WILD-1: Implementation of the HEU would not substantially impair an adopted emergency response plan or emergency evacuation plan.

The *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The EIR found that the project would not include potential land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operations Plan. The construction of residences from implementation of the HEU would include the transportation and movement of equipment, materials, and construction workers. If located along designated evacuation and emergency response routes or in areas subjected to limited or constrained access, these construction activities could impair or interfere with adopted emergency response plans or emergency evacuation plans, and could be potentially significant. Compliance with Section 13.18.020 of the

City's Municipal Code for encroachment permits and compliance with restrictions on operational interference as specified in MPFPD's Resolution No. 1476-2011 through the permit review process. Construction of residential projects that might arise as a result of the HEU's implementation would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan during construction. Once constructed, the residential projects would not restrict or interfere with the flow of emergency vehicles or evacuation because they would not reconfigure or physically block routes used for emergency access or evacuation. The City would also be required to periodically update its emergency response and evacuation plan(s) as required under AB 747 and the City's General Plan. This ongoing and periodic reevaluation would address these changed conditions, and would adjust the emergency response and evacuation plans accordingly. For these reasons, the HEU would result in less-than-significant impacts with respect to interference with an adopted emergency response plan or emergency evacuation plan. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Impact WILD-2: Implementation of the HEU would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Though utilizing criteria that have since been replaced by updates to the CEQA Guidelines Appendix G Checklist, the *ConnectMenlo* EIR found that the project would have a less-than-significant impact with respect to exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. These same findings apply to implementation of the HEU. The City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires. Menlo Park does not contain areas of moderate, high, or very high Fire Hazard Severity for the LRA, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for a SRA. However, zones of high Fire Hazard Severity designated as SRAs are present adjacent to the southwestern City limits. All development under the HEU would be constructed pursuant to applicable building codes and the California Building Code and the MPFPD Fire Prevention Code. In addition, MPFPD conducts a weed-abatement program throughout its jurisdiction to minimize fire risk on empty or unmaintained parcels. Implementation of the HEU would have a less than significant impact with respect to enhanced wildfire risk.

Impact WILD-3: Implementation of the HEU would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities that could exacerbate fire risk or that could result in temporary or ongoing impacts to the environment. (Less than Significant Impact)

The *ConnectMenlo* EIR did not consider this impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As discussed above, the City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires, nor is any portion of the City located within a CalFire-designated wildfire hazard severity zone. As such, installation of infrastructure related to abating wildfire risks would not be required, and the impact would be less than significant.

Impact WILD-4: Implementation of the HEU would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The *ConnectMenlo* EIR did not consider this impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. All of the HEU housing opportunity sites and land use strategy sites are in developed and urbanized areas, and are similarly surrounded by areas that are already developed. Post-fire impacts such as slope instability and downstream flooding conditions do not apply to lands within the City or to the HEU housing opportunity sites and land use strategy sites. Further, the City's low potential for wildfire largely negates the potential for substantial post-fire effects to occur due to increased risk within the City. Based on these considerations, the effect of the HEU's implementation would be less than significant.

Impact WILD-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would/would not result in a cumulative impact related to wildfire.

The *ConnectMenlo* EIR evaluated cumulative impacts related to wildland fire using the CEQA Appendix G Checklist criteria that were in effect at the time of the EIR's certification. Those criteria considered effects related to emergency response and evacuation, as well as significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The *ConnectMenlo* EIR did not consider cumulative effects related to the construction of wildfire-related infrastructure or post-fire effects. Cumulative projects would be required to receive an encroachment permit and to prepare and implement similar traffic management plans to maintain traffic flow and prevent interference with emergency access during construction. Therefore, any cumulative projects would not impair implementation of or physically interfere with an

adopted emergency response plan or emergency evacuation plan. No portion of the City lies within a Very High Fire Hazard Severity Zone. As a condition of approval, all development projects would be required to comply with building code and General Plan requirements relating to fire service features, building services and systems, access requirements, water supply, fire and smoke protection features, building materials, construction requirements, and defensible space and vegetation management. The implementation of these standard requirements would reduce impacts associated with accidental ignitions emanating from project sites, and would also reduce impacts associated with wildfires encroaching onto project sites from adjacent areas. The *ConnectMenlo* EIR did not consider this cumulative impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. The City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires, nor is any portion of the City located within a CalFire-designated wildfire hazard severity zone. Cumulative projects would be evaluated at the time of project application, and would follow established regulations and development protocols as defined in City regulation and General Plan policy. The *ConnectMenlo* EIR did not consider this cumulative impact because this criteria was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As noted above, nearly all of the HEU housing opportunity sites and land use strategy sites are developed and urbanized, and are similarly surrounded by areas that are already developed. Post-fire impacts such as slope instability and downstream flooding conditions do not apply to the City. Further, the City's low potential for wildfire largely negates the potential for substantial post-fire effects to occur. Based on the above considerations, the effect of the cumulative projects and the HEU's implementation would be less than significant.

Impacts Not Analyzed in Detail

Agricultural and Forestry Resources

The *ConnectMenlo* EIR evaluated Agricultural and Forestry Resources in Section 6.1.1 of the EIR. The EIR found that there would be no impact to these resources. These same findings are applicable to the proposed HEU. The entirety of the City is mapped as "Urban and Built-Up Land" or "Other Land" by the California Farmland Mapping and Monitoring Program (FMMP). No existing farming or forestry operations are present within any area of the City. No areas of the City are specifically designated or zoned for agricultural use, and no agricultural zoning districts are provided for in the City's Zoning Code. With respect to forestry resources, no existing timber-harvest uses are located on or in the vicinity of the City. No areas of the City are designated or zoned for such. Based on these considerations, implementation of the HEU would result in no impacts to agricultural or forestry resources. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Mineral Resources

The *ConnectMenlo* EIR evaluated Mineral Resources in Section 6.1.2 of the EIR. The EIR found that there would be no impact to these resources. These same findings are applicable to the proposed HEU. No areas of the City are known to contain existing mineral resources, and there are no mineral resources extraction activities currently occurring in the City. Neither the State of California, San Mateo County, nor the City of Menlo Park have designated mineral resource recovery areas or preservation sites in any portion of the City. Implementation of the HEU would not result in the loss of availability of mineral resource that would be of value to the region and the residents of the state; and would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Implementation of the HEU would have no impact on mineral resources. This conclusion is the same as that found in the *ConnectMenlo* EIR.

B. Findings and Recommendations for Significant Impacts Avoided or Reduced to Less Than Significant by Mitigation

Air Quality

Impact AQ-3: Implementation of the HEU would not expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measure AQ-3: Health Risk Reduction Measures.

- a) [AQ-3b from *ConnectMenlo* with amendments]: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park 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 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 (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 ($10E^{-06}$), $PM_{2.5}$ concentrations exceed $0.3 \mu g/m^3$, 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:

- Air intakes located away from high volume roadways and/or truck loading zones.

- Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.

Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.

Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors and with a similar type of development (e.g., bedroom counts) where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts. The selection of comparison projects shall be subject to preapproval by the City. If the comparison does not show the project will have the same or less impact, a project-level health risk assessment is required.

In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2(c) to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.

Finding

Implementation of Mitigation Measure AQ-3, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The ConnectMenlo EIR addressed two types of pollutant concentrations: carbon monoxide (CO) hotspots and toxic air contaminants (TACs). Areas of vehicle congestion can create CO hotspots with the potential to exceed the state ambient air quality standards. The ConnectMenlo EIR found that the developments under the project were consistent with the 2013 Congestion Management Program adopted by the City/County Association of Governments of San Mateo County (C/CAG) and therefore localized air quality impacts related to pollutant concentrations from mobile-source emissions would be less than significant. Likewise, the HEU SEIR found that development under the HEU would be consistent with C/CAG's 2021 Congestion Management Program, and localized air quality impacts related to pollutant concentrations from mobile-source emissions would be less than significant. With respect to TACs, the ConnectMenlo EIR evaluated impacts of placing new sensitive receptors near major sources of TACs found

the impact to be less than significant.¹ Because this impact was evaluated in the ConnectMenlo EIR, the SEIR evaluated potential new sensitive receptors near existing sources of TACs, including stationary sources and 15 major streets and the Bayshore Freeway. Consistent with BAAQMD guidance, the SEIR also evaluated health risks from future development projects under the HEU. Such projects could expose existing nearby sensitive receptors to potentially significant health risks from TACs and fine particulate matter (PM_{2.5}), both from construction (largely, emissions from diesel off-road equipment) and operation (primarily, emissions from motor vehicle traffic). Mitigation Measure AQ-3 would require a health risk assessment both for projects containing new sensitive receptors proposed to be developed within 1,000 feet of major sources of TACs and for new projects proposed to be developed within 1,000 feet of existing sensitive receptors. In both cases, health risk reduction measures would be required for projects exceeding BAAQMD significance thresholds. Implementation of Mitigation Measure AQ-3 would reduce health risks for existing receptors by requiring appropriate siting of air intakes and installation of filtration systems if necessary. Implementation of Mitigation Measure AQ-3 would reduce health risks from new project by reducing TAC emissions from off-road, diesel construction equipment. With implementation of Mitigation Measures AQ-3, health risk impacts from construction and operation of subsequent projects that could be developed under the HEU would be less than significant with mitigation.

Biological Resources

Impact BIO-1: Implementation of the HEU would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.

Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be

¹ Such effects of the environment on the project need not be evaluated under CEQA, pursuant to a 2015 California Supreme Court ruling in *California Building Industry Association v. Bay Area Air Quality Management District*.

present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed project would primarily occur in urbanized areas where special-status species would not be expected to occur; however, the EIR identified the Bayfront Area as a location where several special-status species associated with coastal salt marsh, salt ponds, and tidal mudflats are documented. The EIR also identified additional special-status species that have the potential to occur elsewhere in the City. As described in the *ConnectMenlo* EIR, adoption of the General Plan Land Use (LU) Element as part of the proposed project served to minimize potential adverse impacts on special-status species, including bird-safe design features. However, even with these policies in place, the *ConnectMenlo* EIR concluded that construction- and operation-related impacts to special-status species or the inadvertent loss of active bird nests, could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce impacts to special-status species and protected birds by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects on HEU housing sites containing natural features that could support special-status species and protected birds prior to individual project approval, and implementation of avoidance and minimization measures if sensitive species were present. Therefore, implementation of this mitigation measure would reduce potential impacts to special-status species and protected birds to a less-than-significant level with mitigation.

Impact BIO-2: Implementation of the HEU would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Mitigation Measure BIO-2: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that construction-related direct and indirect impacts could occur as a result of converting natural resources to developed properties, including reducing the size or function of existing habitat, and increasing the area of impervious surfaces, thereby increasing stormwater runoff and potentially degrading aquatic habitat. Temporary impacts could also occur during construction. As described in the *ConnectMenlo* EIR, several policies in the General Plan would serve to protect and enhance riparian habitat and sensitive natural communities in the HEU study area; however, significant construction- and operation-related impacts to riparian habitat and sensitive natural communities could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to riparian habitat and sensitive natural communities by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures riparian habitat or other sensitive natural communities are present, or provision of compensatory mitigation if avoidance is infeasible. Therefore, implementation of this mitigation measure would reduce potential impacts to riparian habitat and sensitive natural communities to a less-than-significant level, with mitigation.

Impact BIO-3: Implementation of the HEU would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Mitigation Measure BIO-3: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed project could result in direct loss or modification to existing wetlands and unvegetated other waters, including streams, as well as indirect impacts due to water quality degradation, including erosion and sedimentation during construction and inadvertent introduction of deleterious materials. The *ConnectMenlo* EIR concluded that significant construction-related impacts to wetlands and waters could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to wetlands and waters by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures, or compensatory mitigation if avoidance is infeasible, should jurisdictional wetlands or waters be present. Therefore, implementation of this mitigation measure would reduce potential impacts to jurisdictional wetlands and waters to a less-than-significant level, with mitigation.

Impact BIO-4: Implementation of the HEU would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites.

Mitigation Measure BIO-4: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the proposed project could result in reduction in natural habitat that could serve as a wildlife corridor and, as a result, significant construction- and operation-related impacts to wildlife movement corridors could occur. These same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to wildlife movement corridors by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures, or compensatory mitigation if avoidance is infeasible, should important wildlife movement corridors be present. Therefore, implementation of this mitigation measure would reduce potential impacts to wildlife movement corridors to a less-than-significant level, with mitigation.

Impact BIO-6: Implementation of the HEU in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to biological resources.

Mitigation Measure BIO-6: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the potential impacts of the proposed project on biological resources would be site-specific and the overall cumulative effect would be dependent on the degree to which native vegetation (e.g., native grasslands, oak woodlands, riparian woodland), populations of special-status plant or animal species, and wetland features are protected on a particular development site. The HEU housing sites are concentrated in urbanized areas and no parcels are proposed within natural habitats such as coastal salt marsh, salt ponds, tidal marsh, oak woodland or grassland; however, cumulative biological resources impacts could result due to projected growth in addition to that pursuant to the HEU. The HEU, in combination with cumulative projects, could result in a significant cumulative impact on nesting birds and special-status species during construction. However, with implementation of Mitigation Measure BIO-1, implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be less than significant with mitigation.

Cultural Resources

Impact CR-2: Implementation of the HEU would not cause a substantial adverse change in the significance of an archaeological historical resource or a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CR-2a. Cultural Resources Study Requirements.

The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including

subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.

Mitigation Measure CR-2b. Inadvertent Discovery of Cultural Resources.

If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.

If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.

If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC)

to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR did not identify any archaeological resources within the City, but did identify Native American remains. It found that compliance with the General Plan and with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits. Nevertheless, the *ConnectMenlo* EIR did identify the potential for unrecorded archaeological resources to be adversely affected and identified mitigation measures for this potentially significant effect. However, given the passage of time, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological resources and cultural resources. Moreover, a records search conducted for the SEIR of the housing opportunity sites and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources within both of these areas. Archaeological resources have the potential to contain intact deposits of artifacts, associated features, and burials that could contribute to the regional pre-contact or historic record and be of substantial importance to members of the local and regional community, and these resources could be subject to significant impacts from ground disturbance during construction. Accordingly, the SEIR identifies new mitigation measures. Implementation of Mitigation Measures CR-2a and CR-2b would reduce the potential impact to archaeological resources to a less-than-significant level because all projects with ground-disturbance would be reviewed by a qualified archaeologist and any potential archaeological resources identified would be evaluated and treated appropriately, including consulting with Native American representatives.

Impact CR-3: Implementation of the HEU could disturb human remains, including those interred outside of formal cemeteries.

Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.

Procedures of conduct following the discovery of human remains 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 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. 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 landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.

Finding

Implementation of Mitigation Measure CR-3, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that there was the potential for human remains to exist within City boundaries and for human remains to be encountered during project construction. As stated by the *ConnectMenlo* EIR, there are State laws that establish a formal procedure in the event of the inadvertent discovery of human remains. The *ConnectMenlo* EIR found that the disturbance of human remains would constitute a significant impact because descendant communities may ascribe religious or cultural significance to the remains. This finding remains applicable to the HEU. To address this potential significant impact, the *ConnectMenlo* EIR identified mitigation that remains applicable, with minor revisions for clarity. Therefore, the mitigation measure has been re-numbered CR-3 to match the conventions in the SEIR. Implementation of Mitigation Measures CR-3 (formerly Mitigation Measure CULT-4 of the *ConnectMenlo* EIR), would reduce the potential impact to human remains to a less-than-significant level because all laws and regulations regarding the inadvertent discovery of human remains would be followed.

Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a less-than-significant cumulative impacts for archaeological resources and human remains.

Chapter 5 Mitigation Measure: Implement Mitigation Measures CR-2a, CR-2b, and CR-3.

Finding

Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-

than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

It is noted that Impact CR-4 would be significant and unavoidable with respect to historic architectural resources, and that finding is made below in Section C.

Facts in Support of Finding

Future development in the City under the HEU and cumulative projects could include excavation and grading that could potentially impact archaeological resources and human remains that may be present. The cumulative effect of this future development is the continued loss of cultural remains. Potential future development increases the likelihood that additional archaeological resources could be uncovered, so it is therefore possible that cumulative development could result in the demolition or destruction of unique archaeological resources, which could contribute to the erosion of the pre-contact record of the City and the wider region. However, Mitigation Measures CR-2a, CR-2b, and CR-3 would effectively avoid these effects. Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocol to identify, evaluate, and address any potential impacts to previously unknown archaeological and tribal cultural resources and would establish appropriate protocol to protect cultural resources and human remains if they are inadvertently discovered during project construction. With implementation of these mitigation measures, the HEU would not make a considerable contribution to cumulative impacts to archaeological resources and human remains would be reduced to a less-than-significant level.

Geology and Paleontological Resources

Impact GEO-5: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Mitigation Measure GEO- 5, Discovery of Paleontological Resources

In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, 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 2010), 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.

Finding

Implementation of Mitigation Measure GEO-5, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that no fossils or unique paleontological resources or unique geologic features are known within the City limits. However, the Pleistocene alluvium geological formation that underlies portions of Menlo Park has the potential for containing paleontological resources that could be adversely affected by ground-disturbing construction activity. This conclusion remains applicable to the HEU. Compliance with the General Plan and with existing federal, state, and local laws and regulations would generally protect unrecorded paleontological resources by providing for the early detection and prevention or minimization of adverse effects through excavation or preservation. However, deep excavation retains the potential for significant effects on unrecorded fossils of scientific significance. *ConnectMenlo* EIR Mitigation Measure CULT-3 addressed this impact; the measure has been renumbered to conform to subsequent changes in the CEQA Guidelines. Implementation of Mitigation Measure GEO-5 would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist and implementation of excavation and preservation, if warranted, thereby reducing the significance of the impact to a less-than-significant level, with mitigation.

Impact GEO-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to geology and paleontological resources.

Mitigation: Implement Mitigation Measure GEO-5.

Finding

Implementation of Mitigation Measure GEO-5, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Significant cumulative impacts related to geologic hazards or paleontological resources could occur if the incremental impacts of housing opportunity and land use strategy sites provided for under the HEU combined with the incremental impacts of one or more of the cumulative projects to substantially increase risk that people or the environment would be exposed to geologic hazards. Cumulative effects due to erosion, underlying soils, and seismic activity would be less than significant because all cumulative projects would be subject to the same stormwater controls and building code standards as would the HEU. Cumulative projects could contribute to potential effects on paleontological resources; however, they would be required to implement mitigation similar to Mitigation Measure GEO-5, *Discovery of Paleontological Resources*, described above under Impact GEO-5.

Implementation of Mitigation Measure GEO-5 would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist and implementation of excavation and preservation, if warranted, thereby reducing the significance of the impact to a less-than-significant level, with mitigation, and the impact would not be cumulatively considerable.

Greenhouse Gas Emissions

Impact GHG-1: Implementation of the HEU would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.

Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement.

Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the “all electric” requirement in the City’s Reach Codes.

Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2.

Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.

Finding

Implementation of Mitigation Measures GHG-1a and GHG-1b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed General Plan Update would result in a substantial increase in GHG emissions from existing conditions by the proposed General Plan horizon year 2040 and would not achieve the 2040 efficiency target, based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels pursuant to Executive Order (EO) S-03-05. The EIR determined that additional state and federal actions are necessary to ensure that state and federally regulated sources (i.e., sources outside the City’s control) ensure the deep cuts needed to achieve the 2050 target. Pursuant to *ConnectMenlo* EIR Mitigation Measure GHG-1, the City adopted its 2030 Climate Action Plan in July 2020 to address GHG reduction for sectors over which the City has control. GHG emissions from development pursuant to the HEU would result in both direct and indirect emissions from construction (construction equipment) and operational activities (sources such as landscaping equipment, on-road motor vehicles, and natural gas usage). While the City’s Reach Codes prohibit natural gas in all new

construction for space and water heating, the code allows certain exceptions for cooking appliances and fireplaces in residences. Recently updated BAAQMD GHG thresholds address the two main direct sources of GHG emissions in land use development projects: building energy use and motor vehicle trips, specifying all-electric operation for new buildings; avoiding wasteful, inefficient, or unnecessary electrical usage; compliance with Tier 2 electric vehicle charging requirements in the California Green Building Standards Code (“CALGreen”); and consistency with the 15 percent reduction in vehicle miles traveled (VMT) target in Senate Bill 743. Compliance with existing codes and regulations would ensure the project would not result in wasteful, inefficient, or unnecessary electrical usage, and per-capita VMT generated by development pursuant to the HEU would be 25 percent below the Citywide average in 2040. However, because the City’s Reach Codes allow exceptions to the no natural gas standard, and do not ensure compliance with future updates to the CALGreen Tier 2 EV requirements, the HEU would not comply with BAAQMD’s updated GHG thresholds, and thus would result in a potentially significant impact requiring mitigation. With the implementation of Mitigation Measures GHG-1a and GHG-1b, all future projects proposed for development under the HEU would be consistent with the BAAQMD’s updated GHG significance thresholds, and this impact would therefore be less than significant with mitigation.

Impact GHG-2: Implementation of the HEU would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation: Implement Mitigation Measures GHG-1a and GHG-1b.

Finding

Implementation of Mitigation Measures GHG-1a and GHG-1b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found the General Plan Update to be consistent with the regional objectives of the *Plan Bay Area* and the City’s Climate Action Plan. However, as it could not be demonstrated that Menlo Park would achieve GHG emissions reductions consistent with a 40 percent reduction below 1990 levels by 2030 or an 80 percent reduction below 1990 levels by the year 2050, this impact was found to be significant and unavoidable with mitigation. The SEIR evaluates the HEU’s consistency with CARB’s 2017 Scoping Plan Update, Plan Bay Area 2040, the City’s Climate Action Plan, CALGreen codes and the City’s Reach Codes. The Scoping Plan Update incorporates a broad array of regulations, policies, and state plans designed to reduce GHG emissions. The HEU would implement all applicable actions identified in the Scoping Plan Update to reduce energy use, conserve water, reduce waste generation, promote EV use, and reduce vehicle travel consistent with statewide strategies and regulations. Although the HEU would not meet the EO B-55-13 target of carbon neutrality by 2045, carbon

neutrality is not a significance threshold for the purposes of the SEIR because carbon neutrality is not an adopted plan, policy, or regulation of the State that is applicable to the City. In fact, the 2017 Scoping Plan Update explicitly acknowledges and states that the inability to achieve carbon neutrality or net zero GHG emissions does not imply that a project contributes to a significant impact under CEQA. Accordingly, the HEU would be consistent with the 2017 Scoping Plan Update. The HEU would also be consistent with *Plan Bay Area 2040* because it would encourage growth in existing communities with good transit access and that would generate fewer miles per capita than the Citywide average. The HEU would be consistent with the Menlo Park Climate Action Plan's actions to reduce GHG emissions, including by increasing access to electric vehicles and the necessary charging infrastructure and reducing VMT. Finally, with implementation of the HEU would be consistent with the Menlo Park Reach Codes and, with implementation of Mitigation Measures GHG-1a and GHG-1b, would comply with Tier 2 EV charging requirements in the applicable CALGreen code. Accordingly, this impact would be less than significant with mitigation. Inasmuch as the significance of GHG emissions in this analysis is determined based on whether such emissions would have a cumulatively considerable impact on global climate change, the HEU's incremental impact relative to GHG emissions in the cumulatively context would also be less than significant with mitigation.

Hazards and Hazardous Materials

Impact HAZ-3: Implementation of the HEU could result in development projects being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Mitigation Measure HAZ-3a: Environmental Site Management Plan

Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared by qualified personnel in consultation with the RWQCB or the 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-3b: Vapor Intrusion Assessment

Project applicants shall ensure that a vapor intrusion assessment is performed by a licensed environmental professional for sites with potential residual contamination in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. 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 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.

Finding

Implementation of Mitigation Measures HAZ-3a and HAZ-3b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to developing housing on or adjacent to known hazardous materials releases sites (i.e., hazardous materials sites listed on the Cortese List). However, the disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, the public, and the environment, and impacts could be potentially significant. To reduce the impacts to less than significant, the *ConnectMenlo* EIR developed two mitigation measures. These same findings and mitigation measures apply to implementation of the HEU, because there are known hazardous materials release sites on or adjacent to potential housing opportunity and land use strategy sites. Accordingly, construction workers, the public, and the environment could be exposed to hazardous materials and the impact could be potentially significant. However, implementation of Mitigation Measures HAZ-3a and HAZ-3b, together with compliance with applicable laws and regulations regarding cleanup and reuse of a listed hazardous material site, would ensure that the adoption of the proposed project would render this impact less-than-significant with mitigation, both with respect to construction and operations of development pursuant to the HEU.

Land Use and Planning

Impact LU-2: Implementation of the HEU would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.

Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be 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.

Finding

Implementation of Mitigation Measure LU-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that future development proposals 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. To address this potential significant impact, the *ConnectMenlo* EIR included Mitigation Measure LU-2 to ensure plan and policy consistency. These same findings apply to implementation of the HEU, as proposals for future development pursuant to the HEU could be inconsistent with the General, resulting in a potentially significant impact. Implementation of Mitigation Measure LU-2 would ensure that future development that would occur with implementation of the HEU not cause a significant environmental impact due to a conflict with the General Plan and the supporting Zoning standards. Therefore, implementation of this mitigation measure would reduce potential impacts to a less-than-significant level with mitigation. The SEIR found that the HEU would be consistent with other applicable plans, including the El Camino Real/Downtown Specific Plan; *Plan Bay Area 2040*; the San Francisco Bay Plan; and the Comprehensive Land Use Plan for the Palo Alto Airport, with no mitigation required.

Noise

Impact NOI-1: Construction activities associated with implementation of the HEU would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measure NOI-1: Construction Noise Control.

Project applicants 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:

- Demonstrate that any construction activities taking place outside daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 6:00 a.m. to 7:00 a.m. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA Leq at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours.
- Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when working outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and verify compliance with the Menlo Park Municipal Code through measurement.
- 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.
- Additional controls, as warranted, may include but are not limited to:
 - Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for Project construction.
 - Equipment staging plans (e.g., locating stationary equipment at adequate distances).
 - Limitations on equipment and truck idling.
 - Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code.

Finding

Implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the project would have a substantial noise impact due to construction activity on subsequent projects; the EIR identified Mitigation Measure NOISE-1c to reduce construction noise. Under the HEU, the primary source of temporary noise within the City would be from demolition and construction, although noise levels near individual construction sites would not be substantially different from what they would be under the existing Housing Element. The Menlo Park Municipal Code includes certain noise limitations. However, future projects would be required to demonstrate compliance with the City's required standards and in this respect, impacts are therefore considered potentially significant. With implementation of Mitigation Measure NOI-1, construction noise impacts of subsequent projects would be reduced to a less-than-significant level with mitigation.

Impact NOI-6: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measure: Implement Mitigation Measure NOI-1.

Finding

Implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Development that could occur with implementation of the HEU and cumulative development could overlap and therefore result in construction noise levels higher than those of development of the HEU alone at some receptor locations, which would be a significant impact. However, with implementation of Mitigation Measure NOI-1, and with cumulative projects subject to comparable construction noise controls, construction noise impacts of subsequent HEU projects would not contribute considerably to cumulative noise impacts, and the cumulative impact would be less than significant with mitigation.

Tribal Cultural Resources

Impact TCR-1: Implementation of the HEU would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).

Mitigation: Implement Mitigation Measures CR-2a and CR-2b (see Impact CR-2) and Mitigation Measure CR-3 (see Impact CR-3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b (see Impact CR-2), and Mitigation Measure CR-3 (see Impact CR-3), which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR did not identify any archaeological resources within the City, but did identify Native American remains. It found that compliance with the General Plan and with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits. Nevertheless, the *ConnectMenlo* EIR did identify the potential for unrecorded archaeological resources to be adversely affected and identified mitigation measures for this potentially significant effect. However, given the passage of time, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological resources and human remains. Moreover, a records search conducted for the SEIR of the housing opportunity sites and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources within both of these areas. Given the long history of pre-contact and historic-age human occupation, the City is considered sensitive for the presence of subsurface pre-contact Native American cultural resources and human remains. Additionally, there may be previously unknown buried archaeological resources and/or tribal cultural resources that have not been recorded. No tribal cultural resources have been identified during tribal consultation. However, the NAHC Sacred Lands File search had a positive result for sacred lands within the HEU

housing opportunity sites and land use strategy sites. Any Tribal Cultural Resources present could be subject to significant impacts from ground disturbance during construction. The *ConnectMenlo* EIR found that there was a potential for the project to significantly impact tribal cultural resources and determined that mitigation identified therein would reduce potential impacts to a less-than-significant level. However, as stated under Impact CR-2, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological and cultural resources. Accordingly, the SEIR identifies new Mitigation Measures CR-2a and CR-2b, and incorporates *ConnectMenlo* EIR mitigation for inadvertent discovery of human remains as renumbered Mitigation Measure CR-3, slightly modified for clarity. Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocols to identify, evaluate, and address any potential impacts to previously unknown tribal cultural resources, and establish appropriate protocols to protect cultural resources and human remains if they are inadvertently discovered during construction activities. With implementation of these measures, any potential impacts to tribal cultural resources would be reduced to a less-than-significant level.

Impact TCR-2: Implementation of the HEU, in combination with other cumulative projects, would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).

Mitigation: Implement Mitigation Measures CR-2a and CR-2b (see Impact CR-2) and **Mitigation Measure CR-3** (see Impact CR-3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b (see Impact CR-2), and Mitigation Measure CR-3 (see Impact CR-3), which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Based on tribal consultation, the professional experience of the SEIR preparers, research, and the pre-contact context, this analysis conservatively assumes that the land within this area contains tribal cultural resources that are not yet known. In this context, the incremental impacts of the HEU could combine with similar incremental impacts of other projects in the cumulative scenario to cause or contribute to a significant cumulative impact. However, the HEU would contribute a negligible less-than-significant incremental impact after the implementation of Measures CR-2a, CR-2b, and CR-3, which would require a Secretary of the Interior-qualified archaeologist to conduct a review of applicable projects prior to construction, the cessation of activities and buffering of inadvertent finds, training of construction personnel in cultural resource identification and inadvertent discovery procedures, and tribal consultation when indigenous resources are inadvertently identified during project construction. As a result, the HEU's incremental impact would not be cumulatively considerable and would not result in a significant cumulative effect.

C. Findings and Recommendations Regarding Significant and Unavoidable Impacts

Air Quality

Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

Mitigation Measure AQ-2: Emission Reduction Measures.

The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.

- a) [AQ-2b1 from *ConnectMenlo* with clarifying amendments]: As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM₁₀ (Table ~~8-48-2~~, Basic Construction Mitigation Measures Recommended for All proposed Projects, of the BAAQMD CEQA Guidelines).
- b) [AQ-2b2 from *ConnectMenlo* EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants 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 in 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 City of Menlo Park shall require that applicants for new development projects incorporate emission reduction ~~mitigation~~ measures to reduce air pollutant emissions during construction activities to below these thresholds of significance (see for example e.g., Table ~~8-28-3~~, 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).² These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Building Division and/or Planning Division
- c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact

² Table 8-3 was previously numbered at Table 8-2 in BAAQMD's 2011 guidance document, as recorded in the *ConnectMenlo* EIR.

to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.

1. Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.
- d) [AQ-2a from *ConnectMenlo* EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in 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 City of Menlo Park Community Development Department shall require that applicants for new development

projects incorporate emission reduction mitigation measures to reduce air pollutant emissions during operational activities to below the thresholds of significance.

Finding

Implementation of Mitigation Measure AQ-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR compared the VMT and population increases anticipated from the plan and concluded that the impact would be less than significant. This SEIR also compares anticipated VMT and population increases, in accordance with the 2017 BAAQMD CEQA Guidance and likewise found that, because percentage growth in VMT would be less than the growth in population, the HEU would result in a less-than-significant impact with respect to regional criteria air pollutants. The SEIR further considers the potential for subsequent individual development projects pursuant to the HEU to result in emissions in excess of the BAAQMD's project-level thresholds for criteria air pollutants, which are different from the plan-level thresholds. Future construction and operational emissions from development under the *ConnectMenlo* EIR were found to be significant and unavoidable after mitigation, and the SEIR reaches the same conclusion. Subsequent development projects would generate vehicle trips and other operational emissions, such as those from landscape maintenance activities, painting, and the use of consumer products, while construction of such projects would generate emissions from construction equipment exhaust and dust. Those projects larger than the BAAQMD screening criteria for either operations or construction would result in a cumulatively considerable net increase in criteria air pollutants and thus a significant impact. Mitigation Measure AQ-2, adapted from the *Connect Menlo* EIR, would require projects that exceed the operational screening criteria included in the BAAQMD Guidelines to complete a detailed assessment of construction and/or operational emissions—depending on which screening criterion is exceeded—to determine whether criteria air pollutant emissions would exceed significance thresholds and would require implementation of emission reduction measures if significance thresholds are exceeded. With implementation of Mitigation Measure AQ-2, construction dust impacts would be reduced to a less-than-significant level with mitigation. However, it cannot be stated with certainty that construction and operational criteria air pollutant impacts associated with all subsequent projects would be reduced to less-than-significant levels, even with implementation of Mitigation Measure AQ-2, as the volume of emissions is largely a function of project size. Due to this uncertainty, criteria pollutant emissions from construction and operation of subsequent projects that could be developed under the HEU would be significant and unavoidable with mitigation.

Cultural Resources

Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CR-1a: Identify Architectural Historic Resources.

Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing in the National Register, California Register, and for local eligibility.

Mitigation Measure CR-1b: Identify Character-Defining Features.

Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource "must retain... the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both why a property is significant...and when it was significant" (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.

Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.

Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as

appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.

Finding

Implementation of Mitigation Measures CR-1a, CR-1b, and CR-1c, which are hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR evaluated potential impacts to historical resources including historic buildings. It determined that although general plan polices were in place to identify and protect historic buildings, there was still a potential for future development to cause a significant impact on historical resources, and mitigation was identified to evaluate and record buildings more than 50 years old retain the character-defining features of buildings deemed eligible for the California Register of Historical Resources to be preserved. The measure essentially precludes demolition of eligible structures, which was unlikely to present a substantial constraint on development in the Bayfront Area since the area was determined to contain no such structures. Development under the HEU, however, has the potential to result in more severe impacts since it covers the entire City of Menlo Park and not just the Bayfront Area. Moreover, of the 74 potential housing opportunity sites, one includes a National Register-listed property and 24 others have buildings that are historic-era that have not yet been evaluated. It is also likely that there are additional historic resources outside of the housing opportunity sites. Finally, additional sites and buildings may qualify as historic resources in the future. Modification or demolition of historical resources associated with development under the HEU could result in a significant impact. There are a number of federal, state, and local regulations, and General Plan policies, in place to protect architectural historic resources. However, there remains the potential for adverse effects to historic resources and mitigation is identified in the SEIR. It is noted that *ConnectMenlo* EIR Mitigation Measure CULT-1, which would preclude demolition, is not feasible for all projects given the State-mandated requirement to plan for and allow and encourage housing development, so this measure is therefore not included in the SEIR. While Mitigation Measures CR-1a, CR-1b, and CR-1c would require identification and documentation of the resources, they would not fully mitigate adverse effects to a less-than-significant level if historic resources were permanently lost. Therefore, even with implementation of Measures CR-1a, CR-1b, and CR-1c the impact would be significant and unavoidable.

Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impact with respect to historic architectural resources.

Mitigation Measures: Implement Mitigation Measures CR-1a, CR-1b, CR-1c.

Finding

Implementation of Mitigation Measures CR-1a, CR-1b, and CR-1c, which are hereby adopted and incorporated into the proposed Project, would reduce the impact on historic architectural resources but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

It is noted that Impact CR-4 would be less than significant with mitigation with respect to archaeological resources and human remains, and that finding is made above in Section B.

Facts in Support of Finding

Future development under the HEU as well as other development within the City of Menlo Park could potentially impact architectural historic resources. The cumulative effect of this future development is the continued loss of significant architectural historic resources. Potential future development increases the likelihood that additional architectural historic resources could be lost, so it is therefore possible that cumulative development could result in the demolition or destruction of significant architectural historic resources. The loss of these resources would result in a significant impact, and impacts associated with the HEU would be considered cumulatively considerable, resulting in a significant impact. While Mitigation Measures CR-1a, CR-1b, and CR-1c would require identification and documentation of the resources, they would not fully mitigate adverse effects to a less-than-significant level if historic resources were permanently lost. Therefore, even with implementation of Measures CR-1a, CR-1b, and CR-1c the cumulative impact would be significant and unavoidable.

Transportation

Impact TRANS-1: Implementation of the HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.

Finding

No mitigation is available to reduce or avoid this impact. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* Final EIR found that the development potential under *ConnectMenlo* would generate new bicyclists and pedestrians in the Bayfront Area, including properties located east of US-101 that are not adequately connected to the pedestrian and bicycle circulation network. Although mitigation was identified to update the City's Transportation Impact Fee (TIF) program to secure funding for pedestrian and bicycle improvements, the impact was considered significant and unavoidable because the required nexus study had not yet been prepared, meaning the City could not guarantee improvements. Subsequently, the City's updated TIF program was approved by the City Council, as was the City's Transportation Master Plan. However, the identified bicycle and pedestrian improvements would not be fully funded by the TIF, and therefore the impact would remain significant. While most of the HEU's units would be located west of US-101, the units included in the HEU east of US-101 (in the Bayfront area) would contribute to the identified impact that was caused by the proposed development in the Bayfront area. No additional mitigation is available to provide additional funding. Therefore, the HEU impact on bicycle and pedestrian facilities would also be significant and unavoidable.

Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT [vehicle miles traveled] threshold of significance.

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

Individual multifamily housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City's most recent VMT guidelines. Projects that result in a significant impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.

- Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.
- Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.
- Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.

Finding

Implementation of Mitigation Measure TRANS-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The ConnectMenlo EIR did not evaluate VMT, as the state had not yet adopted legislation eliminating intersection level of service as a CEQA significance threshold. The City's Transportation Impact Analysis Guidelines do not include thresholds for plan-level VMT analysis. The SEIR determined that plan-wide VMT impacts of the HEU would be less than significant because buildout pursuant to the HEU would result in Menlo Park's Citywide daily residential per-capita VMT (11.74) being less than the baseline per-capita VMT (12.18). This is likely because many of HEU units would be located within close proximity to the Menlo Park Caltrain station, and/or could take advantage of the complementary land uses in the downtown area to reduce vehicular trip making and reduce vehicular trip length, both of which reduce VMT. In addition to considering VMT impacts associated with the HEU as a whole, the SEIR evaluated potential impacts of individual multifamily development projects allowed by the HEU. Because subsequent development projects that do not meet the City's VMT screening criteria would require a separate, project-specific VMT analysis, and because some of these projects (e.g., those with limited transit access) may not meet the City's project-specific VMT threshold of 15 percent below the regional average VMT per capita, the impact is conservatively considered potentially significant, requiring mitigation. However, because the effectiveness of Mitigation Measure TRANS-2 in reducing an individual project's VMT cannot be determined until the specific characteristics of the project are known, the impact is conservatively determined to be significant and unavoidable with mitigation.

Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.

Finding

No mitigation is available to reduce or avoid this impact. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

As explained under Impact TRANS-1, bicycle and pedestrian improvements would not be fully funded by the TIF, and therefore the impact on bicycle and pedestrian facilities would be significant and unavoidable. Cumulative development beyond that facilitated by the HEU would add to this impact, to which HEU growth would contribute considerably.

No additional funding for necessary transportation improvements has been identified, and therefore the cumulative impact on pedestrian and bicycle facilities would be significant and unavoidable.

Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance. (Significant and Unavoidable Impact, with Mitigation)

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

Finding

Implementation of Mitigation Measure TRANS-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The Cumulative + HEU scenario includes buildout of *ConnectMenlo* and the currently pending General Plan Amendments, the HEU, and additional housing units resulting from the buildout of parcels proposed for up-zoning. As with the HEU VMT analysis, the Citywide residential VMT per capita under Cumulative + HEU scenario would be lower than the baseline scenario, and therefore, the HEU Plan would generate a less than significant cumulative VMT impact. However, as discussed under Impact TRANS-2, certain future individual development projects may not meet the City's project-specific VMT threshold of 15 percent below the regional average VMT per capita. Although implementation of Mitigation Measure TRANS-2 would reduce this significant impact, the effectiveness of Mitigation Measure TRANS-2 cannot be determined at this time, and the cumulative impact is conservatively determined to be significant and unavoidable with mitigation.

D. Findings and Recommendations Regarding Alternatives to the Project

As required under CEQA, the SEIR analyzed a reasonable range of alternatives to the proposed Project and evaluated the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet Project objectives. The proposed Project objectives are listed in Chapter 3 (Project Description) of the Draft SEIR; the potentially significant environmental effects of the proposed Project, including feasible mitigation measures identified to avoid significant environmental impacts, are analyzed in Chapter 4 (Environmental Setting, Impacts, and Mitigation Measures) of the Draft SEIR; and the alternatives are described in detail in Chapter 5 (Alternatives) of the Draft SEIR.

Brief summaries of the alternatives are provided below, along with those alternatives considered but rejected from further evaluation. The findings in this section are based on the SEIR, the discussion and analysis of which is hereby incorporated in full by this reference. The reasons stated in the SEIR for rejecting certain alternatives likewise are hereby adopted and incorporated herein by reference. Each individual reason constitutes a separate and independent basis to reject the alternative and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative.

Alternatives Considered but Rejected from Further Evaluation

A number of alternatives were considered for analysis and determined not to be feasible for the reasons explained in this section. These alternatives were not carried forward for analysis in the SEIR.

Off-Site Alternative

The primary objective of the HEU is to ensure the City's conformance with State law. There would be no way to meet this objective with an alternative that did not focus on the city itself, and therefore this alternative was not analyzed further.

Less Intensive HEU or HEU with a Smaller Buffer

Consideration was given to developing an HEU with substantially less density and a correspondingly fewer number of housing units, either by simply not meeting the Regional Housing Needs Allocation (RHNA) or incorporating a substantially reduced buffer. However, the City's obligations to provide for additional housing are determined by State law, and are manifested through the RHNA, as promulgated by the State Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG). Preparation of an HEU with a smaller buffer (that is, no buffer at all or a buffer smaller than the 30 percent recommended by HCD) could incrementally lessen the overall effects of the HEU, but the significant and unavoidable impacts identified in the SEIR would be unlikely to be substantially lessened because these impacts are not a function of the number of units provided for in the HEU. Ultimately, preparation of an HEU that does not meet the City's RHNA allocation or provide a suitable buffer would run counter to the requirements of State law, and the City does not have the option of considering alternatives that are not legally feasible. Meeting the State-mandated housing requirements as manifested in the RHNA is the foremost objective of the HEU. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

More Intensive HEU

Consideration was given to developing an HEU and housing inventory with substantially greater density and a correspondingly greater number of housing units in consideration of comments received in response to the Notice of Preparation for the SEIR suggesting that the proposed HEU housing opportunity sites and land use strategy sites might not be sufficient to meet the City's current and future housing needs, including affordable housing needs. However, an HEU and housing inventory alternative that would include

sites, densities, and new residential units that would exceed the requirements of State law and the City's RHNA requirement would result in greater environmental impacts than those identified for the proposed HEU due to the increased extent and intensity of new development. Consequently, a more-intensive HEU alternative would not meet the CEQA requirement to consider alternatives to the project that would avoid or substantially lessen any significant effects of the project. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

Alternatives Selected for Analysis

Alternative 1: No Project

Description. This alternative assumes that the proposed HEU would not be adopted and that the goals and policies within the existing Housing Element would remain unchanged. An update of the General Plan's Safety Element, preparation and adoption of a new Environmental Justice Element, and conforming amendments to other elements of the General Plan would not occur under this alternative. Housing opportunity sites and land use strategy sites proposed as part of the HEU to meet the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance, would not occur under this alternative. However, approved and pending development and continued ADU development identified in Chapter 3, *Project Description*, of the Draft SEIR would be assumed to proceed under this alternative. In addition, residential development within the City would continue to be directed and governed in the manner that it is currently pursuant to the City's General Plan and Zoning Ordinance in their present form.

Impacts. The No Project Alternative would result in the same significant and unavoidable impacts (with mitigation, where applicable) to Historic Architectural Resources and Transportation as would the HEU. The No Project Alternative would likely result in lesser impacts to Air Quality (with mitigation), but would likely remain significant and unavoidable, the same as the proposed HEU. The No Project Alternative would result in similar less-than-significant impacts (in some cases, with mitigation) to those of the HEU with respect to Aesthetics; Archaeological Resources; Biological Resources; Energy; Geology and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise and Vibration; Public Service and Recreation; Tribal Cultural Resources; Utilities and Service Systems; and Wildfire. However, unlike the HEU, the No Project Alternative would result in significant and unavoidable impacts with respect to Land Use and Planning and Population and Housing, because this alternative would not provide housing to fulfill the requirements of State law or to meet the City's RHNA requirements.

Objectives and Feasibility. This alternative would not meet any of the objectives of the proposed HEU as defined in Section 5.1.1 of the Draft SEIR. The No Project Alternative would not update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and

development of housing in the City between 2023 and 2031; would not include an adequate inventory of housing sites and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer; and would not amend land use designations in the Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law. The new Environmental Justice Element would also not be adopted.

Finding. The City Council rejects the No Project Alternative because it fails to meet any of the Project objectives and is legally infeasible. Therefore, the No Project Alternative is eliminated from further consideration.

Alternative 2: Low VMT Area Alternative

Description. This alternative would concentrate all residential upzoning associated with the proposed HEU to those areas of the City that lie within a designated Priority Development Area (PDA) as described in Section 5.3.2 of the Draft SEIR, along with adjoining areas of the City that have been identified as generating low vehicle miles traveled (VMT). Generally, these areas are close to quality transit facilities and are developed at relatively high densities. By concentrating all HEU development within the low-VMT area, the City could potentially meet its RHNA obligations and also reduce the adverse VMT impacts of the proposed HEU.

Impacts. The Low VMT Area Alternative would result in the same significant and unavoidable impacts (with mitigation, where applicable) to Air Quality and Historic Architectural Resources as would the HEU. With respect to Transportation, the Low VMT Area Alternative would result in the same significant and unavoidable impact as the HEU with respect to pedestrian and bicycle facilities; however, this alternative, unlike the HEU, would have less-than-significant impacts—both for the HEU alone and cumulatively—with respect to VMT. The Low VMT Area Alternative would result in similar less-than-significant impacts (in some cases, with mitigation) to those of the HEU with respect to Aesthetics; Archaeological Resources; Biological Resources; Energy; Geology and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise and Vibration; Population and Housing; Public Service and Recreation; Tribal Cultural Resources; Utilities and Service Systems; and Wildfire.

Objectives and Feasibility. This alternative is potentially feasible, and would generally meet the objectives of the proposed HEU as defined in Section 5.1.1 of the Draft SEIR. The Low VMT Area Alternative would update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031; would include an adequate inventory of housing sites and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer; and would amend land use designations in the Land Use Element of the City's General Plan as

needed to maintain internal consistency between the elements, update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law. The new Environmental Justice Element would also be adopted.

However, the Low VMT Area Alternative would also result in other effects that would not be present with the proposed HEU. Most notably, development of the Low VMT Area alternative would require substantial densification within the downtown and El Camino Real/Downtown area to accommodate the HEU's residential units. Building heights and massing would be increased, which would increase the overall aesthetic effect, which some viewers could perceive as adverse. This change would represent a significant departure from the "village" character envisioned under the El Camino Real/Downtown Specific Plan, which required that buildings be kept low with limited massing. While the El Camino Real/Downtown Specific Plan would necessarily need to be amended to accommodate the greater building heights and massing required to accommodate all of the HEU's units within the El Camino Real/Downtown area, the overall effect would be a substantially modified El Camino Real/Downtown area from that currently provided for under the existing Specific Plan. In addition, greater impacts associated with improvements to the area's existing utility and transportation infrastructure would also be realized, and impacts to public services like parks and schools would likely be greater. Therefore, the overall effects related to aesthetics, land use, noise, public services, and utilities and infrastructure would be greater under the Low VMT Area Alternative than the HEU as proposed.

In summary, while the Low VMT Alternative would potentially reduce VMT based on the alternative's location within a PDA and low VMT area, impacts related to aesthetics, land use, noise, public services, utilities, and transportation infrastructure would be more severe than the HEU as proposed. While it cannot be stated with certainty whether these effects would rise to a level of significantly adverse and unavoidable, the overall effect would be greater than the HEU as currently proposed, which would tend to distribute these effects over a broader area.

Finding. The City Council rejects the Low VMT Area Alternative because it could result in more concentrated and therefore greater impacts with respect to aesthetics, land use, noise, public services, utilities, and transportation infrastructure than would the proposed HEU. Therefore, the Low VMT Area Alternative is eliminated from further consideration.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. Based on the evaluation described in this section, both the No Project Alternative and the Low VMT Area Alternative would be environmentally superior alternatives with the fewest environmental impacts, though the No Project Alternative could result in the need to develop housing further from the City, and could thus contribute to greater impacts related to air quality, GHG emissions, and

VMT. Regardless, the No Project Alternative would not meet any of the basic objectives of the project, nor is it legally feasible to adopt and implement.

CEQA requires that a second alternative be identified when the “No Project” alternative is the environmentally superior alternative (CEQA *Guidelines*, Section 15126.6(e)). Therefore, the Low VMT Area Alternative would be the Environmentally Superior Alternative for the purpose of this analysis.

Under the Low VMT Area Alternative, the significant and unavoidable impacts of the HEU with respect to VMT (Impacts TRANS-2 and TRANS-6 [VMT from the HEU and Cumulative VMT]) would no longer occur. However, significant and unavoidable impacts would remain with respect to Air Quality (Impact AQ-2 [criteria air pollutants]), Cultural Resources (Impacts CR-1 and CR-4 [adverse changes to historic architectural resources from the HEU and cumulatively]); and Transportation (Impacts TRANS-2 and Trans-5 [conflict with transportation plans from the HEU and cumulatively]).

Moreover, and as stated above, the Low VMT Area Alternative would also result in other effects that would not be present with the proposed HEU. Most notably, development of the Low VMT Area alternative would require substantial densification within the downtown and El Camino Real/Downtown area to accommodate the HEU’s residential units. Building heights and massing would be increased, which would increase the overall aesthetic effect, which some viewers could perceive as adverse. This change would represent a significant departure from the “village” character envisioned under the El Camino Real/Downtown Specific Plan, which required that buildings be kept low with limited massing. While the El Camino Real/Downtown Specific Plan would necessarily need to be amended to accommodate the greater building heights and massing required to accommodate all of the HEU’s units within the El Camino Real/Downtown area, the overall effect would be a substantially modified El Camino Real/Downtown area from that currently provided for under the existing Specific Plan. In addition, greater impacts associated with improvements to the area’s existing utility and transportation infrastructure would also be realized, and impacts to public services like parks and schools would likely be greater. Therefore, the overall effects related to aesthetics, land use, noise, public services, and utilities and infrastructure would be greater under the Low VMT Area Alternative than the HEU as proposed.

In summary, while the Low VMT Alternative would potentially reduce VMT based on the alternative’s location within a PDA and low VMT area, impacts related to aesthetics, land use, noise, public services, utilities, and transportation infrastructure would be more severe than the HEU as proposed. While it cannot be stated with certainty whether these effects would rise to a level of significantly adverse and unavoidable, the overall effect would be greater than the HEU as currently proposed, which would tend to distribute these effects over a broader area.

VI. Statement of Overriding Considerations

As set forth above, the City has found that the proposed Project will result in project and cumulative significant adverse environmental impacts related to air quality, historic architectural resources and transportation that cannot be avoided following adoption of the HEU, incorporation into the General Plan, and implementation of mitigation measures described in the SEIR. 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 Council hereby finds that the proposed Project's 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 proposed Project outweigh the significant and unavoidable effects. The City Council finds that each of the proposed Project's benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the SEIR and other information contained in the administrative record for the proposed Project.

1. The primary purpose of the HEU is to comply with the requirements of State law by:
 - 1) analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing;
 - 2) updating goals, policies and programs regarding safety;
 - and 3) addressing the issue of environmental justice in the City's General Plan.
2. The Project will plan for the whole community in a sustainable, healthy and balanced way; focus on affordable housing given the difficulty of developing it compared to market-rate housing, and the demand for affordable housing options; and involve the community to help ensure participation and access to the public decision-making process and take intentional steps that improve equity for historically marginalized people and areas.
3. The Project will update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.
4. The Project will include an inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and will

affirmatively further fair housing by integrating this concept into the process of site selection, outreach, and policy/program development.

5. The Project will update the General Plan's Safety Element to bring it into compliance with recent changes in California General Plan law codified in Government Code section 65302(g) and section 65302.15. The updated Safety Element will incorporate information from the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan (LHMP) and the City's Climate Action Plan. The Safety Element would also be updated to: provide information regarding fire hazards including wildfires, including goals, policies, objectives and implementation programs; identify residential developments in any hazard area with only one emergency evacuation route; include updated scientific context about historic and future climate hazards; and include a vulnerability assessment that identifies risks from climate change. As the LHMP was adopted prior to January 1, 2022, evacuation routes have not been analyzed. This analysis will be required upon the next revision of the LHMP as per AB 747 (2019).
6. The Project will include the City's first General Plan Environmental Justice Element to address equity in accordance with changes in State law codified in Government Code section 65302(h). The Environmental Justice Element will identify objectives and policies to reduce the unique or compounded health risks in "disadvantaged communities" as defined by state law, seeking to reduce pollution exposure, promote civic engagement, and prioritize improvements and programs that address the needs of disadvantaged communities.
7. The Project will also amend the General Plan Land Use Element and Land Use Designations map as needed to reflect the Housing Sites Inventory and make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element, Safety Element, and the new Environmental Justice Element.

VII. Mitigation Monitoring and Reporting Program (MMRP)

Based on the entire record before the City Council and having considered the impacts of the proposed Project, the City Council hereby determines that all feasible mitigation measures identified in the SEIR within the responsibility and jurisdiction of the City have been adopted to reduce or avoid the significant impacts identified in the EIR.

As noted in City Council Resolution No. _____ adopting the updated Housing Element, all feasible mitigation measures identified in the SEIR will also be incorporated as conditions of approval for the Project.

The City Council further finds that no additional feasible mitigation measures are available to further reduce significant impacts. The feasible mitigation measures are

discussed in these Findings, above, and are set forth in the Mitigation Monitoring and Reporting Program.

Section 21081.6 of the Public Resources Code requires the City Council to adopt a monitoring or compliance program regarding the changes in the proposed Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to this Resolution as Exhibit A. The City Council finds that this Mitigation Monitoring and Reporting Program fulfills the CEQA mitigation monitoring requirements because:

- The Mitigation Monitoring and Reporting Program is designed to ensure compliance with the changes in the proposed Project and mitigation measures imposed on the proposed Project during Project implementation; and
- Measures to mitigate or avoid significant effects on the environment will be fully enforceable through conditions of approval, permit conditions, agreements or other measures.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi Herren, City Clerk

Exhibits:

A. MMRP

Exhibit 2
Mitigation Monitoring and Reporting Program

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM**

Air Quality	Implemented By	When Implemented	Monitored By	Verified By
<p>Mitigation Measure AQ-2: Emission Reduction Measures.</p> <p>The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.</p> <p>a) [AQ-2b1 from <i>ConnectMenlo</i> with clarifying amendments]: As part of the City’s development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions of PM₁₀ (Table 8-18-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).</p> <p>b) [AQ-2b2 from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants 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 in 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 City of Menlo Park shall require that applicants for new development projects incorporate emission reduction mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds of significance (see for example e.g., Table 8-28-3, 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). 1 These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City’s Building Division and/or Planning Division</p> <p>c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.</p> <p>1. Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor</p>	<p>Project sponsor</p>	<p>Prior to issuance of grading and/or building permits</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>

¹ Table 8-3 was previously numbered at Table 8-2 in BAAQMD’s 2011 guidance document, as recorded in the *ConnectMenlo* EIR.

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.</p> <p>The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.</p> <p>d) [AQ-2a from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in 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 City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate <u>emission reduction mitigation measures</u> to reduce air pollutant emissions during operational activities <u>to below the thresholds of significance</u>.</p>			
<p>Mitigation Measure AQ-3: Health Risk Reduction Measures.</p> <p>a) [AQ-3b from <i>ConnectMenlo</i> with amendments]: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park within 1,000 feet of a major source 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 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 (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 ($10E^{-06}$), $PM_{2.5}$ concentrations exceed $0.3 \mu g/m^3$, 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"> • Air intakes located away from high volume roadways and/or truck loading zones. • Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. 	<p>Building Division and/or Planning Division</p>	<p>Prior to issuance of building permits</p>	<p>Project sponsor</p>

<p>Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.</p> <p>Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts.</p> <p>In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2(c) to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.</p>				
Biological Resources				
<p>Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.</p> <p>Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFG). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy.</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division
Cultural Resources				
<p>Mitigation Measure CR-1a: Identify Architectural Historic Resources.</p> <p>Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing on the National Register, California Register, and for local eligibility.</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>Mitigation Measure CR-1b: Identify Character-Defining Features. Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource "must retain... the essential physical features [i.e., character-defining features] that enable both why a property is significant... and when it was significant" (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.</p>	<p>Project applicant</p>	<p>During initial project review and environmental analysis</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>
<p>Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration. Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.</p>	<p>Project applicant</p>	<p>Prior to issuance of demolition permits</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>
<p>Mitigation Measure CR-2a: Cultural Resources Study Requirements. The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include</p>	<p>Project applicant</p>	<p>Prior to issuance of building permits</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>

<p>documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.</p>	<p>Project applicant</p>	<p>During construction</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>
<p>Mitigation Measure CR-2b: Inadvertent Discovery of Cultural Resources. If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls, filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.</p> <p>If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space; by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.</p> <p>If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).</p>	<p>Project applicant</p>	<p>During construction</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>
<p>Mitigation Measure CR-3. Inadvertent Discovery of Human Remains. Procedures of conduct following the discovery of human remains 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 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. 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,</p>	<p>Project applicant</p>	<p>During construction</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>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 landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.</p>			
Geology, Soils, and Paleontological Resources			
<p>Mitigation Measure GEO-5: Discovery of Paleontological Resources In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, 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 2010), 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.</p>	<p>Project applicant</p>	<p>During construction</p>	<p>Building Division and/or Planning Division</p>
Greenhouse Gas Emissions			
<p>Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement. Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the "all electric" requirement in the City's Reach Codes.</p>	<p>Project applicant</p>	<p>When building permit application is filed</p>	<p>Building Division and/or Planning Division</p>
<p>Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2. Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.</p>	<p>Project applicant</p>	<p>When building permit application is filed</p>	<p>Building Division and/or Planning Division</p>
Hazards and Hazardous Materials			
<p>Mitigation Measure HAZ-3a: Environmental Site Management Plan. Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared by qualified personnel in consultation with the RWQCB or the 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:</p>	<p>Project applicant</p>	<p>Prior to issuance of building permits</p>	<p>Building Division and/or Planning Division</p>

<p>1) Provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively;</p> <p>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;</p> <p>3) Designate personnel responsible for implementation of the ESMP.</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure HAZ-3b: Vapor Intrusion Assessment. Project applicants shall ensure that a vapor intrusion assessment is performed by a licensed environmental professional for sites with potential residual contamination in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. 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 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-3a).</p>				
<p>Land Use and Planning</p>				
<p>Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards. Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be 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.</p>	Project applicant	Prior to approval	Planning Division	Planning Division
<p>Noise and Vibration</p>				
<p>Mitigation Measure NOI-1: Construction Noise Control. Project applicants 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:</p> <ul style="list-style-type: none"> • Demonstrate that any construction activities taking place outside daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 6:00 a.m. to 7:00 a.m. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA Leq at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours. • Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when 	Project applicant	Prior to issuance of construction permits	Building Division and/or Planning Division	Building Division and/or Planning Division

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>working outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and verify compliance with the Menlo Park Municipal Code through measurement.</p> <ul style="list-style-type: none"> 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. Additional controls, as warranted, may include but are not limited to: <ul style="list-style-type: none"> Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for project construction. Equipment staging plans (e.g., locating stationary equipment at adequate distances). Limitations on equipment and truck idling. Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code. 				
Transportation				
<p>Mitigation Measure TRANS-2: Implement VMT Reduction Measures.</p> <p>Individual multifamily housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City's most recent VMT guidelines. Projects that result in a significant impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.</p> <ul style="list-style-type: none"> Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook. Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook. 	<p>Prior to discretionary project approvals</p>	<p>Project applicant</p>	<p>Transportation Division and/or Planning Division</p>	<p>Transportation Division and/or Planning Division</p>

HOUSING COMMISSION RESOLUTION NO. 2023-01**RESOLUTION OF THE HOUSING COMMISSION OF THE CITY OF MENLO PARK RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO THE GENERAL PLAN TO UPDATE THE HOUSING ELEMENT FOR THE 2023-2031 PLANNING PERIOD**

WHEREAS, the City of Menlo Park (“City”) is required by State Law to update its Housing Element in compliance with Government Code Section 65580 *et seq.* to guide the City’s housing efforts through the 2023-2031 planning period and meet a Regional Housing Needs Allocation (“RHNA”) of approximately 3,000 housing units; and

WHEREAS, the City conducted broad community engagement and outreach, including community meetings, pop-up events, a community survey, and scheduled a series of public meetings with the Housing Commission, Planning Commission, and City Council relative to the Housing Element update between May 2021 and December 2022; and

WHEREAS, on October 24, 2021, the Housing Commission and Planning Commission held a duly noticed public joint meeting to receive and provide feedback on the land use and site strategy options to meet the City’s RHNA, at which all interested persons had the opportunity to appear and comment; and

WHEREAS, on November 17, 2021, the Housing Commission held a duly noticed public meeting to provide receive and provide feedback on potential affordable housing strategy options to meet the City’s RHNA, at which all interested persons had the opportunity to appear and comment; and

WHEREAS, on May 16, 2022, the Housing Commission and Planning Commission held a duly noticed public joint meeting to review and provide comments on the draft Housing Element in preparation to transmit the draft document to the State of California Housing and Community Development Department (“HCD”) for a 90-day review period, at which all interested person had the opportunity to appear and comment; and

WHEREAS, on July 25, 2022, the City submitted its draft Housing Element to HCD, which started the 90-day review period by the State per Government Code Section 65585; and

WHEREAS, on October 21, 2022, the City received a comment letter from HCD on its draft Housing Element, identifying requested revisions to comply with State Housing Element law; and

WHEREAS, the draft Housing Element has been revised to address the comments identified in the October 21, 2022 letter from HCD and a final review draft Housing Element, included as Exhibit A, was released on January 6, 2023 for public review; and

WHEREAS, the Housing Commission is an advisory body to the City Council whose primary charge is advising the City Council on housing matters, including reviewing and recommending on the Housing Element of the General Plan; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the Housing Commission on January 12, 2023, at which all persons interested had the opportunity to appear and comment; and

WHEREAS, an amendment to the General Plan is necessary to modify the Housing Element with regard to demonstrating the City's ability to meet the RHNA for the 2023-2031 planning period and to comply with State law; and

WHEREAS, the requested amendment would further the goals of the General Plan by providing housing throughout the City in locations near transit and services for persons of all income levels; and

WHEREAS, after closing the public hearing, the Housing Commission considered all public and written comments, pertinent information, and documents related to the Housing Element.

NOW, THEREFORE, BE IT RESOLVED that the Housing Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the Housing Commission makes the following findings and recommendations:

1. The Housing Element demonstrates how the City would meet its RHNA obligation during the 2023-2031 planning period.
2. The Housing Element programs and policies are necessary to guide the City's housing efforts through the 2023-2031 planning period.
3. The Housing Element update for the 2023-2031 planning period would replace in its entirety the existing Housing Element in the City's General Plan.
4. The Housing Commission thus recommends that the City Council adopt a resolution approving the amendment to the General Plan Housing Element with the following modifications:
 - a. Add a program to waive or defer fees for development on sites where the Affordable Housing Overlay (AHO) would be applicable;
 - b. Add a program for City participation in a racial equity training program, such as the Government Alliance on Race and Equity (GARE); and
 - c. Expedite the implementation of Program H4.G, "Consider City-Owned Land for Housing (Downtown Parking Lots)," with a feasibility study to assess which parking lots are most suitable for residential development initiated in 2023.
5. The City Council should make the necessary findings to adopt the final draft Housing Element and submit it to HCD for certification.

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.

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I, Eren Romero, Interim Housing Manager of Menlo Park, do hereby certify that the above and foregoing Housing Commission Resolution was duly and regularly passed and adopted at a meeting by said Housing Commission on the 12th day of January, 2023, by the following votes:


AYES: Merriman (on recommended modifications #4a and #4b), Nguyen, Pimentel, Walker

NOES: None

ABSENT: Bigelow, Campos, Leitch

ABSTAIN: Merriman (on recommended modification #4c)

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this 12th day of January, 2023.

DocuSigned by:

A958D8096ACF47C...
Eren Romero
Interim Housing Manager
City of Menlo Park

Exhibits:

1. Final Draft Housing Element 2023-2031

PLANNING COMMISSION RESOLUTION NO. 2023-05**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL REPEAL IN ITS ENTIRETY THE 2015-2023 HOUSING ELEMENT OF THE GENERAL PLAN AND ADOPT IN FULL THE NEW TEXT COMPRISING THE 2023-2031 HOUSING ELEMENT TO THE GENERAL PLAN**

WHEREAS, there is a statutory recognition that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals; and

WHEREAS, California Government Code Section 65588(b) requires the City of Menlo Park to periodically prepare an update to the Housing Element of its General Plan; and

WHEREAS, the City of Menlo Park prepared the draft 2023-2031 Housing Element ("Housing Element") in accordance with California Housing Element law (Government Code Section 65580 *et seq.*, "Housing Element Law"); and

WHEREAS, California Government Code Section 65583 requires that the Housing Element contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of these needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element; and

WHEREAS, the City's share of the regional housing was established in the Regional Housing Needs Allocation Plan (RHNP) prepared and adopted by the Association of Bay Area Governments in December, 2021; and

WHEREAS, the allocation in the RHNP establishes the number of new units needed, by income category, to accommodate expected population growth over the planning period of the Housing Element; and

WHEREAS, Housing Element Law requires local governments to be accountable for ensuring projected housing needs reflected by the Regional Housing Needs Assessment (RHNA) allocation can be accommodated; and

WHEREAS, the City of Menlo Park was assigned a RHNA of 2,946 units (740 very-low income, 426 low income, 496 moderate income, and 1,284 above-moderate income); and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the City mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and other entities listed and no California Native American tribe requested consultation; and

WHEREAS, the City conducted extensive community outreach over the last 19 months including five public meetings before the Planning Commission; and

WHEREAS, in accordance with Government Code Section 65585(b), on May 11, 2022 the Housing Element was posted/released for public review, with the intent to garner as much feedback as possible, the City continued to receive and consider comments for the draft Housing Element up through July 5, 2022, and on July 25, 2022, the City submitted the 6th Cycle (2023-2031) draft Housing Element to the State Department of Housing and Community Development (HCD); and

WHEREAS, HCD issued a letter to the City dated October 21, 2022, which found that in HCD's opinion the City's July 22, 2022 draft Housing Element required revisions to comply with Housing Element Law requirements; and

WHEREAS, the City incorporated all of HCD's specific requirements identified in the October 21, 2022 letter into the City's Housing Element Update so that the Housing Element will meet all State Housing Element Law Requirements; and

WHEREAS, the Planning Commission and Housing Commission held a duly noticed public hearing as prescribed by law to consider the 2023-2031 Housing Element Update on January 12, 2023; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2023-04, on file with the Community Development Department and incorporated by this reference, recommending that the City Council certify the Subsequent Environmental Impact Report (State Clearinghouse #2015062054) for the City of Menlo Park Housing Element Update, make CEQA findings of fact and adopt a statement of overriding considerations, and adopt the mitigation monitoring and reporting program the City has prepared to analyze, and mitigate where feasible, the potential effects of the project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park in its independent judgment and based on substantial evidence in the record, hereby declares that:

1. The foregoing recitations are true and correct and are hereby incorporated into this Resolution.
2. The Housing Element is consistent with the purposes of the General Plan and Municipal Code in that the amendments support a variety of objectives including increasing housing choice by accommodating a variety of housing types to meet the needs of all Menlo Park residents; promoting the orderly development of Menlo Park and its surrounding area (Land Use Goal LU-1); maintaining and enhancing the character, variety and stability of Menlo Park's residential neighborhoods (Land Use Goal LU-2); encouraging mixed-use projects with residential units through compatible project design (Land Use Policy LU-2.3); encouraging the development of accessory dwelling units on single-family lots (Land Use Policy LU-2.4); promoting residential uses in mixed-use arrangements (Land Use Policy LU-2.9); encouraging underutilized properties to redevelop with uses that complement existing uses and support vibrant neighborhoods (Land Use Policy LU-3.1); encouraging development of a range of housing types in the El Camino Real/Downtown Specific Plan ("Specific Plan") Area (Land Use Policy LU-5.2); exploring opportunities to evaluate and update parking requirements so that they are appropriate for new development to

accommodate residents, employees, customers and visitors (Circulation Policy CIRC-7.1 and Program CIRC-7-A); planning for residential recreational needs through connected neighborhoods (Open Space/Conservation Policy OSC2.2); encouraging a sustainable approach to land use planning to reduce resource consumption, including a balance and match between jobs and housing, and higher density residential and mixed-use development connected to services and transit (Open Space/Conservation Policy OSC4.1); providing adequate sites with corresponding density to meet the City's RHNA; adopting State mandated and locally desired programs to implement the Housing Element Update effectively; and supporting development that help reduces vehicle miles traveled.

3. The Housing Element update complies with Housing Element Law, as provided in Government Code Section 65580 *et seq.*, and contains all provisions required by Housing Element Law, as shown in Exhibit 1 to this resolution, incorporated herein by this reference.
4. Based on substantial evidence in the record including a strong history of residential development on non-vacant sites in Menlo Park, demonstrating market demand for such development; examples of affordable housing projects constructed on non-vacant sites throughout San Mateo and Santa Clara Counties in recent years; examples of the redevelopment of existing parking lots with residential uses throughout the Bay Area and the City's ownership and control of eight surface parking lots in the Downtown area; the removal of a residential development cap of 680 units and increased residential densities in the Specific Plan area; application of an Affordable Housing Overlay to all inventory sites, allowing up to 100 dwelling units per acre for 100 percent affordable housing development; and other incentives for residential development citywide, such as permitting housing in certain existing commercial-only zoning districts and increasing residential densities in certain zoning districts where residential uses are currently allowed, the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the site during the planning period.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council repeal the 2015-2023 Housing Element in its entirety and adopt and replace it with the 2023-2031 Housing Element (Exhibit 2) with the following modifications:

1. Add or modify a program to waive or defer fees for development on sites where the Affordable Housing Overlay (AHO) would be applicable;
2. Add a program for City participation in a racial equity training program, such as the Government Alliance on Race and Equity (GARE);
3. Consider further accelerating the timeframes for implementation of Program H2.E, "Anti-Displacement Strategy;"
4. Revise Program H4.D, "Modify the Affordable Housing Overlay (AHO)," to indicate that the AHO may be modified to allow maximum densities greater than 100 dwelling units per acre;
5. Revise the title of Program H4.G, "Consider City-Owned Land for Housing (Downtown Parking Lots)," to state, "Prioritize City-Owned Land for Housing (Downtown Parking

Lots)” and set the timeframe for administrative tasks such as development of the feasibility study, rezoning of the parking lots, and development of a request for qualifications (RFQ) to occur concurrently in 2023;

- 6. Modify Program H4.M, “Update Parking Requirements and Design Standards,” to specify that alternative transportation in-lieu fees collected as part of the program be utilized toward improvements for modes of transportation other than personal motor vehicles;
- 7. Modify Program H6.F, “Transit Incentives,” to specify that transit demand strategies should be integrated into all residential development, regardless of proximity to transit; and
- 8. Add a tenant readiness education program to offer educational classes to prospective and existing renters.

BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Planning Commission.

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.

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I, Deanna Chow, Assistant Community Development Director of Menlo Park, do hereby certify that the above and foregoing Planning Commission Resolution was duly and regularly passed and adopted at a meeting by said Planning Commission on the 12th day of January, 2023, by the following votes:

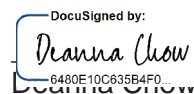
AYES: Barnes, Do, DeCardy, Harris, Schindler, Tate

NOES: None

ABSENT: Riggs

ABSTAIN: None

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this 12th day of January, 2023.

DocuSigned by:

 6480E10C635B4F0...

Assistant Community Development Director
City of Menlo Park

Exhibits:

1. Draft City Council Resolution Repealing in Its Entirety the 2015-2023 Housing Element of the General Plan and Adopting in Full the New Text Comprising the 2023-2031 Housing Element to the General Plan
2. 2023-2031 Housing Element

DRAFT CITY COUNCIL RESOLUTION NO. XXXX**DRAFT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK, CALIFORNIA, REPEALING IN ITS ENTIRETY THE 2015-2023 HOUSING ELEMENT OF THE GENERAL PLAN AND ADOPTING IN FULL THE NEW TEXT COMPRISING THE 2023-2031 HOUSING ELEMENT TO THE GENERAL PLAN**

WHEREAS, there is a statutory recognition that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals; and

WHEREAS, California Government Code Section 65588(b) requires the City of Menlo Park to periodically prepare an update to the Housing Element of its General Plan; and

WHEREAS, the City of Menlo Park prepared the draft 2023-2031 Housing Element ("Housing Element") in accordance with California Housing Element law (Government Code Section 65580 *et seq.*, "Housing Element Law"); and

WHEREAS, California Government Code Section 65583 requires that the Housing Element contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of these needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element; and

WHEREAS, the City's share of the regional housing was established in the Regional Housing Needs Allocation Plan (RHNP) prepared and adopted by the Association of Bay Area Governments in December, 2021; and

WHEREAS, the allocation in the RHNP establishes the number of new units needed, by income category, to accommodate expected population growth over the planning period of the Housing Element; and

WHEREAS, Housing Element Law requires local governments to be accountable for ensuring projected housing needs reflected by the Regional Housing Needs Assessment (RHNA) allocation can be accommodated; and

WHEREAS, the City of Menlo Park was assigned a RHNA of 2,946 units (740 very-low income, 426 low income, 496 moderate income, and 1,284 above-moderate income); and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the City mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and other entities listed and no California Native American tribe requested consultation; and

WHEREAS, the City conducted extensive community outreach over the last 19 months including more than eight public meetings before the City Council; and

WHEREAS, in accordance with Government Code Section 65585(b), on May 11, 2022 the Housing Element was posted/released for public review, with the intent to garner as much feedback as possible, the City continued to receive and consider comments for the draft Housing Element up through July 5, 2022, and on July 22, 2022, the City submitted the 6th Cycle (2023-2031) Draft Housing Element to the State Department of Housing and Community Development (HCD); and

WHEREAS, HCD issued a letter to the City dated October 21, 2022, which found that in HCD's opinion the City's July 22, 2022 draft Housing Element required revisions to comply with Housing Element Law requirements; and

WHEREAS, the City incorporated all of HCD's specific requirements identified in the October 21, 2022 letter into the City's Housing Element Update so that the Housing Element will meet all State Housing Element Law Requirements; and

WHEREAS, the Planning Commission and Housing Commission held a duly noticed public hearing as prescribed by law to consider the 2023-2031 Housing Element Update on January 12, 2022; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2023-04, on file with the Office of the City Clerk and incorporated by this reference, recommending that the City Council certify the Subsequent Environmental Impact Report (State Clearinghouse #2015062054) for the City of Menlo Park Housing Element Update, make CEQA findings of fact and adopt a statement of overriding considerations, and adopt the mitigation monitoring and reporting program; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2023-05, on file with the Office of the City Clerk and incorporated by this reference, recommending approval of the 2023-2031 Housing Element Update, with the following recommended modifications:

1. Add a program to waive or defer fees for development on sites where the Affordable Housing Overlay (AHO) would be applicable;
2. Add a program for City participation in a racial equity training program, such as the Government Alliance on Race and Equity (GARE);
3. Consider further accelerating the timeframes for implementation of Program H2.E, "Anti-Displacement Strategy;"
4. Revise Program H4.D, "Modify the Affordable Housing Overlay (AHO)," to indicate that the AHO may be modified to allow maximum densities greater than 100 dwelling units per acre;
5. Revise the title of Program H4.G, "Consider City-Owned Land for Housing (Downtown Parking Lots)," to state, "Prioritize City-Owned Land for Housing (Downtown Parking Lots)" and set the timeframe for administrative tasks such as development of the feasibility study, rezoning of the parking lots, and development of a request for qualifications (RFQ) to occur concurrently in 2023;

6. Modify Program H4.M, "Update Parking Requirements and Design Standards," to specify that alternative transportation in-lieu fees collected as part of the program be utilized toward improvements for modes of transport other than personal motor vehicles;

7. Modify Program H6.F, "Transit Incentives," to specify that transit demand strategies should be integrated into all residential development, both those near transit and those farther away from transit; and

8. Add a program to help renters secure funding for move-in readiness; and

WHEREAS, the Housing Commission adopted Housing Commission Resolution No. 2023-01, on file with the Office of the City Clerk and incorporated by this reference, recommending approval of the 2023-2031 Housing Element Update, with the following recommended modifications:

1. Add a program to waive or defer fees for development on sites where the Affordable Housing Overlay (AHO) would be applicable;

2. Add a program for City participation in a racial equity training program, such as the Government Alliance on Race and Equity (GARE); and

3. Expedite the implementation of Program H4.G, "Consider City-Owned Land for Housing (Downtown Parking Lots)," with a feasibility study to assess which parking lots are most suitable for residential development to be prepared in 2023; and

WHEREAS, on January 31, 2023, the City Council held a duly noticed public hearing as prescribed by law, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments; and determined the Housing Element to be consistent with State law and the General Plan of the City of Menlo Park; and

WHEREAS, the City has prepared and certified a Subsequent Environmental Impact to analyze, and mitigate where feasible, the potential effects of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby finds that in its independent judgment and based on substantial evidence in the record: after fully considering all alternatives, hereby declares that:

1. The foregoing recitations are true and correct and are hereby incorporated into this Resolution.

2. The Housing Element is consistent with the purposes of the General Plan and Municipal Code in that the amendments support a variety of objectives including increasing housing choice by accommodating a variety of housing types to meet the needs of all Menlo Park residents; promoting the orderly development of Menlo Park and its surrounding area (Land Use Goal LU-1); maintaining and enhancing the character, variety and stability of Menlo Park's residential neighborhoods (Land Use Goal LU-2); encouraging mixed-use projects with residential units through compatible project design (Land Use Policy LU-2.3); encouraging the development of accessory dwelling units on single-family lots (Land Use Policy LU-2.4); promoting residential uses in mixed-use arrangements (Land Use Policy LU-2.9); encouraging underutilized properties

to redevelop with uses that complement existing uses and support vibrant neighborhoods (Land Use Policy LU-3.1); encouraging development of a range of housing types in the El Camino Real/Downtown Specific Plan (“Specific Plan”) Area (Land Use Policy LU-5.2); exploring opportunities to evaluate and update parking requirements so that they are appropriate for new development to accommodate residents, employees, customers and visitors (Circulation Policy CIRC-7.1 and Program CIRC-7-A); planning for residential recreational needs through connected neighborhoods (Open Space/Conservation Policy OSC2.2); encouraging a sustainable approach to land use planning to reduce resource consumption, including a balance and match between jobs and housing, and higher density residential and mixed-use development connected to services and transit (Open Space/Conservation Policy OSC4.1); providing adequate sites with corresponding density to meet the City’s RHNA; adopting State mandated and locally desired programs to implement the Housing Element Update effectively; and supporting development that help reduces vehicle miles traveled.

3. The Housing Element update complies with Housing Element Law, as provided in Government Code Section 65580 *et seq.*, and contains all provisions required by Housing Element Law, as shown in **Exhibit 1** to this resolution, incorporated herein by this reference.

4. Based on substantial evidence in the record including a strong history of residential development on non-vacant sites in Menlo Park, demonstrating market demand for such development; examples of affordable housing projects constructed on non-vacant sites throughout San Mateo and Santa Clara Counties in recent years; examples of the redevelopment of existing parking lots with residential uses throughout the Bay Area and the City’s ownership and control of eight surface parking lots in the Downtown area; the removal of a residential development cap of 680 units and increased residential densities in the Specific Plan area; application of an Affordable Housing Overlay to all inventory sites, allowing up to 100 dwelling units per acre for 100 percent affordable housing development; and other incentives for residential development citywide, such as permitting housing in certain existing commercial-only zoning districts and increasing residential densities in certain zoning districts where residential uses are currently allowed, the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the site during the planning period.

5. As required by Government Code Section 65585(e), the City Council has considered the findings made by the California Department of Housing and Community Development (HCD) included in HCD’s letter to the City dated October 21, 2022. Consistent with Government Code Section 65585(f)(1), the City has changed the Housing Element Update in response to the findings of the Department to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD, as described in **Exhibit 2**, which is incorporated by this reference and adopted along with this resolution.

BE IT FURTHER RESOLVED THAT the 2015-2023 Housing Element is hereby repealed in its entirety and is replaced with the 2023-2031 Housing Element (**Exhibit 3**) which is hereby adopted.

BE IT FURTHER RESOLVED THAT this Resolution shall become effective upon adoption by the City Council.

BE IT FURTHER RESOLVED THAT the Assistant Community Development Director or designee is hereby directed to file all necessary material with the HCD for the Department to find

that the Housing Element is in conformance with Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by HCD to achieve certification.

BE IT FURTHER RESOLVED THAT the Assistant Community Development Director or designee is hereby directed to file all necessary materials with the Department of Housing and Community Development to certify the 2023-2031 Housing Element.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

City Clerk

Exhibits:

1. 2023-2031 Housing Element Compliance with State Housing Law
2. 2023-2031 Housing Element Findings for HCD letter dated October 21, 2022
3. 2023-2031 Housing Element

Exhibit 1
Housing Element Compliance with State Housing Element Law

Government Code Provision	Housing Element Compliance
<p>Section 65583 The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.</p>	<ul style="list-style-type: none"> • Existing and projected housing needs: Chapter 3 – Overall Housing Needs • Goals and policies; scheduled programs: Chapter 8 – Housing Element Goals, Policies and Programs • Quantified objectives: Chapter 7 – Quantified Objectives • Financial resources: Chapter 5 – Non-Governmental Constraints to Housing
<p>The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.</p>	<p>Site Inventory (Appendix 7-1)</p>
<p>The element shall contain all of the following:</p>	
<p>(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:</p>	<ul style="list-style-type: none"> • Assessment of Housing Needs: Chapter 3 – Overall Housing Needs • Inventory of Resources and Constraints: Chapter 5 – <i>Entire Chapter</i>
<p>(a)(1) An analysis of population and employment trends and documentation of projections</p>	<p>Chapter 3 – Overall Housing Needs</p>

Government Code Provision	Housing Element Compliance
<p>(a)(1) A quantification of the locality’s existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality’s share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction’s allocation of very low income households pursuant to Section 65584.</p>	<p>Chapter 3 – Projected Housing Need</p>
<p>(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay,</p>	<p>Chapter 5 – Cost burden</p>
<p>(a)(2) housing characteristics, including overcrowding, and</p>	<p>Chapter 3 – General Housing Characteristics</p>
<p>(a)(2) housing stock condition.</p>	<p>Chapter 3 – Housing Stock Condition</p>
<p>(a)(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction’s duty to affirmatively further fair housing.</p>	<p>Site Inventory (Appendix 7-1)</p>
<p>(a)(4) Amendments added by AB 2339 effective January 1, 2023</p>	<p>Pursuant to Government Code Section 65583(e) the modifications to Section (a)(4) made by AB 2339 effective January 1, 2023 are not applicable because the City’s draft Housing</p>

Government Code Provision	Housing Element Compliance
<p>(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.</p>	<p>Element was submitted to HCD on July 22, 2022</p> <p>Chapter 5 – Emergency Shelters</p>
<p>(a)(4)(A) If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit.</p>	<p>Not required. See Chapter 5 – Emergency Shelters</p>
<p>(a)(4)(A) The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.</p>	<p>Chapter 5 – Emergency Shelters</p>
<p>(a)(4)(A) Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:</p> <ul style="list-style-type: none"> (i) The maximum number of beds or persons permitted to be served nightly by the facility. (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. (iii) The size and location of exterior and interior onsite waiting and client intake areas. (iv) The provision of onsite management. (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart. (vi) The length of stay. 	<p>Chapter 5 – Emergency Shelters. Program H3.G reduces actual and potential constraints for emergency shelters.</p>

Government Code Provision	Housing Element Compliance
(vii) Lighting. (viii) Security during hours that the emergency shelter is in operation.	
(a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).	Chapter 5 – Emergency Shelters
(a)(4)(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction’s need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.	Chapter 5 – Emergency Shelters
(a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.	Chapter 5 – Emergency Shelters
(a)(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and	Chapter 5, generally
(a)(5) for persons with disabilities as identified in the analysis pursuant to paragraph (7),	Chapter 5 – Constraints for People with Disabilities
(a)(5) including land use controls,	Chapter 5 – Land Use Controls
(a)(5) building codes and their enforcement,	Chapter 5 – Codes and Enforcement
(a)(5) site improvements,	Chapter 5 – On and Off Site Improvement Standards
(a)(5) fees and other exactions required of developers,	Chapter 5 – Fees and/or Exactions

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(a)(5) local processing and permit procedures,	Chapter 5 – Development Processing Time
(a)(5) and any locally adopted ordinances that directly impact the cost and supply of residential development.	Chapter 5 – Inclusionary Zoning
(a)(5) The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584	Chapter 5 – Actions Taken by the City in the 2015-2023 Housing Element to Remove Actual and Potential Governmental Constraints
(a)(5) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).	Chapter 5 – Actions Taken by the City in the 2015-2023 Housing Element to Remove Actual and Potential Governmental Constraints: 3) Implementation of Special Needs Housing Changes
(a)(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing,	Chapter 5 – Non-Governmental Constraints to Housing
(a)(6) the price of land,	Chapter 5 – Land and Construction Costs
(a)(6) the cost of construction,	Chapter 5 – Land and Construction Costs
(a)(6) the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2,	Chapter 5 – Land and Construction Costs
(a)(6) and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need in accordance with Section 65584.	Chapter 5 – Permit Times

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(a)(6) The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.	Chapter 5 – Non-Governmental Constraints to Housing
(a)(7) An analysis of any special housing needs, such as those of the	Chapter 4 – Special Housing Needs
(a)(7) elderly;	Chapter 4 – Special Housing Needs: Seniors
(a)(7) persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code;	Chapter 4 – Special Housing Needs: People Living with Disabilities
(a)(7) large families;	Chapter 4 – Special Housing Needs: Large Families
(a)(7) farmworkers;	Chapter 4 – Special Housing Needs: Farmworkers
(a)(7) families with female heads of households;	Chapter 4 – Special Housing Needs: Female-Headed Households
(a)(7) and families and persons in need of emergency shelter.	Chapter 4 – Special Housing Needs: Unhoused Individuals
(a)(7) The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.	Chapter 5 – Emergency Shelters
(a)(7) The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.	N/A

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<p>(a)(7) An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.</p>	<p>Chapter 4 – Special Housing Needs: Unhoused Individuals (Outreach)</p>
<p>(a)(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.</p>	<p>Chapter 6</p>
<p>(a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. “Assisted housing developments,” for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. “Assisted housing developments” shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65915.</p>	<p>Chapter 3 – Assisted Rental Housing “At Risk” of Conversion</p>
<p>(a)(9)(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality’s low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.</p>	<p>Chapter 3 – Table 3-10: At-Risk Affordable Housing Developments In Menlo Park (2022)</p>
<p>(a)(9)(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.</p>	<p>Chapter 3 – Assisted Rental Housing “At Risk” of Conversion</p>

Government Code Provision	Housing Element Compliance
<p>(a)(9)(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.</p>	<p>Chapter 5 – Working with Non-Profit Housing Developers</p>
<p>(a)(9)(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.</p>	<p>Chapter 3 – Financial and Administrative Support</p>
<p>(b) (1) A statement of the community’s goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.</p>	<p>Chapter 8 – Fair Housing – Policy and Program Development</p>
<p>(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community’s ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.</p>	<p>Chapter 7 – Quantified Objectives</p>
<p>(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>

Government Code Provision	Housing Element Compliance
<p>the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element</p>	
<p>(c) through the administration of land use and development controls,</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c) the provision of regulatory concessions and incentives,</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c) the utilization of appropriate federal and state financing and subsidy programs when available,</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c) and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:</p>	
<p>(c)(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09.</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(1) Sites shall be identified as needed to affirmatively further fair housing</p>	<p>Chapter 7 – Affirmatively Furthering Fair Housing</p>
<p>(c)(1) and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing,</p>	<p>Site Inventory (Appendix 7-1)</p>
<p>(c)(1) factory-built housing,</p>	<p>Chapter 5 – Manufactured Homes</p>

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(c)(1) mobilehomes,	Chapter 5 – Mobile Home Parks
(c)(1) housing for agricultural employees,	Chapter 5 – Small Employee Housing
(c)(1) supportive housing,	Chapter 5 – Supportive Housing
(c)(1) single-room occupancy units,	Chapter 5 – Single-Room Occupancy Units (SROs)
(c)(1) emergency shelters,	Chapter 5 – Emergency Shelters
(c)(1) and transitional housing.	Chapter 5 – Transitional Housing
(c)(1)(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	Program H4.K
(c)(1)(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.	Program H4.K

Government Code Provision	Housing Element Compliance
<p>Note: Please see Section 65583.2 regarding the land inventory and conformance with subdivision (h).</p>	
<p>(c)(1)(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.</p>	<p>Small Employee Housing is permitted in all residential zoning designations, see Chapter 5 – Table 5-1: Land Use Controls Table</p>
<p>(c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(3) and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(3) Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.</p>	<p>Transitional and Supportive Housing is permitted in all residential zoning designations, see Chapter 5 – Table 5-1: Land Use Controls Table</p>
<p>(c)(3) Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).</p>	<p>Supportive Housing is permitted in all residential zoning designations, see Chapter 5 – Table 5-1: Land Use Controls Table</p>
<p>(c)(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>

Government Code Provision	Housing Element Compliance
<p>(c)(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a).</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(6) The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available.</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(6) The program may include strategies that involve local regulation and technical assistance.</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.</p>	<p>Program H4.F</p>
<p>(c)(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.</p>	<p>Chapter 8 – Housing Element Goals, Policies and Programs</p>
<p>(c)(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.</p>	<p>Chapter 4 – Community Outreach</p>

Government Code Provision	Housing Element Compliance
(c)(10)(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:	
(c)(10)(A)(i) A summary of fair housing issues in the jurisdiction	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(i) and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity.	Chapter 4 – Fair Housing Enforcement and Capacity
(c)(10)(A)(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends,	Chapter 4 – Integration and Segregation Patterns and Trends
(c)(10)(A)(ii) racially or ethnically concentrated areas of poverty and affluence,	Chapter 4 – Racially or Ethnically Concentrated Areas
(c)(10)(A)(ii) disparities in access to opportunity,	Chapter 4 – Disparities in Access to Opportunity
(c)(10)(A)(ii) and disproportionate housing needs,	Chapter 4 – Disproportionate Housing Needs and Displacement Risk
(c)(10)(A)(ii) including displacement risk.	Chapter 4 – Disproportionate Housing Needs and Displacement Risk
(c)(10)(A)(ii) The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction.	Chapter 4 – Assessment of Fair Housing
(c)(10)(A)(ii) and comparing the jurisdiction to the region in which it is located, based on race and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) and Section 65008.	Chapter 4 – Assessment of Fair Housing
(c)(10)(A)(iii) An assessment of the contributing factors, including the local and regional historical origins	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions

Government Code Provision	Housing Element Compliance
(c)(10)(A)(iii) and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).	Chapter 4 – Assessment of Fair Housing
(c)(10)(A)(iv) An identification of the jurisdiction’s fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance,	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) and identifying the metrics and milestones for determining what fair housing results will be achieved.	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) and encouraging development of new affordable housing in areas of opportunity,	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing,	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(A)(v) and protecting existing residents from displacement.	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions
(c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	Chapter 4 – Fair Housing Issues, Contributing Factors, and City Actions

Government Code Provision	Housing Element Compliance
(c)(10)(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.	Chapter 5 – Emergency Shelters; Policy H6.5
(d)(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.	
(d)(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.	
(d)(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:	
(d)(3)(A) How the joint facility will meet the jurisdiction’s emergency shelter need.	
(d)(3)(B) The jurisdiction’s contribution to the facility for both the development and ongoing operation and management of the facility.	
(d)(3)(C) The amount and source of the funding that the jurisdiction contributes to the facility.	
(d)(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.	
(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:	
(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county	

Government Code Provision	Housing Element Compliance
<p>submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.</p>	
<p>(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.</p>	
<p>(f) – (j): Not applicable</p>	<p>Not Applicable.</p>
<p>Section 65583.1(a)</p>	
<p>(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.</p>	
<p>(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.</p>	
<p>Section 65583.2</p>	

Government Code Provision	Housing Element Compliance
(a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583,	Site Inventory (Appendix 7-1)
(a) that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):	
(a)(1) Vacant sites zoned for residential use.	Site Inventory (Appendix 7-1)
(a)(2) Vacant sites zoned for nonresidential use that allows residential development.	Site Inventory (Appendix 7-1)
(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county	Site Inventory (Appendix 7-1)
(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.	Site Inventory (Appendix 7-1)
(b) The inventory of land shall include all of the following:	
(b)(1) A listing of properties by assessor parcel number.	Site Inventory (Appendix 7-1)
(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.	Site Inventory (Appendix 7-1)
(b)(3) For nonvacant sites, a description of the existing use of each property.	Site Inventory (Appendix 7-1)

Government Code Provision	Housing Element Compliance
(b)(3) If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	Program H4.G
(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.	Chapter 7 – Environmental Constraints
(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.	Chapter 7 - Infrastructure
(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.	Site Inventory (Appendix 7-1)
(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.	N/A
(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.	Chapter 7 – Figure 7-1: Map of Sites
(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the	Site Inventory (Appendix 7-1)

Government Code Provision	Housing Element Compliance
<p>number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.</p>	
<p>(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right.</p>	<p>Program H4.Q</p>
<p>(c) Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.</p>	
<p>(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing,</p>	<p>Site Inventory (Appendix 7-1)</p>
<p>(c) factory-built housing, mobile homes,</p>	<p>Chapter 5 – Manufactured Homes; Mobile Home Parks</p>
<p>(c) housing for agricultural employees, supportive housing,</p>	<p>Chapter 5 – Small Employee Housing; Supportive Housing</p>
<p>(c) single-room occupancy units,</p>	<p>Chapter 5 – Single-Room Occupancy Units (SROs)</p>

Government Code Provision	Housing Element Compliance
(c) emergency shelters, and	Chapter 5 – Emergency Shelters
(c) transitional housing	Chapter 5 – Transitional Housing
(c) and whether the inventory affirmatively furthers fair housing.	Chapter 7 – Affirmatively Furthering Fair Housing
(c) The city or county shall determine the number of housing units that can be accommodated on each site as follows:	
(c)(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency’s calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.	Chapter 7 – Site Capacity
(c)(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583,	Site Inventory (Appendix 7-1)
(c)(2) the realistic development capacity for the site,	Site Inventory (Appendix 7-1); see Site Sheets (Appendix 7-5)
(c)(2) typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,	Site Inventory (Appendix 7-1); see Site Sheets (Appendix 7-5)
(c)(2) and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	Site Inventory (Appendix 7-1); see Site Sheets (Appendix 7-5)
(c)(2)(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality	Chapter 7 – Small and Large Sites

Government Code Provision	Housing Element Compliance
<p>provides other evidence to the department that the site is adequate to accommodate lower income housing.</p>	
<p>(c)(2)(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing.</p>	<p>Chapter 7 – Small and Large Sites</p>
<p>(c)(2)(B) For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.</p>	
<p>(c)(2)(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.</p>	
<p>(c)(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:</p>	
<p>(c)(3)(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.</p>	
<p>(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households: (i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.</p>	<p>Chapter 7 – Default Density</p>

Government Code Provision	Housing Element Compliance
<p>(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.</p> <p>(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.</p> <p>(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.</p>	
<p>(4)(A) For a metropolitan jurisdiction:</p>	
<p>(4)(A)(i) At least 25 percent of the jurisdiction’s share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.</p>	<p>Chapter 7 – AB 725 (Wicks)</p>
<p>(4)(A)(ii) At least 25 percent of the jurisdiction’s share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.</p>	<p>Chapter 7 – AB 725 (Wicks)</p>
<p>(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:</p> <p>(i) Deny a project that does not comply with the allocation.</p> <p>(ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law.</p> <p>(iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.</p>	
<p>(C) This paragraph does not apply to an unincorporated area.</p>	
<p>(D) For purposes of this paragraph:</p>	
<p>(i) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.</p>	

Government Code Provision	Housing Element Compliance
<p>(ii) "Unit of housing" does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.</p>	
<p>(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.</p>	
<p>(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a metropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a metropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with metropolitan areas in the future.</p>	
<p>(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.</p>	
<p>(2)(A)(i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a</p>	

Government Code Provision	Housing Element Compliance
<p>population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.</p>	
<p>(2)(A)(ii) A county subject to this subparagraph shall utilize the sum existing in the county's housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.</p>	
<p>(2)(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.</p>	
<p>(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for "suburban area" above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction's population is less than 25,000 in which case it shall be considered suburban.</p>	
<p>(g)(1) For sites described in paragraph (3) of subdivision (b) [non-vacant sites], the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.</p>	<p>Chapter 7 – Site Inventory Analysis and Methodology</p>
<p>(g)(1) The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development,</p>	<p>Chapter 7 – Non-vacant Sites Analysis</p>

Government Code Provision	Housing Element Compliance
(g)(1) the city's or county's past experience with converting existing uses to higher density residential development,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) the current market demand for the existing use,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) development trends,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) market conditions,	Chapter 7 – Non-vacant Sites Analysis
(g)(1) and regulatory or other incentives or standards to encourage additional residential development on these sites.	Chapter 7 – Non-vacant Sites Analysis
(g)(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.	Chapter 7 – Non-vacant Sites Analysis
(g)(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those	Chapter 7 – Residential Development on Nonvacant Sites

Government Code Provision	Housing Element Compliance
<p>units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.</p>	
<p>(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period.</p>	<p>Program H4.K</p>
<p>(h) These sites shall be zoned with minimum density and development standards that permit at least</p>	
<p>(h) 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c),</p>	
<p>(h) shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c)</p>	<p>Program H4.K</p>
<p>(h) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b).</p>	<p>Program H4.K</p>
<p>(h) At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.</p>	<p>Program H4.K</p>

Government Code Provision	Housing Element Compliance
<p>(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act.</p>	
<p>(i) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.</p>	
<p>(i) Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.</p>	
<p>(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marin Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.</p>	

Exhibit 2

Changes to City of Menlo Park 2023-2031 Housing Element in response to Letter from the California Department of Housing and Community Development

As required by Government Code Section 65585(e), the City Council has considered the findings made by the California Department of Housing and Community Development (HCD) included in HCD's letter to the City dated October 21, 2022. Consistent with Government Code Section 65585(f)(1), the City has made changes to the 2023-2031 Housing Element in response to the findings of the Department to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD. The changes made in the City's 6th Cycle Housing Element Primary HCD Review Draft dated July 22, 2022 in response to HCD's letter are described below, organized by HCD comment in its October 21, 2022 letter.

HCD Comment (p. 1): *Revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code).*

City Response: After receiving HCD's October 21, 2022 letter regarding the City's draft 2023-2031 Housing Element, the City made substantive changes throughout the document to incorporate HCD's direction. An overview of the revisions made in response to HCD's comments to ensure that the adopted Housing Element is in substantial compliance with State law is included below, including references to the location in the Housing Element with redlined changes where additions and/or revisions have been made in response to HCD's letter. With the referenced additions and revisions, the City Council believes that the 2023-2031 Housing Element substantially complies with the requirements of State law.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

HCD Comment (Appendix p. 1): *Integration and Segregation: The element reports and maps data on components of the assessment of fair housing but should evaluate patterns and trends. The element should describe what contributes to the concentration of Hispanic residents within the City, as well as what contributes to the identified segregation in the Belle Haven neighborhood. In addition, the element should describe what contributes to the concentration of female headed households north of Highway 101. The element should also describe the concentration of low-income residents east of Highway 101 as well as describe and analyze the City's high median income in relation to the immediate surrounding region (i.e., East Palo Alto, Palo Alto, Redwood City).*

City Response: A detailed discussion of integration and segregation has been provided in Chapter 4 (Affirmatively Furthering Fair Housing) within the "Integration and Segregation Patterns and Trends" subsection (Page 4-36). It includes detailed local histories as assembled by Menlo Together and other local organizations, and includes all items in the ABAG/MTC Affirmatively Furthering Fair Housing Data Checklist from December 13, 2021. The section notes that concentrations indicated in the comment have largely been driven by restrictive covenants and federal discrimination that were in place when Menlo Park expanded after World War II, and more recently by displacement

trends that began to increase after the 2008 financial crisis. The element includes detailed income information including comparison to the surrounding region (Page 4-38). Areas of the city east of US-101, notably Belle Haven, are disproportionately more composed of low to moderate income households than the areas of Menlo Park west of US-101 (Figure 4-18). Further, Menlo Park has a higher median income than some of its neighboring jurisdiction (Table 4-9). This is likely due to Menlo Park's history as a racially-exclusive suburb, albeit one that was more exclusive than some and less exclusive than others. A new "Disparities by Family Composition and Income" section is included to analyze what contributes to the concentration of female headed households in certain areas of the city (Page 4-25).

HCD Comment (Appendix p. 1): *Racial/Ethnic Areas of Concentration of Affluence (RCAA): The element currently states that there are no RCAAs within the City. However, HCD's fair housing data viewer indicates that the City and much of the surrounding region is considered a RCAA. The analysis should include updated data regarding the City's RCAA designations and as noted above this should be analyzed relative to the broader region, County, and neighboring communities including the City's eastern neighbors. For more information, please visit: <https://affh-data-resources-cahcd.hub.arcgis.com>.*

City Response: Much of San Mateo County – including Menlo Park – is classified as a Racially Concentrated Area of Affluence (RCAA). A detailed discussion of racial or ethnic areas of concentrated affluence and poverty has been added in Chapter 4 (Affirmatively Furthering Fair Housing) within the "Racially or Ethnically Concentrated Areas" subsection (Page 4-48). The areas of Menlo Park west of US-101 are designated as RCAAs, but the areas east of US-101 are not. A map has also been provided to show how Menlo Park fits within the context of other communities with RCAAs in the Bay Area (Figure 4-24). The areas of Menlo Park west of US-101 are designated as Racially Concentrated Areas of Affluence, but the areas east of US-101 are not (Page 4-49).

HCD Comment (Appendix p. 1): *Disparities in Access to Opportunity: While the element included some data, additional information is required. The element should analyze the identified disparities in access to opportunity locally as well as include a regional analysis (City compared to the broader region). In addition, the element should describe whether there is access to jobs for protected classes and analyze the relationship between the least positive economic outcomes located in the same areas with the highest proximity to jobs. The element should also describe availability and access to transit geographically within the City and whether protected classes have access to transit. Lastly, the element must describe what contributes to the low environmental scores other than location of the highway.*

City Response: Updated analysis regarding disparities in access to opportunity is provided in Chapter 4 (Affirmatively Furthering Fair Housing) within the "Disparities in Access to Opportunity" subsection (Page 4-13). Analysis regarding schools, jobs, transportation, environment, and disability is provided. Discussion of Opportunity Area Maps prepared by HCD and the State Tax Credit Allocation Committee (TCAC) is also provided (Page 4-15). The highest resource tracts are primarily concentrated in central neighborhoods. All the neighborhoods east of Highway 101 are considered low or moderate resource tracts. The additional analysis indicated above describes factors that may contribute to lower environmental scores, but additional information and context is also being provided in the City's new Environmental Justice Element that is currently being developed.

HCD Comment (Appendix p. 2): *Disproportionate Housing Needs including Displacement: While the element reports some data on disproportionate needs, it should analyze what contributes to the concentration of cost burdened renters and owners. In addition, the element should analyze the identified concentration of substandard housing and provide a regional analysis. The element should also describe and analyze disproportionate housing needs for persons experiencing homelessness, including impacts on protected characteristics and patterns or areas of higher need relative to access to transportation and services. Lastly, the element must also describe and analyze areas sensitive to displacement, including displacement risk due to disaster (e.g., earthquake, fire, and flood).*

City Response: Updated analysis regarding disproportionate housing needs, including displacement, is available in Chapter 4 (Affirmatively Furthering Fair Housing) within the “Disproportionate Housing Needs and Displacement Risk” subsection (Page 4-50). District 1 (east of Highway 101) is disproportionately impacted by equity issues, including being comparatively lower resourced and having a higher risk for displacement than the rest of the city west of Highway 101 (Districts 2 through 5). Analysis regarding cost burdens, overcrowding, substandard housing, and displacement is provided. Discussion regarding homelessness/unhoused individuals, large families, and other groups with particular needs, is available in Chapter 4 within the “Special Housing Needs” subsection (Page 4-61).

HCD Comment (Appendix p. 2): *Affirmatively Furthering Fair Housing (AFFH) and Identified Sites: While the element includes a general summary of fair housing related to the sites inventory, it must analyze how the identified sites contribute to or mitigate fair housing issues. The element must identify and analyze sites throughout the community to foster inclusive communities and affirmatively further fair housing. An analysis should address all of the income categories of identified sites with respect to location, the number of units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).*

City Response: The City is meeting its Regional Housing Needs Allocation (RHNA) requirements for the 2023-2031 planning period through the identification of 69 housing opportunity sites made up of 83 parcels. These sites are focused in Districts 2 through 5 to disperse affordable housing and housing development in general throughout the City of Menlo Park (Page 7-1). A new requirement for this 6th Cycle Housing Element is for the Site Inventory to be consistent with a jurisdiction's duty for Affirmatively Furthering Fair Housing (AFFH). A detailed discussion regarding AFFH and identified housing opportunity sites is available in Chapter 7 (Site Inventory and Analysis) within the “Affirmatively Furthering Fair Housing” subsection (Page 7-19); Chapter 4 (Affirmatively Furthering Fair Housing); and Appendix 4-2 (City of Menlo Park Assessment of Fair Housing).

Within Chapter 7, new text relating the AFFH data and population makeup to the Site Inventory is provided (Page 7-20); references are made to Chapter 4 and Appendix 4-2 which provide further fair housing analysis; and a new “Site Inventory and Existing Social Patterns” subsection is included to discuss how the identified sites contribute to or mitigate fair housing issues (Page 7-22). The sites in the 6th Cycle Site Inventory wholly consist of parcels allocated towards the City’s lower income or moderate income RHNA.

This is because Pipeline Projects, which are disproportionately in Council District 1, are sufficient to provide Menlo Park's above moderate income RHNA. The affordable allocations in the Site Inventory are largely located in Council Districts 2-5, which are areas of high or highest opportunity according to TCAC/HCD mapping. This strategy of allocating affordable units in high-resource areas and market-rate units in lower-resource areas improves integration, alleviates access to opportunity, and supports the disproportionate housing needs of special needs populations.

HCD Comment (Appendix p. 2): *Goals, Actions, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community preservation and revitalization and displacement protection.*

City Response: Chapter 4 (Affirmatively Furthering Fair Housing) includes an updated "Fair Housing Issues, Contributing Factors, and City Actions" subsection (Page 4-84). The 2023-2031 Housing Element goals, policies, and programs were developed and refined based on community priorities and concerns. The City coordinated with local fair housing non-profit organizations/partners such as Project Sentinel to receive fair housing intake and referral statistics unique to Menlo Park with the intent to use the data to better understand fair housing issues, contributing factors, and plan City actions. Project Sentinel's data provided information such as certain racial groups (Black/African American) and special needs populations (persons with disabilities, seniors, and female-headed households) having a higher incidence of fair housing complaints compared to their percentage of the City's population as a whole (Page 4-84). One of the highlighted action outcomes is that the City will seek to increase the number of Menlo Park residents counseled through Project Sentinel from an average of ten to twelve annually (Page 4-87). With all information considered, and based on community input and an analysis of City capacity, the project team developed a table of fair housing issues, their contributing factors, a priority level for the fair housing issues, and City actions to remediate the issue (Table 4-26). The fair housing issues identified are:

- A. Fair Housing outreach (Medium Priority);
- B. Need for affordable housing options throughout Menlo Park to promote mobility (High Priority); and
- C. Need for community conservation and revitalization in low and moderate resource neighborhoods located east of Highway 101 (Council District 1) (High Priority).

Menlo Park's approach to affirmatively furthering fair housing is integrated into the goals, policies, and programs of the Housing Element. This Housing Element contains seven housing goals that provide overarching housing objectives for the City to strive towards. Within each goal are policies that describe the approach or behavior that will move the City towards the respective goal. These policies and goals will be realized through housing programs, which detail actionable implementation steps that the City will take throughout the planning period. Each housing program includes the responsible party for implementation, funding source, measurable objective, and timeframe for implementing the program. The policies and programs reinforce and promote the development of

affordable housing while encouraging equitable dispersion of affordable housing throughout the city and avoiding further concentration of opportunity and poverty.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

HCD Comment (Appendix p. 2): *Extremely Low Income (ELI): While the element includes the total number of ELI households in the City, it must include this data by tenure (i.e., renter and owner) and analyze their housing needs.*

City Response: Updated data regarding extremely low-income (ELI) households is available in Chapter 3 (Housing Conditions and Trends) within the “Income” (Page 3-12) and “General Housing Characteristics” (Page 3-14) subsections. Highlighted discussion points include:

- Menlo Park's extremely low ownership vacancy rate is an indicator of the high demand for housing in the city, correlated with the high house sale prices seen in the city. By producing more housing units at all income levels, Menlo Park can ease the pressure on home sales. Meeting RHNA would increase the number of housing units by 21 percent over 2020 levels, which would help address this issue.
- Of the 1,400 extremely low-income households in Menlo Park (those making 0-30 percent of Area Median income (AMI), 565 households are owners and 835 are renters (40 percent and 60 percent, respectively).
- Of the City's extremely low income households, 73 are spending more than half their income towards housing, and as stated, 60 percent of the City's ELI households are renters, a group particularly vulnerable to rising rents. Household overcrowding is not a particular issue for the City's ELI households, with just 4.9 percent identified as overcrowded.
- The City continues to encourage eligible persons to participate in the Section 8 Housing Voucher Program administered through the San Mateo County Housing Authority, thereby enhancing access to housing opportunities among lower income households (Program H3.B).
- The City will also facilitate the provision of ELI units through the Affordable Housing Overlay (Program H4.D). Supporting ELI homeowners in adding accessory dwelling units that can generate rental income (Program H4.F), as well as promoting available housing rehabilitation programs (Program H2.C) can assist homeowners spending a large portion of their incomes on housing costs.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

HCD Comment (Appendix p. 2): *Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).*

City Response: Updated data regarding overpayment is available in Chapter 3 (Housing Conditions and Trends) within the “Affordability” subsection (Page 3-23). Out of Menlo Park's 5,010 renter households, 2,020 units are paying more than 30 percent of their income for housing (40 percent of all renters). 1,125 units pay more than 50 percent of their income for housing (22 percent of all renters). Of Menlo Park's 2,910 renter

households making less than 80 percent of area median income, 2,000 (69 percent) pay more than 30 percent of their household income on housing. Of these, 1,125 (39 percent of all lower income renter households) pay more than 50 percent of their household income on housing.

For Menlo Park's 6,895 owner-occupied households, 2,070 units pay more than 30 percent of their income for housing (30 percent of all owner-occupied households). 885 pay more than 50 percent of their income for housing (13 percent of all owner-occupied households). Of Menlo Park's 2,445 homeowner households making less than 80 percent of area median income, 1,455 (59 percent) pay more than 30 percent of their household income on housing. Of these, 815 (33 percent of all lower income renter households) pay more than 50 percent of their household income on housing.

Proportionally more renters are overpaying for housing compared to homeowners, and more lower income renters are overpaying than lower income homeowners. Additional housing opportunities for rental housing available to all income levels could help alleviate this overpayment issue. (Page 3-24). Additional data and analysis is provided using the U.S. Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy's American Community Survey tabulation of 2013-2017 data (Page 3-26).

HCD Comment (Appendix p. 3): *Overcrowding: The element must quantify the total number of overcrowded households within the City and analyze their housing needs.*

City Response: Updated data regarding overcrowding is available in Chapter 3 (Housing Conditions and Trends) within the "Overcrowding" subsection (Page 3-30). Households experiencing overcrowding require larger units with more bedrooms to increase the health and safety of their household. In many cities, overcrowding is more common amongst renters, with multiple households sharing a unit to make it possible to stay in their communities. In Menlo Park, 2.2 percent of households that rent are severely overcrowded, compared to 0.8 percent of households that own. About 3.1 percent of renters experience moderate overcrowding, compared to 1.7 percent for those that own. Low-income households are more likely to experience overcrowding. About 4 percent of households making less than 50 percent of AMI are severely overcrowded, while 0.7 percent of households making more than 100 percent AMI experience the same level of severe overcrowding. A new Table 3-9 (Overcrowding by Severity in Menlo Park and the Region) is provided to show overcrowding by severity in Menlo Park, San Mateo County, and the greater Bay Area (Page 3-31). Communities of color are also more likely to experience overcrowding similar to how they are more likely to experience poverty, financial instability, and housing insecurity. People of color tend to experience overcrowding at higher rates than White (Non-Hispanic) residents. In Menlo Park, the racial group with the greatest overcrowding rate is Hispanic or Latinx.

HCD Comment (Appendix p. 3): *Housing Costs: While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge) to reflect more current market conditions.*

City Response: Updated data regarding housing costs is available in Chapter 3 (Housing Conditions and Trends) within the "Typical Home Values and Rents" subsection (Page 3-19). Highlighted discussion points include:

- The Bay Area has seen a stark increase in housing demand in the past two decades but that has not correlated to an increase in housing supply. Home prices and rents

have been steadily increasing the past two decades, but in recent years, the jump has been dramatic. Since 2009, median rent increased 41 percent to \$2,200, and median home values have more than doubled to \$1,445,000 (Page 3-19).

- According to a review of rentals in Menlo Park using Zillow, Apartments.com, and Craigslist, rents range from \$1,825 for a studio to \$7,500 for a three-bedroom apartment. Houses can be rented for \$2,000 for a one-bedroom to \$9,000 for a four-bedroom house. There were also very few units available for rent: only 47 rental apartments and 48 rental homes (not including short-term rentals, which were not analyzed) were available (Page 3-21).
- Apartments available online tend to be older construction, and subsequently lower cost. Analysis of a single new apartment complex of approximately 400 units (ranging from studio to 4-bedroom units) demonstrated an average unit rent of \$3,602 and a cost per square foot of \$4.10. This is an average of market-rate and below-market-rate units. This is markedly higher than median apartment rental rates in the region (\$3.76 in the San Francisco metropolitan area and \$3.32 in the San Jose metropolitan area) (Page 3-21).

4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

HCD Comment (Appendix p. 3): *Progress in Meeting the Regional Housing Need Allocation (RHNA): As you know, the City's RHNA may be reduced by the number of new units built since June 30, 2022, however, the element must demonstrate the affordability and availability of units in the planning period. The availability or likelihood the units will be built in the planning period should account for any barriers to development, phasing, anticipated build out horizons, market conditions and other relevant factors. This analysis should specifically address proposed projects, particularly the 1,729 units in Willow Village, rescale assumptions if appropriate and, given the magnitude of the project relative to the RHNA, should include a program to monitor progress and make adjustments as appropriate.*

City Response: The housing opportunity sites, along with the "Pipeline Projects" identified in Chapter 7 (Site inventory and Analysis), detailed within the "Site Inventory Analysis and Methodology" subsection of the chapter, provide sufficient site capacity to meet Menlo Park's RHNA with an additional 30 percent buffer, as recommended by HCD. Table 7-5 (Pipeline Projects) includes updated unit counts and footnotes with information regarding the availability or likelihood the units will be built in the planning period (Page 7-7). To clarify, the Willow Village project includes 1,730 dwelling units. With regard to Willow Village, in December 2022, the City Council adopted resolutions and ordinances associated with entitlements required to carry out the proposed master plan. Future architectural control reviews by the Planning Commission are required to review the architectural designs for compliance with the Zoning Ordinance, conditional development permit, development agreement, and mitigation monitoring and reporting program from the certified EIR. The City is working with the project team to process the architectural control packages for each building, the final subdivision maps and infrastructure improvement plans efficiently and believe the reviews and actions on these implementing items will be completed in the first half of 2023, at which point building permits could be filed. Construction could potentially begin as soon as building permits are issued, although the exact timing will depend on the developer's priorities and

market conditions at that time. For more information, please visit the project webpage: <https://menlopark.gov/WillowVillage>. The City has included Program H1.H (Transparency on Progress towards RHNA). The City will publish information regarding below market rate development pipeline projects, including the anticipated number of units and affordability, on the City's housing website in coordination with the Housing Element's annual progress report. Should adjustments to the City's housing plan be needed, they will be undertaken.

HCD Comment (Appendix p. 3): *Realistic Capacity: The element must include a methodology for calculating the realistic residential capacity on identified sites. The methodology must account for land use controls land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element includes a methodology that essentially starts with developable area then multiplies that area by maximum densities then a series of adjustments. This method can be generally consistent with statute. However, in many cases the adjustments are 100 percent or more, do not appear to discount from the maximum allowable density and conflate non-residential likelihood and nonvacant development potential in a manner that the reasoning for the assumption is indiscernible. To address this requirement, the element could utilize a minimum density and HCD shall accept that methodology without any analysis or demonstration or the element could utilize a conservative methodology that will also assist in maintaining sites throughout the planning period pursuant to Government Code section 65863. Otherwise, the element must provide adequate supporting information for the various adjustment factors, rescale assumptions as appropriate and should separate the non-residential and nonvacant adjustment factor. Adequate supporting information would include a listing of all recent developments in the City by acreage, zone, allowable density, built density and affordability and then relate that information to the assumptions utilized in the inventory. For example, if the characteristics of past development are not similar to identified sites then the assumptions should not be utilized. With respect to the non-residential adjustment factor, the element should list or evaluate all development (residential and non-residential) to determine the likelihood for 100 percent nonresidential development than account for that trend in the adjustment factor. For example, the element could list and evaluate all recent development in the City by acreage, zone, allowable density, allowable uses, built uses, built densities and affordability.*

City Response: Chapter 7 (Site Inventory and Analysis) includes a significant change to the realistic site capacity methodology used to estimate how many units could be developed on the 69 housing opportunity sites in the Site Inventory (Page 7-10). The City undertook a parcel-by-parcel capacity analysis that determined the likely potential capacity of each site. This parcel-by-parcel analysis was developed according to the realistic capacity methodology laid out by HCD, where the maximum unit capacity (developable acreage multiplied by maximum density) is modified by several adjustment factors (land use controls, realistic capacity, typical densities, infrastructure availability, and environmental constraints). The adjustment factors were renamed and modified to reflect the methodology and comments provided by HCD (Page 7-11). A full description of this methodology is available in Appendix 7-5 (Site Sheets), along with individual site sheets describing how unit capacity and affordability allocation was determined, as well as key findings for the sites. Parcels were analyzed for their capacity for lower-income units. Parcels that could hold a higher number of lower-income units tended to be located in central Menlo Park, a transit-rich area containing many amenities such as grocery stores and parks that would support fair housing goals for lower-income

populations. Moderate and above-moderate housing tended to be located in other areas of the city (Page 7-11).

HCD Comment (Appendix p. 4): *Small and Large Sites: Sites smaller than a half acre and larger than ten acres in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). The element lists small and large sites but also evaluate whether those sites are suitable to accommodate housing for lower income households and add or modify programs as appropriate. For example, the element could list past consolidations by the number of parcels, number of owners, zone, number of units, affordability and circumstances leading to consolidation and then relate those trends to the identified sites or could explain the potential for consolidation on a site-by-site basis.*

City Response: Chapter 7 (Site Inventory and Analysis) includes an enhanced “Small and Large Sites” subsection (Page 7-17) which discusses small sites (parcels less than 0.5 acres), large sites (parcels greater than 10.0 acres), and a “carveout” strategy of one or two acres on the larger sites that would allow residential development in mixed-use areas. These carveouts are intended to make land costs more manageable for residential developers, particularly lower income housing developers, and to complement the existing uses that may likely remain intact with new development. Parcel consolidation has not been a demonstrated constraint in Menlo Park’s recent residential development history. Of the eight pipeline projects that are part of the Housing Element update, six include consolidated parcels. The affordability allocation for the sites was also modified. In the revised draft, none of the sites consisting of small parcels have lower-income units allocated (Page 7-17). The only large sites with lower income units allocated are the USGS site at 345 Middlefield Road (Site #12), made up of two parcels that are approximately 12 and five acres in size, and the Menlo Park VA Medical Center site at 795 Willow Road (Site #64), which is the site of a collaboration project between the VA and MidPen Housing to develop a 61-unit, 100% affordable housing development for veterans. The rationale for allocating lower-income units on Site #12 and Site #64 site is provided (Page 7-18).

HCD Comment (Appendix p. 4): *Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. While the element includes a detailed description of existing uses, it must also demonstrate the potential for additional development in the planning period. In addition, the element must analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as religious institutions, a post office, parking lots, a supermarket, and office buildings. The element should describe how residential development is likely to occur on sites including an office building built in 2013, as well as a supermarket, and an operating post office. The element can summarize past experiences converting similar existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. In addition, the element should tie the feasibility of parking lot developments mentioned in nearby cities to the sites listed in the inventory. The element should also provide additional support for development on church sites including a history of development with few units affordable to lower income, especially on the sites where there is not church interest.*

In addition, as noted in the housing element, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.

City Response: Chapter 7 (Site Inventory and Analysis) includes an enhanced “Non-vacant Sites Analysis” subsection (Page 7-24) to describe how the City is meeting lower income RHNA on non-vacant sites, including the highlighted sites within the HCD comment. Page 7-27 addresses § 65583.2, subd. (g)(2) and describes the City Council findings that shall be made based on substantial evidence that existing uses are not impediments and will likely discontinue during the planning period. Non-vacant sites are grouped into six potential redevelopment types to further analyze their development potential:

- Religious Facilities
- Parking Lots
- Non-Residential with Carveout
- Non-Residential with Complete Redevelopment
- El Camino Real/Downtown Specific Plan Area
- Underutilized Residential

Further, each site is described with a Site Sheet available in Appendix 7-5. The Site Sheets provide general planning information, site-specific HCD Housing Opportunity Site Criteria, and Key Findings for what development is likely to occur on the site.

HCD Comment (Appendix p. 4): *City-Owned Sites: The element must include additional discussion on each of the City-owned sites identified to accommodate the RHNA. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.*

City Response: Chapter 7 (Site Inventory and Analysis) includes an enhanced “City Owned Properties” subsection (Page 7-15). The City owns a majority of the downtown parking lots and can facilitate the use of these parking lots for development of affordable housing. The value of the land as a residential use and the opportunity for new affordable housing downtown provides a public benefit that exceeds the value as surface parking facilities. Also addressed in Chapter 7:

- Reference to Program H4.L (Modify El Camino Real/Downtown Specific Plan” is included with the default density discussion (Page 7-10).
- Surplus Land Act description and City compliance is included (Page 7-16).

- The reference to nine City-owned surface parking lots is revised (Page 7-28). There are eight surface parking lots suitable for multifamily development.
- Added language regarding Program H4.G, the City-led process to promote housing development on underutilized City-owned parking lots in downtown and adhere to procedures consistent with the Surplus Lands Act to provide affordable housing developers a first right of refusal (AB 1486). The objective is to achieve the development of 345 affordable units on a combination of City-owned parking lot sites in the downtown, supporting the integration of affordable housing options in high resource areas of the community (Page 7-29).
- Added Program H4.K (Rezone for Lower Income Shortfall), to rezone sites to address a lower income RHNA shortfall.

HCD Comment (Appendix p. 5): *Federally-Owned Sites and School Sites: The element identifies two federally-owned sites, the USGS and Veterans Affairs hospital site in addition to the Ravenswood School District site. The element should provide additional discussion on each of the sites and address general plan designations, allowable densities, support for residential capacity assumptions, existing uses, whether lot splits are needed, and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). The element must provide additional support and describe whether the City has contacted the owners regarding feasibility of development on these sites and whether they will be available during the planning period.*

City Response: Chapter 7 (Site Inventory and Analysis) includes enhanced description regarding the USGS (Site #12), VA (Site #64), and Ravenswood City School District-owned sites (Site #38). Sites #12 and #64 are described within the “Carveouts and Large Sites” subsection (Page 7-17). Site #38, the only vacant site within the Site Inventory, is described within the “Non-vacant Sites Analysis” subsection (Page 7-24). A new Program H4.K has been added to rezone sites to address a lower income RHNA shortfall.

HCD Comment (Appendix p. 5): *Replacement Housing Requirements: The element identifies sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).*

City Response: Chapter 7 (Site Inventory and Analysis) includes added description of replacement housing requirements within the “Non-vacant Sites Analysis” subsection (Page 7-24): *Pursuant to Government Code 65583.2(g)(3), the Housing Element must include a program requiring the replacement of units affordable to the same or lower income level as a condition of any development on a non-vacant site consistent with those requirements set forth in Density Bonus Law (Government Code 65915(c)(3)). Replacement requirements shall be required for sites identified in the inventory that currently have residential uses, or within the last five years have had residential uses that have been vacated or demolished, and were either rent or price restricted, or were occupied by low or very low income households. This requirement is satisfied by Program H2.B (Amend the Zoning Ordinance to Protect Existing Housing).*

HCD Comment (Appendix p. 5): *Availability of Infrastructure: The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities, to accommodate the RHNA.*

City Response: Discussion regarding the availability of infrastructure is available in Chapter 7 within the “Infrastructure” subsection (Page 7-47). The water, sewer, and dry utilities review is taken from the Supplemental Environmental Impact Report (SEIR) prepared for the project (Draft SEIR published November 4, 2022; Final SEIR published January 3, 2023).

HCD Comment (Appendix p. 5): *Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must describe any other known environmental constraints or conditions within the City that could impact housing development in the planning period.*

City Response: Discussion regarding environmental constraints is available in Chapter 7 within the “Infrastructure” subsection (Page 7-49). The environmental constraints review is taken from the Supplemental Environmental Impact Report (SEIR) prepared for the project (Draft SEIR) published November 4, 2022; Final SEIR published January 3, 2023).

HCD Comment (Appendix pp. 5-6): *Zoning for a Variety of Housing Types:*

- *Emergency Shelters: The element should describe the permit processing, development, and management standards of the Homeless Overlay that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. In particular, the element describes a limit of 16 beds per facility, which is a constraint. In addition, the element should describe the capacity of sites included in the overlay to accommodate the City’s need. Lastly, the element should describe how emergency shelter parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- Updated Table 5-1 (Land Use Controls Table) (Page 5-9).
 - The “Emergency Shelters” subsection (Page 5-11) includes updated text describing the Emergency Shelter for the Homeless Overlay, including compliance with AB 139 (2020), as well as information regarding the 2022 Point-in-Time count and shelters in San Mateo County. In an effort to reduce potential constraints to housing, the City will modify the Emergency Shelter for the Homeless Overlay to increase the number of beds allowed in an emergency shelter for the homeless.
 - Program H3.G (Zoning Text Amendments for Special Needs Housing) is included to reduce actual and potential constraints to emergency shelters. Specifically, the City will modify Municipal Code 16.99, Emergency Shelter for Homeless Overlay, subsection .030 to increase the number of beds allowed in an emergency shelter for the homeless (Page 5-12).
- *Transitional and Supportive Housing: Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject*

to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) The element must demonstrate compliance with these requirements and include programs as appropriate.

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- Updated Table 5-1 (Land Use Controls Table) (Page 5-9).
 - Program H3.G (Zoning Text Amendments for Special Needs Housing) is included to reduce actual and potential constraints to transitional and supportive housing.
- *By-Right Permanent Supportive Housing: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with these requirements and include programs as appropriate.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- Updated Table 5-1 (Land Use Controls Table) (Page 5-9).
 - Program H3.G (Zoning Text Amendments for Special Needs Housing) is included to reduce actual and potential constraints to transitional and supportive housing.
- *Housing for Employees: The Employee Housing Act permits housing under specific provisions. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. The element must demonstrate compliance with these requirements and include programs as appropriate.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- Updated Table 5-1 (Land Use Controls Table) (Page 5-9).
 - Updated “Housing for Agricultural Employees” subsection with “Small Employee Housing” subsection (Page 5-11).
 - Program H3.G (Zoning Text Amendments for Special Needs Housing) is included to reduce actual and potential constraints to housing for employees.
- *Accessory Dwelling Unit (ADU): The element indicates the City modifies its zoning code to ease barriers to the development of ADU’s. However, after a cursory review of the City’s ordinance, HCD discovered several areas which are not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should modify Program H4-F to update the City’s ADU ordinance to comply with state law. For more information, please consult HCD’s ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of zoning for a variety of housing types. Highlighted revisions include:

- The “Accessory Dwelling Units” subsection includes revised text: *The State Department of Housing and Community Development (HCD) has reviewed the City’s ADU ordinance and has identified several areas which do not comply with State ADU law. HCD will be providing the City with a letter outlining non-compliance issues in the ordinance. The City has included Program H4.F (Modify Accessory Dwelling Unit (ADU) Development Standards and Permit Process) in the Housing Element to update the ADU ordinance to bring it into full compliance with current State requirements (Page 5-16).*
- Program H4.F (Modify Accessory Dwelling Unit (ADU) Development Standards and Permit Process) is included to reduce actual and potential constraints for accessory dwelling units. Within six months of receipt of HCD’s letter regarding ADU regulations non-compliance issues, the City will make revisions to address the identified issues.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

HCD Comment (Appendix p. 6-7): *Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to parking, heights, lot coverage and limits on allowable densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. For example, the element should analyze the conditional use permit (CUP) requirement for multifamily development in the R4 zone where densities are allowed at 40 dwelling units per acre. In addition, the element should describe whether three stories are allowed without a use permit in the R-3, R3A, R3-C, C 2B, and R-MU zones where height limits are 35 feet or less. The element should also analyze the land use controls including landscaping, parking, and floor area ration (FAR) requirements in the R-3 zone and whether they allow maximum build out at allowed densities. The element should also describe and analyze densities and development standards that are allowed in the Affordable Housing Overlay. In addition, the element must describe and analyze the X Conditional Development District (p. 5-14) and any related land use controls. Lastly, the element should add programs as appropriate to address any identified constraints.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) provides description of land use controls. Highlighted revisions include:

- Added responses to existing governmental constraints concerning General Plan policies (Page 5-5).
- Added text to the Conditional Development District description: *The Conditional Development District (X), also referred to as combining district, is a zoning district specifically established for the purpose of combining special regulations or conditions with one of the zoning districts as set forth in Municipal Code Section 16.08.010. The X district is not delineated by any particular area of the city and can be generally described as a mechanism by which to regulate and plan development through approval of a Conditional Development Permit. A Conditional Development Permit*

may be issued to allow adjustment of the requirements of the district in order to secure special benefits possible through comprehensive planning of such large development. Further, such adjustment is intended to obtain public benefits; control the commercial component of projects in mixed-use areas; and to encourage more usable open space than would otherwise be provided with standard development. Conditional Development Permits are subject to review and recommendation by the Planning Commission and ultimate action by the City Council. There has been one approved development (Willow Village, December 2022) on X district properties in the previous eight years and no rejected developments in the X district during that time frame (Page 5-17).

- *Added text to the Conditional Development District description: The Housing Element Sites Inventory includes 3 sites (Sites #21, #28, #50) which have been previously developed with a Conditional Development Permit. Development regulations in the X district are as specified in the Conditional Development Permit and in no event does the number of dwelling units, floor area ratio, or floor area limit, exceed the development regulations as set forth in base zoning district with which the X district is combined (Page 5-17).*
- *Corrected existing parking minimums in Table 5-2 (Summary of City of Menlo Park Zoning Requirements (2021)) for C-2-B and R-MU districts as 1 space/unit or 1 space/1,000 (Page 5-20).*
- *Added text: On January 1, 2020, Senate Bill 330 (SB 330) went into effect. The bill is intended to streamline housing projects that are subject to discretionary review under local zoning laws. The bill establishes a two-step process by which an applicant can “lock in” applicable fees and development regulations by submitting a Preliminary Application, then submit a complete development application within 180 days of the submittal of the complete Preliminary Application. The City of Menlo Park complies with SB 330. Resources such as application checklists and process guidance handouts are available on the City's webpage. As of October 2022, the City has received and processed eight development applications under SB 330 (Page 5-23).*

HCD Comment (Appendix p. 7): *Voter Initiative: HCD was made aware of a proposed ballot measure in the City seeking to put any single-family rezoning to a vote, seemingly blocking affordable housing. The City must monitor and analyze the proposed ballot measure. If it passes, the element must add a program to include outreach and mitigation measures for the impact of the ballot measure on housing development throughout the planning period. The element should analyze the measure as a constraint on development based on site suitability for development and add or modify programs to address the constraint.*

City Response: *Measure V was a citizen-sponsored initiative measure to amend the Land Use Element of the General Plan to prohibit the City Council of the City of Menlo Park from re-designating or re-zoning certain properties designated and zoned for single family detached homes. Measure V did not pass at the November 8, 2022 General Election, no additional analysis is provided.*

HCD Comment (Appendix p. 7): *Parking: The element must analyze the parking requirements (p. 5-16) of more than one space per studio and one-bedroom unit and more than two spaces for two or more bedroom units. In addition, the element must describe what determines the parking requirements for C-2B and R-MU zones and analyze potential constraints. Should the analysis determine the parking standards or permit procedures are a constraint on residential development, it must include a program to address or remove any identified constraints.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes revisions. Highlighted revisions include:

- Added text: *City staff note that particularly on smaller parcels, current development standards may preclude the achievement of maximum zoned densities. These development standards can include, but are not limited to, parking requirements of more than one space per studio and one-bedroom unit and more than two spaces for two or more bedroom units. In addition, the parking requirements for the C-2-B (Neighborhood Mixed Use District, Restrictive) and R-MU (Residential Mixed Use) districts are determined by a minimum parking space ratio (1 space per unit or 1,000 square feet) and maximum parking space ratio (1.5 space per unit or 1,000 square feet), and such requirements are potential constraints to housing. The Housing Element includes Program H4.M (Update Parking Requirements and Design Standards). Program H4.M updates parking requirements and design standards to provide greater flexibility in site planning for multifamily residential housing, including establishing a parking or alternative transportation in-lieu fee. Parking amendments could involve reducing parking minimums, modifying parking maximums, eliminating parking requirements for affordable housing projects, expanding shared parking, exploring district parking, and exploring other parking recommendations provided by ABAG-MTC (Page 5-22).*

HCD Comment (Appendix p. 7): *Density Bonus: The City's current density bonus ordinance should be reviewed for compliance with current state density bonus law and programs should be added as necessary. (Gov. Code, § 65915.). In addition, the City's Affordable Housing Overlay states that the overlay will be an alternative to state density bonus law. This is in conflict with state law and must be revised.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes added text regarding the City's Affordable Housing Overlay (AHO) zoning and the State's Density Bonus law. Chapter 16.97 of Menlo Park's Municipal Code lays out local compliance with State Density Bonus Law (California Government Code Sections 659115-95918). Program H4.D (Modify the Affordable Housing Overlay (AHO)) describes that the AHO will be structured so that State Density Bonus incentives can be utilized in conjunction with the AHO (Page 5-45).

HCD Comment (Appendix p. 7): *Fees and Exaction: The element must describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. While the element lists some standard fees in Table 5-4, it must list typical fees including, but not limited to, CUPs, zone changes, general plan amendments, variances, site plans, specific plans, affordable housing in lieu fee, lot line adjustment, and other environmental fees. In addition, the element should describe and analyze fees as a proportion to the development costs for both single family and multifamily housing. Based on the outcomes of the analysis, the element should include programs to address identified constraints.*

City Response: Within Chapter 5 (Actual and Potential Constraints to Housing), the fees for Menlo Park are summarized within Table 5-4 (City of Menlo Park Fees (2019)) for three developments: (1) a 2,000-square foot single-family unit valued at \$900,000 or greater; (2) a 16,000-square foot, 10-unit for-rent multifamily project valued at \$5,000,000 (\$500,000 for each unit); and (3) a 750 square foot detached accessory dwelling unit valued at \$195,000. The fees below are shown for the entire 10-unit multifamily project, not on a per-unit basis, except within the fees summary in Table 5-5

(Summary of Fees). Table 5-5 (Summary of Fees) has been updated with the project valuation estimates for the sample single family (\$900,000), multifamily (\$5,000,000), and ADU developments (\$195,000). Typical development fees as a percentage of estimated project valuation are provided. Development fees for multifamily and ADU projects (5.4% and 6.4%, respectively) are much lower, as a proportion of the project value, than development fees for single-family developments (7.9%).

HCD Comment (Appendix p. 7-8): *Local Processing and Permit Procedures: While the element describes the use permit procedure for single family housing, it must describe and analyze the City's permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing). The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and time for typical single- and multi-family developments, including type of permit, level of review, approval findings and any discretionary approval procedures. The element should also describe and analyze the process and approval for a CUP and architectural control review. Lastly, the element should analyze the total processing time for both single family and multifamily developments and add a program as needed.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes additional detail regarding local processing and permit procedures for a variety of zones and housing types. Highlighted in Chapter 5:

- Revised Table 5-7, with focus on review for single family and multifamily projects (Page 5-33):
 - Updated title of Table 5-7 to “Single Family and Multifamily Use Permit and Architectural Control Review by Planning Commission”
 - Added text to Step 4: Determine if project requires environmental review under CEQA
 - Added text to Step 5: Continue CEQA process (if necessary)
 - Added new Step 8: Certify EIR and public hearing on entitlements
- Added “Project Review by Planning Commission” section which includes calling out required Use Permit findings (Page 5-35)
- Added data following Table 5-8 (Typical Application Processing Times (Menlo Park)) regarding median length of processing time for single-family and multi-family projects (Page 5-37)
- Updated “Architectural Control” section (Page 5-39)
- Multifamily Rental Housing section (Page 5-10)
- Mobile Home Parks section (Page 5-15) – No mobile home parks exist in Menlo Park (Page 3-15).
- Small Employee Housing section (formerly Housing for Agricultural Employees) (Page 5-11)
- Supportive Housing section (Page 5-13)
- Added footnote describing ministerial review in M-2 Zoning District and removed reference to non-existent Policy H5.8 (Page 5-39).

HCD Comment (Appendix p. 8): *Design Review: The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For*

example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes additional detail regarding local processing and permit procedures. Addressed in Chapter 5:

- Added reference to Program H4.E (Streamlined Project Review) (Page 5-41). This program sets up revised processes to streamline development projects.
- New subsection for “Project Review by Planning Commission” added to describe the applicability of Use Permit review and the required findings for granting a Use Permit (Page 5-35).
- Architectural Control design review subsection is clarified with project applicability and required findings (Page 5-39)
- Added clarification regarding design review generally: “The design review process is concurrent with the use permit process. Because it is not a separate process, it is not necessarily a constraint.” (Page 5-40)

HCD Comment (Appendix p. 8): *Streamlining Provisions: The element must clarify whether the City has procedures in place consistent with streamlining procedures pursuant to Government Code section 65913.4 and include programs as appropriate.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes a new “Streamlining Provisions” subsection (page 5-40). Menlo Park is not currently subject to SB 35. Program H4.E (Streamlined Project Review) requires the development of SB 35 streamlining processes.

HCD Comment (Appendix p. 8): *Codes and Enforcement: The element must describe the City’s building and zoning code enforcement processes and procedures, including any local amendments to the building code, and analyze their impact as potential constraints on housing supply and affordability.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) includes a new “Code Enforcement” subsection (Page 5-41). The Menlo Park Police Department has primary responsibility for enforcing the City’s codes and ordinances. Any police officer can take a complaint of unsafe conditions or issue citations for violations. Most complaints are referred to the City’s Code Enforcement Unit for follow-up; this is the primary method by which Code Enforcement is conducted. Code Enforcement officers also look for violations, coordinate clean-up or repair; and issue notices, warnings and citations. Program H2.C (Assist in Implementing Housing Rehabilitation Programs) directs for the connecting of individuals to housing rehabilitation programs, including Habitat for Humanity’s Homeowner Preservation Program. Additional analysis of the City’s amendments to the building code is provided in Chapter 5 (Actual and Potential Constraints to Housing) on Page 5-40. With several developments of varying scale over recent years (see Appendix 7-3: Development in Menlo Park) and more developments in the pipeline, the City’s amendments to the building code have not served as a constraint to development.

HCD Comment (Appendix p. 8): *Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. For example, the analysis must describe any zoning code definitions of family and any spacing or concentration requirements for housing for persons with disabilities. While the element describes the City’s definition of family, it should analyze the requirement of “a common housekeeping management plan based on an internally structured relationship providing organization and stability”, whether this is a potential constraint on housing for persons with disabilities and add or modify programs as appropriate. In addition, the element must describe the findings and approval procedure for the City’s Reasonable Accommodation procedure. Lastly, the element must describe and analyze how group homes for six or fewer and seven or more are allowed within the City and add programs as appropriate. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary exceptions processes and standards where an applicant must, for example, demonstrate compatibility with the neighborhood, unlike other residential uses.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) has been updated. Addressed in Chapter 5:

- Added note (***) to “Residential Care Facilities” in Table 5-1 (Land Use Controls Table): Individual zoning district chapters do not mention large or small residential care facilities as permitted or conditionally permitted uses (Page 5-9).
- Added language within the “Group Homes” subsection: Pursuant to State law, there is no distance separation requirement for community care facilities. Zoning Ordinance Chapter 16.04 (Definitions) differentiates between large and small residential care facilities. Program H3.G (Zoning Text Amendments for Special Needs Housing) amends the zoning ordinance to ensure requirements for group homes of more than six persons are consistent with State law and fair housing requirements (Page 5-43).
- Added language within the “Group Homes” subsection: *In addition, HCD’s review of Menlo Park’s initial draft has identified the need for the city’s definition of a family to be revised. Program H3.G (Zoning Text Amendments for Special Needs Housing) provides that the City will undertake revisions to the Municipal Code to amend the definition of family in the Code to eliminate the requirement of a common housekeeping management plan based on an internally structured relationship providing organization and stability (Page 5-44).*

HCD Comment (Appendix p. 8-9): *Zoning Fees and Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards, inclusionary requirements, and fees for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1(a)(1).*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) has been updated with a new “Zoning Fees and Transparency” subsection (Page 5-16). As a means of providing information and transparency to the public, all zoning and development standards and development fees are posted on the City’s website. Program H5.G (Improve Access to City Law) directs the City to improve ease of access

for the public to find fees, zoning, and development standards. The objective is to have a one-stop landing page for development information that can be easily understood by developers and members of the public.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

HCD Comment (Appendix p. 9): *Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.*

City Response: Chapter 5 (Actual and Potential Constraints to Housing) has been updated with new "Developed Densities" and "Permit Times" subsections providing the required analyses (Page 5-48).

7. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

HCD Comment (Appendix p. 9): *While the element includes Table 3-9 listing at-risk properties within the next 10 years, it must provide additional information on the expiration date on projects listed "n/a" and "beyond 2025" to help determine whether these properties are eligible to change to non-low-income housing uses during the next ten years. In addition, the element must identify public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units, as well as identify federal, state and local financing and subsidy programs.*

City Response: Chapter 3 (Housing Conditions and Trends) includes an updated Table 3-9 (At-Risk Affordable Housing Developments in Menlo Park (2022) with added detail regarding certain properties with expiration years in "perpetuity" (Page 3-38). The City-owned properties at 1175 and 1177 Willow Road do not have an expiration year as the units are foreseen to continue being rented as long as the City retains property control. Haven Family House (260 Van Buren Road) is managed by LifeMoves and Partridge Place (817 Partridge Avenue) is managed by Peninsula Volunteers, both mission-driven organizations with units foreseen to continue being rented as long as property control is retained. LifeMoves has relayed to the City that some government funding is dedicated to Haven Family House, however, much of their funding comes from philanthropy. A new subsection on "Financial and Administrative Support" is included to detail public and nonprofit agencies with capacity to acquire at-risk units (Page 3-40).

B. Housing Programs

1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)

HCD Comment (Appendix p. 9-10): To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

- *Program H2.C (Assist in Implementing Housing Rehabilitation Programs): The program should include proactive outreach as well as specify how often sponsors and the City will apply for funding.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H2.C, which includes proactive outreach and also funding and goal specifications for Habitat for Humanity's Homeownership Preservation Program in the Belle Haven Neighborhood to prevent existing housing units, both single-family houses and apartments, from deteriorating (Page 8-9).

- *Program H2.D (Accessory Dwelling Unit Amnesty Program): The program should include proactive outreach to owners.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H2.D, which includes a marketing program for homeowners on the benefits of ADUs and of legalizing unpermitted units, and the availability of funds to support conversion of unpermitted development (Page 8-10).

- *Program H2.E (Anti-Displacement Strategy): The program should include outreach to owners and organizations in the identified neighborhoods. It should also define which neighborhoods will be the focus. Lastly, the program should include timing for implementing the actions that result from the new programs identified.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H2.E, which includes a plan to conduct outreach and meet with residents and organizations primarily in the Belle Haven neighborhood to develop an anti-displacement strategy that the City Council can adopt after review from the Housing Commission and Planning Commission. This strategy should reflect community engagement, potentially including research and tools such as community meetings, surveys and field visits in collaboration with local community organizations. The timeframe includes developing an anti-displacement strategy for the City, particularly the Belle Haven neighborhood, by December 2026, and beginning program implementation in 2027 (Page 8-10).

- *Program H3.E (Continue Support for Countywide Homeless Programs): The program should describe what the City is doing to implement the results of the check-in meetings. The program should also include timing of implementing the resulting actions.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H3.E, which includes a timeline to conduct check-ins with the Menlo Park homeless Outreach Team at least once quarterly and to follow up with actions including, but not limited to, the program's list of specific support activities intended to address homelessness in San Mateo County (Page 8-15).

- *Program H3.F (Work with the U.S. Department of Veterans Affairs on Homeless Issues): This program should include specific timing to implement the potential programs identified.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H3.F, which seeks to provide 60 supportive homes for very low income veterans and their families who were formerly homeless or at risk of homelessness on the Palo Alto Health Care System Campus in Menlo Park in cooperation with MidPen Housing. The program timeframe includes meeting with the U.S. Department of Veterans Affairs annually. Per the VA and MidPen, construction is intended to start in December 2024 and project opening would be in March 2026 (lease up period: March 2026 through July 2026) (Page 8-16).

- *Program H3.H (Inclusionary Accessible Units): This program should describe what the City will do to encourage the units and whether incentives will be provided.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H3.H. As part of the development review process, the City will encourage increasing the number of accessible units beyond State building code requirements to provide more housing opportunities for individuals living with disabilities, including developmental disabilities. The City will also incorporate incentives for accessible units beyond State requirements in the Affordable Housing Overlay and the City's updated BMR Inclusionary Housing Regulations (Page 8-18).

- *Program H3.L (Large Units): This program should include proactive outreach to developers.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H3.L. The City will develop floor area ratio (FAR) bonuses to encourage the development of affordable developments with three or more bedrooms that are suitable for larger families. The City will prepare an outreach handout for developers to identify the City's various housing requirements and incentives, and will incorporate information on large unit bonuses (Page 8-19).

- *Program H5.B (Undertake Community Outreach When Implementing Housing Element Programs): This program should clarify how often outreach will occur throughout the planning period.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H5.B, which lists a variety of outreach activities the City may pursue on an annual basis. The City will coordinate with local businesses, housing advocacy groups, neighborhood groups and others in building public understanding and support for workforce, special needs housing and other issues related to housing, including the community benefits of affordable housing, mixed-use, and pedestrian-oriented development. The City will notify a broad representation of the community, including people living with disabilities, including developmental disabilities, to solicit ideas for housing strategies when they are discussed at City Commissions or City Council meetings (Page 8-32).

- *Program H5.D (Address Rent Conflicts): This program should describe whether the progress is in place or include timing for implementation. The program should also include proactive outreach.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H5.D, which provides for increased use and support of tenant/landlord educational and mediation opportunities by continuing to fund and refer residents to Project Sentinel, as well as other non-profits that handle fair housing complaints. The City also plans for the following AFFH actions: Provide multilingual fair housing information at City facilities (2023); Conduct informational workshops at the Family Recreation Center and before City Council (2024, 2026); Provide fair housing information to rental property owners (2025, 2028) (Page 8-34).

- *Program H5.F (First-Time Homebuyer Program): This program should be revised to include proactive outreach. In addition, the program should include specific implementation timing.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H5.F, which includes proactive outreach with organizations the City already engages with such as the Housing Endowment and Regional Trust of San Mateo County (HEART). The City will conduct program outreach by December 2024, including adding information on the HEART homeownership program to the City's website, and coordinating with HEART on additional opportunities to promote the program (Page 8-35).

- *Program H7.A (Create Residential Design Standards): This program includes timing to start implementation two years after adoption but should also specify when the actions will be completed.*

City Response: Chapter 8 (Goals, Policies and Programs) actions have been updated with more specific details, commitment, metrics, and milestones. Refer to updated Program H7.A, which includes a timeframe for conducting objective design/development standards outreach in 2024 and pursuing City adoption in 2025 (Page 8-38).

2. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level

that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

HCD Comment (Appendix p. 10-11): *As noted in Finding A4, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:*

City Response: Chapter 7 (Site inventory and Analysis) has been updated. The City is meeting its RHNA requirements for the 2023-2031 planning period through the identification of 69 housing opportunity sites made up of 83 parcels. These sites are focused in Districts 2 through 5 to disperse affordable housing and housing development in general throughout the City of Menlo Park. The housing opportunity sites, along with the “pipeline projects” identified in the "RHNA Progress" section of this chapter, provide sufficient site capacity to meet Menlo Park's RHNA with an additional 30 percent buffer, as recommended by HCD.

HCD Comment (Appendix p. 11): *Shortfall of Adequate Sites: if the element does not identify adequate sites to accommodate the regional housing need for lower-income households, it must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period. The program should identify the shortfall by income group, acreage, allowable densities, appropriate development standards and meet all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i), including but not limited to permitting multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households. The element must clarify whether programs 4H.I (Create New Opportunities for Mixed-Use Development), 4H.J (Increase Residential Density), 4.HK (Maximize Development Proposals), and 4H.L (Modify El Camino Real/Downtown Specific Plan) are needed to meet the City's RHNA, and if so, address the requirements above. In addition, program 4H.L should include specific commitment to the action, beyond considering implementation.*

City Response: As shown in Table 7-3, the City has a shortfall of sites with zoning currently in place to address its lower income RHNA. A new rezone Program H4.K (Rezone for Lower Income Shortfall) has been added to the Housing Element consistent with Government Code section 65583.2, subdivisions (h) and (i) to address this lower income RHNA shortfall. Rezoning will be implemented within one year of Housing Element adoption, encompassing programs 4H.I (Create New Opportunities for Mixed-Use Development), 4H.J (Increase Residential Density and Maximize Development Proposals), 4.HK (Rezone for Lower Income Shortfall), and 4H.L (Modify El Camino Real/Downtown Specific Plan).

HCD Comment (Appendix p. 11): *Program H4.G (Consider City-Owned Land for Housing): This program should commit to comply with surplus lands requirements for City owned sites. In addition, the program should describe when the sites will be offered, when an RFP will be*

issued during the planning period and include a numerical objective consistent with assumptions in the sites inventory.

City Response: Program H4.G (Consider City-Owned Land for Housing) within Chapter 8 (Goals, Policies and Programs) is updated. This program has been updated to include adherence to the Surplus Lands Act procedures, and includes issuance of a request for proposals (RFP) by 2025, completion of entitlements by 2026, and development on some or all eight of the City-owned parking lots by 2028 in order to produce 345 or more affordable housing units (Page 8-26).

3. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

HCD Comment (Appendix p. 11): *As noted in Findings A5 and A6, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:*

- *Program H4.E (Ministerial Review of 100 Percent Affordable Housing): This program should clarify whether creating objective design standards are included within this program. Proactive outreach should also be included throughout the planning period.*

City Response: Program H4.E (Streamlined Project Review) within Chapter 8 (Goals, Policies and Programs) is updated (Page 8-25). The City will undertake the following actions to streamline project review and accelerate housing production, complemented by proactive outreach throughout the planning period:

- Solicit input from the development community in the creation and adoption of objective design and development standards that would apply to 100 percent affordable housing projects
 - Amend the Zoning Ordinance to allow ministerial review of 100 percent affordable housing projects
 - Eliminate the current CUP requirement for multi-family projects in the R-3, R-3A and R-4 zoning districts
 - Develop written procedures for SB 35 applications so the City is prepared should it be subject to SB 35 streamlining in the future
- *Program H4.M (Update Parking Requirements and Design Standards): The program should clarify what parking requirements will be revised and ensure updates will result in addressing constraints on development.*

City Response: Program H4.M (Update Parking Requirements and Design Standards) within Chapter 8 (Goals, Policies and Programs) is updated (Page 8-28). The City will review and modify parking requirements and design standards to provide greater flexibility in site planning for multifamily residential housing, including establishing a parking or alternative transportation in-lieu fee. Parking amendments could involve

reducing parking minimums, expanding parking maximums, eliminating parking requirements for affordable housing projects, expanding shared parking, exploring district parking, and exploring other parking recommendations provided by ABAG-MTC.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

HCD Comment (Appendix p. 12): *As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.*

In addition, Program H5.C (Provide Multilingual Information on Housing Programs) should clarify whether the multilingual information is currently available or whether they will need to be translated. If translation needs to occur, the program should include timing related to the action.

City Response: Chapter 4 (Affirmatively Furthering Fair Housing) includes an updated “Fair Housing Issues, Contributing Factors, and City Actions” subsection (Page 4-84). The 2023-2031 Housing Element goals, policies, and programs were developed and refined based on community priorities and concerns. Based on community input and an analysis of City capacity, the project team developed a table of fair housing issues, their contributing factors, a priority level for the fair housing issues, and City actions to remediate the issue. Program H5.C (Provide Multilingual Information on Housing Programs) within Chapter 8 (Goals, Policies and Programs) is updated (Page 8-33). Some multilingual information is currently available and the objective is to improve access to information on housing programs to persons with limited English proficiency. The City will continue to provide readily translatable information on the City’s webpage and work to provide written information and handouts on the City’s key housing programs in multiple languages by December 2024.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)... (Gov. Code, § 65583, subd. (c)(6).)*

HCD Comment (Appendix p. 12): *Program H2.A (Adopt Ordinance for “At-Risk” Units): While this program commits to actions for at-risk properties, it should also include a commitment to reach out to owners to ensure compliance with state preservation notice law (Gov. Code Sections 65863.10, 65863.11, and 65863.13).*

City Response: Program H2.A (Preservation of Assisted Housing; formerly Adopt Ordinance for “At-Risk” Units) within Chapter 8 (Goals, Policies and Programs) has been updated to include a commitment to reach out to owners to ensure compliance with state preservation notice law. The City will prepare an ordinance requiring an 18-month notice to residents, the City, and the San Mateo County Department of Housing of all proposed conversions of subsidized housing units to market-rate rents. In addition, the City will

initiate discussions with property owners of potential "at-risk" units at least 3 years prior to expiration to monitor tenant noticing requirements for compliance with State preservation notice law (Page 8-8).

C. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

HCD Comment (Appendix p. 12): *The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group for very low-, low-, moderate- and above-moderate income, the element must also include objectives for extremely low-income households. In addition, while the element includes these objectives for construction, it must also include estimates for rehabilitation and conservation/preservation.*

City Response: Chapter 7 (Site Inventory and Analysis) includes an updated “Summary of Quantified Objectives” subsection (Page 7-50). Table 7-16 (Quantified Objectives) summarizes Menlo Park’s quantified objectives for the 2023-2031 Housing Element planning period across all income levels (Above Moderate, Moderate, Low, Very Low, Extremely Low). The objectives include the City’s new construction objectives to meet its RHNA (7,185units) and conservation objectives which reflect preservation of Crane Place (93 units), which is at moderate risk for conversion to market-rate prices. The City will fund Habitat for Humanity’s Homeownership Preservation Program in the Belle Haven neighborhood, with a goal of assisting 20 very low-income homeowners to complete major rehabilitation improvements to their homes.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

HCD Comment (Appendix p. 13): *While the element includes a summary of public participation including outreach to the community, it must also describe how comments from public participation were considered and incorporated into the element.*

City Response: Chapter 1 (Introduction) includes a new “Consideration of Public Comment” subsection that describes revisions that were made to the primary draft Housing Element in response to 108 comments from individuals, agencies, and organizations received through July 5, 2022 (Page 1-5). Comments were also received after July 5, 2022 and considered. Appendix 1-1 provides the comments received and considered. In general, several new policies and programs were added to the document to remove constraints on the development of affordable housing; increase housing equity through transitional housing, inclusionary housing, and anti-displacement strategies; provide support for special needs populations; increase coordination with schools; and increase opportunities for childcare facilities.

Smith, Tom A

From: Skylar Spear <sspear@publicadvocates.org>
Sent: Friday, January 20, 2023 8:58 AM
To: Smith, Tom A; Chan, Calvin; Chow, Deanna M
Cc: Hillary.Prasad@hcd.ca.gov; _Planning Commission; Patterson, Adam P; Andrew Barnes; Chris DeCardy; Linh Dan; Riggs, Henry; Cynthia Harris; Michele Tate; Jennifer Schindler; Combs, Drew; rdmueller@menlopark.gov; Melissa A. Morris; Nash, Betsy; Taylor, Cecilia; Wolosin, Jen; Sam Tepperman-Gelfant
Subject: RE: January 6 Housing Element Draft
Attachments: 2023-01-12 Menlo Park Housing Element Letter.pdf

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Dear Menlo Park Community Development Staff,

We write to remind you of changes we recommend you make to your current draft Housing Element before the City Council adopts it. We have attached an initial letter recommending changes, which we wrote and sent to you on December 22nd, 2022 along with a Cover Letter, initially sent on January 12, 2023, addressing updates you made to the draft.

We additionally want to offer our support for some of the changes recommended by the Housing and Planning Commissions at their joint session on January 12, 2023.

First, we encourage you to prioritize and hasten development of affordable housing on the City-owned parking lots in the Downtown Specific Plan area. In addition to complying with the requirements of the Surplus Lands Act, the City should prioritize affordable development on these sites, and we encourage you to consider some of the options suggested by your Commissioners.

Second, we encourage you to consider modifying your language in the Housing Element to allow for the possibility of 100% affordable developments at more than 100 dwelling units per acre.

We thank you for your time, attention, and work on the Housing Element.

Sincerely,
 Skylar Spear

From: Skylar Spear
Sent: Thursday, January 12, 2023 4:51 PM
To: planning.commission@menlopark.org; APPatterson@menlopark.gov; andrew@barnes210.com; linhdan@gmail.com; cdecardy@gmail.com; CynthiaHarrisMP@gmail.com; hlriggs@comcast.net; jennifers@gmail.com; tatenmenlopark@gmail.com; cchan@menlopark.org
Cc: Chow, Deanna M <dmchow@menlopark.org>; tasmith@menlopark.gov; Hillary.Prasad@hcd.ca.gov; dcombs@menlopark.gov; rdmueller@menlopark.gov; bnash@menlopark.gov; cttaylor@menlopark.gov; jwolosin@menlopark.gov; Melissa A. Morris <mmorris@pilpca.org>; Sam Tepperman-Gelfant <stepperman-gelfant@publicadvocates.org>
Subject: January 6 Housing Element Draft

Dear Menlo Park Planning Commission,

Please find attached updated comments regarding the City's most recent draft of the Sixth Cycle Housing Element; we look forward to learning more about your draft at the joint meeting this evening.

Thank you,



Skylar Spear

METROPOLITAN EQUITY LEGAL FELLOW

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January 12, 2023

City of Menlo Park Planning Commission & City of Menlo Park Housing Commission
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Special Joint Meeting, Item E.1, Draft Sixth Cycle Housing Element

Dear Members of the Housing and Planning Commissions of Menlo Park:

Public Advocates and the Public Interest Law Project write to provide comments regarding the City of Menlo Park's draft Sixth Cycle Housing Element, dated January 6, 2023 (Draft). We are also including our December 22, 2022, comments to the City Council, which explain some of our concerns with an earlier draft Housing Element. Many of the issues raised in our prior comments have not been addressed in the current Draft, and we write to highlight some of the issues that continue to concern us.

I. Anti-Displacement Strategy

In our December letter, we highlighted the need for concrete commitments to robust tenant protections as a means of protecting low-income residents, especially in the Belle Haven neighborhood, from displacement. Other commenters, including Menlo Together and the San Mateo County Anti-Displacement Coalition have requested the same. We continue to appreciate the City's commitment in **Program H2.E** to considering just-cause eviction protections for tenants of all tenures—going above and beyond state requirements—and its more recent revision to move up the deadline for doing so; but we continue to believe that a commitment to consider these protections is not enough. We urge you to make a firm commitment to adopting these protections, along with a rent control policy that ties rent increases to the cost of inflation, *within* the Housing Element itself. See 12/22/2022 Letter, 5-6, 9.

Additionally, the Housing Element needs stronger programs to protect its existing rental housing stock, especially those rare units that are currently affordable to lower-income households. In our prior letter we recommended changes to **Policy H2.2** and **Program H2.B** to protect against the demolition of older rental housing for market-rate residential uses, to ensure compliance with Government Code 66300(d), and to adopt an Ellis Act ordinance that incorporates the maximum protections allowed by state law, and we reiterate those recommendations here. 12/22/2022 Letter, 8-9. Such policies, along with strong renter protections like rent control and just cause, are critical components of a comprehensive anti-displacement strategy.

II. Site Inventory

In our December letter, we requested additional analysis of your available sites, the likelihood that they would redevelop (including comparison to truly comparable sites that either have redeveloped or have had the opportunity to redevelop, but failed to do so), and discussion of why the sites are concentrated in a few areas. We appreciate your expanded discussion of the reasons for concentrating your sites downtown, near the VA Hospital, and near I-280 (generally, Council Districts 2-5). Draft 7-19. We continue to believe that further analysis of the likelihood of redevelopment would considerably strengthen your Housing Element. For example, we find your analysis of the likelihood of the Post Office redevelopment into housing unconvincing. Draft 7-38. While it may be the case that one other operating Post Office in the region has redeveloped, you provide no evidence that this particular Post Office is actively likely to redevelop within the Housing Element Cycle. While this is only one example, the underlying problem is consistent throughout your redevelopment analysis: your realistic capacity coefficients would be more compelling if supported by more discussion of past trends and redevelopment projects that support their accuracy. Draft 7-11 to 7-12.

III. Homelessness and Emergency Shelter

The Draft still relies on data from the 2019 Point-in-Time Count instead of the 2022 Point-in-Time Count, in turn failing to acknowledge or analyze the drastic increase in homelessness in both the City and Countywide since 2019. See 12/22/2022 Letter, 5-6; Draft, 4-80 to 4-81. It also does not address the disproportionate impact of homelessness on Black and disabled residents.

Further, the Draft also does not respond to our prior comments regarding the failure to analyze the emergency shelter overlay for adequacy and appropriateness to address the City's need for emergency shelter; nor does it discuss the City's shelter standards, its process for approving emergency shelters, or its citywide 16-bed cap on by-right shelter. See 12/22/2022 Letter, 6; Draft, 5-11 to 5-12, 8-17.

IV. Reasonable Accommodations

We appreciate that the City has amended **Program H3.A** to eliminate the fee for reasonable accommodation requests. Draft, 8-13. However, the Housing Element must engage in a thorough analysis of the City's reasonable accommodation ordinance, including both the procedure and the required findings for reasonable accommodations, and must commit to additional concrete actions to remove illegal barriers to reasonable accommodations. See 12/22/2022 Letter, 7.

V. Additional Fair Housing Issues

Pollution and Environmental Hazards. We appreciate that the Draft acknowledges the disproportionate impact of pollution on non-White and lower-income residents. Draft, 4-31. To address these disparities, we urge the City to include environmental disparities as a contributing factor in Table 4-26, and to adopt targeted policies and programs to reduce exposure and improve housing quality in neighborhoods impacted by pollution, consistent with the City's duty to affirmatively further fair housing, in addition to referencing the Environmental Justice Element.

Racially Concentrated Areas of Affluence. The Draft continues to state, incorrectly, that there are no racially concentrated areas of affluence within the City. See Draft, 4-57, 4-2-49; HCD 10/21/2022 Findings, 1.

Family Child Care Homes. We appreciate the City's commitment to allowing large family childcare homes by right in residential zones. We continue to urge the City to conduct a more thorough analysis on the impacts of current policies and additional actions the City could take to facilitate the siting and operation of family childcare homes. See 12/22/2022 Letter, 8-9.

VI. Conclusion

We appreciate the time that the City has spent drafting its Sixth Cycle Housing Element and the incorporation of a range of programs to address the City's critical housing needs. However, additional changes are needed to comply with state law and to create a strong plan for the next eight years of your community. Thank you for your time and consideration.

Sincerely,



Melissa Morris, Staff Attorney
Public Interest Law Project



Skylar Spear, Legal Fellow
Public Advocates

CC: Deanna Chow, Assistant Community Development Director
Tom Smith, Principal Planner
Menlo Park City Council
Hillary Prasad, HCD

December 23, 2022

Dear Mayor Wolosin and Members of the City Council:

Public Advocates and the Public Interest Law Project write to provide comments on the City’s Draft 6th Cycle Housing Element, which the City published in the agenda packet for the December 6, 2022, City Council Meeting (beginning at page H-1.20), and which the Council will discuss at the December 22, 2022, study session. While we appreciate that the City has made some revisions to respond to the October 21, 2022, findings of the Department of Housing and Community Development (HCD Findings) and to public input, the Draft still fails to adequately address some of the community’s most critical housing needs, and additional revisions will be necessary to comply with state Housing Element Law. This letter suggests changes you can make to your Site Inventory, your displacement-prevention programs, your Homelessness prevention programs, and your general programmatic goals that will help you come into compliance with Housing Element law.

Public Advocates is a nonprofit law firm and advocacy organization that challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and achieving tangible legal victories advancing education, housing, transportation equity, and climate justice. Public Interest Law Project (PILP) is a statewide legal services support center that advances justice for low-income people and communities by building the capacity of legal services organizations through impact litigation, trainings, and publications, and by advocating for low-income community groups and individuals.

A. Site Inventory

1. **The Draft does not adequately justify its reliance on “Pipeline Projects” to accommodate the RHNA.**

The City credits eight “Pipeline Projects” against its RHNA, including crediting over 400 pipeline units against its lower-income RHNA. Draft, H-1.269-1.270. However, the Draft does not include the requisite information and analysis to treat these projects as “approved projects” pursuant to Government Code section 65583.1(d). Per HCD’s Housing Element Sites Inventory Guidebook:

Projects that have been approved, permitted, or received a certificate of occupancy since the beginning of the RHNA projected period may be credited toward meeting the RHNA allocation based on the affordability and unit count of the development. For these projects, affordability is based on the actual or projected sale prices, rent levels, or other mechanisms establishing affordability in the planning period of the units within the project (See Part E). For projects

yet to receive their certificate of occupancy or final permit, the element must demonstrate that the project is expected to be built within the planning period.¹

While Willow Village has since been approved, 123 Independence Drive and 333 Ravenswood Avenue are only “proposed,” and the Draft does not describe what process and further approvals will be necessary before these projects move forward. The City should amend the Draft to describe “barriers to development, phasing, anticipated build out horizons, and other relevant factors”² and to demonstrate that the projected affordable units will be built before the end of the planning period.

2. The Draft does not demonstrate that sites are located throughout the community, consistent with the duty to affirmatively further fair housing. Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions to address disparities in housing needs and access to opportunity, and that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.³ Protected characteristics under California law include race, sex, national origin, and disability status.⁴ In this Housing Element Cycle, cities and counties are now required to analyze the fair housing issues, including “disproportionate housing needs” and “displacement risk” of members of protected groups, and identify and prioritize concrete actions to remedy these injustices. These analyses are meant to be incorporated into the development of any policies and programs designed to remedy histories of segregation and economic harm—that is, policies and programs are meant to be designed to respond to the particular causes of the particular fair housing issues specific to your jurisdiction. In order to facilitate the development of housing for all members of your community throughout the City—including in areas of highest opportunity—the Housing Element must identify sites “throughout the community,” consistent with the City’s AFFH obligation and the Housing Element’s assessment of fair housing.⁵ Such site identification is critical for developing housing appropriate for all incomes, all disability statuses, and all family types throughout your community, so that all individuals have a meaningful choice in the neighborhood in which they live.⁶

The mandate to Affirmatively Further Fair Housing requires that each jurisdiction indicate how they will foster enough development to meet their RHNA during the Housing Element Cycle *in a manner that continues to AFFH*. As you know, this means that each jurisdiction has the responsibility to create an inventory of sites that are likely to develop at a cost that enables housing for all income levels. This inventory of sites should, as indicated above, be distributed evenly throughout your community, with a particular focus on placing moderate- and lower-income housing—including very low income and extremely low-income housing—in High Resource areas and areas from which they have been historically excluded. Each jurisdiction is

¹ HCD, Housing Element Site Inventory Guidebook (June 10, 2020), 5, https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf.

² HCD Findings, 3.

³ Gov. Code §§ 65583(c)(5), 8899.50(a)(1).

⁴ Gov. Code § 65583(c)(5).

⁵ Gov. Code § 65583.2(a).

⁶ Affirmatively Furthering Fair Housing Guidance Memo at 23. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf.

responsible for putting these sites into HCD's Site Inventory Form and making it publicly available early enough to allow for the level of public participation required by Housing Element Law.

We have significant concerns that your current site inventory does not comply with Housing Element Law. While we applaud your effort to ensure that sites for moderate- and lower-income housing are located in higher resource communities and communities from where they have historically been excluded, we notice that your sites are still largely concentrated in a few neighborhoods. We particularly note that there are few to no sites located within historically white, wealthy, single-family neighborhoods. While we accept the possibility that there are not, in fact, many sites within those neighborhoods, your current Housing Element Draft contains insufficient analysis to indicate that you did search for sites within those neighborhoods and were unable to find any that were appropriate for development. To ensure compliance with the mandate to analyze your **jurisdiction's ability to AFFH, we recommend you conduct and write out a more explicit analysis of your choice of sites.**

We additionally are concerned about the realistic capacity of the sites you have listed. As HCD **noted in its findings, "The element must include a methodology for calculating the realistic residential capacity on identified sites. The methodology must account for . . . land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities."**⁷ Unless the sites have minimum densities, **"the element must provide adequate supporting information for the various adjustment factors, rescale assumptions as appropriate and should separate the non-residential and nonvacant adjustment factor. Adequate supporting information would include a listing of all recent developments in the City by acreage, zone, allowable density, built density and affordability and then relate that information to the assumptions utilized in the inventory."**⁸ Although the Draft has identified five adjustment factors, it does not provide adequate supporting information to support its application of those factors.⁹ For example, the Draft **references 51 recent developments in Menlo Park, 30 of which had "a residential component"** and 21 of which did not. It does not identify or describe these projects or their zoning; it does not compare them to the sites identified in the site inventory. The Draft references an Appendix 7-3 (at pp. H-1.274, H-184, H-300) but that appendix does not appear in the Draft. The version of Appendix 7-3 that appeared in the July 22, 2022, Primary HCD Review Draft did not include information about acreage, zone, allowable density, built density, or affordability for any of the identified projects. Further, the Draft does not discuss whether identified sites allow 100% non-residential development or the likelihood that sites that permit nonresidential development, including mixed-use sites, will develop with all or a portion of non-residential uses. Accordingly, the Draft does not justify setting the Realistic Capacity adjustment factor at 80% in the ECR/Downtown Specific Plan Area and at 90% elsewhere in the City.¹⁰ Similarly, the Draft **indicates that "Densities are typically built above allowed densities at the Lower and Moderate income levels in San Mateo County," but it does not provide information about what the typical**

7 HCD Findings, 3.

8 Ibid.

9 Draft, H-1.273-1.275

10 Draft, H-1-274.

allowed and built densities are, examples of projects, or analysis specific to Menlo Park.¹¹ The City must provide adequate information and analysis regarding development projects and trends to justify its capacity projections; if the evidence indicates that the projections are unrealistic, then it must adjust them downward or add programs to facilitate the development at the projected capacities. Until it does so, the Housing Element will not comply with state law.

B. Displacement Prevention

The requirement to Affirmatively Further Fair Housing includes a requirement to analyze the risk of displacement for residents in different neighborhoods throughout a community. AFFH also requires each jurisdiction to develop programs and policies to be included in their Housing Element that respond to the specific causes of risk of displacement discovered through an initial analysis. These programs are required to be related to the specific community at issue, rather than generalized policies; they are meant to be concrete and measurable, with specific timelines for implementation, at the time of adoption of the Housing Element; and they are meant to go beyond a promise to study potential policies and programs.

We appreciate the Draft’s additional analysis of displacement risk and causes of displacement risk and acknowledgment that “[s]trong anti-displacement policies are needed in order to support the local lower-income population as Menlo Park continues to be a job center for the region.”¹² The Draft notes that displacement in Belle Haven is largely tied to sudden increases in housing costs, and especially rental costs and the construction of thousands of market-rate units nearby Belle Haven; and you discuss the increased precarity caused by the inflow of highly-paid individuals and private investment.¹³ While development of affordable units may counteract some of the impacts of the recent development of market-rate units, **the Draft’s list of programs is not sufficiently responsive to the full range of factors contributing to the risk of displacement in Belle Haven.**

In the spirit of adopting policies that respond to the specific concerns highlighted by your analysis, we urge you to commit to adopting rent control that goes above and beyond the state restrictions on rent increases, and to commit to adopting just cause eviction protections for tenants of all tenures. These policies would specifically prevent the sudden increases in rent noted in your analysis and prevent landlords from taking advantage of the increased demand for market-rate housing by evicting tenants without just cause. It is important, too, to go above and beyond the State Rent Cap: The State Rent Cap prevents massive rent increases, but true rent control would ensure that rents do not rise faster than inflation and goes further towards providing the long-term stability that is the goal of any anti-displacement policy. As a bonus, true rent control preserves the affordability of homes that are currently at-risk of becoming market-rate—another Housing Element goal. We encourage the City to commit, in its Housing Element, to a rent control policy with annual allowable increases less than those allowed by state law, just cause eviction protections for all tenants, and protections against landlord harassment as a mechanism for landlords to pressure tenants out of rent stabilized units.

When you performed community outreach to gather local knowledge and expertise about issues specific to Belle Haven, your community indicated that true rent control—i.e., stronger than

¹¹ Draft, H-1.274.

¹² Draft, H-1.1.36.

¹³ H-1.167-170

state law requires—and stronger just-cause eviction protections for tenants of any tenure would go the furthest towards preventing displacement. Further outside data from the Urban Displacement Project similarly indicates that these measures are among the strongest available to prevent or mitigate the risk of displacement.¹⁴ Your own analysis sets you up for this determination, and for adopting true rent control and eviction protections for tenants of all **tenures; but the Draft’s policy proposal is to consider** adopting, at some point during the eight year Housing Element Cycle, stronger just cause eviction protections.

We urge you to make firm commitments to these policies. Housing Element Law requires that **each jurisdiction develop “[a] program that** sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing **element...”**¹⁵ One of the most common concerns HCD cites in relation to Housing Element Drafts that it has reviewed is a lack of sufficiently specific, concrete plans and policies to be implemented over the 6th Cycle. HCD has repeatedly **stated the view that plans to “study,” “examine,” or “consider” particular policies are** insufficient, and has made clear that the time for study, examination, and consideration is now—during the development of the 6th Cycle Housing Element, rather than after its adoption.¹⁶ HCD is plainly looking for plans and policies that, while not fleshed out in the level of detail they will be upon adoption, are fleshed out enough that it is clear whether and how they will contribute to solving or mitigating the harms that have been done by a historical failure to Affirmatively Further Fair Housing.

C. Homelessness and Emergency Shelter

San Mateo County’s 2022 One-Day Homeless Count and Survey (Aug. 2022) identified 56 homeless residents of Menlo Park, more than double the number of homeless residents from 2019.¹⁷ However, the Draft continues to use data from the 2019 Homeless Count; the City should revise the Draft to use the most recent data, and it should discuss the significant increases in the unhoused population that have occurred both within Menlo Park and Countywide. The City **“should**

also describe and analyze disproportionate housing needs for persons experiencing homelessness, including impacts on protected characteristics and patterns or areas of higher need relative to access to transportation and **services.”**¹⁸ For example, the Housing Element should analyze the disproportionate impact of homelessness on Black residents; per 2020 data,

¹⁴ *Investment and Disinvestment as Neighbors*, Urban Displacement Project. <https://www.urbandisplacement.org/wp-content/uploads/2021/08/investmentdisinvestment-report-200117.pdf>.

¹⁵ Gov’t Code § 65583(c).

¹⁶ *AFFH Guidance at 55; Review Letter for Oakland; Review Letter for Menlo Park*.

¹⁷ Available at <https://www.smcgov.org/hsa/2022-one-day-homeless-count>.

¹⁸ HCD Findings, 2.

17.2% of unhoused San Mateo County residents are Black, compared with 2.3% of the general population and 3.9% of the population with incomes below the federal poverty limit.¹⁹ Homelessness also disproportionately impacts people with disabilities. **“Critically, there are significant disparities by race within the population with disabilities, so jurisdictions should engage in an intersectional analysis of needs.”**²⁰

The Housing Element must identify a “zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit,” and the zone or zones must have sufficient capacity to accommodate the jurisdiction’s need for emergency shelter.²¹ The City does not have a zone or zones where emergency shelter is allowed by right. It does have an emergency shelter overlay, but that overlay applies only to 26 parcels and only allows for a total of 16 beds by right in an individual shelter and also limits by-right siting emergency shelter to 16 beds *citywide*.²² **By its own terms, the City’s Emergency Shelter for the Homeless Overlay ordinance does not accommodate sufficient capacity to accommodate the City’s need for emergency shelter.**²³ The Draft does not acknowledge or analyze this limitation, nor does it **analyze the ordinance’s compliance review process, which subjects every application for an emergency shelter to have a Planning Commission hearing and findings by the director as a potential constraint to the siting of emergency shelters in the City.**²⁴ The Draft also does not **include any information about the capacity, feasibility, or appropriateness of the overlay’s 26 parcels for emergency shelter.** Program HG-3, which commits to allow more beds per shelter, does not remedy these deficiencies.²⁵ The City must conduct the requisite analysis and commit **to concrete programs that will help to address its unhoused residents’ shelter needs.**

D. Constraints to the Development of Housing for People with Disabilities

Residential care facilities represent an important community-based source of housing for people with disabilities, seniors, and members of other groups protected by fair housing laws. However, the Draft does not adequately analyze permitting and siting requirements for residential care facilities as a constraint to the siting of housing for people with disabilities, nor does it commit to adequate programs to remove such constraints. The Draft now acknowledges that the City must allow residential care facilities for six or fewer residents by right in residential zones, and it commits to doing so in program H3.G.²⁶ However, the City does not allow residential care facilities for six or more residents by right in any zone. It allows them with a conditional use permit in certain zoning districts.²⁷ The Housing Element must analyze the conditional use permit requirement as a potential constraint to the siting of residential facilities and must adopt

¹⁹ Data available at <https://bcsh.ca.gov/calich/hdis.html>.

²⁰ HCD AFFH Guidance, 36.

²¹ Gov. Code § 65583(a)(4).

²² Draft, H-1.224; Menlo Park Mun. Code, ch. 16.99.

²³ **“The cumulative number of beds allowed through this chapter shall be no more than sixteen (16) beds, except as authorized by a use permit.” Menlo Park Mun. Code § 16.99.030.**

²⁴ Menlo Park Mun. Code § 16.99.070.

²⁵ Draft, H-1.224, H-1.341.

²⁶ Draft, H-1.253, 1.341.

²⁷ Draft, H-1.341.

programs to remove constraints. As HCD noted in its findings, “Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary exceptions processes and standards where an applicant must, for example, demonstrate compatibility with the neighborhood, unlike other residential uses.”²⁸ We encourage the City to consult HCD’s newly released Group Home Technical Advisory (<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>) in developing this analysis.

In its findings, HCD advised that “the element must describe the findings and approval procedure for the City’s Reasonable Accommodation procedure.”²⁹ The Draft does not.³⁰ **Instead, Program H3.A commits to reviewing the reasonable accommodation ordinance “to ensure consistency with guidance provided by the Department of Housing and Urban Development (HUD) and Department of Justice (DOJ)” by 2025. However, the Housing Element must analyze constraints and commit to programs to remove them, not defer analysis to a future year. Further, the analysis must consider state anti-discrimination law, which is generally more protective of people with disabilities. Notably, the City’s current ordinance does include required findings that violate the City’s fair housing obligations, including requiring findings that “The requested reasonable accommodation would not adversely impact surrounding properties or uses,” and that “There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city’s applicable rules, standards and practices.”**³¹ It also requires payment of a fee, which is unlawful.³² Further, the ordinance limits reasonable accommodations to people who are disabled under the Fair Housing Act, even though California has a broader definition of disability. **The Housing Element must analyze the City’s reasonable accommodation ordinance, including a review of reasonable accommodation requests received, approved, and denied during the Fifth Cycle, and it must commit to a program to amend the ordinance to remove constraints.**

E. Additional Fair Housing Concerns

In addition to the fair housing issues discussed above regarding sites, displacement, homelessness, and housing for people with disabilities, the City should also make the following revisions to the Draft’s Assessment of Fair Housing:

- Environmental Concerns. In analyzing disproportionate housing needs and access to opportunity among members of protected groups, the Housing Element must examine the disproportionate impacts of environmental hazards and pollutants.³³ The Draft glosses over environmental issues, referencing the Environmental Justice Element and stating that “No

²⁸ HCD Findings, 8.

²⁹ HCD Findings, 8.

³⁰ See Draft, H-1.341.”

³¹ Menlo Park Mun. Code § 16.83.050; see also HCD Group Home Technical Advisory, 18.

³² Menlo Park Mun. Code § 16.83.030; see also

<https://www.menlopark.org/DocumentCenter/View/1322/Master-Fee-Schedule?bidId=> (Master Fee Schedule); HCD AFFH Guidance, 28; Cal. Code. Regs § 12180(a).

³³ See HCD AFFH Guidance, 34 (highlighting environmental conditions as a component of opportunity).

census tract in Menlo Park has a CalEnviroScreen 4.0 Pollution Burden score over 75.”³⁴

However, tract 6081611700, east of 101, has an EnviroScreen score of 66.38%, while all of the tracts west of 101 have EnviroScreen percentiles of less than 5%. Menlo Park is incredibly segregated by both race and income, and neighborhoods whose residents are disproportionately lower-income people of color are also disproportionately impacted by environmental hazards. Environmental justice issues are also fair housing issues; the Housing Element must analyze the disproportionate impact of environmental hazards and commit to programs to mitigate hazards and address disparities.

- Racially Concentrated Areas of Affluence. Although the draft now acknowledges **racially concentrated areas of affluence, it continues to state that “no areas of the city are technically defined as Racially/Ethnically Concentrated Areas of Poverty (R/ECAP) or Racially Concentrated Areas of Affluence (RCAA).”³⁵** Notably, two of the twenty most segregated neighborhoods of white wealth (by Census tract) in the Bay Area are in Menlo Park.³⁶ The City must ensure that it is both consistent and thorough in analyzing racial and economic segregation in the City and must commit to concrete programs to address that segregation.
- Family Child Care Homes. The Draft acknowledges a shortage of affordable childcare in Menlo Park and also commits to revising the Zoning Code **“to allow large family day care by-right in all residential areas.”³⁷** The Housing Element should also review the City’s existing restrictions on family childcare homes and analyze the impact of those restrictions on members of protected groups, including women and families with children. Such analysis could help to inform further policy changes to facilitate the siting and operation of family childcare homes.

F. Policies and Programs

As discussed above, the Housing Element must have programs with concrete actions and firm timelines to achieve a beneficial impact within the planning period.³⁸ While the Draft includes **promising programs, including revisions made in response to HCD’s findings, many programs should be strengthened to address the community’s critical housing needs.**

- Policy H2.2 and Program H2.B—Protection of Existing Housing—the City should strengthen its policy and program to protect its existing rental housing stock and to prevent the displacement of tenants. Policy H2.2 should be amended to include demolition of older rental housing to build newer market-rate housing, in addition to loss of residential units to non-residential uses.³⁹ It should also commit to the adoption of an Ellis Act ordinance that provides for the maximum notice, relocation, and right to return allowed by state law, as

³⁴ Draft, H-1.137.

³⁵ Draft, H-1.159-1.160; 1.168.

³⁶ Bay Area Equity Atlas, “One in 10 Bay Area Neighborhoods are Segregated Areas of White Wealth” (July 27, 2022), <https://bayareaequityatlas.org/mapping-segregation>.

³⁷ Draft, H-1.335.

³⁸ Gov. Code § 65583(c).

³⁹ Draft, H-1.331-1.332.

well as to the implementation of Government Code 66300(d) (requirements for new residential development on sites that had or have existing rental housing).

- Program H2.E—Anti-Displacement Strategy—we appreciate the City’s addition of just cause, financial assistance, relocation assistance, and eviction data monitoring to this program, as well as the City’s commitment to target outreach in Belle Haven.⁴⁰ However, the program’s plan to create an anti-displacement strategy—which may or may not include the policy options listed—by 2026, to be implemented beginning in 2027, is inadequate relative to the urgency of displacement risk, especially in Belle Haven. If the City does not act now, the relatively few lower-income households who remain in the City will be displaced from the City, and likely also from the Peninsula and Bay Area more broadly. As the Draft acknowledges, such displacement disproportionately harms Black and Latinx residents. The City has already received substantial community input regarding the need for strong anti-displacement policies like rent control and just cause. The Housing Element should make a firm commitment to develop and adopt such policies rather than just making them options to consider in a multi-year strategic planning process.
- Program H2.F—Childcare Allowances—we are glad that the City is committing to allowing large family childcare homes by right in residential zones. We encourage the City to engage in further analysis and commit to further actions to facilitate the siting and operation of family child care homes, as discussed above.
- Program H3.A—Reasonable Accommodations—as discussed above, the Housing Element must engage in a thorough analysis of the City’s current reasonable accommodation ordinance, and this program must be revised to commit to concrete action to amend the ordinance to conform with state and federal law.
- Program H3.G-Zoning Code Text Amendments for Special Needs Housing—as discussed above, this program is inadequate with respect to emergency shelters and residential care facilities/group homes. Once the City has conducted adequate analysis, it should amend this program to take concrete actions to ensure that the City has an adequate zone or zones where emergency shelters are allowed by right, that its shelter standards do not unlawfully limit the siting and operation of emergency shelters, and that its zoning and permitting requirements do not constrain the siting of group homes.
- Programs H4.A and H.4C—BMR and Commercial Linkage Fee—we support amendment of the BMR and commercial linkage fee requirements to increase the number and depth of affordable housing units, as well as local financial resources to support affordable housing.
- Program H4.B—BMR Guidelines—any preference, including for renters who live or work in Menlo Park, would need to undergo a rigorous fair housing analysis to ensure that it does not have a discriminatory effect. For example, because the population of Menlo Park is predominately white, a preference for Menlo Park residents could have the effect of discriminating against other racial groups.

40 Draft, H-1.334-1.335.

- Policy H4.1, Program H4.J, and Program H4.L—Sites to Accommodate the RHNA—the Draft does not identify adequate sites to accommodate the RHNA, and Programs H4.J and H4.L indicate that the City will rezone sites to projected densities “[c]oncurrent with Housing Element adoption.”⁴¹ In addition to completing an adequate site inventory and analysis, the City must amend these rezone programs to ensure that the—and the sites they apply to—comply with all requirements of Government Code section 65583.2(h).
- Program H4.P—Community Opportunity to Purchase (COPA)—we are glad to see this program included with a commitment to adopt a COPA policy by 2024.⁴²
- Program H5.A—Fair Chance Ordinance—we are glad that the City is committed to the adoption of a fair chance ordinance. This is an important policy tool to affirmatively further fair housing.

G. Conclusion

We appreciate the City’s efforts in developing a Sixth Cycle Housing Element. However, the current Draft still needs significant revisions before it will comply with Housing Element Law. We welcome the opportunity to provide further comments on future revisions and would be happy to answer any questions.

Melissa Morris
Staff Attorney
Public Interest Law Project

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Skylar Spear
Legal Fellow
Public Advocates

⁴¹ Draft, H-1.350-1.351.

⁴² Draft, H-1.352.