REGULAR MEETING AGENDA

Date: 9/18/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

Members of the public can listen to the meeting and participate using the following methods.

How to participate in the meeting

- Access the live meeting, in-person, at the City Council Chambers
- Access the meeting real-time online at:
  zoom.us/join – Meeting ID# 862 5880 9056
- Access the meeting real-time via telephone (listen only mode) at:
  (669) 900-6833
  Regular Meeting ID # 862 5880 9056
  Press *9 to raise hand to speak
- Submit a written comment online up to 1-hour before the meeting start time:
  planning.commission@menlopark.gov*
  Please include the agenda item number related to your comment.

  *Written comments are accepted up to 1 hour before the meeting start time. Written messages are provided to the Planning Commission at the appropriate time in their meeting.

Subject to change: 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 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).

Regular Meeting

A. Call To Order

B. Roll Call

C. Reports and Announcements

D. Public Comment

Under "Public Comment," the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission once under public comment for a limit of three minutes. You are not required to provide your name or City of residence, but it is helpful. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Consent Calendar

E1. Approval of minutes from August 14, 2023, Planning Commission meeting. (Attachment)

E2. Approval of minutes from August 28, 2023, Planning Commission meeting. (Attachment)

E3. Architectural Control/Michael Eaton/51 Hallmark Circle:
Consider and adopt a resolution to approve architectural control for exterior modifications to the rear (north) and left (west) elevations to extend an existing elevated deck of an existing townhouse into the common easement area in the R-E-S (X) (Residential Estate Suburban, Conditional Development) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities. (Staff Report #23-059-PC)

F. Public Hearing

F1. Architectural Control and Use Permits/Peninsula Innovation Partners, LLC/1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court:
Consider and adopt resolutions to approve architectural control review for buildings and site improvements for a mixed-use building (Parcel 3), the publicly accessible park, and publicly accessible dog park, associated with the approved Willow Village masterplan development project. The masterplan, including the general plan amendment, rezoning and zoning map amendment, vesting tentative maps, conditional development permit, development agreement, and BMR housing agreements were approved by the City Council on December 6 and 13, 2022 and authorize up to 1.6 million square feet of office and accessory uses (with a maximum of 1.25 million square feet for office uses and the balance for accessory uses), up to 1,730 dwelling units (including 312 BMR units), up to 200,000 square feet of retail and restaurant uses, and an up to 193 room hotel. The architectural control reviews by the Planning Commission check for conformance with the approved masterplan, conditional development permit, development agreement, mitigation monitoring and reporting program (MMRP) for the certified environmental impact report, the R-MU (residential mixed use) and O (Office) zoning districts, and other applicable requirements from the masterplan governing documents. The requested actions implement the Willow Village masterplan project and

are consistent with the MMRP for the environmental impact report prepared for the proposed project and certified by the City Council on December 6, 2022. Therefore nothing further is required under the California Environmental Quality Act

At this public hearing, the Planning Commission is scheduled to review three separate architectural control plans and use permit requests for the publicly accessible park, publicly accessible dog park, and a mixed-use building (Parcel 3). The mixed-use building on Parcel 3 would include 419 dwelling units with approximately 430,950 square feet of gross floor area and approximately 57,000 square feet of ground floor retail, restaurant, and/or entertainment space. The publicly accessible park would be approximately 3.5 acres of active and passive open space including an open lawn, meandering paths, children's play areas and amphitheater seating. The dog park would be approximately 8,000 square feet and the remainder of the parcel would be developed with a West Bay Sanitary District pump station. The proposals include associated use permit requests for modifications to design standards anticipated by the masterplan but not included in the conditional development permit. The use permit requests are generally summarized below: (Staff Report #23-060-PC)

Parcel 3

- Modify modulation requirements along Main Street.
- Modify stepback requirements.

G. Informational Items

G1. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.

- Regular Meeting: October 2, 2023
- Regular Meeting: October 23, 2023

H. Adjournment

At every regular meeting of the Planning Commission, in addition to the public comment period where the public shall have the right to address the Planning Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during the Planning Commission's consideration of the item.

At every special meeting of the Planning Commission, members of the public have the right to directly address the Planning Commission 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 before, the public hearing.

Any writing that is distributed to a majority of the Planning Commission 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 Planning Commission meetings, may call the City Clerk's Office at 650-330-6620.

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agendas and staff reports by accessing the city website at menlopark.gov/agendas and can receive email notifications of agenda postings by subscribing at menlopark.gov/subscribe. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 9/13/2023)

REGULAR MEETING DRAFT MINUTES

Date: 8/14/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Vice Chair Linh Dan Do called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Linh Dan Do (Vice Chair), Andrew Ehrich, Katie Ferrick, Henry Riggs, Jennifer Schindler

Absent: Cynthia Harris (Chair)

Staff: Arnold Mammarella, Architectural Consultant; Eric Phillips, City Attorney's Office; Tom Smith, Principal Planner; Chris Turner; Associate Planner

C. Reports and Announcements

Principal Planner Tom Smith said the City Council at its August 15, 2023 meeting would consider amendments to the community amenities process, resolutions to amend the General Plan and Specific Plan for street closures and updated community amenity regulations and appraisal instructions. He said the City Council would hold a special meeting study session on August 22 to discuss Housing Element update related zoning changes.

D. Public Comment

- Virginia Portillo asked that the Planning Commission consider traffic impacts on Willow Road when reviewing projects in the area.

E. Consent Calendar

E1. Approval of court report transcript and minutes from June 26, 2023, Planning Commission meeting. (Attachment)

ACTION: Motion and second (Riggs/Ehrich) to approve the Consent Calendar consisting of court report transcript and minutes from the June 26, 2023 Planning Commission meeting; passes 5-0-1-1 with Commissioner Barnes abstaining and Chair Harris absent.

F. Public Hearing

F1. Adopt resolutions certifying the Final Environmental Impact Report (Final EIR), adopting California Environmental Quality Act (CEQA) Findings and Mitigation Monitoring and Reporting Program (MMRP), and approving a use permit for bonus level development in exchange for community amenities and to modify the bird friendly design requirements, architectural control for the proposed buildings and site improvements, and adopt a resolution recommending the City Council approve the below market rate (BMR) housing agreements and vesting tentative map for the proposed 123 Independence Drive Project that would demolish the existing buildings and site improvements and redevelop the project site with 316 rental apartment units, approximately 2,000 square feet of commercial space within the apartment building, and 116 for-sale condominium units with associated open space and other improvements located in the R-MU-B (Residential Mixed Use Bonus) zoning district at 119, 123-125 and 127 Independence Drive, and 1205 Chrysler Drive and 130 Constitution Drive.

The proposal includes a request for an increase in floor are ratio (FAR), height, and density under the bonus level development allowance in exchange for community amenities. The proposed project includes 48 rental units and 18 for-sale townhome units (15 percent of the total units) affordable to low-income households pursuant to the City's BMR Housing Program and Guidelines. In addition, the applicant is proposing to provide eight additional rental BMR units affordable to low-income households as the community amenity in exchange for bonus level development, which would result in a total of 74 BMR units (56 rental units and 18 for-sale townhome units). The applicant is requesting concessions and waivers pursuant to the State Density Bonus Law to allow for the development of for-sale affordable housing units as proposed. Additionally, pursuant to Section 13 of the City's BMR Housing Guidelines, the applicant is requesting modifications to several guidelines. The proposal also includes a vesting tentative map for a major subdivision for parcel management and to create the 316 for-sale townhome units. The City Arborist conditionally approved the removal of 29 heritage trees.

The Final EIR pursuant to CEQA was released on August 4, 2023. The Final EIR for the proposed project does not identify any significant and unavoidable environmental impacts that would result from the implementation of the proposed project. All the comments received during the Draft EIR public comment period are included in the Final EIR and responses are provided to all substantive comments. The Final EIR identifies potentially significant environmental impacts that can be mitigated to a less than significant level (LTS/M) in the following categories: air quality, biological resources, cultural resources, hazard and hazardous materials, noise, and tribal cultural resources. The Final EIR identified less than significant impacts (LTS) in the following categories: aesthetics, energy, geological and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, population and house, public services, transportation, and utilities and services systems. Previously a Notice of Preparation (NOP) was released on September 10, 2021, and included a public review period from September 10, 2021 through October 11, 2021 to solicit comments on the scope and content of the Draft EIR. Through the EIR scoping process the following topic areas were determined not to result in any potential significant effects and were not studied in the project EIR: agriculture and forestry resources, mineral resources, and wildfire. In accordance with CEQA, the certified program-level ConnectMenlo EIR served as the first-tier environmental analysis. Further, this EIR was prepared in compliance with the terms of the Settlement Agreement between the City of East Palo Alto and the City of Menlo Park. The Draft EIR was circulated for a minimum 45-day public review from November 28, 2022 to January 17,

2023. The project location does not contain a toxic site pursuant to Section 6596.5 of the Government Code.

ACTION: Motion and second (Ehrich/Ferrick) to continue Item F1 to the meeting of August 28, 2023; passes 6-0-1 with Commissioner Harris absent.

G. Study Session

G1. Study Session/General Plan, Zoning Ordinance, and El Camino Real/Downtown Specific Plan amendments associated with the Housing Element Update project:
Study session to provide an overview and receive feedback on proposed amendments to the General Plan Land Use Element, Zoning Ordinance (Title 16 of the Menlo Park Municipal Code), and El Camino Real/Downtown Specific Plan in association with the implementation of the 2023-2031 Housing Element. The proposed zoning amendments are intended to provide capacity to meet the City's Regional Housing Needs Allocation (RHNA) of 2,946 dwelling units and are generally summarized below. (Staff Report #23-052-PC)

General Plan Land Use Element and map

- Make amendments for consistency with the proposed Zoning Ordinance amendments, including changes in land use designation for applicable housing opportunity sites, addition of new land use designations and modifications to existing designations to reflect increased densities and floor area ratios (FAR).

Zoning Ordinance and map

- Modify the development regulations such as residential density, height and FAR for R-3 zoned properties around downtown and for sites meeting certain criteria;
- Modify and consolidate multiple retail and commercial zoning districts to allow new and mixed-use opportunities along Willow Road, Middlefield Road, Sharon Park Drive and Sand Hill Road;
- Modify the regulations of the Office zoning district (Chapter 16.43 of the Menlo Park Municipal Code) and create a new corresponding O-R (Office-Residential) zoning map designation in the Bayfront Area;
- Modify the regulations of the Affordable Housing Overlay (AHO) (Chapter 16.98 of the Menlo Park Municipal Code) to work in concert with State density bonus law to allow up to approximately 100 dwelling units per acre for 100 percent affordable housing developments; and
- Update Section 16.08.085 of the Zoning Ordinance, “Child daycare homes,” to allow large family daycares by-right in residential areas.

El Camino Real/Downtown Specific Plan

- Removal of references to a maximum of 680 residential units at full build-out;
- Increases in density, FAR, and height and modifications to other development standards for the Specific Plan subdistricts, as applicable;
- Modifications to parking ratios, including removal of minimum parking requirements for residential uses on sites meeting certain criteria and addition of maximum parking requirements; and
- Modifications to the use of the public parking plazas to allow the development of multifamily residential housing.

Principal Planner Smith reported on the need to do certain zoning amendments by January 31, 2024 to accomplish elements of the Housing Element adopted January 31, 2023 for the period of 2023 to 2031. He said the zoning strategies would allow undeveloped sites from the previous Housing Element by right development and would not be required to go through a discretionary process review and that included 20% or more affordable units as part of the development plan. He said others were to increase densities in the Specific Plan and remove the existing residential cap of 680 units; an increase in the density bonuses that could be achieved with the affordable housing overlay (AHO) for all of the sites in the housing sites inventory in the Housing Element and in the Specific Plan area; rezone commercial sites to allow new opportunities for mixed-use development by giving an increment to be used towards residential use on the site; and remove the 10,000 square foot minimum lot size for R-3 lots around the downtown to allow up to 30 dwelling units per acre density development.

Planner Smith provided an overview of the Specific Plan changes. He said they were looking at eight zoning subdistricts proposed for modification to allow densities of at least 30 dwelling units per acre or more as the Department of Housing and Community Development for the state, HCD, deemed appropriate to accommodate housing for lower income households. He provided a map showing the eight districts to be modified with a minimum density of at least 30 dwelling units per acre, and that the central subdistricts or the downtown and the station area subdistricts would have maximum base densities of 60 dwelling units per acre and maximum bonus densities of 100 dwelling units per acre.

Planner Smith provided a visual of the existing and proposed downtown development standards. He said as newly proposed the base residential density would increase from 25 dwelling units to 60 dwelling units per acre. He said the proposal would keep an existing base Floor Area Ratio (FAR) of 2.0 as the maximum commercial FAR. He said when adding residential that commercial projects would get a .75 increase of FAR for residential only with the maximum commercial FAR of 2.0 or they could use additional FAR for residential. He said to encourage more residential development with higher bedroom counts and more for sale units to accommodate families an increase in FAR was proposed. He said this step up base and public benefit bonus FAR was for developers who provided between 50% and 65% of the overall building FAR towards residential uses and a minimum of 50% two or more-bedroom units and of that 50%, 10% of the units would need to have three or more bedrooms.

Planner Smith said other Specific Plan changes proposed included removing the limit of 680 residential units, establishing a minimum density of 20 dwelling units per acre, and reducing or removing minimum parking requirements. He noted a state law AB 2097 that generally now prohibited minimum parking requirements within .5 miles of major transit stops, which essentially was the entire Specific Plan area.

Planner Smith reviewed the proposed changes for commercial zoning districts noting this was an opportunity to combine a number of the zoning districts under the C-2-B regulations, which would have the effect of simplifying the development process for a number of developments. He said commercial zones not within that proposed C-2-B area would retain current development standards with the added ability to add residential.

Planner Smith referred to the Affordable Housing Overlay (AHO) and said staff was evaluating the affordability levels and affordable unit percentages for development to be eligible to use the AHO and that essentially would build off the state's density bonus law updates to make the AHO more

competitive than what was currently offered under that law. He outlined what was being considered.

Planner Smith said AB 1763 would allow 100% affordable housing projects to have unlimited density and additional three stories or 33 feet height within .5-miles of a major transit stop, that all R-3 properties around the downtown would be allowed density up to 30 dwelling units per acre and all other R-3 properties over two acres would be able to have a density of up to 20 dwelling units per acre; and child daycare homes would be allowed by right in residential areas.

Replying to Commissioner Schindler, Planner Smith said they had discussed preliminarily with LSA, the city's EIR consultant, the proposed increased residential density and it seemed likely that could be accomplished through an addendum to the Supplemental EIR (SEIR), noting that an alternative was studied in the existing SEIR that had looked at an increase or concentrating more of the development in the downtown Specific Plan area. He said they would have to expand on that and do an addendum, but staff felt confident they could accomplish that by the January deadline. He said if the Planning Commission and City Council recommended greater residential density that might potentially require a more substantial EIR revision, which would have the potential to extend beyond January 2024.

Eric Phillips, City Attorney's Office, replying to Commissioner Schindler, said that to have a cushion to make the January 2024 deadline they should look at the densities in the staff report as a ceiling. He said if they wanted as a policy matter to consider additional density then staff recommended that additional density be looked at a later phase so as not to delay adoption of the rezoning as required to remain compliant with the city's Housing Element commitments.

Replying to Commissioner Schindler, Mr. Phillips said the city had not yet received certification of its Housing Element from HCD and state law required that all rezoning necessary and cited in the Housing Element had to be adopted within one year of the original Housing Element deadline - in this instance - January 31, 2024. He said if that was not done state law said the city would not have a legally adequate Housing Element. He said even if the Housing Element had been certified and its policies met all legal criteria that without the zoning in place the Housing Element would no longer be legally adequate. He said that would have numerous legal ramifications including potential lawsuits, fines, loss of zoning control and other undesirable effects that they were looking to avoid.

Replying to Commissioner Schindler, Mr. Phillips said the state was primarily focused on the housing policies and the zoning and would review the Housing Element in detail and require the zoning updates to be done on the schedule that had been in the Housing Element and the commitments the city had made. He said regarding CEQA and environmental analysis that the state was mostly concerned with the procedures used, not necessarily the substance of the environmental review. He said for the most part CEQA was enforced by members of the public or interested parties. He said should the city go forward with inadequate environment review the risk would be that a project opponent might bring a lawsuit to challenge the environmental review process and that could undermine the adoption of the zoning as well. He said if the city went through an environmental review process that was not challenged the state would accept that the city did the environmental review component properly.

Replying to Commissioner Ferrick, Mr. Phillips said the affordable housing overlay zone (AHO) would allow for increased density in exchange for the production of a certain percentage of

affordable housing units and did not necessarily have to be 100% affordable and could be a mixed income project. He said achieving the maximum densities shown in the staff report of up to 100 dwelling units per acres was predicated on the assumption that the project would be using an 80% density bonus. He said to use an 80% density bonus the project would have to 100% affordable. He said up to 20% of the project could be affordable at moderate income level but at least 80% of the units had to be reserved for lower or below income households to get to that 80% state density bonus increase. He said the way staff was recommending structuring the zoning update was to get to the maximum 100 dwelling units per acres density that a project would use the 80% state density bonus and that did require the project to be 100% affordable. He said there could be smaller bonuses to achieve densities above the base density that would be available to mixed income projects.

Vice Chair Do opened public comment.

Public Comment:

- Patti Fry said that the focus besides enabling housing was how to encourage housing. She said both the El Camino Real southeast and northeast zoning areas had huge projects that pretty much maxed out to their respective FAR but did not max out the housing. She said attention needed to be focused on having a sliding scale of housing up to a maximum of office. She said the office business practices had changed such that office space per worker had reduced from 300 square feet to about 150 square feet per worker. She said 40% of the total FAR could mean much more office space that would produce many new workers and new demand for housing than the housing units produced. She said she cared passionately about the quality of life in Menlo Park and there was no requirement for a single square foot of retail restaurants on El Camino Real other than 10,000 square feet at the Middle Plaza area. She said to reduce the environmental impacts of the many more housing units they really needed to look at community serving uses at the ground level along El Camino Real, so people did not have to drive elsewhere for those. She requested they make sure the new demand for housing would not exceed the actual amount of housing provided.

- Adina Levin expressed appreciation for the development of a set of strategies with the intent of having a valid Housing Element to generate the housing the city wanted to enable. She supported the interest in keeping to the timeline as delay held significant negative consequences for the city. She noted another timeline besides the January one and that was halfway through the Housing Element at four years. She said that was a short time increment in development years wherein they needed to be keeping up with the Housing Element. She noted a bill in state legislature that if they were not keeping up halfway through that the city might also start to lose control over development and enable developments to be expedited. She said both meeting the deadline and having policies that incented housing were important. She referred to the max of 100 dwelling units per acres for the 100% affordable housing projects and said that basically all the affordable housing development projects they had seen built in recent years had been more than a 100 dwelling units per acre. She also said housing developers were saying more density was needed to have affordable housing generated. She referred to changing from the commercial only zoning to mixed use and said that seemed a healthy strategy, but she questioned if the amount of density was enough to incent development. She said there was no parking minimum close to transit but suggested looking at potentially removing parking minimums elsewhere as well.

- Karen Grove said the 30-foot height limit at Sharon Heights seemed low noting the area was huge and surrounded by buildings she estimated were much taller than 30 feet. She said she did not think any housing would be built with that height limit in that area, which she thought was an excellent place to affirmatively further housing if they could incentivize some affordable housing there. She suggested doubling the height limit for residential development. She said she understood that most San Mateo County cities had not done an SEIR as part of their housing element but rather a negative declaration and noted Daly City, Brisbane, South San Francisco, Burlingame, and Redwood City. She said Redwood City's Housing Element had been approved. She asked if that option was available to Menlo Park and if not, why not. She said she wanted to echo the letter and comments the Planning Commission received from MidPen during the Housing Element update process which was that to achieve extremely low income senior and permanently supported housing for special needs populations they would need up to 150 dwelling units per acre. She said that was a change that was no cost to the city and would follow the advice of their development partner. She said council members and members of the public had toured affordable housing units at densities over 100 and up to about 130 dwelling units per acre. She said they all observed the buildings fit in without standing out, were not overly large and did not feel big or dense. She encouraged increasing the density per acre as it was an important strategy to achieve 100% affordable housing. She said she was surprised the AHO would allow bonus units to be market rate. She asked if there was some way, they could make sure it did not happen that the AHO resulted in more market units.

- Katie Behroozi said she agreed with speaker Fry that they should disincentivize office development as that would further increase housing need and incentivize community serving spaces. She said regarding density bonus she saw that MidPen said 100 dwelling units per acres was not enough. She said a staff report prepared in the earlier days of the Housing Element update showed a summary table of examples of 100% affordable housing on the peninsula and all the ones under construction in various cities were looking at densities of 140 dwelling units per acre in 2021. She said that seemed to indicate that while it might have been possible to get the financing and build some of the very low income and supportive housing projects then it no longer seemed the norm. She said she hoped the city would not inadvertently limit what was able to be built on parcels that could supply more housing for people with disabilities, or lower income, or seniors. She said Crane Place, which was just under a hundred dwelling units per acres, fit seamlessly into a neighborhood street with single story houses so she was sure there were ways to do higher density affordable housing without it being a massive change in the city

- Jaime Vasquez said he was a field rep from Local 217 in Foster City that covered the City of Menlo Park. He recommended use of AB 2011 as an alternative to meet the regional housing needs assessment. He said it encouraged developers and contractors to evaluate hiring local labor, hiring from, or contributing to apprenticeship programs, increasing resources for labor compliance, and providing livable wages.

- Verle Aebi said he and his wife Carol were long time Menlo Park residents and were presently building a single-family house with a detached ADU in the R-3 zoning district. He said as an R-3 property owner and future R-3 resident that increasing the density for R-3 lots of less than 10,000 square feet only in the downtown area from the present maximum of 13 dwelling units per acre to 30 dwelling units per acre was too big of a change and not consistent with goal H2 of the Housing Element to maintain, protect, and enhance existing housing in neighborhoods.

He said the lots on each side of their R-3 property were small, 7,332 square feet, as was theirs. He said the neighboring lots each had four dwelling units for a density of just under 24 dwelling units per acre. He said they were old apartment units built prior to the current R-3 zoning. He proposed limiting the density for lots less than 10,000 square feet to no more than 24 dwelling units per acre for consistency with the present neighborhood. He said that would still almost double the density on those lots for current R-3 zoning. He said any R-3 zoning changes should be applied to all R-3 zoned areas in the city and not just to the Specific Plan and adjacent areas as that would support policy H4.12 for fair share distribution of housing throughout Menlo Park and policy H1.3 neighborhood responsibilities in Menlo Park. He said that would support building more affordable housing throughout the city and not concentrate it near downtown and in east Menlo Park.

Vice Chair Do closed public comment.

Commissioner Schindler said she had previously asked about the timeline for making modifications to the SEIR and how the state would assess whether that was a component of having a compliant Housing Element. She said public comment raised a question about alternatives to ensure CEQA compliance and asked for clarification about the potential of a negative declaration.

Mr. Phillips said the subsequent EIR was prepared for the Housing Element was certified already so it was not necessary to spend more time preparing a new EIR at this point. He said the reason the city did a subsequent EIR rather than some other environmental review document in preparing the Housing Element initially was because of the amount of rezoning that would be required to accommodate the city's regional housing needs assessment. He said the initial study done showed the project had the potential to result in significant and unavoidable effects and in that case, CEQA mandated the preparation of an EIR. He said using a subsequent EIR was a streamlined way of complying with CEQA when the city prepared its Housing Element. He said with the certified SEIR there were several ways the city could use that EIR. He said projects consistent with the density in the certified SEIR and consistent with the General Plan and that included the Housing Element could potentially be exempt from CEQA. He said here they were talking about potentially allowing for densities a little bit higher than were contemplated even in the Housing Element noting direction received previously from the Planning Commission and City Council was to go above and beyond the commitments made in the Housing Element and allow even higher densities in connection with the rezoning. He said that was what led them to look at an addendum to the EIR as there were minor changes needed to it to clarify that certain sites might have higher densities than originally studied but that those changes would not result in any new significant environmental effects. He said as also mentioned the city's EIR consultant had previously done environmental analysis for additional residential production and some upzoning that went beyond the densities and that would allow the use of an addendum, which would be a one-to-two-month process to document and show that the upzoning they would do would not result in new significant effects. He said if the upzoning they were going to do would result in significant impacts but that those could be mitigated then they could do a mitigated negative declaration. He said it took about six to nine months to do a mitigated negative declaration. He said the longest process which they were hoping to avoid would be if there were new impacts associated with the rezoning that could not be mitigated as then they would need to do another subsequent EIR specific to those topics and would be an even longer process than a mitigated negative declaration.

Commissioner Schindler noted a staff report reference that this item would come back to the Planning Commission in late fall/early winter and then to City Council. She said she would like that changed so it came back to the Planning Commission no later than the middle of October and to City Council before Thanksgiving to allow for feedback and voting to close well before the December/January holidays. She said the proposed timeline did not resonate with her in her Planning Commission experience and it needed to be accelerated.

Commissioner Riggs referred to questions from the public about where upzoning was proposed and one was why the El Camino Real South-East was not expanded and a question this evening why the proposed Sharon Heights Shopping Center was not greater than 30 feet in height.

Planner Smith said the El Camino Real South-East subdistrict had current base densities from 40 dwelling units per acre to a bonus level of 60 dwelling units per acre and had 60-foot height allowance. He said regarding Sharon Heights they had looked at maintaining existing regulations and C-2 zoning would essentially become the Sharon Heights Shopping Center parcel and it would be the only parcel in the city zoned C-2. He said it would give some flexibility to implement zoning standards there that they thought would help achieve the goals. He said their thought was to keep things in line with what they currently were and add FAR but expanding height allowances was something to consider for that site.

Commissioner Riggs referred to the section on reusing sites from the previous Housing Element and that those would become by right buildable areas. He said changes involved in by right were architectural review and local impacts. He asked if this was saying that if no action had been taken by the landowner by January 2024 that the city would have to take any proposal that came before it like what was happening with the Sunset project.

Planner Smith said that those would have to provide 20% or more affordable units, but he believed a state housing law provision required by right for sites not previously developed during the last Housing Element cycle.

Mr. Phillips said even though sites would be allowed to develop by right if they provided 20% affordability that they would be subject to all the City's objective standards but just would not have to go through a discretionary process. Replying further to Commissioner Riggs, Mr. Phillips said a project would be able to use the state density bonus and still qualify for by right approval.

Commissioner Ehrich said that affordable housing developers the city had worked with in the past were saying 150 dwelling units per acres was the standard they were looking at. He asked if they were to change the AHO to meet that density level then what level of environment review would that trigger and whether that was something they could do with an amendment or whether more would be required.

Planner Smith said staff's understanding was going above the 100 dwelling units per acre would require more major revisions to the EIR, which was the longer process, of six to nine months, to achieve that. He said they were especially concentrating on affordable housing on the city parking lots, which was one of their strategies, and in some of the downtown areas, AB 1763 would allow 100% affordable housing projects within .5 mile of a major transit stop so essentially anywhere downtown could have unlimited densities. He said if an affordable housing developer wanted to go above 150 dwelling units per acre, then he thought they would be able to in that area.

Replying to Commissioner Ehrich about increased density projects and getting onto Planning Commission agenda and potential delay, Planner Smith said generally more complex projects took longer to go through the development process to construct. He said with some of the higher densities and more complex mixed use they had seen in the Bayfront area that those sometimes extended over several months or more or even over a year to get entitlements. He said higher densities could generate a number of new and more complex projects throughout the city but there were state law provisions. He said they had had SB 330 projects come in and if those were doing two-thirds or 100% residential those locked themselves into review based on meeting all the objective standards so there were some streamlining provisions out there that helped. He also noted the provision for sites identified but not developed that could be built by right as previously described by legal counsel. He also said in some of the R-3 and R-4 zoning districts they were looking at not requiring those to get use permits. He said in two to three years implementing programs from the Housing Element would continue that work on streamlining processes.

Commissioner Ehrich said he strongly encouraged staff to recommend anything it could to streamline the process and not require review. He said the discussion had been full over the past years and the zoning changes should be written to make it as easy as possible to implement their intent. He said regarding R-1 applications the Planning Commission saw that were within reasonable ranges and approved fairly quickly that if an increase in backlog was anticipated with these proposed zoning changes that he would be interested in exploring small but potentially meaningful changes to R-1 zoning to reduce the number of projects coming before the Planning Commission to clear agenda space and staff time to advance larger, more complicated projects.

Commissioner Ferrick said it was hard to get 100% affordable housing on privately owned land, which was expensive to buy, and asked if the new proposed densities would get to 3,000 units, 50% of which were to be affordable.

Planner Smith said what they studied in the Housing Element and assigned for different sites were 2,834 affordable units they were looking at in terms of development potential and they thought would be implemented as of the December 2022 densities proposal. He said he did not think they had run the numbers for how the density increase option would increase those numbers above but that was something he thought they could put together as additional information in the future, but it obviously would be more than the 2,834 included in the Housing Element.

Commissioner Ferrick asked if that was looking at inclusionary or 100% affordable.

Planner Smith said they went site by site looking at different factors and characteristics. He said there were different provisions set in place by HCD and state housing law as to what types of sites lent themselves more to being developed with affordable units. He said there was a certain size of .5 to 2-acres and looking at different environmental constraints, they went through a rating process for each of those sites along those factors, and then calculated the number of units, which was how they got to the 2,834 units. He said in the project SEIR they studied a 4,000 units potential to provide a buffer.

Commissioner Ferrick asked if they were thinking roughly 72% would be affordable. Planner Smith said somewhere in that range of the 4,000. Commissioner Ferrick said that seemed high from the standpoint that most projects had 15% affordable housing. She asked how the limits set in the proposed rezonings were compatible with AB 1763 and that parcels near transit had unlimited density. She asked why they were setting limits if they were not allowed to.

Planner Smith said they anticipated they would get different development types with some market rate, some mixed with something significantly more than the BMR requirement and partially market rate. He said state housing laws would apply to the 100% affordable projects so the densities they were proposing were for those mixed affordability projects and what they could achieve.

Commissioner Ferrick referred to the section regarding FAR increase on page 69 of the staff report and three bullet points of criteria. She asked what the intent of the 1000 square foot unit size was when in a later paragraph it said they wanted to incentivize homes for larger sizes of families.

Architectural Consultant Mammarella said they were looking at a 1000 square foot net housing size as an average unit housing size as the mix of units being looked at were 50% two and three-bedroom, and at least 10% three-bedroom with the goal of creating a more diverse housing stock. He said that was the minimum square footage needed to get those ratios in terms of the net unit size to be a functional development. He said they looked at many different developments built to that standard to come up with that. He said setting smaller standards that they probably would get more developments with higher ratios of studio and one-bedroom units. He said it was a tradeoff that could be explored between what was allowed for the step up or extra FAR to accomplish that versus non-step up that allowed building slightly smaller units.

Commissioner Ferrick referred to wording in the last bullet point she referenced that said, “or provide all for sale units.” She asked if that meant the project was for sale and that it would not have to meet any of the other criteria. Planner Smith said the idea was to meet the other criteria but with an option of providing all for sale units versus 50% of the units with two or more bedrooms, inclusive of the 10% with three or more bedrooms with the idea being to encourage for sale housing and so the city was not just getting all rental units.

Commissioner Ferrick referred to the C-1 and C-2 zoning recommendations and asked how that protected community serving retail such as the Willow Market. Planner Smith said they had left it fairly open at this point to get a variety of types of proposals. He said in certain cases someone might want to only utilize a site for commercial; someone might want to build some residential, but they had not established any firm requirement in there about providing a certain amount of commercial use or retail. He said with direction from the commission and council he thought it was something they could explore more.

Commissioner Ferrick asked if the Commission wanted to make a recommendation for instance to double the height allowance of the Sharon Heights Shopping Center was that something very specific and kind of small compared to the whole Housing Element update and feasible to do within the timeline. Planner Smith said with the example of the C-2 parcel and increasing height there that was completely doable within the anticipated timeframe. He said those kinds of tweaks, changes, and specific recommendations were helpful to staff.

Commissioner Ferrick asked about the comment on why the R-3 zoning change proposed downtown was not considered citywide. Planner Smith said lots 10,000 square feet or greater could achieve 30 dwelling units per acres density. He said the thought was when scaling down from downtown and with the density increase option on the table with even taller heights that it would make sense to continue that scaling down into single family districts by offering that additional bump in density. He said they chose 30 dwelling units per acres because that was what

they needed to set it at for HCD to acknowledge that these sites could be used to meet the city's RNHA.

Vice Chair Do asked if there was state law allowing 100% affordable housing projects to have unlimited density then the question was why the city was even trying to impose some limitations. She said the answer was that allowance was only for projects within a .5-mile radius of major transit. She also said another state law did not require parking minimums for any project in the same area and allowing an additional 38-foot height. She asked if staff could show a map of that .5-mile radius, which staff did.

Commissioner Riggs noted a comment that 6,000 square feet of residential to 1,000 square feet of office meant the housing jobs imbalance was not improved by approving a project with six times the amount of residential square footage as the office component had. He said that was important to keep in mind. He said they were primarily talking housing, but the zoning changes were connected to office. He said regarding parking it was proposed to go to zero public parking referring to AB 2097. He said although it was only a .5 mile walk that if people on the back of Burgess Park were not currently walking to the station on a regular basis, they would not do so after zoning changes were made. He said their goal would be that at least 80% of people involved in this .5-mile transit would be using said transit. He noted moving more of the office space, particularly east of Highway 101, to mixed use. He said that sounded great but there were reasons why housing clustered together and office clustered together with the most obvious being they wanted people to be able to walk to neighborhood serving retail. He said each time they created a housing node surrounded by industrial and office it was an island dependent on automobiles and that went against their purposes here.

Commissioner Riggs said to be on record he was all in favor of expanding the 680 dwelling unit cap for the Specific Plan. He said the points he wanted to emphasize had to do with height. He said having this proposal at Willow Road and Middlefield Road as an attention getter, he did not know if anyone would be building anything 120 feet high and he certainly hoped not. He said it raised questions about what they wanted in their city and did they want six-story buildings like those on El Camino Real in Redwood City. He said some might see that as solving a problem so it was a good thing, and some might think that they had never envisioned Menlo Park being that way. He said he thought they had to have a goal of what was acceptable to them and the residents they represented. He said he would be very surprised if that would be more than four stories in the C-2 zone and also if it was as high as six stories downtown and on El Camino Real. He said ten or so years ago there were renderings done of the city's parking lots and how they would look with four stories of housing on top of three stories of parking. He said the market for the four-story housing would demand two levels of parking for residents and one level to maintain existing downtown parking lot spaces. He said for 20 years the current capacity of the downtown parking lots had been criticized for not being enough at lunch hour and clearly an anchor on anyone thinking about developing on Santa Cruz Avenue. He said it did not make sense to demolish a 5,000 square foot retail building and then put another 5,000 square foot building up in the air so parking could be provided underneath as that was infeasible economically. He said when the housing and parking structure idea was proposed it was seven stories in height, and people realized that from five blocks away they would be looking at massive towers. He said here they were discussing numbers and not three carefully designed buildings on the Stanford property that did not exceed four stories. He said they were talking big apartments blocks that would be seen a half a mile away. He asked if they wanted that and whether the negative reaction of downtown residents would be much different than it was 11 years ago. He said as a planning commission he

thought they needed to have a better handle on what they were willing to support. He said he appreciated that staff were doing their best to respond to a state mandate in a city that did not want it. He said their representative Josh Becker did not approve of this. He said he thought their council and their senator needed to work to adjust these assembly and senate bills that had put them in a position where to get 30 units per acre that were affordable, they had to allow 71 market rate units in the 100 units per acre. He said he thought that someone had to accompany whatever they had to do tonight with a statement that they did not know if the residents supported this level of housing growth as he knew his neighbors did not.

Commissioner Barnes said he appreciated the step up of FAR and any incentivization of for sale units. He said he thought home ownership was a really important component to many things and if part of what they were doing was to work on equity through the Housing Element that providing opportunities for people to buy homes was important so that renting classes were not created in perpetuity. He said increasing the height at Sharon Heights was a very good idea. He said regarding process and delay that design guidelines would help reduce the review approval process and provide clarity and understanding about what was being delivered in the city. He referred to the five over two concept of concrete podium of two stories for parking and five stories of wood construction and how that related to height limit and the viability of actual production.

Mr. Mammarella referred to housing of about seven stories built up and down the peninsula that used this formula. He said one reason was that five stories were the maximum number of floors that a developer was allowed to build in that type of wood frame construction. He said to go beyond that was essentially high-rise construction and costs went up considerably. He said that did not necessarily mean they had to accept a seven-story wall noting in the Specific Plan area there were building profiles and step backs and such to use to regulate the look. He said that those five over two buildings would at maximum height be about 85 feet. He said the building community were familiar with that concept and had figured out the formula and how to make it work. He said it was the least expensive form to get fairly high density.

Commissioner Barnes asked about public understanding of what was being proposed. He said reading the mailer about this meeting it was hard to understand what these changes would mean in terms of buildings, heights, densities, what could get built, what it meant to one personally in daily life and to the city on an aggregate level. He said ConnectMenlo process had an emphasis on visually conveying to the public what densities would look like often with a schematic rendering. He said that was a tangible way for the public to understand what was being considered. He said he did not know about the amount of market rate housing being contemplated because a Housing Element rested in the concept of affordable housing as a must for the community. He asked staff what their sense was of the community's understanding of the changes proposed.

Planner Smith said they had attempted to do considerable communications throughout the process from the beginning of the Housing Element through mailers to every address, website updates, and notices in the newspaper. He noted that a lot of that was text heavy. He said they were trying to give a better, clear explanation to the public about what they were working on and what they were trying to achieve. He said a lot of outreach had been done for this meeting. He said residents and developers called, stopped by and generally their questions were about their properties and what the proposed zoning changes would mean for them. He said they received a mix of correspondence on it expressing both opposition and support.

Commissioner Barnes commented on the importance of providing the information related to the proposed zoning changes in a way that people could understand more completely.

Vice Chair Do said related to Commissioner Barnes' comment that she thought visuals would help everyone. She said she saw somewhere a series of projects of different densities, and she was surprised at how the same density might look different depending on the type of project it was such as affordable units or senior housing with very small units versus a market rate with larger units, and how much bigger it could look. She suggested seeing visuals of options because density depending on the project specifics could be very different in its expression and scale.

Vice Chair Do recessed the meeting for a short break.

Vice Chair Do reconvened the meeting.

Commissioner Ferrick referred to page 74 of the staff report and the example of AHO application and a C-1 zone parcel with 80% bonus. She asked was that where staff were talking about 30 units, 100% affordable, that could qualify a project for the various layers of density. She said she heard another comment that the other 71 units would not need to be affordable but could be market rate. She said her understanding was those had to have a range of affordability levels even within bonus units that were 71 in cumulative total.

Mr. Phillips said her explanation he thought was correct. He said ordinarily when a project was using state density bonus those bonus units did not have to be affordable as those were providing additional market rate development to help underwrite the affordability. He said that level of bonus however capped out at 50% density bonus. He said to get the 80% state density bonus and that was what was shown on the page referred to by Commissioner Ferrick then the project had to be 100% affordable including the bonus units. He said affordable in this context meant 80% of the units had to be no higher than 80% of the area median income and up to 20% of the units could be between 81% and 120% of the area median income. He said a project could have deeper affordability than that as well.

Commissioner Ferrick asked if it were a project of 30 units that were 100% affordable and market rate was wanted for the balance then the most that could be added would be 15 units. Mr. Phillips said that was correct in using the state density bonus the developer would get a 50% bonus, which on 30 units was 15 bonus units.

Commissioner Ferrick said her views on housing, affordable housing, heights, and densities had evolved over the last decade. She said the lack of affordable housing in their community and surrounding communities impacted all of them negatively. She said she felt it viscerally when her children were not able to afford to live here or when PG&E workers came from Salinas to do work at her residence. She said the traffic was worse because of it. She said because cities had not decided to show their own leadership in affordable housing the state had stepped in. She said some saw it as heavy handed, but she viewed it as a singular opportunity to kind of correct the path they had been on for 100 years. She suggested they do what they could do to make it right and to retain as much control as they could, so they did not end up with outlandish project proposals. She expressed appreciation for whoever had passed the Menlo Towers in1973 as it was about nine or ten stories with 62 larger kind of luxury units on about a 2-accre parcel and had not ruined the fabric of the community. She said it was possible to design in a way that did not cause such detrimental damage to what people's perceptions were. She said they needed housing

and they needed to do it in a responsible way that was going to continue an excellent quality of life that was not exclusionary to the people who either bought before 1990 or were of the 1% wealthiest people in the world. She said she hoped they could look toward a recommendation to Council to look at the increased density options and potentially then tweak either further stages or specific things easier to tweak within the time frame they needed to stay within to come up with a balance. She said she wanted to hear other commissioners' thoughts about the maximum height in Sharon Heights noting the importance of housing throughout the city and not just in one part of it.

Vice Chair Do suggested creating a generous umbrella in their numbers and not just deferring to the state law required unlimited density for affordable housing and possibly going beyond the 100 dwelling units per acres max. She suggested being more proactive with the zoning to create a more inclusive vision like Commissioner Ferrick described. She referred to a public commenter's point similarly to expand the parking minimums again which went into law within the .5-mile radius of transit and suggested that it was not saying there was no parking rather to let the market and developer decide what parking was need. She said the city in imposing minimum parking requirements in the past might have caused projects in the past to be overparked.

Replying to Commissioner Ehrich, Commissioner Ferrick said she did not mean to call out Willow Market, but her question had to do with groceries and community serving businesses. She said they had heard from residents in District 1 how important grocery stores were to local communities. She said if the owner of a parcel like that of Willow Market wanted to fully redevelop with mixed use of residential on top and commercial retail on bottom that mix might not support a store like a grocery store or other neighborhood serving retail. She said she just wanted to make sure that the changes would not inadvertently harm neighborhood serving retail.

Commissioner Ehrich said for the record that he thought the proposals were generally well thought out and reflected the type of community they wanted to be. He mentioned the closing of a bakery in Palo Alto that had been in business for 50 years because the owners were unable to find people to work there, and a lack of affordable housing in the area was the main reason. He said that city recently voted or made it known that they were against this latest bill from the state to support affordable housing, and he hoped Menlo Park would not make the same mistake not only because of the far-reaching reasons of equity but also because of the impacts it would have on their community. He said communities always changed and they had to keep that in mind.

Commissioner Ehrich said he had a few specific changes to propose. He said he supported raising the height limit for residential development in Sharon Heights. He said he agreed with a speaker's comment that it would make sense to expand R-3 zoning and remove the restriction in R-3 zoning to all R-3 parcels in the city. He said he thought the density proposed in May for R-3 was 30 dwelling units per acre. He said the planning commission considered the affordable housing plan on Veterans Affairs land on Willow Road and he believed all the commissioners were in favor of that development, which was 30 dwelling units an acre. He said since the proposed change would consolidate a number of zoning districts to C-2B that they also consider removing parking minimums for C-2B areas. He said he agreed with Vice Chair Do's point that having no minimums was not intended to restrict or to say no parking would be built rather proposing that developers be allowed to decide what was necessary. He said generally he was in favor of exploring whether they could move expeditiously and not delay passing the changes in time for the January deadline and still look at increasing particularly the affordable housing overall to get to 150 units per acres

recognizing potential legal impediments to that. He said he encouraged the city council to recommend studying those changes as well.

Commissioner Schindler said regarding the AHO she understood the reasons for keeping the number at 100 dwelling units per acre, but she would like staff to consider 150 dwelling units noting that had been raised by commentors and requested by affordable housing developers. She said she thought looking at this was worth the exercise even with the environmental impact consideration. She said staff had run the numbers and considered density and tiers of affordability and assumptions were made about how likely these projects would be built. She said in public feedback and planning commission and city council feedback on the Housing Element there was a desire to increase the density and take a good hard look at how realistic the yield numbers were. She suggested that again they think about a higher density of the 150 units per acre and balance that by relooking at the yield numbers as that would affect the range of impact number and might keep the city within the comfort zone for the environmental impact report. She said she thought it was very important to set a ceiling as high as possible for the people who would make affordable housing a reality by setting a ceiling at 150 dwelling units per acre. She said if affordable housing developers then built at a lower density than that that was part of their business equation. She said if she got it correctly that their local bonus needed to be 180 to get to the total number of 150 dwelling units per acre with the state bonus density. She said she strongly supported the introduction of a minimum density of 20 dwelling units per acre. She said before she had greater clarity on the environmental impact options, she might have asked for some of the densities to be increased. She said she would emphasize her prioritization of the AHO as where densities should be increased as it more thoroughly addressed the city's goal of equitable dense development as the AHO as proposed covered all the Housing Element sites and the Specific Plan area. She said she would not specifically weigh in on any of the building heights, facades, FAR corresponding to the proposed densities in part because the staff report indicated those things were still getting public feedback. She said that further fed her heightened anxiety that they could have trouble meeting the timeline of January 2024 and fueled her desire to see this back again by mid-October. She said she strongly supported the use of the step up FAR to not take anything away from commercial development and instead give an incentive for adding residential development. She asked that they consider the requirements for realizing the step up FAR noting the three bullet points of criteria. She said she would be in favor of not necessarily making all three of those required to realize the step up FAR. She said related to changes across the whole Specific Plan she supported reducing and removing parking minimums. She said she was withholding judgment on the idea of placing a maximum on the parking as it was hard to give feedback without specifics which staff reported indicated was still a work in progress. She said she would want to see the specifics as well as the supporting analysis for that. She said she was supportive of the range of proposals about taking commercial only zones and expanding those to allow for residential in a mixed-use context. She said commissioners had asked about how to protect neighborhood specific uses such as markets. She said staff had mentioned a minimum requirement for commercial or retail in the downtown and asked if there could be a minimum requirement for commercial / retail in some of those neighborhood specific locations that would help protect local commercial use.

Planner Smith said that was something they could explore to add some sort of provision to protect and encourage neighborhood retail and not just with full scale housing and loss of opportunities there.

Commissioner Schindler expressed her enthusiastic support and pride in seeing Menlo Park move to compliance with the state as it related to by right development of large child daycares in homes noting the critical importance of high quality childcare for strong economies and strong families.

Commissioner Barnes said they were looking at what in the zoning package benefitted market rate versus what benefitted deep affordability levels. He said for 100% affordable they needed to go big on those projects. He said for zoning writ large they also needed to look at what they saw in the ConnectMenlo exercise they went through. He said if they looked at the numbers in the levels of affordability they got out of that virtue of the BMR inclusionary requirements for those properties they saw huge disparities in what was delivered at market rate and what was delivered that could be considered affordable. He said he thought the discussion the community needed to have was where 100% affordable housing would go. He said there was not an affordable housing development that would get tax credit funded at the heights of what the zoning changes allowed. He said the conflation he thought they were trying to solve was whether they were adding market rate housing through what they were proposing in the zoning or were they adding 100% affordable housing which was what the staff report said they were solving for. He said it said in a sense they were solving for regional housing needs within the deeply affordable housing units. He said they were not messaging to the community the market rate units they would be adding, and he knew the community wanted 100% affordable and deeper affordability units. He said he built housing for people that were intellectually and developmentally disabled or unhoused but not market rate. He said the zoning they were talking about contributed to market rate housing. He said he wanted to make sure that he articulated a distinction between wanting to walk through density change versus that not being against affordable housing in their community cause.

Commissioner Ferrick said she had tried to make the point that they should not send some sort of statement they were against doing this Housing Element update altogether as that was not a productive mode for the city to go to. She said regarding the PG&E worker example she used from the top of her head that she was sure there were a range of affordability levels one of those workers might or not qualify for. She said the point was that they needed more affordable housing of all kinds and probably some more market rate housing that would come with it.

Commissioner Barnes said it was not the PG&E worker example but the contrast between one thing to be a better community and also realizing that market rate would be added, and his point was that the discussion they were having with the community.

Replying to Vice Chair Do, Planner Smith referred to discussion around the height for the Sharon Heights Shopping Center and that he heard 60 feet mentioned at one point. He asked if there was a specific height in mind.

Commissioner Riggs said the current zoning would allow 60 dwelling units and 60-foot height on El Camino Real southeast. He said he did not think they had said anything about Sharon Heights other than that the existing 30-foot limit did not make sense in the context of this discussion.

Vice Chair Do said one of the public commentors might have mentioned 60 feet. She said she thought it might make sense to do something in line with a different area but something that approached what was being suggested for other areas where the height had been increased to achieve densities for housing development.

Commissioner Barnes said he thought he had brought up the 60-foot height as it was 30 feet currently and he did not think going to 60 foot was a problem.

Commissioner Riggs said Sharon Heights residents had provided considerable testimony over the years and more pushback as he understood it from them than from any other neighborhood. He said it would be a council decision, but he thought at least three or four of the commissioners suggested that Sharon Heights could be taller.

Commissioner Ferrick said there seemed general consensus that the city council should consider increasing if not doubling the height. She said as a matter of equity across the city that should happen and noted that the area already had a lot of height up there naturally.

Planner Smith said they would look at height increases and something in line with the density that was proposed there.

Commissioner Riggs said he wanted to make sure his vote was noted to emphasize for sale units when they were able to encourage one over the other. He said he thought that was always a plus for a community. He said he also had been a long-time childcare in homes proponent.

Commissioner Ehrich said the overall density increase option spelled out in Attachment B was something he would support. He said his suggestions were changes with that as a baseline.

Vice Chair Do said the density increase option allowed for up to 100 dwelling units per acre and established parity with the Bayfront development area and that was a great starting point to amend double standards for other parts of town versus the Bayfront area. She said she agreed with the feedback they had received from people in the trade saying that 150 dwelling units per acre was what was necessary for affordable housing. She said she was supportive of that or what that number was and while staff recommended that might not be able to happen now, she thought they should go for that in the big picture. She said she was surprised at how certain projects with smaller units could look so much smaller in scale than you would think at that density level and suggested having those visuals to explain to people. She said rather than wait until a project was built with a number of floors and folks came out in reaction to find a way to get them to react sooner than later. She suggested again eliminating the parking minimums citywide, and to be bold and not just wait for state law to kick in, and to be more generous and forward thinking with the zoning regulations.

Commissioner Barnes referred to the 100 dwelling units per acre and asked if it was staff's understanding that what was being talked about on the dais was specific to 100% affordable housing projects or if that was across all projects.

Planner Smith said his understanding was they were talking specifically about the corridor downtown in the station area and those areas having the most density that would go up to 150 and then scaling back from that throughout the subdistricts in the Specific Plan area. He said it was also specific to the AHO as well and would lock it into 100% affordable. He said in general the maximum density in the Specific Plan area and the downtown and station area subdistricts would be market rate and any mix of affordable. Replying to a question from Commissioner Barnes, Planner Smith said with the downtown parking lots they had a little different option as they could set the parameters for what they wanted that development to look like as it was city owned land.

He said because of the unlimited density for 100% affordable housing it might be well above 100 or 150 dwelling units if that was what the city chose.

Replying to Commissioner Barens, Mr. Mammarella said if you had all residential development in about seven stories in that five to two limit, 125 dwelling units per acres was probably achievable in that with approximately 50% two- and three-bedroom units. He said the size and shape of the lot, step backs and things like that all came into play. He said talking about 100 dwelling units per acre in the downtown area that they were also talking about a component of commercial within that. He said going above seven stories was a different building type. He said if you looked at 20 to 25 units per floor depending on the unit size you could calculate the density.

Commissioner Barnes noted for staff that from his perspective he could support greater than 100 dwelling units per acre for affordable housing developments if they could make it work but for the city writ large except for the parking plazas and where expressly permitted by overriding state law, or within .5 miles of major transit stop, he would not support that density if it were not for affordable housing. He said he thought that said the city would build more market rate high rises and that would not get them where they wanted to be with the Housing Element.

Vice Chair Do said she would agree with that and noted the letter that stood out to her was from a 100% affordable housing developer. She said she was not going to say what numbers, just that the 150 dwelling units per acre was from a 100% affordable housing developer so she would certainly not try to apply that number across the board to market rate. She said she believed Commissioner Schindler made the point of letting them push for affordable housing and focusing on the affordable housing overlay. She said she also thought staff had kind of echoed that and she thought it was an important clarification.

Commissioner Schindler said she did specifically reference the AHO as the tool for pursuing greater density of roughly 150 dwelling units per acre. She said it was the best tool she saw for addressing affordable housing although she recognized through all the nuanced discussion tonight that it was not perfect in that it guaranteed only affordable housing under certain scenarios. She said she was comfortable with that level of nuance because it was the best tool she had seen to address delivering a high volume of affordable housing. She said just to put a very crisp point on her position that she was okay with it even if there was a component of market rate included in that density. She said she would hope based on the feedback they had heard from affordable housing developers that they would end up with 98.5% to 100% affordable housing.

Commissioner Ferrick referred to a mixed-use development and the example she heard from Commissioner Barnes walked through how high a building would be at the higher unit density. She said it sounded like it was also a mixed use with parking below and some retail. She asked what would be allowed if they went with the density increase option. She said for example if a developer said they wanted to do a project of 100% affordable and max out the units, could they also add retail and other commercial uses that would increase the height further or did the height cap still stay. She said she thought based on the example projects they had all been sent that they could fit a project of that size in about a four to five story envelope.

Planner Smith said once the density bonuses came into play that developers could ask for certain incentives or concessions and one of those could be additional height to make it work that they could develop at the density entitled to under the density bonus.

Commissioner Ferrick asked if the Option C density increase went through if a developer could even ask for more if they wanted to and if that would be discretionary.

Planner Smith said there would be certain incentives that they could request as part of the application such as requesting increased FAR, additional stories or height, parking changes and things like that. He said those would come in as part of the application and consideration of granting those would be made if those were deemed to make the project work.

Replying further to Commissioner Ferrick, Mr. Phillips said concessions being awarded through the AHO and under the state density bonus were reviewed and approved by the same decision-making body that was approving the underlying entitlement. He said when the state bonus was implicated there were modest thresholds the developer had to show to demonstrate eligibility. He said once they did technically there was discretion to turn it down, but it was a very limited discretion. He said there were only very specific circumstances primarily related to health and safety issues that could be used to turn down incentives, concessions, and waivers.

Commissioner Ferrick said she thought density increase option C with a few specific tweaks hit the right tenor of achieving what they needed to for housing goals while keeping a kind of a level of local discretion over the kind of massive looking projects.

Planner Smith said in essence that was what staff thought was needed to achieve affordable housing especially developments.

Mr. Phillips said the balance they were trying to strike was to find the right level of regulation that got to the project they were looking to have for the right outcome, but that supported the densities so there was less need for a project to ask for those incentives, concessions, and waivers.

Commissioner Ehrich referred to outreach to developers and said he believed it was at a prior meeting that Commissioner Riggs made a good point that there had been lots of historical efforts to revitalize the area around Santa Cruz Avenue and developers had not always taken that opportunity. He asked what staff had heard from developers. He asked whether the density being proposed would properly incentivize developers to build the things the city was saying it could build.

Planner Smith said they had done outreach in the past. He said several commissioners had rightly pointed out that affordable housing developers especially had said generally that they would appreciate more density and he thought the 150 range was the number they had heard at that time. He said they had had a number of contacts for different sites throughout the city for the Housing Element. He said what they typically heard back from Specific Plan property owners was an interest in understanding what additional density would be permitted on those sites.

Commissioner Riggs said they were logically focused on housing here, but a prime intent of the Specific Plan was to see Santa Cruz Avenue revitalized with new buildings. He said they had had very little construction on Santa Cruz Avenue in the last nine years. He said as he mentioned earlier that it did not make sense to demolish 5000 square feet and build 5000 square feet again and the need to build parking underneath. He said there was no additional parking and only the city's parking lots that they were discussing using to build housing. He asked if they were doing anything in these proposed zoning changes to upzone the commercial on Santa Cruz Avenue and for that matter on Menlo Avenue and Live Oak Avenue.

Planner Smith said the FARs currently allowed for commercial uses would be maintained and they had no proposal to expand on that so any additional increment of FAR would go towards a residential, essentially a mixed-use proposal for a site.

Commissioner Riggs said the FAR was expanded to 2.0 instead of 1.0 but a developer could not build another level unless it met the parking requirements. He asked if they were adjusting the parking requirements or were they considering a parking structure downtown.

Planner Smith said since there would not be parking requirements in this area effectively that a zero-parking requirement would come into play for any of these sites in the Specific Plan area.

Commissioner Riggs said however landowners in that area had observed there was no parking at lunchtime and with that why would a commercial property owner double the FAR of their property on Santa Cruz Avenue.

Planner Smith said what they were hoping would happen was that by increasing the potential residential uses in the downtown area that more foot traffic would be created with more people living above commercial uses and more need for services and retail in the downtown area. He said they were trying to do this without drastically increasing VMT in some of those areas. He said the idea was to create more mixed-use opportunities for people who would be new additions to the downtown.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: August 28, 2023

Planner Smith said for the August 28 agenda they would have four single-family residential projects, an architectural control application for some exterior building changes and the continued 123 Independence Drive project.

- Regular Meeting: September 11, 2023

I. Adjournment

Vice Chair Do adjourned the meeting at 10:41 p.m.

Staff Liaison: Thomas Smith, Principal Planner

Recording Secretary: Brenda Bennett

CITY OF MENLO PARK

REGULAR MEETING DRAFT MINUTES

Date: 08/28/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Vice Chair Linh Dan Do called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Linh Dan Do (Vice Chair), Andrew Ehrich, Katie Ferrick, Henry Riggs

Absent: Cynthia Harris (Chair), Jennifer Schindler

Staff: Payal Bhagat, Contract Principal Planner; Christine Begin; Planning Technician; Connor Hochleutner, Assistant Planner; Kyle Perata, Planning Manager; Matt Pruter, Associate Planner; Fahteen Khan, Associate Planner.

C. Reports and Announcements

Planning Manager Kyle Perata said the City Council at its August 29, 2023 meeting would consider a potential street closure of Santa Cruz Avenue in the 600 block of the eastbound travel lane to allow for expanded outdoor dining opportunities as well as additional public plaza open space, adopting a formal ordinance to allow for expanded outdoor dining for restaurants throughout the city, and design standards, guidelines and fees for the associated streetaries if the ordinance was adopted.

D. Public Comment

None

E. Consent Calendar

E1. Approval of minutes from July 10, 2023, Planning Commission meeting. (Attachment)

E2. Approval of minutes from July 24, 2023, Planning Commission meeting. (Attachment)

E3. Architectural Control/Kevin Deng/750 Menlo Avenue:
Consider and adopt a resolution to approve architectural control for exterior modifications to an existing three-story office building, in the SP-ECR-D (El Camino Real/Downtown Specific Plan) zoning district. The proposed project would include a new rooftop deck; there would be no increase of gross floor area as part of the project. Determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities. (Staff Report #23-053-PC)

ACTION: Motion and second (Ehrich/Ferrick) to adopt the Consent Calendar consisting of the minutes from the July 10 and 24, 2023 Planning Commission meetings, and approval of architectural control for 750 Menlo Avenue; passes 5-0-2 with Commissioners Harris and Schindler absent.

F. Public Hearing

F1. Use Permit/Siva Singaram/711 Central Avenue:
Consider and adopt a resolution to approve a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban Residential) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. The proposal includes an attached accessory dwelling unit which is not subject to discretionary review. (Staff Report #23-054-PC)

Assistant Planner Connor Hochleutner said an email was received and forwarded to the commissioners today regarding a tree in the side yard.

The project architect spoke on behalf of the project.

Vice Chair Do opened the public hearing and closed it as no persons requested to speak.

ACTION: Motion and second (Riggs/Ferrick) to adopt a resolution to approve a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban Residential) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures; passes 5-2 with Commissioners Harris and Schindler absent.

F2. Use Permit/Caitlin Darke and Peter Hartwell/1310 Bay Laurel Drive:
Consider and adopt a resolution to approve a use permit to construct a new two-story, single-family residence with a basement on a vacant, substandard lot with regard to minimum lot width in the R-1-S (Single Family Suburban Residential) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. The proposal includes an attached accessory dwelling unit which is not subject to discretionary review. (Staff Report #23-055-PC)

Planning Manager Perata noted that Planner Turner had prepared the staff report and there were no updates.

Peter Hartwell, property owner, spoke on behalf of the project.

Vice Chair Do opened the public hearing and closed it as no persons requested to speak.

ACTION: Motion and second (Ehrich/Ferrick) to adopt a resolution to approve a use permit to construct a new two-story, single-family residence with a basement on a vacant, substandard lot with regard to minimum lot width in the R-1-S (Single Family Suburban Residential) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures; passes 5-0 with Commissioner Harris and Schindler absent.

F3. Use Permit/Chris Kummerer/1350 Delfino Way:
Consider and adopt a resolution to approve a use permit to construct first- and second-story additions and interior alterations to an existing nonconforming one-story, single-family residence on a substandard lot with regard to minimum lot depth in the R-1-U (Single Family Urban Residential) zoning district. The proposed work would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. The proposal includes an attached accessory dwelling unit (ADU), which is not subject to discretionary review. (Staff Report #23-056-PC)

Associate Planner Matt Pruter said a second comment letter was received after staff report publication and was emailed to the commissioners.

Chris Kummerer, project architect, spoke on behalf of the project.

Vice Chair Do opened the public hearing.

Public Comment:

- Speaker did not share name and indicated they were a neighbor to the rear of the subject property and requested that the windowsills be raised to protect privacy of their yard and that trees be planted in the areas between the project property and their property.

Vice Chair Do closed the public hearing.

Replying to Vice Chair Do, Dave Tompkins, property owner, said that there were only about 12-inches of dirt between the pool and the eight-foot fence they had built previously. He said he did not think it was viable to plant trees there.

Commission discussion included potential landscape screening and support for the design and reuse of an existing structure.

Commissioner Barnes moved to approve. Commissioner Riggs said he would second if Commissioner Barnes would consider a modification to explore the planting of a 15-gallon screening tree in the rear yard for privacy. Commissioner Barnes agreed and clarified that the applicant would work with staff including the City Arborist to evaluate the feasibility of doing such a planting.

Commissioner Ehrich said he could not support the modification to the motion requested by Commissioner Riggs noting the nonconformity of the neighbor's home rear setback.

Vice Chair Do said in principle she could not support the modification to the motion either.

ACTION: Motion and second (Barnes/Riggs) to adopt a resolution to approve a use permit with the following modification to construct first- and second-story additions and interior alterations to an existing nonconforming one-story, single-family residence on a substandard lot with regard to minimum lot depth in the R-1-U (Single Family Urban Residential) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures; passes 3-2-2 with Commissioners Do and Ehrich opposed and Commissioners Harris and Schindler absent.

Add Condition 2c: *Simultaneous with the submittal of a complete building permit application, the applicant shall evaluate the feasibility of locating a 15-gallon screening tree in the rear yard for privacy screening with the City Arborist and Planning Division. Prior to building permit issuance, the applicant shall incorporate a 15-gallon tree within the rear yard, if determined by the City Arborist to be feasible, subject to review and approval of the Planning Division.*

F4. Use Permit/Mike Ma/2035 Santa Cruz Avenue:
Consider and adopt a resolution to approve a use permit to demolish an existing one-story, single-family residence and detached garage, and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. The proposal includes an attached accessory dwelling unit (ADU), which is not subject to discretionary review. (Staff Report #23-057-PC)

Planner Pruter said staff had no additions to the staff report.

Mike Ma, project architect, spoke on behalf of the project.

Vice Chair Do opened the public hearing and closed it as no one requested to speak.

Commission comments included appreciation for the siting and massing particularly the additional second floor setback in a neighborhood primarily single-story, that the project would be conforming, and the height was below the maximum allowable by 3.5 feet.

Motion and second (Ferrick/Ehrich) to adopt a resolution to approve a use permit to demolish an existing one-story, single-family residence and detached garage, and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures; passed 5-0-2 with Commissioners Harris and Schindler absent.

F5. Use Permit, Architectural Control, Major Subdivision, Below Market Rate (BMR) Housing Agreements, and Environmental Review/The Sobrato Organization/119, 123-125, and 127 Independence Drive, 130 Constitution Drive, and 1205 Chrysler Drive:

Consider and adopt resolutions certifying the Final Environmental Impact Report (Final EIR), adopting California Environmental Quality Act (CEQA) Findings and Mitigation Monitoring and Reporting Program (MMRP), and approving a use permit for bonus level development in exchange for community amenities and to modify the bird friendly design requirements, architectural control for the proposed buildings and site improvements, and adopt a resolution recommending the City Council approve the below market rate (BMR) housing agreements and vesting tentative map for the proposed 123 Independence Drive Project that would demolish the existing buildings and site improvements and redevelop the project site with:

- A new multi-family residential apartment building with 316 units (48 BMR units);
- An approximately 2,000 square foot commercial space on the ground floor of the residential apartment building;
- 116 for-sale townhome condominium units in 22 buildings, including 18 BMR townhome units; and

- A total of approximately 475,171 square feet of residential gross floor area, with a total floor area ratio of 134 percent.

The proposed project is located in the R-MU-B (Residential Mixed Use Bonus) zoning district at 119, 123-125 and 127 Independence Drive, and 1205 Chrysler Drive and 130 Constitution Drive. The proposal includes a request for an increase in floor are ratio (FAR), height, and density under the bonus level development allowance in exchange for community amenities. The proposed project includes 48 rental units and 18 for-sale townhome units (15 percent of the total units) affordable to low-income households pursuant to the City's BMR Housing Program and Guidelines. The applicant is proposing to provide eight additional rental BMR units affordable to low-income households as the community amenity in exchange for bonus level development, which would result in a total of 74 BMR units (56 rental units and 18 for-sale townhome units). The applicant is requesting concessions and waivers pursuant to the State Density Bonus Law to allow for the development of for-sale affordable housing units as proposed. Additionally, pursuant to Section 13 of the City's BMR Housing Guidelines, the applicant is requesting modifications to several guidelines. The proposal also includes a vesting tentative map for a major subdivision for parcel management and to create the 316 for-sale townhome units. The City Arborist conditionally approved the removal of 29 heritage trees.

The Final EIR pursuant to CEQA was released on August 4, 2023. All the comments received during the Draft EIR public comment period are included in the Final EIR and responses are provided to all substantive comments. The Final EIR for the proposed project does not identify any significant and unavoidable environmental impacts that would result from the implementation of the proposed project. The Final EIR identifies potential significant environmental impacts that can be mitigated to a less than significant level (LTS/M) in the following categories: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazardous and Hazardous Materials, Noise, and Tribal Cultural Resources. The Final EIR identifies less than significant (LTS) environmental impacts in the following categories: Aesthetics, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Population and Housing, Public Services, Transportation, and Utilities and Service Systems. Previously a Notice of Preparation (NOP) was released on September 10, 2021, and included a public review period from September 10, 2021 through October 11, 2021 to solicit comments on the scope and content of the Draft EIR. Through the EIR scoping process the following topic areas were determined not to result in any potential significant effects and were not studied in the project EIR: Agriculture and Forestry Resources, Mineral Resources, and Wildfire. In accordance with CEQA, the certified program-level ConnectMenlo EIR served as the first-tier environmental analysis. Further, this EIR was prepared in compliance with the terms of the Settlement Agreement between the City of East Palo Alto and the City of Menlo Park. The Draft EIR was circulated for a minimum 45-day public review from November 28, 2022 to January 17, 2023. The project location does not contain a toxic site pursuant to Section 6596.5 of the Government Code. ***Continued from the meeting of August 14, 2023*** (Staff Report #23-058-PC)

Contract Principal Planner Payal Bhagat presented an overview of the project proposal.

Peter Tsai, The Sobrato Organization-project applicant, Henry LiChi, Studio T Square-project architect, and Constanza Asfura-Heim, Habitat for Humanity-affordable housing developer-partner, spoke on behalf of the project.

Katherine Waugh, Dudek-city's environmental review consultant, presented on the Final EIR,

California Environmental Quality Act (CEQA) Findings and Mitigation Monitoring and Reporting Program (MMRP.

Commissioner Barnes disclosed that one of the projects in his employer's portfolio used Studio T-Square and Commissioner Ferrick said her employer used legal counsel from Cox Castle Nicholson. Both commissioners indicated that would not cloud their ability to consider the project before them objectively.

Vice Chair Do opened the public hearing.

Public Comment:

- Sheila Holland said she had purchased a home through Habitat for Humanity and noted how that advanced the quality of life for her and her children and expressed support for the project.

- Matt Regan, Bay Area Council, an employer sponsored public policy advocacy organization, said that shortage of housing at all levels of affordability was the single biggest threat to economic sustainability and social equity sustainability for a region, and expressed support for the project.

- Ali Sapirman, Housing Action Coalition, a members supported nonprofit supporting housing at all levels of affordability, expressed support for the project.

- Dina Abarca said she was a 12-year homeowner in Belle Haven through Habitat for Humanity, noted how that advanced the quality of life for her and her children, and expressed support for the project.

- Isabel Vasquez said she was a Habitat for Humanity homeowner in Redwood City, noted how that advanced the quality of life for her and her family, and expressed support for the project.

Vice Chair Do closed the public hearing.

Commission comments included support for home ownership opportunities and the affordable home partnership, the project layout and connectivity with the public space park and paseo, continued support for the excellent planning and architecture, support for the community amenity of additional BMR units, the proximity of the project to the new Menlo Park Community Center and Bayfront Park, and recognition of extensive community outreach.

ACTION: Motion and second (Riggs/Barnes) to adopt a resolution certifying the Final Environmental Impact Report (Final EIR), adopting California Environmental Quality Act (CEQA) Findings and Mitigation Monitoring and Reporting Program (MMRP); passes 5-0-2 with Commissioners Harris and Schindler absent.

ACTION: Motion and second (Ferrick/Barnes) to adopt a resolution approving a use permit for bonus level development in exchange for community amenities and to modify the bird friendly design requirements and approving architectural control for the proposed buildings and site improvements; passes 5-0-2 with Commissioners Harris and Schindler absent.

ACTION: Motion and second (Ferrick/Ehrich) to adopt a resolution recommending the City Council approve the below market rate housing agreements and the vesting tentative map; passes 5-0-2 with Commissioners Harris and Schindler absent.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: September 11, 2023

Mr. Perata said the September 11 agenda would have an item to consider certifying an EIR and approving a use permit and architectural control for a bonus level development at 1125 O'Brien Drive.

- Regular Meeting: September 18, 2023

Mr. Perata said the September 18 agenda was not finalized but staff expected to bring the final three architectural control plans for the Willow Village Master Plan.

H. Adjournment

Vice Chair Do adjourned the meeting at 9:32 p.m.

Staff Liaison: Kyle Perata, Planning Manager

Recording Secretary: Brenda Bennett

CITY OF MENLO PARK

STAFF REPORT

Planning Commission
Meeting Date: **9/18/2023**
Staff Report Number: **23-059-PC**
Public Hearing: **Request for architectural control for exterior modifications to the rear (north) and left (west) elevations to extend an existing elevated deck of an existing townhouse into the common easement area in the R-E-S (X) (Residential Estate Suburban, Conditional Development) zoning district at 51 Hallmark Circle.**

Recommendation

Staff recommends that the Planning Commission adopt a resolution approving architectural control for exterior modifications to the rear (north) and left (west) elevations to extend an existing elevated deck of an existing townhouse into the common easement area in the R- E-S (X) (Residential Estate Suburban, Conditional Development) zoning district at 51 Hallmark Circle. The draft resolution, including the recommended actions and conditions of approval, is included as Attachment A.

Policy Issues

Each architectural control request is considered individually. The Planning Commission should consider whether the required architectural control findings can be made for the proposed project.

Background

Site location

The project site is located on the north side of Hallmark Circle, between Valparaiso Avenue to the east and Oliver Court to the west, in the Sharon Heights neighborhood. The Sharon Hills Park is located to the north of the subject property, which was developed through a Conditional Development Permit (CDP) for Sharon Hills. The CDP, originally approved in 1982, encompasses 77 townhomes and associated private recreational facilities, three single-family residential parcels, and Sharon Hills Park. A location map is included as Attachment B.

Conditional development permit

In 2019, the City Council approved an amended and restated CDP for Sharon Hills, which removed the requirement for applicants to receive architectural control permits for the majority of interior and exterior changes to the units (subject to HOA approval). However, exterior modifications that extend past the individual townhouse lot lines, such as the proposed deck extension, require both HOA approval and Planning Commission architectural control approval.

Analysis

Project description

The subject property is the left side unit of two attached townhouses, and the existing residence has two levels. The applicant is proposing to extend the existing, elevated rear deck on the rear (north) and left-side (west) elevations by 3.5 feet on the rear and 2.7 feet on the left side. These extensions would encroach beyond the property lines into the common area.

Exterior modifications to individual townhouse units that fall outside the townhouse unit's lot lines require Sharon Hills Community Association (SHCA), which is the homeowners' association for the overall development, review and approval and architectural control, prior to being processed through the building permit process. Additionally, deck extensions that extend past the unit's lot lines into the common area are required to provide a Grant of Exclusive Use Common Area Easement from the SHCA to the City. This was provided as part of the application package. The project plans and project description letter are included as exhibits A and B to Attachment A, respectively.

Design and materials

The left side and rear elevations of the townhouse are proposed to change by way of deck extensions, with the left side change partially visible from the street. The expanded deck would improve indoor/outdoor living space of the residence.

The existing residence has a composite shingle roof, double-pane glass windows with dark bronze metal and fiberglass frames, and is clad on all sides in panelized cedar shingles painted in a uniform gray color, to match the standards of the SHCA. The applicant is proposing to replace the original redwood deck framing with Trex composite decking in "saddle" color to match existing material. All proposed material changes have been reviewed and approved by the SHCA. (The colors shown on Sheet A102 of the project plans are not representative of what is proposed but the sheet is included to show the proposed framing.)

Staff believes the project would be compatible with the existing architectural style of the development, which features a number of townhouses with similar deck extensions. In addition, the project would have a relatively small impact to the neighbors given the limited scope of work.

Trees and landscaping

The City Arborist has accepted an affidavit from the applicant and the SHCA board stating that no trees or shrubs would be trimmed or disturbed in any way during construction and determined that an arborist report is not required for the project. The applicant would be required to adhere to the standard Menlo Park tree protection measures and have a licensed arborist inspect the site during construction to verify compliance, pursuant to condition 2a. The tree protection measures guide has been included in the project plans.

Correspondence

A letter from the SHCA relaying initial approval of the project is included as Attachment C. The applicant has provided an SHCA required neighbor acknowledgement form to alert the neighbors in the attached townhome of the proposed project. After receiving the form, the immediate neighbors asked for clarification, which the property owner provided (included as Attachment D). As of the writing of this report, staff has not received any direct communication from the public regarding this project.

Conclusion

Staff believes that the design, scale, and materials of the proposed rear and side deck extensions are generally compatible with the surrounding neighborhood, and would result in a consistent aesthetic

approach. Staff recommends that the Planning Commission approve the proposed project.

Impact on City Resources

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

The project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property.

Appeal Period

The Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

Attachments

A. Draft Planning Commission Resolution
   Exhibits to Attachment A
      A. Project Plans
      B. Project Description Letter
      C. Conditions of Approval
B. Location Map
C. HOA Approval Letter
D. Neighbor Communication

Report prepared by:
Connor Hochleutner, Assistant Planner

Report reviewed by:
Corinna Sandmeier, Principal Planner

PLANNING COMMISSION RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL FOR EXTERIOR MODIFICATIONS TO THE REAR (NORTH) AND LEFT-SIDE (WEST) ELEVATIONS TO EXTEND AN EXISTING ELEVATED DECK OF AN EXISTING TOWNHOUSE INTO THE COMMON EASEMENT AREA AT 51 HALLMARK CIRCLE.

WHEREAS, the City of Menlo Park ("City") received an application for architectural control for exterior modifications to the rear (north) and left (west) elevations to extend an existing elevated deck of an existing townhouse into the common easement area in the R-E-S (X) (Residential Estate Suburban, Conditional Development) zoning district (collectively, the "Project") from Michael Eaton ("Applicant and Owner"), located at 51 Hallmark Circle (APN 074-572-020) ("Property"). The architectural control depicted in and subject to the development plans and project description letter which are attached hereto as Exhibit A and B incorporated herein by this reference; and

WHEREAS, the Property is located in the Residential Estate Suburban, Conditional Development (R-E-S (X)) zoning district which supports single-family residences and townhomes; and

WHEREAS, the proposed exterior modifications would update the appearance of the building; and

WHEREAS, the findings and conditions for the architectural control would ensure that all City requirements are applied consistently and correctly as part of the project's implementation; and

WHEREAS, the proposed Project was reviewed by the Engineering Division and found to be in compliance with City standards; and

WHEREAS, the Project, requires discretionary actions by the City as summarized above, and therefore the California Environmental Quality Act ("CEQA," Public Resources Code Section §21000 et seq.) and CEQA Guidelines (Cal. Code of Regulations, Title 14, §15000 et seq.) require analysis and a determination regarding the Project's environmental impacts; and

WHEREAS, the City is the lead agency, as defined by CEQA and the CEQA Guidelines, and is therefore responsible for the preparation, consideration, certification, and approval of environmental documents for the Project; and

WHEREAS, the Project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines; and

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

WHEREAS, at a duly and properly noticed public hearing held on September 18, 2023, the Planning Commission fully reviewed, considered, and evaluated the whole of the record including all public and written comments, pertinent information, documents and plans, prior to taking action regarding the architectural control permit permit.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals. The Planning Commission has considered the full record before it, which may include but is not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided, and the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. Architectural Control Findings. The Planning Commission of the City of Menlo Park does hereby make the following Findings:

The approval of the architectural control for the modifications to the exterior of an existing building is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

1. That the general appearance of the structure is in keeping with the character of the neighborhood; in that, it meets the design, material and color requirements set forth by the Sharon Heights Community Association.

2. That the development will not be detrimental to the harmonious and orderly growth of the city; in that, the project which is a remodel project fits within the consistent architectural style seen in the area. The proposed project is designed in a manner that is consistent with all applicable requirements of the City of Menlo Park Municipal Code and the Project land use would be consistent with the surrounding residential use.

3. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the Project consists of exterior modifications consistent with the Municipal Code. The proposed materials and colors used for the left and rear façade would be compatible with the appearance of the existing neighboring buildings. Therefore, the Project would not impair the desirability of investment or occupation in the neighborhood.

4. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking; in that,

two required parking spaces are provided (at least one covered and one uncovered).

5. That the development is consistent with any applicable specific plan; in that, the project is not located within a specific plan area. However, the project is consistent with all applicable codes, ordinances, and requirements outlined in the City of Menlo Park Municipal Code.

Section 3. Architectural Control Permit. The Planning Commission hereby approves the Architectural Control Permit PLN2023-00029, depicted in and subject to the development plans and project description letter, which are attached hereto and incorporated herein by this reference as Exhibit A and Exhibit B, respectively. The architectural control is conditioned in conformance with the conditions attached hereto and incorporated herein by this reference as Exhibit C.

Section 5. ENVIRONMENTAL REVIEW. The Planning Commission makes the following findings, based on its independent judgment after considering the Project, and having reviewed and taken into consideration all written and oral information submitted in this matter:

A. The Project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.

Section 6. 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, Kyle Perata, Planning Manager of the City 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 September 18, 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 September, 2023

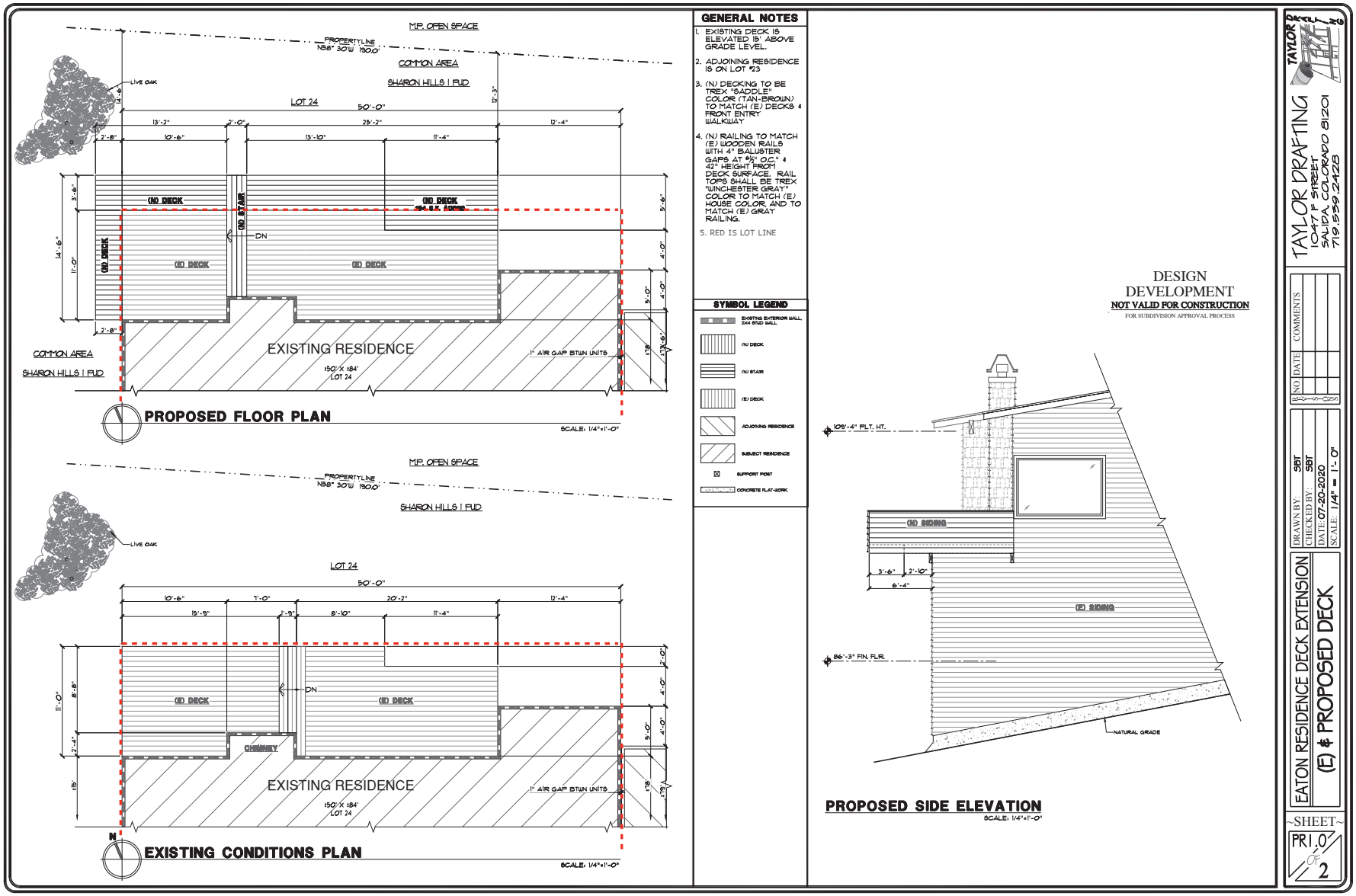
PC Liaison Signature

_____

Kyle Perata
Planning Manager
City of Menlo Park

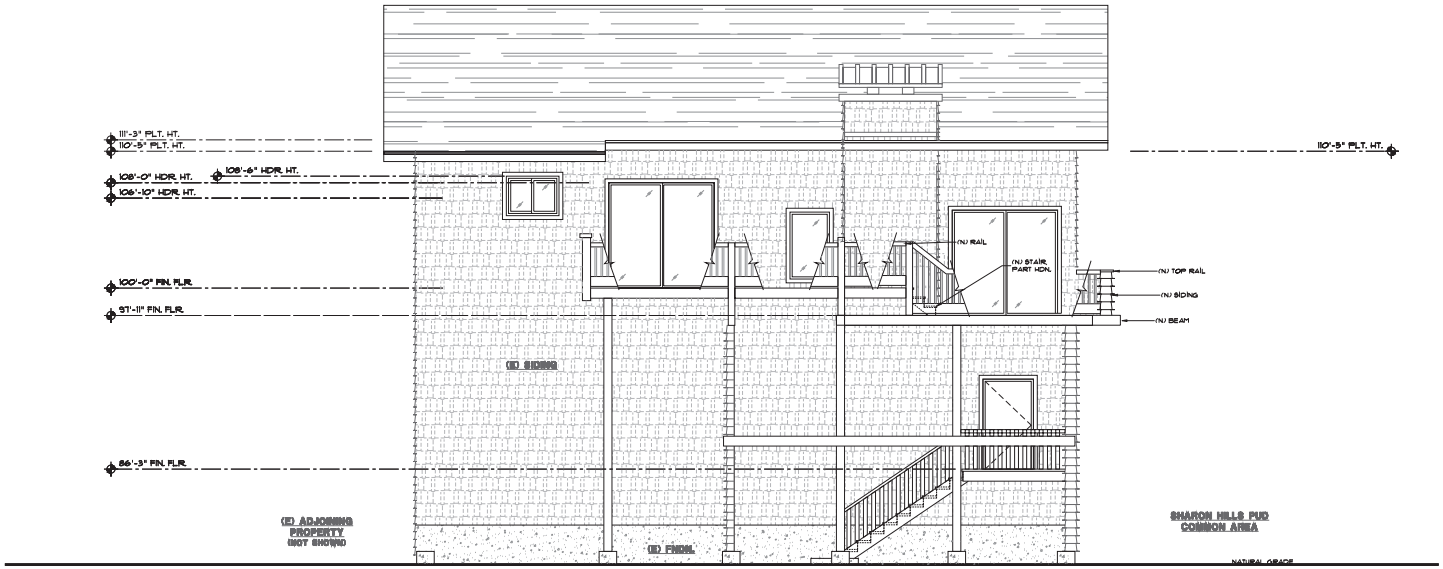
Exhibits

A. Project Plans
B. Project Description Letter
C. Conditions of Approval


M.P. OPEN SPACE
PROPERTY LINE
N88° 30'W 150.0'
COMMON AREA
SHARON HILLS I PUD
LIVE OAK
LOT 24
50'-0"
(N) DECK
(N) STAIR
DN
(E) DECK
EXISTING RESIDENCE
150' X 184'
LOT 24
1" AIR GAP BTWN UNITS
PROPOSED FLOOR PLAN
SCALE: 1/4"=1'-0"
CHIMNEY
EXISTING CONDITIONS PLAN
GENERAL NOTES
1. EXISTING DECK IS ELEVATED 15' ABOVE GRADE LEVEL.
2. ADJOINING RESIDENCE IS ON LOT 23
3. (N) DECKING TO BE TREX "SADDLE" COLOR (TAN-BROWN) TO MATCH (E) DECKS & FRONT ENTRY WALKWAY
4. (N) RAILING TO MATCH (E) WOODEN RAILS WITH 4" BALUSTER GAPS AT 6¾" O.C." & 42" HEIGHT FROM DECK SURFACE. RAIL TOPS SHALL BE TREX "WINCHESTER GRAY" COLOR TO MATCH (E) HOUSE COLOR, AND TO MATCH (E) GRAY RAILING.
5. RED IS LOT LINE
SYMBOL LEGEND
EXISTING EXTERIOR WALL 2X4 STUD WALL
(N) DECK
(N) STAIR
(E) DECK
ADJOINING RESIDENCE
SUBJECT RESIDENCE
SUPPORT POST
CONCRETE FLAT-WORK
DESIGN DEVELOPMENT
NOT VALID FOR CONSTRUCTION
FOR SUBDIVISION APPROVAL PROCESS
109'-4" PLT. HT.
(N) SIDING
3'-6"
2'-10"
6'-4"
(E) SIDING
86'-3" FIN. FLR.
NATURAL GRADE
PROPOSED SIDE ELEVATION
SCALE: 1/4"=1'-0"
TAYLOR DRAFTING
1047 F STREET
SALIDA, COLORADO 81201
719.539.2428
NO. DATE COMMENTS
DRAWN BY: SBT
CHECKED BY: SBT
DATE: 07-20-2020
SCALE: 1/4" = 1'-0"
EATON RESIDENCE DECK EXTENSION
(E) & PROPOSED DECK
~SHEET~
PR1.0
OF
2

GENERAL NOTES

1. EXISTING DECK IS ELEVATED 15' ABOVE GRADE LEVEL.
2. ADJOINING RESIDENCE IS ON LOT #23
3. (N) DECKING TO BE TREX "SADDLE" COLOR (TAN-BROWN) TO MATCH (E) DECKS & FRONT ENTRY WALKWAY
4. (N) RAILING TO MATCH (E) WOODEN RAILS WITH 4" BALUSTER GAPS AT 6¾" O.C." & 42" HEIGHT FROM DECK SURFACE. RAIL TOPS SHALL BE TREX "WINCHESTER GRAY" COLOR TO MATCH (E) HOUSE COLOR, AND TO MATCH (E) GRAY RAILING.



REAR ELEVATION
SCALE: 1/4"=1'-0"

DESIGN DEVELOPMENT
NOT VALID FOR CONSTRUCTION
FOR SUBDIVISION APPROVAL PROCESS

TAYLOR DRAFTING
1047 F STREET
SALIDA, COLORADO 81201
719.539.2428

NO	DATE	COMMENTS

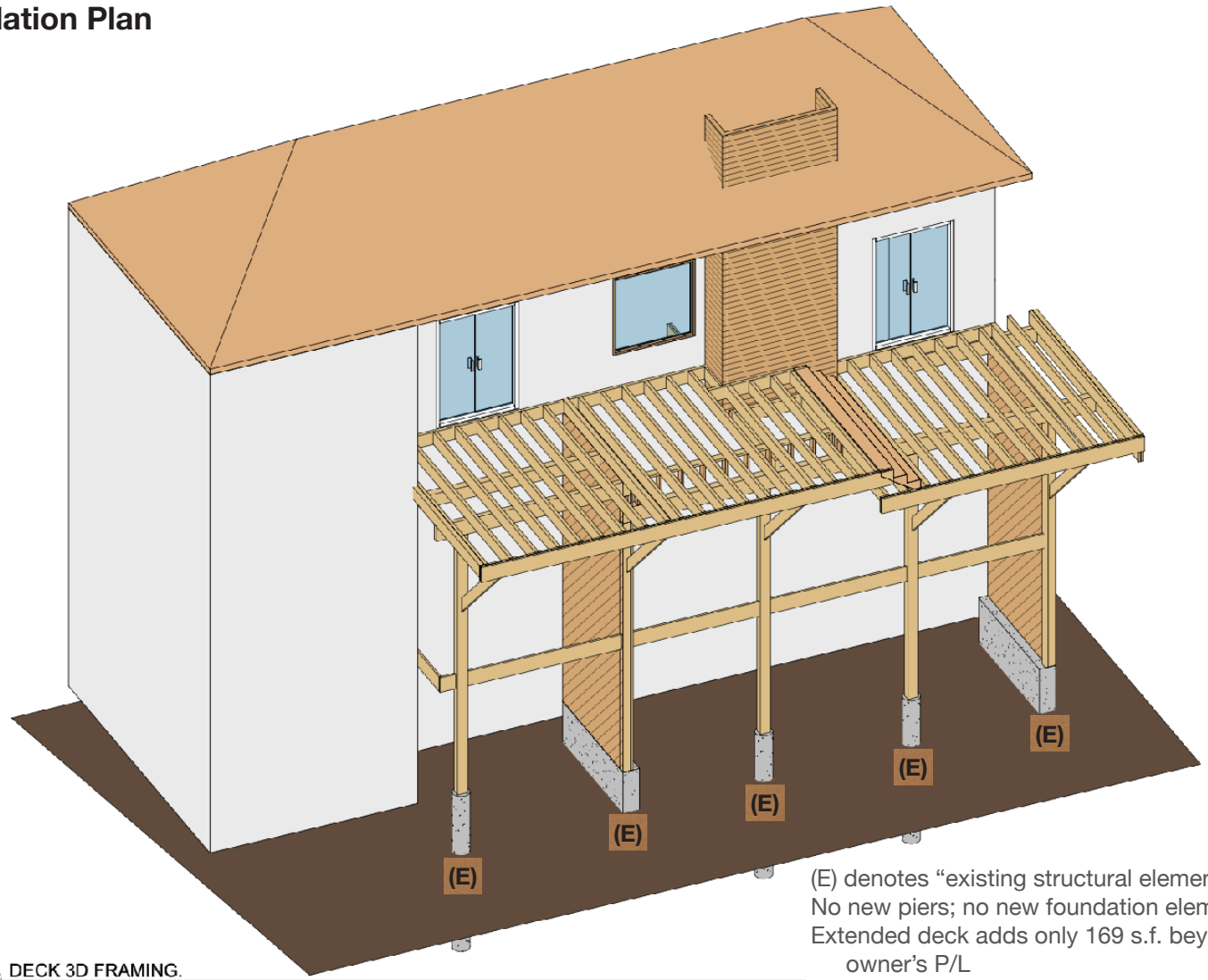
DRAWN BY: SST
CHECKED BY: SST
DATE: 07-20-2020
SCALE: 1/4" = 1'-0"

EATON RESIDENCE DECK EXTENSION

PROPOSED REAR ELEVATION

~SHEET~ PRI.1 OF 2

Foundation Plan



1 DECK 3D FRAMING.

(E) denotes “existing structural element”
No new piers; no new foundation elements
Extended deck adds only 169 s.f. beyond owner’s P/L

No.	Description	Date

51 HALLMARK CIRCLE

DECK REBUILD

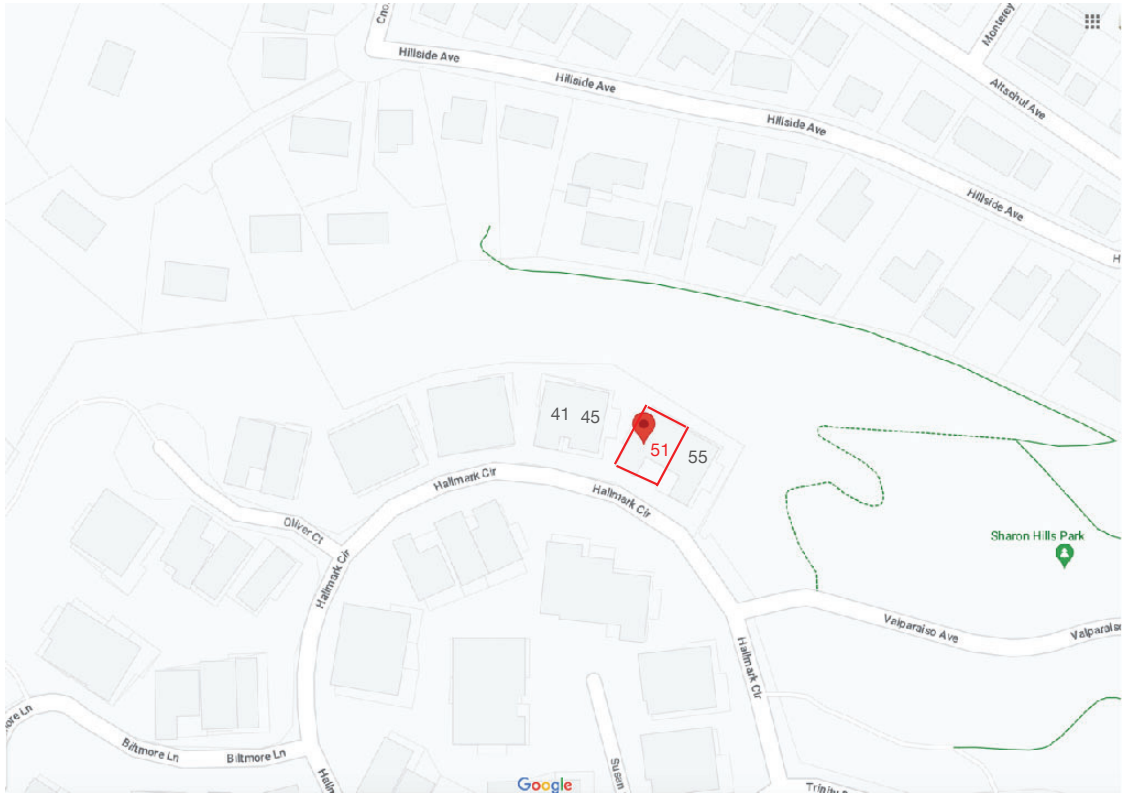
DECK 3D FRAMING VIEW.

Project number	
Date	10/02/2023
Drawn by	P.PAWAN
Checked by	M.EATON

A102

Scale

Area Plan



Site Map

StreetScape

Site Map — Zoomed-out View

East Elevation

North Elevation

Rear Elevation

West Elevation

Deck View / South Elevation

Front Elevation / South Elevation

HERITAGE TREE AND CITY TREE PROTECTION SPECIFICATIONS FOR CONSTRUCTION

Public Works
333 Burgess Dr., Menlo Park, CA 94025
tel 650-330-6760

CITY OF MENLO PARK

Background

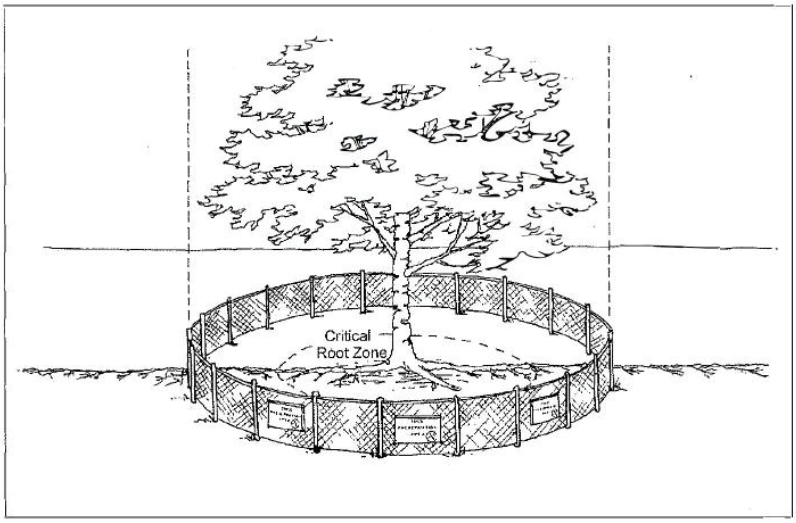
Tree protection measures are required for all heritage trees and city owned trees being retained on or immediately adjacent to active construction sites.

Violation of any of the below provisions may result in heritage tree violation fines, issuance of a stop work order, or other disciplinary action.

Instructions

1. Retain a city approved consulting arborist as the Project Arborist to design and monitor tree protection specifications. The Project Arborist shall report violations of the tree protection specifications by the Contractor to the City Arborist as an issue of non-compliance.
2. Design and implement tree protection measures before construction begins.
   - A tree protection fencing verification letter is required prior to building permit issuance.
3. Report damage of heritage tree(s) by construction activities to the Project Arborist or City Arborist within six (6) hours. Remedial action should be taken within 48 hours.
4. Delineate a Tree Protection Zone (TPZ) around the dripline of protected tree(s). The Project Arborist may establish, with approval by the City Arborist, a larger or smaller TPZ based on the species tolerance, health and vigor of the tree(s).
5. Construct a protective barrier around the TPZ (see Figure 1 below) with the following specifications:
   - Fencing shall be six (6)-foot-tall chain link;
   - Fence posts shall be 1.5 inches in diameter, driven 2 feet into the ground, at most 10 feet apart;
   - Signage (in both English and Spanish) should be printed on an 11" x 17" yellow-colored paper and secured in a prominent location on each protection fence. Signage shall include the Project Arborist's contact information;
   - Fencing may be moved to within the TPZ if authorized by the Project Arborist and City Arborist. The fence must remain at least 1.5 times the diameter of the tree from its trunk (i.e. The fence must remain at least 30-inches from the trunk of a 20-inch tree); and
   - Movable barriers of chain link fencing secured to cement blocks may be substituted for fixed fencing if the Project Arborist and City Arborist agree that the fencing will have to be moved to accommodate certain phases of construction. The builder may not move the fence without authorization from the Project Arborist or City Arborist.

Figure 1: Fenced tree protection zone



Matheny, N., Smiley, E. T., Gilpin, R., & Hauer, R. (2023). Managing trees during construction (3rd ed.). International Society of Arboriculture.

6. Place a 6-inch layer of coarse mulch or woodchips covered with ¾-inch plywood or alternative within the TPZ prior to construction activity. Placement of this protective covering will reduce soil compaction and root impacts. It will also help the soil retain moisture for the roots.
7. As specified by the Project Arborist, ensure adequate irrigation is supplied to the trees on a regular basis. Irrigation helps the trees tolerate root impacts better. Hand watering or drip irrigation lines would suffice. In most cases, irrigation is needed once every 2-3 weeks depending on soil moisture levels.
8. Prohibit the following activities within the TPZ. DO NOT:
    - Place heavy machinery for excavation;
    - Allow runoff or spillage of damaging materials;
    - Store or stockpile materials, tools, or soil;
    - Park or drive vehicles;
    - Trench, dig, or otherwise excavate without first obtaining authorization from the City Arborist or Project Arborist;
    - Change soil grade; and
    - Trench with a machine.
9. When work must occur within the TPZ of a heritage tree (as authorized by the Project Arborist or City Arborist) install trunk protections (see Figure 2 below) with the following specifications:
    - Securely bind wooden slats at least 1-inch-thick around the trunk (preferably on a closed-cell foam pad). Secure and wrap at least one layer of orange plastic construction fencing around the outside of the wooden slats for visibility;
    - DO NOT drive fasteners into the tree;
    - Install trunk protection immediately prior to work within the TPZ and remove protection from the tree(s) as soon as work moves outside the TPZ;
    - Protect major scaffold limbs as determined by the City Arborist or Project Arborist; and
    - If necessary, install wooden barriers at an angle so that the trunk flare and buttress roots are also protected.

Figure 2: Trunk Protection

Matheny, N., Smiley, E. T., Gilpin, R., & Hauer, R. (2023). Managing trees during construction (3rd ed.). International Society of Arboriculture.

10. To avoid injury to tree roots:
    - Only excavate carefully by hand, compressed air, or high-pressure water within the dripline of trees;
    - When the Contractor encounters roots smaller than 2-inches, hand-trim the wall of the trench adjacent to the trees to make even, clean cuts through the roots;
    - Cleanly cut all damaged and torn roots to reduce the incidence of decay;
    - Fill trenches within 24 hours. When it is infeasible to fill trenches within 24 hours, shade the side of the trench adjacent to the trees with four layers of dampened, untreated burlap. Wet burlap as frequently as necessary to maintain moisture; and

- When the Contractor encounters roots 2 inches or larger, report immediately to the Project Arborist. The Project Arborist will decide whether the Contractor may cut roots 2 inches or larger. If a root is retained, excavate by hand or with compressed air under the root. Protect preserved roots with dampened burlap.

11. Route pipes outside of the area that is 10 times the diameter of a protected tree to avoid conflict with roots.
12. Where it is not possible to reroute pipes or trenches, bore beneath the dripline of the tree. Do not bore less than 3-inches below the surface of the soil to avoid damage to small feeder roots.
13. Avoid the following conditions. DO NOT:
    - Cut, break, skin, or bruise roots, branches, or trunks without authorization from the City Arborist;
    - Allow fires under and adjacent to trees;
    - Discharge exhaust into foliage;
    - Direct runoff toward trees;
    - Secure cable, chain, or rope to trees; and
    - Apply soil sterilants under pavement near existing trees.

Periodic inspections

The Project Arborist must provide periodic, on-site tree protection inspections during construction which:

- Occur at least once every four (4) weeks;
- Monitor the effectiveness of the Tree Protection Plan;
- Provide recommendations for any necessary additional care or treatment; and
- Will be followed by monthly construction monitoring reports emailed directly to the City Arborist.

CITY OF MENLO PARK

WARNING TREE PROTECTION AREA

ONLY AUTHORIZED PERSONNEL MAY ENTER THIS AREA

No excavation, trenching, material storage, cleaning, equipment access, or dumping is allowed behind this fence.

Do not remove or relocate this fence without approval from the project arborist. This fencing must remain in its approved location throughout demolition and construction.

Project Arborist contact information:

Name:
Business:
Phone number:

ADVERTENCIA: ÁREA DE PROTECCIÓN DE ÁRBOLES

SÓLO EL PERSONAL AUTORIZADO PUEDE INGRESAR A ESTA ÁREA

No se permite la excavación, zanjas, almacenamiento de materiales, limpieza, acceso de equipos, o vertido de residuos detrás de esta cerca.

No retire ni reubique esta cerca sin la aprobación del arborista del proyecto. Esta cerca debe permanecer en su ubicación aprobada durante todo el proceso de demolición y construcción.

Información de contacto del arborista de este proyecto:

Nombre:
Empresa:
Número de teléfono:

51 Hallmark Circle -- Minor Rear-deck Extension (< 200 sq. ft.)

Site Location
The subject site is located at 51 Hallmark Circle, near the intersection of Valparaiso Avenue, in the Sharon Heights neighborhood. The other nearby parcels are also located within the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district, and contain townhouses. These properties were developed through a Conditional Development Permit (CDP), approved in 1974, and amended in 2019. In this area, the townhouse development adjoins Sharon Hills Park, as well as residential properties located within unincorporated West Menlo Park. As is common in Sharon Heights, the area is hilly. A location map is included as Attachment B.

Project Purpose
The purpose of this project is to expand the rear deck by enough so that a standard 4-person circular patio table can fit (including chairs and their occupants) on the deck with enough clear walk-through space so that free access to the residence's sliding door is achieved. Currently, the deck is too narrow to allow ingress/egress from the patio deck into the house with four persons seated at the patio table.

Project Description
This project is a simple extension of the rear deck, accomplished by reducing the deck-joist spacing from 48" o-c to 16" o-c, and supported by the existing girders. The proposed deck is extended by 42" in the North direction, and by 32" in the West direction. No new piers are proposed since the structural design maintains the existing cantilever design, with tighter joist spacing to accommodate the slightly longer joists. No alteration is proposed to the land beneath the extension.

Design and Materials
The existing residence has a composite shingle roof, double-pane glass windows with dark bronze metal frames, and is clad on all sides in panelized cedar shingles, to match the standards of the Sharon Hills Community Association (SHCA), which is the homeowners association for this area. All proposed material changes have been reviewed and approved by the SHCA. The reconstructed deck will use matching cedar shingle-panels, and the replacement railing will retain the original wooden baluster design. Decking will be saddle-color Trex, which matches the other decks and front walkway, and is a close color match to the existing painted redwood decking.

Correspondence and Neighbor Outreach
A letter from the SHCA granting approval of the project is included as Attachment C. Two Letters of Neighbor Awareness from the neighbors to each side are included as Attachments D and E. A letter from the Chair of the SHCA's Architectural Control Committee is included as Attachment F, attesting that the project is distanced from trees and shrubs, and that no pruning of trees or shrubs is needed to effect the work.

LOCATION: 51 Hallmark Circle	**PROJECT NUMBER:** PLN2023-00029	**APPLICANT:** Michael Eaton	**OWNER:** Michael Eaton

CONDITIONS OF APPROVAL:

1. Approve the architectural control permit subject to the following ***standard*** conditions:

    a. Development of the project shall be substantially in conformance with the plans prepared by Taylor Drafting consisting of 11 plan sheets, dated received August 31, 2023 and approved by the Planning Commission on September 18, 2023, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

    b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

    c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

    d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

    e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.

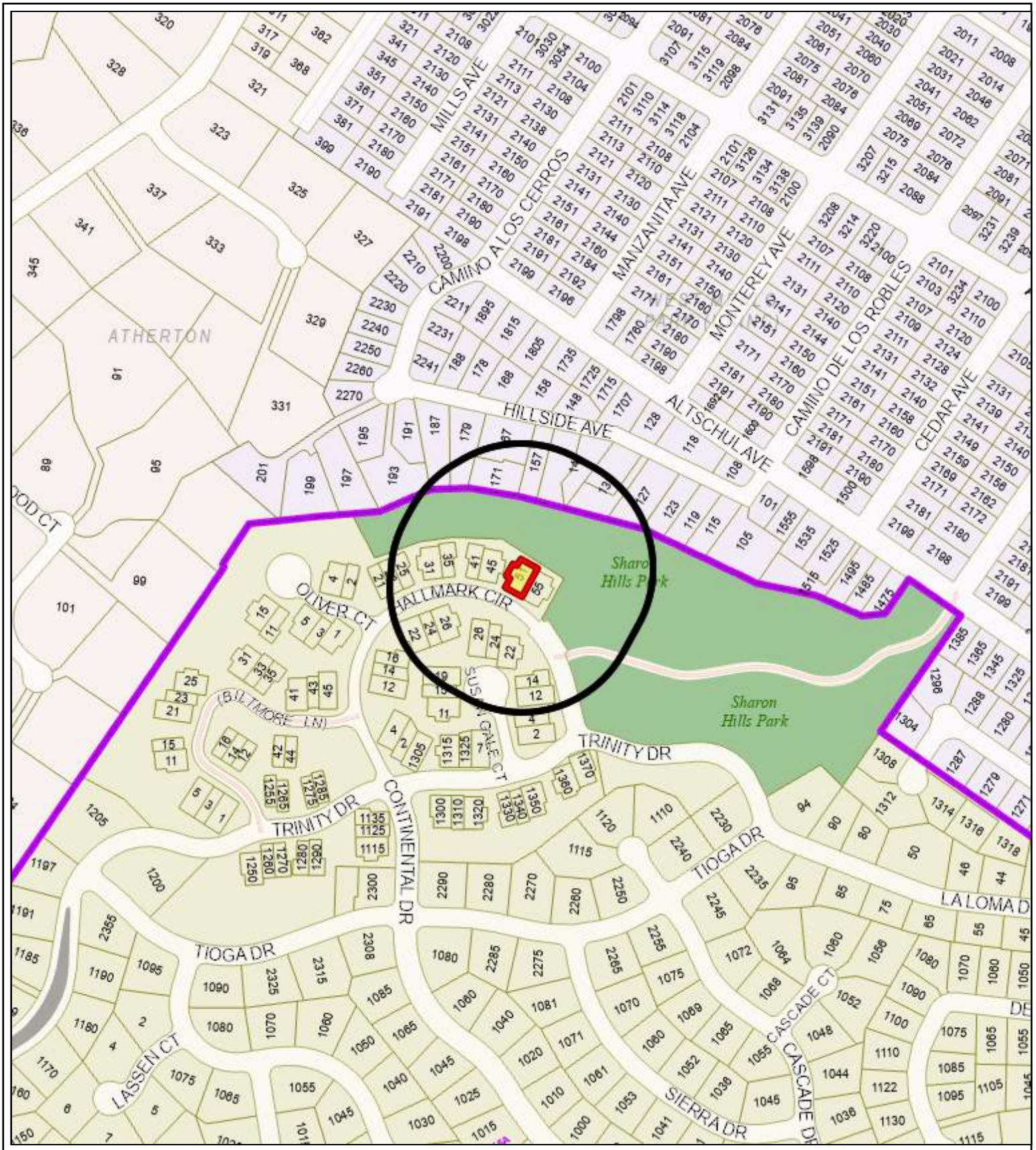
    f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.

    g. Prior to building permit issuance, the applicant shall pay all fees incurred through staff time spent reviewing the application.

    h. The applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit, or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

    i. Notice of Fees Protest – The applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. Per California Government Code 66020, this 90-day protest period has begun as of the date of the approval of this application.

LOCATION: 51 Hallmark Circle	**PROJECT NUMBER:** PLN2023-00029	**APPLICANT:** Michael Eaton	**OWNER:** Michael Eaton
CONDITIONS OF APPROVAL:			
2. Approve the architectural control permit subject to the following ***project-specific*** condition: a. The applicant shall adhere to the standard Menlo Park tree protection measures and have a licensed arborist inspect the site during construction to verify compliance.			



City of Menlo Park

Location Map
51 Hallmark Cir.

CITY OF MENLO PARK

Scale: 1:4,000 | Drawn By: CDH | Checked By: CDS | Date: 9/18/2023 | Sheet: 1

Sharon Hills Community Association
3021 Citrus Circle. Suite 205, Walnut Creek, CA 94598
Phone: 925-746-0542 or 800-610-0757 Fax: 925-746-0554
www.bayservice.net

November 1, 2021

Mary Etta and Mike Eaton
51 Hallmark Circle
Menlo Park, CA 94025

Re Address: 51 Hallmark Circle

Dear Mary Etta and Mike Eaton:

The Board of Directors has reviewed your architectural application dated 08/21/2020 for the following project:

- Board Approved 51 Hallmark plans from 8.21.2020 – Deck Extension

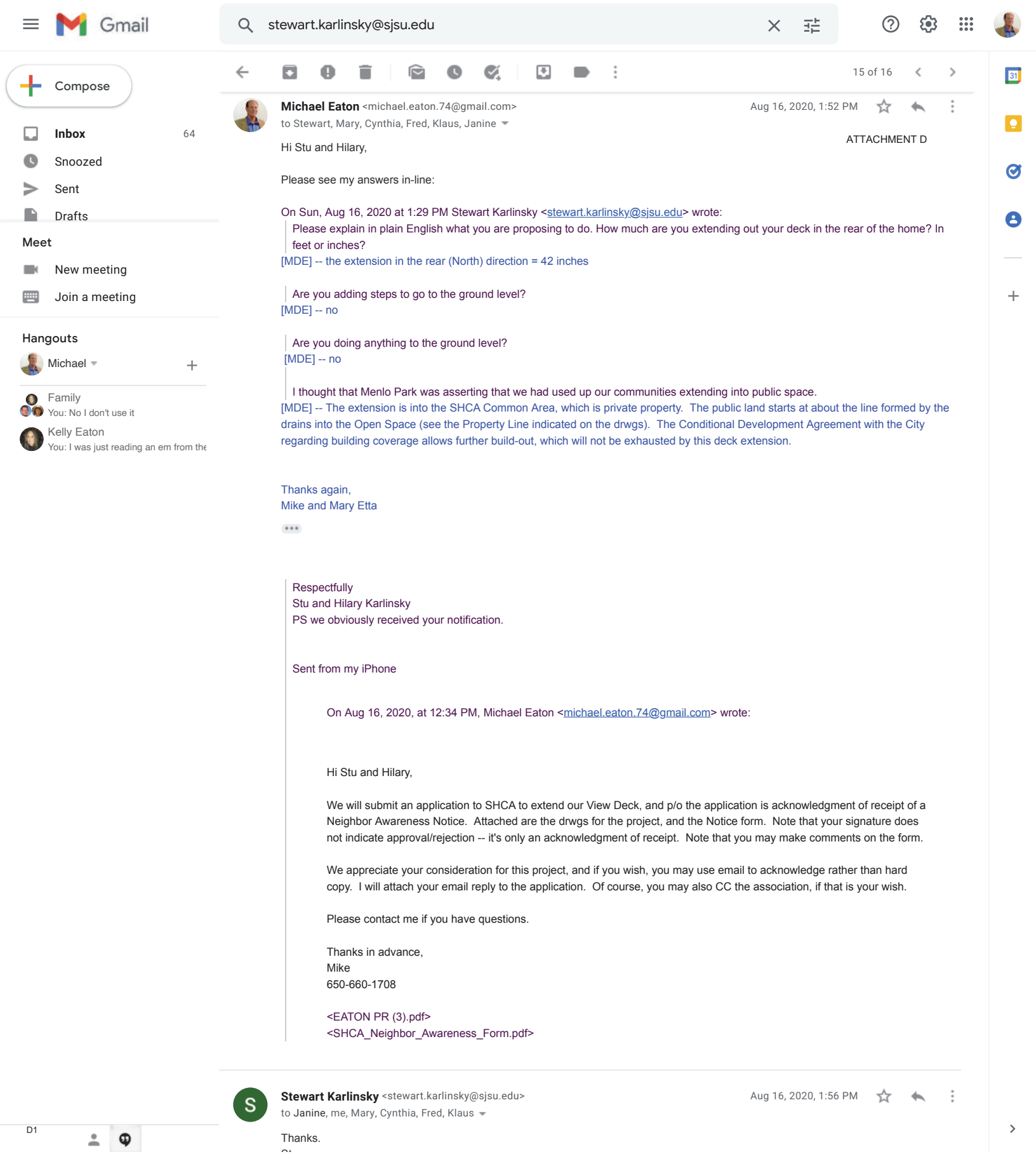
We are pleased to inform you that the Board has approved your project as presented. A copy of the approved application is enclosed with this letter for your records.

If you have any questions, please contact the BAPS office at 800-610-0757 or send an email to customerservice@bayservice.net.

Sincerely,

Sharon Hills Community Association

Cc: Unit File
Board of Directors


Gmail
stewart.karlinsky@sjsu.edu
Compose
Inbox 64
Snoozed
Sent
Drafts
Meet
New meeting
Join a meeting
Hangouts
Michael
Family
You: No I don't use it
Kelly Eaton
You: I was just reading an em from the
15 of 16
Michael Eaton <michael.eaton.74@gmail.com>
to Stewart, Mary, Cynthia, Fred, Klaus, Janine
Aug 16, 2020, 1:52 PM
ATTACHMENT D
Hi Stu and Hilary,
Please see my answers in-line:
On Sun, Aug 16, 2020 at 1:29 PM Stewart Karlinsky <stewart.karlinsky@sjsu.edu> wrote:
Please explain in plain English what you are proposing to do. How much are you extending out your deck in the rear of the home? In feet or inches?
[MDE] -- the extension in the rear (North) direction = 42 inches
Are you adding steps to go to the ground level?
[MDE] -- no
Are you doing anything to the ground level?
[MDE] -- no
I thought that Menlo Park was asserting that we had used up our communities extending into public space.
[MDE] -- The extension is into the SHCA Common Area, which is private property. The public land starts at about the line formed by the drains into the Open Space (see the Property Line indicated on the drwgs). The Conditional Development Agreement with the City regarding building coverage allows further build-out, which will not be exhausted by this deck extension.
Thanks again,
Mike and Mary Etta
Respectfully
Stu and Hilary Karlinsky
PS we obviously received your notification.
Sent from my iPhone
On Aug 16, 2020, at 12:34 PM, Michael Eaton <michael.eaton.74@gmail.com> wrote:
Hi Stu and Hilary,
We will submit an application to SHCA to extend our View Deck, and p/o the application is acknowledgment of receipt of a Neighbor Awareness Notice. Attached are the drwgs for the project, and the Notice form. Note that your signature does not indicate approval/rejection -- it's only an acknowledgment of receipt. Note that you may make comments on the form.
We appreciate your consideration for this project, and if you wish, you may use email to acknowledge rather than hard copy. I will attach your email reply to the application. Of course, you may also CC the association, if that is your wish.
Please contact me if you have questions.
Thanks in advance,
Mike
650-660-1708
<EATON PR (3).pdf>
<SHCA_Neighbor_Awareness_Form.pdf>
Stewart Karlinsky <stewart.karlinsky@sjsu.edu>
to Janine, me, Mary, Cynthia, Fred, Klaus
Aug 16, 2020, 1:56 PM
Thanks.
D1

CITY OF MENLO PARK

STAFF REPORT

Planning Commission Meeting Date:	**9/18/2023**
Staff Report Number:	**22-60-PC**
Choose an item.	**Consider and adopt resolutions approving use permits and architectural control plans for the Parcel 3 mixed-use residential building, publicly accessible park, and publicly accessible dog park associated with the approved Willow Village mixed-use masterplan**

Recommendation

Staff recommends that the Planning Commission take the following actions associated with the Willow Village mixed-use masterplan project:

1. **Adopt a resolution (Attachment A) to:**
    a. **Approve the architectural control plans** for the design of the mixed-use residential building located on Parcel 3; and
    b. **Approve the use permit** to modify design standards of the R-MU (Residential Mixed Use) zoning district, not previously included in the conditional development permit (CDP);
2. **Adopt a resolution (Attachment B) to:**
    a. **Approve the architectural control plans** for the design of the publicly accessible park located at the southwest corner of the Willow Village project site; and
3. **Adopt a resolution (Attachment C) to:**
    a. **Approve the architectural control plans** for the design for the publicly accessible dog park.

Policy Issues

The City Council and the Planning Commission previously considered and evaluated the merits of the Willow Village mixed-use masterplan, including project consistency with the City's general plan, municipal code, and other adopted policies and programs. The City Council and Planning Commission previously considered the development regulations, which include modifications to the development standards established in the Zoning Ordinance (e.g., design standards, bird-friendly waivers, transportation demand management (TDM), signage, construction hours and below market rate (BMR) housing) enumerated in the CDP, and the deviations from the BMR Housing Guidelines. In adopting the land use entitlements and certifying the environmental impact report (EIR) for the masterplan, the City Council made findings that the merits of the project and the public benefits and specific community amenities associated with the development agreement (DA) balance the significant and unavoidable environmental impacts identified in the environmental impact report.

The masterplan project provided illustrative and conceptual plans for potential designs of each portion of the project site, but the CDP requires that specific architectural control plans (ACPs) be submitted for review of the detailed designs of the new buildings by the Planning Commission. At this time the Planning Commission will need to determine whether the specific ACPs are consistent with the approved masterplan,

including the adopted CDP, DA, and certified EIR mitigation, monitoring and reporting program (MMRP) and consider the merits of the use permit requests to further modify Zoning Ordinance development standards associated with each ACP. The Planning Commission is the decision making body on the ACPs and use permit requests to carry out the masterplan development project.

Background

On December 6 and 13, 2022, the City Council took the initial and final actions on the proposed masterplan project. Key project milestones and meetings for the masterplan project are included in the summary table in Attachment D.

Masterplan project description

The masterplan project will redevelop approximately 59 acres of existing office and warehouse development owned and operated by Meta (formerly Facebook). The CDP approved the development of up to 1,600,000 square feet of office (with 1.25 million square feet for typical office uses and the balance for accessory uses including meeting and collaboration space), 1,730 housing units, 200,000 square feet of retail, a hotel with up to 193 rooms, and associated open space (e.g. elevated linear park, town square, dog park, and 3.5 acre publicly accessible park) and infrastructure. For more comprehensive information on the proposed project, please review the October 24, 2022 Planning Commission staff report (Attachment E) and the December 6, and December 13, 2022 City Council staff reports (Attachments F and G, respectively).

Site location

The approximately 59-acre main project site is generally located along Willow Road between Hamilton Avenue and Ivy Drive. The main project site contains 20 existing buildings with approximately 1 million square feet of gross floor area. A project location map that includes site addresses, neighboring Meta sites, and other landmarks is included in Attachment H. The main project site is zoned O (Office) and R-MU (Residential Mixed Use) and the masterplan provides for a comprehensive redevelopment of the project site. Separately, the masterplan also includes off-site improvements at the Belle Haven neighborhood shopping center, the realignment of Hamilton Avenue (across Willow Road from the main project site), and the demolition and reconstruction of the Chevron service station. Table 1 summarizes the maximum approved development at the project site.

Table 1: Main project site project data		
	Proposed project (CDP Standards)	Zoning Ordinance bonus level standards (maximums)
Residential dwelling units	1,730 units*	1,730 units
Residential square footage	1,696,406 s.f.	1,701,404 s.f.
Residential floor area ratio	224.3%	225%
Commercial Retail square footage	200,000 s.f.	397,848 s.f.
Commercial Retail floor area ratio	12.6%	25%
Office square footage	1,600,000 s.f.**	1,780,436 s.f.
Office floor area ratio	113%	125%
Hotel rooms	193	n/a

* The total units would include a minimum of 15 percent of the residential units as BMR units to satisfy the City's inclusionary requirements. Additional BMR units would be incorporated to comply with the commercial linkage requirement.
**Office square footage includes a maximum of 1.25M s.f. of office uses with the balance of 350,000 s.f. for meeting and collaboration space use (if office square footage is maximized at 1.25M s.f.) within the Campus District; the total s.f. includes a portion of the 25% non-residential FAR permitted in the R-MU portion of the project site.

Main project site layout

The masterplan project will ultimately redevelop the main project site with three districts: a Town Square district, a Residential/Shopping district, and a Campus district. The Campus district is intended to be occupied by Meta. The approved site plan is included in Attachment I and a hyperlink to the approved masterplan project plans is included in Attachment J. The conceptual district plan for the main project site is shown on Masterplan Sheet G3.01. The three districts are linked through the proposed street network, parks and open space, and the layout of the buildings. The following list identifies some key components of the project site layout.

- The grocery store will be proximate to Willow Road at the intersection with Hamilton Avenue/Main Street, and entertainment and retail/dining uses would generally be located along Main Street;
- The Hotel and associated retail/dining will be proximate to the 1.5-acre publicly accessible town square;
- A 3.5-acre publicly accessible park will be proximate to Willow Road at Park Street, and a dog park will be located in the southeastern portion of the main project site, as well as additional public open space;
- A 2-acre publicly accessible elevated park will extend over Willow Road providing access at the Hamilton Avenue Parcel North; and
- A potential publicly-accessible, below grade tunnel for Meta intercampus trams, bicyclists and pedestrians will connect the project with the existing West and East campuses.

The approved site plan will be bisected by a new north–south street (Main Street) as well as an east–west street that would provide access to all three districts (Park Street). The project includes a comprehensive circulation network for vehicles, bicycles, and pedestrians, inclusive of paseos, multi-use paths, and both public rights-of-way and private streets that are generally aligned on an east-to-west and a north-to-south grid. The Willow Road Tunnel is an optional feature and the applicant may choose not construct the tunnel,

which was studied in the certified EIR. If constructed, the tunnel would link the main project site with the West Campus (Buildings 20-23 and citizenM hotel).

Project phasing
The build out of the masterplan project would be phased. The first phase would include the demolition and backbone infrastructure, followed by the first vertical construction phase (focused on the campus district and select residential/mixed-use buildings). The first vertical construction phase would include the elevated park. The publicly accessible community park would be completed in the first vertical construction phase and construction on the town square and hotel are dependent upon Caltrans approvals and the completion of the below grade parking structure. The second phase would include the remainder of the residential and mixed-use buildings. The masterplan DA includes minimum phasing requirements. The DA is included in Attachment K. For reference, the CDP is included in Attachment L.

The ACP reviews are an initial stage of the masterplan implementation. While the backbone infrastructure is required to be in place prior to vertical construction, the approvals of the ACPs will allow for the project to move forward with building permits for the buildings (upon completion of the backbone infrastructure and parcel management/final map recordation).

Current status and project milestones

This review focuses on three of the ACPs: the mixed-use building on Parcel 3, the publicly accessible park, and publicly accessible dog park. The mixed-use building on Parcel 3 would include 419 dwelling units with approximately 430,950 square feet of gross floor area and approximately 57,000 square feet of ground floor retail, restaurant, and/or entertainment space. The publicly accessible park would be approximately 3.5 acres of active and passive open space including an open lawn, meandering paths, children's play areas and amphitheater seating. The dog park would be approximately 8,000 square feet and the remainder of the parcel would be developed with a West Bay Sanitary District pump station. These three ACPs are the last of the ACPs the city has received to date. Additional ACPs for Parcel 4 and Parcel 5 have not yet been developed, and will be reviewed at a later date.

The applicant and staff have been discussing the Willow Road improvements, the on-site improvements (backbone infrastructure), and the final map approach. The applicant has submitted an encroachment permit for the on-site improvements, which are currently under review. The final map is anticipated to be submitted in the near future.

Analysis

To comply with Section 2.1.3 of the CDP, the applicant has submitted detailed architectural plans for the masterplan buildings and public spaces (Attachments N and R).

Compliance tracking

As a masterplan project, development regulations (e.g. average height, floor area ratio (FAR), gross floor area (GFA), parking spaces, heritage tree replacements, open space, etc.) are calculated in aggregate across the entire site. Some development regulations are calculated by zoning district (e.g. average height) and others are calculated across both the O (Office) and R-MU (Residential Mixed Use) zoning districts (e.g. GFA, open space, etc.). The applicant prepared a tracking matrix (Attachment M) that staff will use to monitor preliminary compliance and confirm compliance prior to issuance of each building permit, since minor adjustments to the project plans may occur prior to building permit issuance. Attachment M has been updated by staff to document compliance with the previously approved ACPs and the three ACPs being

considered at this time.

Parcel 3 – Mixed-use residential building

Site layout

Parcel 3 is located approximately in the center of the Willow Village Project site in the R-MU zoning district. The parcel is bounded by Main Street to the north and east, Center Street to the south, and West Street to the west. The Parcel 3 mixed use building is intended to be an entertainment extension from the Town Square to provide a central location for shops, eateries, and other larger entertainment uses, such as a movie theater or bowling alley. The Parcel 3 ACP project plans are included in Attachment N and Sheet A0.01 identifies the ACP project site within the masterplan project.

The project consists of a seven-story mixed-use building with ground-floor retail, restaurant, and entertainment spaces, and approximately 419 dwelling units with two large residential amenity decks on the third floor. The building would be constructed above the underground parking structure to provide shared parking for the commercial and residential components of the project. The building would have two main lobbies that would be located in the northeast and southwest corners of the building.

Gross floor area, floor area ratio, and density

The CDP approved a total of 1,730 housing units with a total of approximately 1.696 million square feet of residential GFA to be tracked across the entire project site. The proposed building would consist of 419 dwelling units with a total of approximately 430,950 square feet of GFA. The building would also have approximately 58,500 square feet of commercial space. The tracking matrix in Attachment M has been updated to include this ACP and will continue to be updated as additional ACPs are reviewed and then further updated with each building permit to ensure compliance with the CDP at full build out.

Below Market Rate housing units

The masterplan includes a site-wide BMR housing requirement of 312 BMR units at a range of affordability levels. The site-wide BMR agreement is included in Attachment O. The applicant is required to record parcel-specific BMR agreements prior to issuance of the first building permit associated with the ACP. Parcel 3 would include a total of 43 BMR units, approximately 10 percent of the Parcel 3 development, which is consistent with the project-wide BMR agreement that allows for individual buildings to contain less than 15 percent BMR units since 119 senior BMR units would be located in a standalone building as part of the previously-approved Parcel 7 ACP. The BMR units include a mix of studio, one-, and two-bedroom units, which would be indistinguishable from market-rate units in the development. The project plans in Attachment N document the preliminary locations of the BMR units. BMR units will be tracked with each building permit to confirm project-wide compliance with the unit sizes, affordability levels, and minimum required number of units. The BMR tracking template is included in Attachment P.

Height

The maximum height in the R-MU district for bonus level development is 70 feet, and the maximum average height is 52.5 feet, with an additional 10 feet of maximum and average height allowed for project sites located in the FEMA flood zone (80 feet and 62.5 feet, respectively) or subject to sea level rise. Additionally, the CDP approved a modification to the R-MU standards to allow a maximum eight of 85 feet on Parcel 3. The proposed building would have a maximum height of approximately 84.2 feet from average natural grade, and an average height of approximately 68.9 feet. The proposed maximum height is compliant with the maximum height allowed by the CDP. The average height will be calculated across the entire R-MU district, and therefore, the average height exceeding 62.5 feet on Parcel 3 is acceptable as long as the R-MU district as a whole is compliant. Height and average height will be tracked through the compliance matrix in Attachment M.

Parcel 3 site circulation, vehicle parking, and bicycle parking

Vehicle parking for the Parcel 3 would be accommodated in an underground parking structure. The underground parking would be connected to the larger structure underneath the Town Square and Parcel 3. The parking allotment for Parcel 3 includes 642 spaces, and would be accessed from two separate entrances, one along West Street on the west side of the building, and one along Center Street on the south side of the building. The required parking in Table 2 below is based on the full build out of Parcel 3.

Table 2: Parcel parking requirements

Project component	Development maximum	Minimum parking ratio	Minimum parking spaces	Maximum parking ratio	Maximum parking spaces	Provided parking spaces
Dwelling units	419 units	1/unit	419	1.5/unit	628	420
Retail square footage	58,500 s.f.	2.5/1,000 s.f.	147	3.3/1,000 s.f.	193	222

The Master Plan contemplated a total of 1,077 parking spaces shared between the Town Square, Hotel, Parcel 2 and Parcel 3 mixed-use buildings. The proposed 642 spaces would be included in the shared parking count, with the retail spaces included in the previously approved Town Square and Parcel 2 ACPs.

For residential uses, bicycle parking spaces are required to be provided at a ratio of 1.5 long-term bicycle parking spaces per unit with an additional 10 percent short-term bicycle parking spaces for guests. This project requires a minimum of 629 long-term and 63 short-term bicycle parking spaces. The proposed building would include 632 long-term bicycle parking spaces located in three large, secured, long-term bicycle parking rooms throughout the building. The project would include 64 short-term bicycle parking spaces, concentrated along Main Street near the retail spaces and residential lobby area.

Commercial bicycle parking spaces are required to be provided at a ratio of one space per 5,000 square feet of GFA, consisting of 80 percent short-term spaces and 20 percent long-term spaces. This project requires 13 spaces, with 10 short-term and three long-term spaces. The project would provide 10 short-term spaces located along Main Street near a main retail entrance, and eight long-term spaces located in a retail corridor in the southeastern portion of the building.

The total proposed bicycle parking for Parcel 3 would meet the total required parking spaces and the locations comply with the Zoning Ordinance. The bicycle parking spaces would also be in well-lit locations that should reduce potential bicycle theft. The ACP preliminarily complies with the vehicle and bicycle parking requirements and staff will confirm compliance prior to building permit issuance to account for any modifications in GFA.

Open space

Private open space and common open space

Residential projects in the R-MU are required to provide a minimum amount of open space equal to 25 percent of the lot area. Common and private open space for use by residents of the development is also required to be provided at a rate of either 100 square feet of common open space or 80 square feet of private open space per unit. In the case of a combination of common and private open space, 1.25 square feet of common open space is required to be provided for each square foot of private open space not provided. The private and common open space is counted towards the minimum open space requirement for the parcel. Table 3 below demonstrates that the open space requirements of the project will be met

through a combination of private and common residential open space in addition to open space accessible for retail patrons.

Table 3: Parcel 3 proposed open space		
	Required open space	Proposed open space
Private residential open space	80 sf/unit	18,267 sf
Common residential open space	100 sf/unit or 1.25 sf/ sf not provided as private open space	36,997 sf
Total required/proposed	**25 percent of lot area (31,336 sf)**	**55,264 sf**

A majority of the open space would be provided in two large residential courtyards on the third level. Additional common open space would be located in several terraces throughout the building on the fifth, sixth, and seventh floors. In addition to the common open space, many of the residences would include private balcony and private stoop open spaces.

Trees and landscaping

The project site would be landscaped with a mixture of ground cover and trees along the perimeter of the project site (street frontages), with additional trees planted throughout the interior of the ground floor. The ground floor would have three separate planting areas, the Center Street and garden area, passage area, and Main Street and North Plaza area, each with its own distinct planting scheme.

The Center Street and garden area would feature two different species of crape myrtles with additional fruiting and non-fruiting olive and emerald wave sweet bay shrubs. The passage between Center Street and Main Street would feature Guadalupe fan palm trees. The Main Street and North Plaza area would feature autumn gold ginkgo, Japanese zelkova, and Venus dogwood trees lining Main Street and throughout the commercial seating areas. The residential courtyards on the third level and terraces on the upper levels would also contain a mixture of trees and ground cover, including olive, myrtle, peppermint, ginkgo, and bay trees, with a mixture of shrubs and flowering plants to complement the palette.

The CDP conditions of approval require the applicant to submit a detailed landscape plan and heritage tree replacement tracking matrix concurrent with the submittal of a complete building permit. The matrix will incorporate these details from each building permit and document compliance with the minimum required heritage tree replacement totals across the project site. The Parcel 3 ACP documents preliminary compliance and Attachment M documents heritage tree replacement values associated with the Parcel 3 ACP. The project would comply with the minimum frontage landscaping requirements.

Design standards

Architectural style and building design

The building would be constructed in a contemporary residential design, similar to other recent apartment complexes in the Bay Area. The building would be designed with an eastern and western wing, connected at the third floor by a residential hallway. A standalone, triangular retail space would activate the northern portion of the building on the ground floor, and would be connected to the building by an extension of the western wing on the third level.

The building materials would primarily consist of bronze-colored tile on the upper floors, with grey brick siding on the lower floors. Columns and windows would feature aluminum framing. The building would also

have smooth stucco features which would be limited to a maximum of 50 percent of the façade siding. The application has demonstrated compliance with the maximum amount of permitted stucco. The building would include metal guardrails at balconies, both aluminum and metal awnings, and metal garage doors. Large glass windows would be included at the ground floor retail spaces. Sheet A7.01 includes the colors and materials board (Attachment N).

The Parcel 3 ACP would comply with the minimum requirements for setbacks and stepbacks, building modulation, roofline variation, building projections, building entrance locations, and ground floor transparency and height set forth in the Zoning Ordinance and the CDP, with the approval of the additional use permit request outlined in the next section.

Use permits

The applicant is requesting the following modifications from the Zoning Ordinance through the use permit:

- Modify building minor modulation requirements along Main Street;
- Modify building stepback requirements; and

The applicant's modification requests and justifications are included in Attachment Q.

The R-MU district requires a minor building modulation every 50 feet where the building fronts a public space. Along the eastern portion of the building that fronts Main Street, there is a stretch of building, approximately 69 feet, three inches in length, that does not have a minor modulation. The applicant states that this portion of the building creates a base from which other modulations and articulations can be referenced. Staff is supportive of the request because the proposed design is consistent with the approved masterplan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

Typically, the R-MU district requires stepbacks of a minimum of 10 feet. However, the CDP allows for stepbacks of eight feet to meet the stepback requirement. A minimum of 75 percent of the building façade must meet the stepback requirement, i.e. 25 percent does not need to meet the requirement. While the proposed building generally meets the stepback requirements, the building includes portions where the stepback is only four to six feet, which does not technically count towards the minimum façade length required to be stepped back. Therefore, the building would have three sections that would not meet the minimum 75 percent stepback requirement:

- The southeast portion of the Main Street façade, where 52 percent of the building facade does not meet the stepback requirement;
- The northwest portion of Main Street, where 41 percent of the building façade does not meet the stepback requirement; and
- Along West Street, where 36 percent of the building façade does not meet the stepback requirement.

The applicant states that the portions of the building that do not meet the stepback requirements are intended to serve as a vertical punctuation in contrast to the areas of the building that are stepped back. Additionally, the building is stepped back four to six feet in many locations, which provides additional variation in massing without actually meeting the minimum stepback. Staff is supportive of the request because the proposed design is consistent with the approved masterplan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

Publicly accessible park and dog park

The following section discusses the publicly accessible park and publicly accessible dog park collectively. The two projects are included in the same plan set (Attachment R), however, the two publicly accessible

open spaces are located on separate parcels and separate resolutions have been drafted for each respective project.

Site layout

The publicly accessible park is located in the southwest portion of the project site, and consists of approximately 3.5 acres of active and passive open space, which would be open to the public at least between sunrise and 30 minutes past sunset. The park would contain the following:

- Public parking spaces in the northern section (accessed off Park Street);
- A large lawn in the center of the park;
- Meandering paths and decorative planting areas along the southern portion of the park;
- A children's play area and an adventure play area near the southeast corner of the park;
- A restroom in the northeast corner; and
- Three pedestrian entrances: one at the corner of Willow Road and Park Street, a second further south near Mid-Peninsula High School, and a third in the northeast corner of the park.

The dog park would be located near the southeast corner of the project site, at the intersection of Park Street and Main Street, near the roundabout at O'Brien Drive. The site would primarily consist of an approximately 8,000-square-foot dog park, but would also be developed with a new pump station on the western side to serve the West Bay Sanitary District.

Gross floor area and floor area ratio

The CDP approved approximately 1.696 million square feet of GFA to be tracked across the entire project site. The proposed park would only contain one restroom building with approximately 925 square feet of GFA. The pump station at the dog park would be approximately 448 square feet of GFA. The park restroom and pump station will be tracked against the non-residential GFA in the tracking matrix (Attachment M).

Park and dog park site circulation, vehicle parking, and bicycle parking

Parking for the publicly accessible park would consist of one parking lot on the northern portion of the site. The parking lot would be accessed from Park Street and would consist of approximately 39 parking spaces. The dog park is intended to be primarily accessed by foot, and therefore, no parking is proposed at the dog park site.

Open space

The park and dog park would provide a substantial portion of the required publicly accessible open space in the overall Willow Village site. The CDP requires a total of 857,000 square feet of open space, including 360,000 square feet of publicly accessible parks, paths and trails. The publicly accessible park would account for approximately 3.5 acres (152,460 square feet) of publicly accessible open space. The dog park would add an additional approximately 8,000 square feet of publicly accessible open space. The tracking matrix (Attachment M) shows preliminary compliance with the open space requirements. The matrix will be updated and refined during the building permit stage to ensure compliance.

Trees and landscaping

The publicly accessible park would have several distinct areas of planting and landscaping geared towards different activities. The site plan is included as Attachment S. As a visitor enters the park at the corner of Willow Road and Park Street, planting areas to the south and east would screen Willow Road and the parking lot. The planting area along Willow Road would be slightly raised to form a hill to provide an added layer of screening from the thoroughfare. Moving south along the meandering path, a sensory garden and seating area lined with emerald sunshine elm trees would surround the law area in the center of the park.

The lawn would be approximately 14,000 square feet of open area that would gently slope up on the western side. This would provide a space for sports and more active use of the park. A dawn redwood tree would be planted near the center of the lawn area to provide shade for users.

South of the lawn area would be a wildflower garden and additional meandering paths intended for more passive use of the park. Surrounding the paths would be a mix of grasses and ground cover, including sedges, redbud, yarrow, kangaroo paw, rosemary, and sage, among others. Trees in this area would include cedars, strawberry trees, autumn gold gingko, southern live oak, and southern magnolia trees. A line of existing pine trees would remain along the southern property line to maintain screening from Mid-Peninsula High School to the south. Further east along the path an exercise area, adventure area, and children's play area would provide an opportunity for patrons to be more active in the space.

Finally, the northeast corner of the park would provide a picnic area, including movable seating, the restroom, amphitheater seating, and a third park entry. This area would primarily feature permeable pavers with shade trees, including southern magnolias and autumn gold gingko trees, and a shade canopy to provide comfortable seating areas. A line of southern live oak trees would be planted along the eastern property line to screen the residential building on Parcel 6.

The dog park would primarily feature porous gravel at the ground level, to provide dogs ample area for exercise. However, strawberry trees and Chinese pistache trees would help provide some shade. There would be some ground cover surrounding the dog park, which would include Berkeley sedge, western redbud, sage, and rosemary among others.

Restroom design

The publicly accessible park restroom would be constructed primarily of wood or wood-like siding materials with a concrete base. The structure would have metal, copper-tone fascias and coping, and the entryway would have a dark anodized metal trim. The structure would have heavy crimped metal mesh clerestory windows.

Pump station

The CDP requires that the pump station located on the dog park parcel be adequately screened and the enclosure designed in a manner that recedes into the landscape. The enclosure would be constructed with porcelain or porcelain-like masonry siding with neutral colors above a concrete base that would match the landscape seating wall. The enclosure would be set back approximately nine feet, three inches from the sidewalk, which complies with the minimum setback required by the CDP, and would be screened by strawberry trees. Staff believes the pump station design and location meets the requirements of the CDP.

Connection to broader Bayfront area

The dog park includes a public utilities easement (PUE) that runs the length of the southern property line, and is approximately 10 feet in width, to accommodate a city storm main. This PUE lines up approximately across the Hetch Hetchy right-of-way from the publicly accessible open space included in the proposed 1125 O'Brien Drive project. Staff has identified that, in the future, there could be an opportunity for the City to work with the San Francisco Public Utilities Commission (SFPUC) to potentially create a connection across the Hetch Hetchy right-of-way from the project site to the life sciences district and the broader Bayfront area. Therefore, staff has included a condition of approval to convert the PUE to a public service easement (PSE), that would include public access, to allow the City the opportunity to explore potential connections from the project site via the SFPUC right-of-way. Any potential connection would require the participation of the SFPUC, which may not permit any encumbrances across its Hetch Hetchy right-of-way.

Green and sustainable building regulations

The proposed project would, at a minimum, comply with the green and sustainable building requirements of the Zoning Ordinance, the City's current Reach Code, and EV charging requirements. The summary below includes the City's requirements for the proposed project and compliance would be ensured through the CDP requirements, ACP specific conditions (as necessary), and documented accordingly at the building permit or construction stages or through ongoing compliance monitoring:

- Meet 100 percent of its energy demand through any combination of on-site energy generation, purchase of 100 percent renewable electricity, and/or purchase of certified renewable energy credits;
- Be designed to meet LEED (Leadership in Energy and Environmental Design) Gold BD+C (Building Design + Construction) for buildings greater than 25,000 square feet and LEED Silver BD+C for buildings between 10,000 and 25,000 square feet;
- Comply with the current electric vehicle (EV) charger requirements adopted by the City Council;
- Meet water use efficiency requirements including the use of recycled water for all City-approved non-potable applications;
- Locate the proposed buildings 24 inches above the Federal Emergency Management Agency (FEMA) base flood elevation (BFE) to account for sea level rise;
- Plan for waste management during the demolition, construction, and occupancy phases of the project (including the preparation of the required documentation of zero waste plans); and
- Incorporate bird friendly design in the placement of the building and use bird friendly exterior glazing and lighting controls.

The proposed project would be required to use electricity as the only source of energy for all appliances used for space heating, water heating, cooking, and other activities, consistent with the City's reach code, with the exception of commercial kitchens that may appeal to use natural gas, which is subject to review and approval by the Environmental Quality Commission. The Project proposes to use natural gas for commercial kitchens but the on-site renewable energy generation would off-set any natural gas used in building operations (cooking), any tenants that do not purchase 100 percent renewable energy through Peninsula Clean Energy (PCE), and the routine testing of diesel generators. The applicant submitted a memo outlining preliminary compliance with the 100 percent renewable energy requirement and how the on-site energy generation for Parcel 3 would offset any use of natural gas, diesel fuel, and any opt-outs by tenants from Peninsula Clean Energy (Attachment T). The publicly accessible park and dog park would comply with the 100 percent renewable energy requirement for site lighting and the park buildings, since the site owner's association would operate these publicly accessible spaces.

The CDP requires the applicant to design and certify buildings greater than 25,000 square feet in size for LEED Gold and buildings between 10,000 and 25,000 square feet in size for LEED Silver. Buildings on the project site of less than 10,000 sf would not be certified under LEED. Each building shall be certified within one year of Certificate of Occupancy and documentation shall be provided to the Planning Division. The applicant has submitted LEED checklists and a cover letter confirming this approach for, Parcel 3 (Attachment U).

The applicant has submitted a memo from its biologist documenting compliance with the masterplan bird safe design assessment and CDP based on the specific designs of the Parcel 3 mixed-use building (Attachment V). The Willow Village bird safe design assessment is included in Attachment W. Staff has reviewed and confirmed the applicant has documented preliminary compliance, and a detailed analysis will be conducted and submitted with the building permit, as appropriate, to analyze the specific building design and materials, per the requirements of the CDP and mitigation monitoring and reporting program (MMRP).

The applicant has included the trash and recycling rooms on each of the building floor plans and confirmed the waste management would include compost bins. The applicant has submitted the required zero waste forms. Zero waste infrastructure (e.g. hydration stations, hand driers in restrooms, three-stream built-in sorting stations, etc.) would be confirmed during the building permit review.

Correspondence

As of the writing of this report, staff has not received any items of correspondence on the project.

Conclusion

The ACPs for Parcel 3, the publicly accessible park, and dog park are consistent with the approved masterplan, including the CDP and DA. The proposed architectural designs of the buildings and site components are consistent with the masterplan illustrative plans and would comply with the Zoning Ordinance, CDP, and DA. The mixed-use residential project would provide 43 BMR units, which would contribute to the minimum 312 BMR units required by the CDP. The requested use permits to modify Zoning Ordinance development standards are generally focused on making the illustrative plans consistent with the CDP. The use permits would facilitate a comprehensive architectural design for each ACP and continue to result in high quality architectural designs for each ACP. The publicly accessible park and dog park provide a significant amount of required open space, including spaces for active and passive recreation for a variety of users. Staff recommends that the Planning Commission adopt the resolutions in Attachments A, B, and C, and approve the ACPs and use permits for Parcel 3, the publicly accessible park and dog park.

Next steps

The Community Development and Public Works Departments continue to review the final map, on-site improvement plans, and Willow Road improvement plans. The ACPs for Parcel 4 and Parcel 5 have not yet been designed, and will be reviewed by the Planning Commission at a later date.

Impact on City Resources

The applicant is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the proposed project. The applicant is also required to fully cover the cost of work by consultants performing environmental review and additional analyses to evaluate potential impacts of the project.

Environmental Review

The proposed ACPs would implement the specific building and site designs for the masterplan project. The use permit requests would modify the design standards from the Zoning Ordinance, but would not increase the density, intensity or height contemplated in the masterplan. The proposed ACPs would be consistent with the certified EIR prepared for the Willow Village masterplan project. The building permits associated with the ACPs would comply with the mitigation monitoring and reporting program, as required, from the certified EIR. No further environmental review is required.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72

hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a ¼-mile radius of the subject property.

Attachments

A. Draft resolution approving architectural control package and use permits for Parcel 3
Exhibits to Attachment A
    Exhibit A: Parcel 3 ACP Project Plans (Attachment N)
    Exhibit B: Use Permit Request Letter (Attachment O)
    Exhibit C: Conditions of Approval
B. Draft resolution approving architectural control package and use permits for the publicly accessible park
Exhibits to Attachment B
    Exhibit A: Publicly accessible park ACP Project Plans (Attachment P)
    Exhibit B: Conditions of Approval
C. Draft resolution approving the architectural control package for the dog park
Exhibits to Attachment C
    Exhibit A: Dog park ACP Project Plans (Attachment P)
    Exhibit B: Conditions of Approval
D. Masterplan project meeting and milestones summary
E. Hyperlink: Planning Commission October 24, 2022 Staff Report - https://menlopark.gov/files/sharedassets/public/v/4/agendas-and-minutes/planning-commission/2022-meetings/agendas/20221024-planning-commission-agenda-packet.pdf#page=27
F. Hyperlink: City Council December 6, 2022 Staff Report – https://menlopark.gov/files/sharedassets/public/v/5/agendas-and-minutes/city-council/2022-meetings/agendas/20221206-cc-agenda-packet-with-presentation.pdf#page=85
G. Hyperlink: City Council December 13, 2022 Staff Report - https://menlopark.gov/files/sharedassets/public/v/2/agendas-and-minutes/city-council/2022-meetings/agendas/20221213-city-council-agenda-packet-2.pdf#page=41
H. Project location map
I. Approved masterplan site plan
J. Hyperlink: Approved masterplan project plan set - https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/october-2022/masterplan-plan-set.pdf
K. Hyperlink: Adopted development agreement - https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/willow-village-master-plan-development-agreement.pdf
L. Hyperlink: Adopted conditional development permit - https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/notice-of-terms-and-conditions-of-conditional-development-permit.pdf
M. Compliance tracking matrix
N. Hyperlink: Parcel 3 ACP plan set – https://menlopark.gov/files/sharedassets/public/v/1/community-development/documents/projects/under-review/willow-village/architectural-control-plans/mixed-use-parcel-3-plan-set.pdf
O. Hyperlink: Site-wide BMR agreement – https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/project-wide-affordable-housing-agreement.pdf
P. Template for BMR unit compliance tracking table
Q. Parcel 3 use permit request letter
R. Hyperlink: Publicly accessible park and dog park ACP plan set –

https://menlopark.gov/files/sharedassets/public/v/1/community-development/documents/projects/under-review/willow-village/architectural-control-plans/publicly-accessible-park-and-dog-park-plan-set.pdf

S. Publicly accessible park site plan
T. Renewable energy compliance memo (Parcel 3)
U. LEED compliance memo (Parcel 3)
V. Bird friendly design compliance memo (Parcel 3)
W. Willow Village Master Plan Bird Safe Design Assessment

Disclaimer

Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the applicant, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

Report prepared by:
Chris Turner, Associate Planner

Report Reviewed by:
Kyle Perata, Planning Manager
Leila Moshref-Danesh, Assistant City Attorney

DRAFT

PLANNING COMMISSION RESOLUTION NO._____

DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL AND USE PERMIT TO MODIFY DESIGN STANDARDS FOR THE WILLOW VILLAGE PARCEL 3 RESIDENTIAL MIXED-USE BUILDING

WHEREAS, the City of Menlo Park ("City") certified an Environmental Impact Report ("EIR") and approved an application requesting an amendment to the General Plan Circulation Element ("General Plan"), zoning map amendment, rezoning certain properties to add a Conditional Development ("X") Combining District, a conditional development permit ("CDP"), below market rate ("BMR") housing agreements, vesting tentative maps, and Development Agreement from Peninsula Innovation Partners, LLC ("Applicant"), to redevelop an approximately 59-acre industrial site (the "Main Project Site") plus three parcels (within two sites) west of Willow Road (the "Hamilton Parcels" and collectively, with the Main Project Site, the "Project Site") with a bonus level development project consisting of up to 1.6 million square feet of office and accessory uses (a maximum of 1,250,000 square feet for office uses and the balance accessory uses), up to 1,730 multifamily dwelling units, up to 200,000 square feet of retail uses, an up to 193-room hotel, and associated open space and infrastructure ("Master Plan"); and

WHEREAS, Section 2.1.3 of the CDP requires the Applicant to submit architectural Control Plans ("ACP") for each individual project within the Main Project Site, subject to review and approval by the Planning Commission, prior to issuance of building permit for each building; and

WHEREAS, the applicant submitted an ACP for Parcel 3, containing a residential mixed-use development with 419 dwelling units, including 43 BMR units with approximately 430,950 square feet of residential gross floor area and approximately 58,821 square feet of retail gross floor area; and

WHEREAS, the ACP has been reviewed by the Planning Division and found to be in compliance with the approved CDP, Master Plan, and applicable zoning standards, with the exception of certain modifications to design standards of the Residential Mixed Use (R-MU) zoning district; and

WHEREAS, the zoning ordinance allows for modifications to the design standards, subject to use permit approval by the Planning Commission; and

WHEREAS, the applicant has submitted a request for a use permits to modify minor modulation requirements along Main Street and modify building stepback requirements; and

WHEREAS, the requested modifications were generally included in the preliminary designs of the ACPs and within the Master Plan project plans, previously reviewed by the

Planning Commission and City Council during the development of the Master Plan and CDP; and

WHEREAS, the ACP and the use permit collectively constitute the "Project"; and

WHEREAS, the Project is consistent with the certified EIR for the Willow Village Master Plan Project; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on September 18, 2023, at which all persons interested had the opportunity to appear and comment; and

WHEREAS, after closing the public hearing, the Planning Commission considered all public and written comments, pertinent information, documents and plans and all other evidence in the public record on the Project; and

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

BE IT FURTHER RESOLVED that the Planning Commission makes the following findings:

1. *Architectural Control*. The approval of the Parcel 3 ACP is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

    a. That the general appearance of the structure is in keeping with the character of the neighborhood; in that, the Project is designed in a contemporary architectural style consistent with modern residential development designs, and in the general character of other residential developments in the Bayfront area and is generally consistent with the Master Plan.

    b. That the development will not be detrimental to the harmonious and orderly growth of the City; in that, the Project is consistent with the Master Plan which was reviewed and approved by the City Council. The approvals included a Development Agreement and Conditional Development Permit that approved a phased development of the overall Project Site in order to allow for the orderly growth of the Bayfront area.

    c. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the Project would create a new housing and retail opportunity, including housing units offered at below market rates. The proposed materials and colors used will be compatible

with other developments in the surrounding Bayfront area, and would be consistent with the design standards of the Residential Mixed Use zoning district and approved modifications to the Residential Mixed Use zoning district design standards included in the CDP and the use permit request as part of the ACP.

d. That the development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking; in that the Project would be constructed above an underground parking structure with 420 parking spaces dedicated to the residences and 222 shared parking spaces for retail use.

e. That the development is consistent with any applicable specific plan; in that, the Project is not located within a specific plan area. However, the Project is located within the Willow Village Project Site and is compliant with the approved CDP and Master Plan.

2. *Use permits to modify minor modulation requirements along Main Street and modify stepback requirements*. That the establishment, maintenance, or operation of the use applied for will not, under the circumstance of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of such proposed use, or injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because:

   a. Generally, the proposed modifications to the Residential Mixed Use district design standards are intended to clarify previously identified modifications from the Master Plan and preliminary ACP plan sets that were not incorporated into the approved design modifications in the CDP.

   b. The unmodulated portion of the Main Street façade creates a strong architectural base from which other articulations can be referenced. The proposed design is consistent with the approved Master Plan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

   c. Although the northeast and southeast portions of Main Street and West Street do not meet the minimum proportion of façade that is required to meet the stepback requirement, these facades do step back to create a variation in the façade. Many of the areas that do not meet the minimum stepback requiring of eight feet would be stepped back between four and six feet, serving to create contrast between these areas and areas that meet the minimum stepback. The proposed design is consistent with the approved Master Plan plan set and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

Based on the above findings, the Planning Commission approves the Project, inclusive of the architectural control and use permit components.

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, Kyle Perata, Planning Manager 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 ____day of September, 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 September, 2023.

PC Liaison Signature

Kyle Perata
Planning Manager
City of Menlo Park

Exhibits

A. Parcel 3 ACP Project Plans (see Attachment N of the September 18, 2023 staff report)
B. Use Permit Request Letter (see Attachment Q of the September 18, 2023 staff report)
C. Conditions of Approval

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

1. The architectural control permit and use permit for Parcel 3 associated with the Willow Village mixed-use masterplan shall be subject to the following ***standard*** conditions:

General Conditions

a. Development of the Parcel 3 Architectural Control Plan (hereinafter the "ACP" or "project") shall be substantially in conformance with the project plans attached to the September 18, 2023 Planning Commission staff report as Exhibit A to Attachment A, and consisting of 71 plan sheets, dated September 1, 2023 (hereinafter the "Plans"). The Plans are incorporated by reference herein. The Plans may be modified by the conditions contained herein or as permitted by the Willow Village mixed-use masterplan conditional development permit (hereinafter the "CDP") subject to review and approval of the Community Development Director or their designee.

b. Development of the project shall further be substantially in conformance with the Willow Village mixed-use masterplan plan set (hereinafter "the masterplan plans") dated October 19, 2022 and approved by the City Council on December 6, 2022 and December 13, 2022.

c. The project shall be subject to the California Environmental Quality Act Environmental Impact Report prepared for and certified for the Willow Village mixed-use masterplan project (hereinafter "masterplan project") and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2019090428. The project shall comply with all mitigation measures of the MMRP, which is attached to City Council Resolution No. 6790 and incorporated herein by this reference.

d. The project shall comply with all applicable conditions and requirements of the CDP adopted for the masterplan project by the City Council on December 13, 2022 by Ordinance No. 1094. The conditions contained herein are added to this ACP and the project is required to comply with the CDP and these conditions in totality.

e. The project shall comply with all applicable requirements of the Development Agreement (hereinafter "DA") adopted for the masterplan project by the City Council on December 13, 2022 by Ordinance No. 1095. The conditions contained herein are added to this ACP and the project is required to comply with the DA requirements and these conditions in totality.

f. All outstanding and applicable fees associated with the processing of this ACP shall be paid prior to the issuance of any building permit for the ACP.

g. Revisions to this ACP shall be processed by the City Community Development Department in accordance with Section 8.5 (Administrative Amendments of Project Approvals) of the Development Agreement.

h. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park and all applicable local, State, and Federal laws and regulations, unless the CDP or DA expressly state otherwise.

i. Prior to issuance of any building permit, the Applicant shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division that are directly applicable to the

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

project and the type of building permit issued, provide the requirements and conditions are consistent with the CDP and DA.

j. Prior to issuance of the foundation permit, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project and that are consistent with the CDP and DA.

k. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to Section 9.6 of the Development Agreement.

l. Developer is hereby notified, as required by Government Code §66020, that the approved plans, and the conditions of approval and ordinances governing fees and exactions in effect at the time the project is approved, constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90 day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.

Planning Division Conditions

m. No later than upon the submittal of any complete building permit application, the applicant shall submit an updated LEED Checklist ("Checklist"), subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP shall submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Gold certification for buildings greater than 25,000 square feet and LEED Silver for buildings between 10,000 and 25,000 square feet in size shall be required before issuance of the superstructure building permit. Each building shall be certified within one year of certificate of occupancy and documentation shall be provided to the Planning Division, per the requirements of CDP Condition 21.3.

n. During all phases of construction, potable water shall not be used for dust control.

o. Prior to final inspection, occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between ten (10) p.m. and sunrise, as required by Section 16.45.130(6)(C) of the Zoning Ordinance.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

p. During all phases of construction and after final inspection for the life of the project, rodenticides shall not be used on the property in accordance with Section 16.45.130(6)(G) of the Zoning Ordinance.

q. Simultaneous with the submittal of a complete building permit application, the Applicant shall comply with Item 13.5 (Public Open Space Access) of the CDP. Prior to issuance of the certificate of occupancy, the Applicant shall construct the publicly accessible open space for each ACP, subject to Exhibit F of the Development Agreement, and subject to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions. Further, the publicly accessible open space shall comply with the operating rules identified in Section 19 of the CDP.

r. Prior to issuance of the first building permit, the applicant shall record a below market rate (BMR) housing agreement for the Project. The BMR agreement shall be in compliance with the BMR requirements in the CDP and Development Agreement.

Building Division Conditions

s. Detached structures require their own permit, have an occupancy category and are required to meet all Building Code requirements associated with their occupancy and location on the site.

t. Each complete building permit application shall include information on all imported fill. The imported fill must meet the City of Menlo Park's requirements. Documentation demonstrating that the fill meets the City's requirements must be submitted to and approved by the Building Official or their designee prior to fill being brought on site. Fill requirements are outlined in CBC appendix J section J107 as adopted in Menlo Park Municipal Code (MPMC) Section 12.06.020.

u. No later than upon the submittal of a complete building permit application for each building, and prior to issuance of the foundation permit, approved soil management plans and work plans by the agency with jurisdiction over any remediation work are required to be submitted to the City for reference purposes. Any excavation related to soils remediation shall require issuance of a building permit from the City. The applicant shall comply with the requirements of CDP Item 10.4 (Voluntary remediation work).

v. No later than upon the submittal of a complete building permit application and prior to issuance of the superstructure building permit, the project design shall incorporate dual plumbing for internal use of future recycled water, subject to review and approval of the Building Division.

w. No later than upon the submittal of each complete building permit application, the Applicant shall submit and get approval of a construction waste management plan per City's ordinance 12.18.010. The construction waste management plan is subject to approval by the Building Official or their designee.

x. Each complete building permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2022 CBC

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

or the current CBC in effect at the time of submittal of a complete building permit application.

y. As part of each complete building permit application, the project shall show that accessible routes comply with the requirements of 11B-402.

z. As part of each complete building permit application, the project shall demonstrate compliance that all low-emitting, fuel efficient and/or carpool/van pool vehicle parking meet the Cal Green 5.106.5.1 requirements.

aa. As part of each complete building permit application, the applicant shall include specific occupant loads and egress requirements for all courtyard and other outdoor use areas.

Engineering Division Conditions

bb. Prior to any building permit issuance, Applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the water mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.

cc. Prior to any building permit issuance, Applicant shall coordinate with West Bay Sanitary District to confirm the sanitary sewer mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, have sufficient capacity for the project.

dd. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.

ee. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:

i. Existing Topography (NAVD 88')
ii. Demolition Plan
iii. Site Plan (including easement dedications)
iv. Construction Parking Plan
v. Grading and Drainage Plan
vi. Utility Plan
vii. Erosion Control Plan / Tree Protection Plan
viii. Planting and Irrigation Plan
ix. Off-site Improvement Plan
x. Construction Details (including references to City Standards)

ff. During the design phase of the construction drawings, all potential utility conflicts shall be potholed and actual depths shall be recorded on the improvement plans, unless sufficiently documented on the as-built improvement plans constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

December 6, 2022 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.

gg. Simultaneous with the submittal of any building permit the applicant shall submit a Stormwater Management Plan. The project Stormwater Management Plan shall incorporate trash capture measures such as screens, filters or CDS/Vortex units to address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP). The Stormwater Management Plan shall be reviewed and approved by the Engineering Division prior to building permit issuance (grading and utilities phase).

hh. Simultaneous with the submittal of any complete building permit application, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

ii. All Public Works fees are due prior to issuance of any building permit. Refer to City of Menlo Park Master Fee Schedule.

jj. If existing utilities outside of the project site and utilities within the project site, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.

kk. If a tree protection plan is required pursuant to CDP Condition 12.18, prior to building permit issuance, a tree protection verification letter from the Project Arborist documenting that the required tree protection is installed consistent with the recommendations in the project arborist report. Documentation shall include, but is not limited to a site visit by the Project Arborist to verify that the protection measures are in compliance, documentation with photos, and summary letter, subject to review and approval of the City Arborist.

ll. If a tree preservation plan is required pursuant to CDP Condition 12.18, the Project Arborist shall conduct monthly tree protection inspections and monitoring. The Project Arborist shall monitor the condition of the trees, verify the tree protection measures are in compliance, provide recommendations for any necessary maintenance and impact reduction, and prepare and submit monthly reports for City Arborist review and acceptance.

mm. For construction activity resulting in a land disturbance of one acre or more, applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board under the Construction Activities Storm Water General Permit (General Permit). The NOI indicates the applicant's intent to comply with the San Mateo Countywide Stormwater Pollution Prevention Program, including a Stormwater Pollution Prevention Plan (SWPPP).

nn. Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans.

oo. Prior to construction, the applicant shall file and obtain a VOC and Fuel Discharge Permit with the San Francisco Bay Regional Water Quality Control Board as necessary for groundwater discharge. All groundwater discharge to the City storm drain during construction shall be approved to the satisfaction of the Public Works Department prior to commencement of work. The City may request, at the behest of the Public Works Department, additional narratives, reports, or engineering plans to establish compliance with state and local regulations prior to approval. Similarly, any discharge to the City's Sanitary Sewer system shall be approved to the satisfaction of West Bay Sanitary District, with proof of acceptance, prior to commencement of work.

pp. Prior to final occupancy of any building, any frontage improvements which are damaged as a result of construction shall be required to be replaced.

qq. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.

2. The architectural control and use permit shall be subject to the following ***project-specific*** conditions:

a. The architectural control and use permit shall be valid after 15 days from the Planning Commission's approval (October 4, 2023), unless appealed to the City Council.

b. The use permit shall be valid for the term of the Development Agreement.

c. The Applicant shall document compliance with the Menlo Park Fire Protection District conditions and comments in its correction letter on the Planning Architectural Review, dated March 8, 2023, subject to review by the Building and Planning Division. The Applicant shall submit approval letters from the Menlo Park Fire Protection District for each building permit as applicable, prior to building permit issuance, subject to review by the Building Division. If compliance with the Fire District's access location and design requirements, or other Fire District requirements requires revisions to the approved architectural control and use permits, Planning Commission review of the revisions may be required as determined by the Community Development Director, utilizing Section 8 of the CDP.

Planning Division Conditions

d. Prior to the granting of the Certificate of Occupancy for the first building, the Applicant shall submit to the City a schedule for the documentation of compliance with the 100 percent renewable energy requirements and/or renewable energy off sets of Zoning Ordinance sections 16.45.130(2)(A), per the requirements of CDP condition 13.15.

e. Subject to CDP section 4.13 and the Development Agreement, no later than twelve months after Certificate of Occupancy is granted, the Applicant shall submit

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

calculations documenting the prorated/fair share water usage allocated to the building based on square footage, units, or hotel rooms. The maximum total potable water usage for the project site is 98 million gallons per year. The Applicant shall submit water allocation calculations to the City's Engineering Division and shall be reviewed and approved by the Public Works Director for compliance with the requirements of CDP condition 13.1.

f. Once construction has commenced, the applicant shall diligently pursue the project's construction through to completion, and, if at any point after building permits have been issued, the applicant abandons construction and the building permits expire, the applicant shall demolish the uncompleted portions of the project covered by the building permit(s) and restore the site to rough grade condition and/or shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

g. If the applicant leaves any work or construction in an unfinished state for more than seven (7) consecutive days, applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Building and Engineering Divisions.

h. If the applicant leaves any work or construction in an unfinished state for more than one hundred and twenty (120) consecutive days, applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

i. Utility equipment shall meet the requirements of Chapter 16.45.120(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping, subject to review and approval of the Planning, Engineering, and Building Divisions.

j. The ACP shall comply with requirements of Section 11 (Bird Safe Design) of the CDP and shall document compliance, as necessary, concurrent with the submittal of a complete building permit application, subject to review and approval by the Planning Division.

Transportation Division Conditions

k. All public right-of-way improvements, including frontage and intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy. Required intersection improvements shall be completed per the requirements of CDP section 14. The Applicant shall notify the Transportation Division prior to commencing design for each intersection, to avoid duplicating efforts started by the City and/or other development projects.

l. Prior to issuance of the first building permit, the applicant shall submit plans for construction related parking management, construction staging, material storage

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the Transportation, Engineering, Planning, and Building Divisions. The applicant shall secure adequate parking for any and all construction trades, until the parking podium is available on the project site. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The existing sidewalk and bike lanes or an acceptable pedestrian and bicycle pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.

DRAFT

PLANNING COMMISSION RESOLUTION NO._____

DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL FOR THE WILLOW VILLAGE PUBLICLY ACCESSIBLE PARK

WHEREAS, the City of Menlo Park ("City") certified an Environmental Impact Report ("EIR") and approved an application requesting an amendment to the General Plan Circulation Element ("General Plan"), zoning map amendment, rezoning certain properties to add a Conditional Development ("X") Combining District, a conditional development permit ("CDP"), below market rate ("BMR") housing agreements, vesting tentative maps, and Development Agreement from Peninsula Innovation Partners, LLC ("Applicant"), to redevelop an approximately 59-acre industrial site (the "Main Project Site") plus three parcels (within two sites) west of Willow Road (the "Hamilton Parcels" and collectively, with the Main Project Site, the "Project Site") with a bonus level development project consisting of up to 1.6 million square feet of office and accessory uses (a maximum of 1,250,000 square feet for office uses and the balance accessory uses), up to 1,730 multifamily dwelling units, up to 200,000 square feet of retail uses, an up to 193-room hotel, and associated open space and infrastructure ("Master Plan"); and

WHEREAS, Section 2.1.3 of the CDP requires the Applicant to submit architectural Control Plans ("ACP") for each individual project within the Main Project Site, subject to review and approval by the Planning Commission, prior to issuance of building permit for each building; and

WHEREAS, the applicant submitted an ACP for the publicly accessible park consisting of approximately 3.5 acres of active and passive recreation space, including a lawn, adventure area, children's play area, walking paths, exercise area, and picnic area; and

WHEREAS, the ACP has been reviewed by the Planning Division and found to be in compliance with the approved CDP, Master Plan, and applicable zoning standards of the Residential Mixed Use (R-MU) zoning district; and

WHEREAS, the ACP constitutes the "Project"; and

WHEREAS, the Project is consistent with the certified EIR for the Willow Village Master Plan Project; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on September 18, 2023, at which all persons interested had the opportunity to appear and comment; and

WHEREAS, after closing the public hearing, the Planning Commission considered all public and written comments, pertinent information, documents and plans and all other evidence in the public record on the Project; and

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

BE IT FURTHER RESOLVED that the Planning Commission makes the following findings:

1. *Architectural Control*. The approval of the publicly accessible park ACP is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

    a. That the general appearance of the publicly accessible park is in keeping with the character of the neighborhood; in that, the Project is designed in a way that reflects the needs of current and future residents of Belle Haven and the Willow Village Project Site and in the general character of other parks in the city, and is generally consistent with the Master Plan.

    b. That the development will not be detrimental to the harmonious and orderly growth of the City; in that, the Project is consistent with the Master Plan which was reviewed and approved by the City Council. The approvals included a Development Agreement and Conditional Development Permit that approved a phased development of the overall Project Site in order to allow for the orderly growth of the Bayfront area.

    c. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the Project would create a space for active and passive recreation for future residents of the Willow Village Project and current residents throughout the city.

    d. That the development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking; in that the Project would include a parking lot with 39 parking spaces, and would be easily accessible on foot or bicycle from throughout the Willow Village Site and would be directly accessed from Willow Road.

    e. That the development is consistent with any applicable specific plan; in that, the Project is not located within a specific plan area. However, the Project is located within the Willow Village Project Site and is compliant with the approved CDP and Master Plan.

Based on the above findings, the Planning Commission approves 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.

I, Kyle Perata, Planning Manager 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 ____day of September, 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 September, 2023.

PC Liaison Signature

Kyle Perata
Planning Manager
City of Menlo Park

Exhibits

A. Publicly accessible park ACP Project Plans (see Attachment R of the September 18, 2023 staff report)
B. Conditions of Approval

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

1. The architectural control permit for the publicly accessible park associated with the Willow Village mixed-use masterplan shall be subject to the following ***standard*** conditions:

General Conditions

a. Development of the publicly accessible park Architectural Control Plan (hereinafter the "ACP" or "project") shall be substantially in conformance with the project plans attached to the September 18, 2023 Planning Commission staff report as Exhibit A to Attachment B, and consisting of 28 plan sheets, dated September 1, 2023 (hereinafter the "Plans"). The Plans are incorporated by reference herein. The Plans may be modified by the conditions contained herein or as permitted by the Willow Village mixed-use masterplan conditional development permit (hereinafter the "CDP") subject to review and approval of the Community Development Director or their designee.

b. Development of the project shall further be substantially in conformance with the Willow Village mixed-use masterplan plan set (hereinafter "the masterplan plans") dated October 19, 2022 and approved by the City Council on December 6, 2022 and December 13, 2022.

c. The project shall be subject to the California Environmental Quality Act Environmental Impact Report prepared for and certified for the Willow Village mixed-use masterplan project (hereinafter "masterplan project") and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2019090428. The project shall comply with all mitigation measures of the MMRP, which is attached to City Council Resolution No 6790 and incorporated herein by this reference.

d. The project shall comply with all applicable conditions and requirements of the CDP adopted for the masterplan project by the City Council on December 13, 2022 by Ordinance No. 1094. The conditions contained herein are added to this ACP and the project is required to comply with the CDP and these conditions in totality.

e. The project shall comply with all applicable requirements of the Development Agreement (hereinafter "DA") adopted for the masterplan project by the City Council on December 13, 2022 by Ordinance No. 1095. The conditions contained herein are added to this ACP and the project is required to comply with the DA requirements and these conditions in totality.

f. All outstanding and applicable fees associated with the processing of this ACP shall be paid prior to the issuance of any building permit for the ACP.

g. Revisions to this ACP shall be processed by the City Community Development Department in accordance with Section 8.5 (Administrative Amendments of Project Approvals) of the Development Agreement.

h. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park and all applicable local, State, and Federal laws and regulations, unless the CDP or DA expressly state otherwise.

i. Prior to issuance of any building permit, the Applicant shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division that are directly applicable to the

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

project and the type of building permit issued, provide the requirements and conditions are consistent with the CDP and DA.

j. Prior to issuance of any foundation permit, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project and that are consistent with the CDP and DA.

k. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to Section 9.6 of the Development Agreement.

l. Developer is hereby notified, as required by Government Code §66020, that the approved plans, and the conditions of approval and ordinances governing fees and exactions in effect at the time the project is approved, constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90 day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.

Planning Division Conditions

m. During all phases of construction, potable water shall not be used for dust control.

n. Prior to final inspection, occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between ten (10) p.m. and sunrise, as required by Section 16.45.130(6)(C) of the Zoning Ordinance.

o. During all phases of construction and after final inspection for the life of the project, rodenticides shall not be used on the property in accordance with Section 16.45.130(6)(G) of the Zoning Ordinance.

p. Simultaneous with the submittal of a complete building permit application, the Applicant shall comply with Item 13.5 (Public Open Space Access) of the CDP. Prior to issuance of the certificate of occupancy, the Applicant shall construct the publicly accessible open space for each ACP, subject to Exhibit F of the Development Agreement, and subject to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions. Further, the publicly accessible open space shall comply with the operating rules identified in Section 19 of the CDP.

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PROJECT CONDITIONS:

Building Division Conditions

q. Detached structures require their own permit, have an occupancy category and are required to meet all Building Code requirements associated with their occupancy and location on the site.

r. Each complete building permit and/or grading permit application shall include information on all imported fill. The imported fill must meet the City of Menlo Park's requirements. Documentation demonstrating that the fill meets the City's requirements must be submitted to and approved by the Building Official or their designee prior to fill being brought on site. Fill requirements are outlined in CBC appendix J section J107 as adopted in Menlo Park Municipal Code (MPMC) Section 12.06.020.

s. No later than upon the submittal of a complete building permit and/or grading permit application for the publicly accessible park, and prior to issuance of the foundation permit, approved soil management plans and work plans by the agency with jurisdiction over any remediation work are required to be submitted to the City for reference purposes. Any excavation related to soils remediation shall require issuance of a building permit from the City. The applicant shall comply with the requirements of CDP Item 10.4 (Voluntary remediation work).

t. No later than upon the submittal of a complete building permit and/or grading permit application and prior to issuance of the building permit, the project design shall incorporate dual plumbing for internal use of future recycled water, subject to review and approval of the Building Division.

u. No later than upon the submittal of each complete building permit and/or grading permit application, the Applicant shall submit and get approval of a construction waste management plan per City's ordinance 12.18.010. The construction waste management plan is subject to approval by the Building Official or their designee.

v. Each complete building permit and/or grading permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2022 CBC or the current CBC in effect at the time of submittal of a complete building permit application.

w. As part of each complete building permit and/or grading permit application the project shall show that accessible routes comply with the requirements of 11B-402.

x. As part of each complete building permit and/or grading permit application, the project shall demonstrate compliance that all low-emitting, fuel efficient and/or carpool/van pool vehicle parking meet the Cal Green 5.106.5.1 requirements.

y. As part of each complete building permit and/or grading permit application, the applicant shall include specific occupant loads and egress requirements for all courtyard and other outdoor use areas.

Engineering Division Conditions

z. Prior to any building permit and/or grading permit issuance, Applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the water mains

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PROJECT CONDITIONS:

and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.

aa. Prior to any building permit and/or grading permit issuance, Applicant shall coordinate with West Bay Sanitary District to confirm the sanitary sewer mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, have sufficient capacity for the project.

bb. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.

cc. Simultaneous with the submittal of a complete building permit and/or grading permit application, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:

i. Existing Topography (NAVD 88')
ii. Demolition Plan
iii. Site Plan (including easement dedications)
iv. Construction Parking Plan
v. Grading and Drainage Plan
vi. Utility Plan
vii. Erosion Control Plan / Tree Protection Plan
viii. Planting and Irrigation Plan
ix. Off-site Improvement Plan
x. Construction Details (including references to City Standards)

dd. During the design phase of the construction drawings, all potential utility conflicts shall be potholed and actual depths shall be recorded on the improvement plans, unless sufficiently documented on the as-built improvement plans constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.

ee. Simultaneous with the submittal of any building permit and/or grading permit the applicant shall submit a Stormwater Management Plan. The project Stormwater Management Plan shall incorporate trash capture measures such as screens, filters or CDS/Vortex units to address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP). The Stormwater Management Plan shall be reviewed and approved by the Engineering Division prior to building permit issuance (grading and utilities phase).

ff. Simultaneous with the submittal of any complete building permit and/or grading permit application, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

gg. All Public Works fees are due prior to issuance of any building permit and/or grading permit. Refer to City of Menlo Park Master Fee Schedule.

hh. If existing utilities outside of the project site and utilities within the project site, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.

ii. If a tree protection plan is required pursuant to CDP Condition 12.18, prior to building permit and/or grading permit issuance, a tree protection verification letter from the Project Arborist documenting that the required tree protection is installed consistent with the recommendations in the project arborist report. Documentation shall include, but is not limited to a site visit by the Project Arborist to verify that the protection measures are in compliance, documentation with photos, and summary letter, subject to review and approval of the City Arborist.

jj. If a tree preservation plan is required pursuant to CDP Condition 12.18, the Project Arborist shall conduct monthly tree protection inspections and monitoring. The Project Arborist shall monitor the condition of the trees, verify the tree protection measures are in compliance, provide recommendations for any necessary maintenance and impact reduction, and prepare and submit monthly reports for City Arborist review and acceptance.

kk. For construction activity resulting in a land disturbance of one acre or more, applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board under the Construction Activities Storm Water General Permit (General Permit). The NOI indicates the applicant's intent to comply with the San Mateo Countywide Stormwater Pollution Prevention Program, including a Stormwater Pollution Prevention Plan (SWPPP).

ll. Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans.

mm. Prior to construction, the applicant shall file and obtain a VOC and Fuel Discharge Permit with the San Francisco Bay Regional Water Quality Control Board as necessary for groundwater discharge. All groundwater discharge to the City storm drain during construction shall be approved to the satisfaction of the Public Works Department prior to commencement of work. The City may request, at the behest of the Public Works Department, additional narratives, reports, or engineering plans to establish compliance with state and local regulations prior to approval. Similarly, any discharge to the City's Sanitary Sewer system shall be approved to the satisfaction of West Bay Sanitary District, with proof of acceptance, prior to commencement of work.

nn. Prior to final occupancy of any building, any frontage improvements which are damaged as a result of construction shall be required to be replaced.

oo. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.

2. The architectural control shall be subject to the following ***project-specific*** conditions:

   a. The architectural control permit shall be valid after 15 days from the Planning Commission's approval (October 4, 2023), unless appealed to the City Council.

   b. The Applicant shall document compliance with the Menlo Park Fire Protection District conditions and comments in its correction letter on the Planning Architectural Review, dated March 8, 2023, subject to review by the Building and Planning Division. The Applicant shall submit approval letters from the Menlo Park Fire Protection District for each building permit as applicable, prior to building permit issuance, subject to review by the Building Division. If compliance with the Fire District's access location and design requirements, or other Fire District requirements requires revisions to the approved architectural control and use permits, Planning Commission review of the revisions may be required as determined by the Community Development Director, utilizing Section 8 of the CDP.

Planning Division Conditions

   c. Prior to the granting of the Certificate of Occupancy for the first building and/or publicly accessible park open space, the Applicant shall submit to the City a schedule for the documentation of compliance with the 100 percent renewable energy requirements and/or renewable energy off sets of Zoning Ordinance sections 16.45.130(2)(A) and 16.43.140(2)(A), per the requirements of CDP condition 13.15.

   d. Subject to CDP section 4.13 and the Development Agreement, no later than twelve months after Certificate of Occupancy is granted, the Applicant shall submit calculations documenting the prorated/fair share water usage allocated to the publicly accessible park based on square footage, units, or hotel rooms. The maximum total potable water usage for the project site is 98 million gallons per year. The Applicant shall submit water allocation calculations to the City's Engineering Division and shall be reviewed and approved by the Public Works Director for compliance with the requirements of CD condition 13.1.

   e. Once construction has commenced, the applicant shall diligently pursue the project's construction through to completion, and, if at any point after building permits have been issued, the applicant abandons construction and the building permits expire, the applicant shall demolish the uncompleted portions of the project covered by the building permit(s) and restore the site to rough grade condition and/or shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

   f. If the applicant leaves any work or construction in an unfinished state for more than seven (7) consecutive days, applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Building and Engineering Divisions.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

g. If the applicant leaves any work or construction in an unfinished state for more than one hundred and twenty (120) consecutive days, applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

h. Utility equipment shall meet the requirements of Chapter 16.45.120(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping, subject to review and approval of the Planning, Engineering, and Building Divisions.

i. The ACP shall comply with requirements of Section 11 (Bird Safe Design) of the CDP and shall document compliance, as necessary, concurrent with the submittal of a complete building permit application, subject to review and approval by the Planning Division.

Transportation Division Conditions

j. All public right-of-way improvements, including frontage and intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy. Required intersection improvements shall be completed per the requirements of CDP section 14. The Applicant shall notify the Transportation Division prior to commencing design for each intersection, to avoid duplicating efforts started by the City and/or other development projects.

k. Prior to issuance of the first building permit, the applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the Transportation, Engineering, Planning, and Building Divisions. The applicant shall secure adequate parking for any and all construction trades, until the parking podium is available on the project site. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The existing sidewalk and bike lanes or an acceptable pedestrian and bicycle pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.

DRAFT

PLANNING COMMISSION RESOLUTION NO._____

DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL FOR THE WILLOW VILLAGE PUBLICLY ACCESSIBLE DOG PARK

WHEREAS, the City of Menlo Park ("City") certified an Environmental Impact Report ("EIR") and approved an application requesting an amendment to the General Plan Circulation Element ("General Plan"), zoning map amendment, rezoning certain properties to add a Conditional Development ("X") Combining District, a conditional development permit ("CDP"), below market rate ("BMR") housing agreements, vesting tentative maps, and Development Agreement from Peninsula Innovation Partners, LLC ("Applicant"), to redevelop an approximately 59-acre industrial site (the "Main Project Site") plus three parcels (within two sites) west of Willow Road (the "Hamilton Parcels" and collectively, with the Main Project Site, the "Project Site") with a bonus level development project consisting of up to 1.6 million square feet of office and accessory uses (a maximum of 1,250,000 square feet for office uses and the balance accessory uses), up to 1,730 multifamily dwelling units, up to 200,000 square feet of retail uses, an up to 193-room hotel, and associated open space and infrastructure ("Master Plan"); and

WHEREAS, Section 2.1.3 of the CDP requires the Applicant to submit architectural Control Plans ("ACP") for each individual project within the Main Project Site, subject to review and approval by the Planning Commission, prior to issuance of building permit for each building; and

WHEREAS, the applicant submitted an ACP for the dog park consisting of approximately 8,000 square feet of dog park area and a West Bay Sanitary District pump station; and

WHEREAS, the ACP has been reviewed by the Planning Division and found to be in compliance with the approved CDP, Master Plan, and applicable zoning standards of the Residential Mixed Use (R-MU) zoning district; and

WHEREAS, the ACP constitutes the "Project"; and

WHEREAS, the Project is consistent with the certified EIR for the Willow Village Master Plan Project; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on September 18, 2023, at which all persons interested had the opportunity to appear and comment; and

WHEREAS, after closing the public hearing, the Planning Commission considered all public and written comments, pertinent information, documents and plans and all other evidence in the public record on the Project; and

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

BE IT FURTHER RESOLVED that the Planning Commission makes the following findings:

1. *Architectural Control*. The approval of the publicly accessible dog park ACP is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

    a. That the general appearance of the publicly accessible dog park is in keeping with the character of the neighborhood; in that, the Project is designed in a way that reflects the needs of current and future residents of Belle Haven and the Willow Village Project Site and in the general character of other parks in the city, and is generally consistent with the Master Plan.

    b. That the development will not be detrimental to the harmonious and orderly growth of the City; in that, the Project is consistent with the Master Plan which was reviewed and approved by the City Council. The approvals included a Development Agreement and Conditional Development Permit that approved a phased development of the overall Project Site in order to allow for the orderly growth of the Bayfront area.

    c. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the Project would create a space for dog owners to gather and provide an opportunity to promote a healthy, active lifestyle for their pets.

    d. That the development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking; in that the Project would be accessible by foot from residences and other buildings, and from shared parking structures in the Willow Village site. The publicly accessible dog park is also connected to the surrounding area by a bicycle and pedestrian network.

    e. That the development is consistent with any applicable specific plan; in that, the Project is not located within a specific plan area. However, the Project is located within the Willow Village Project Site and is compliant with the approved CDP and Master Plan.

Based on the above findings, the Planning Commission approves 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.

I, Kyle Perata, Planning Manager 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 ____day of September, 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 September, 2023.

PC Liaison Signature

Kyle Perata
Planning Manager
City of Menlo Park

Exhibits

A. Publicly accessible dog park ACP Project Plans (see Attachment R of the September 18, 2023 staff report)
B. Conditions of Approval

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

1. The architectural control permit for the publicly accessible dog park associated with the Willow Village mixed-use masterplan shall be subject to the following ***standard*** conditions:

General Conditions

a. Development of the publicly accessible dog park Architectural Control Plan (hereinafter the "ACP" or "project") shall be substantially in conformance with the project plans attached to the September 18, 2023 Planning Commission staff report as Exhibit A to Attachment A, and consisting of 28 plan sheets, dated September 1, 2023 (hereinafter the "Plans"). The Plans are incorporated by reference herein. The Plans may be modified by the conditions contained herein or as permitted by the Willow Village mixed-use masterplan conditional development permit (hereinafter the "CDP") subject to review and approval of the Community Development Director or their designee.

b. Development of the project shall further be substantially in conformance with the Willow Village mixed-use masterplan plan set (hereinafter "the masterplan plans") dated October 19, 2022 and approved by the City Council on December 6, 2022 and December 13, 2022.

c. The project shall be subject to the California Environmental Quality Act Environmental Impact Report prepared for and certified for the Willow Village mixed-use masterplan project (hereinafter "masterplan project") and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2019090428. The project shall comply with all mitigation measures of the MMRP, which is attached to City Council Resolution No 2022-6790 and incorporated herein by this reference.

d. The project shall comply with all applicable conditions and requirements of the CDP adopted for the masterplan project by the City Council on December 13, 2022 by Ordinance No. 1094. The conditions contained herein are added to this ACP and the project is required to comply with the CDP and these conditions in totality.

e. The project shall comply with all applicable requirements of the Development Agreement (hereinafter "DA") adopted for the masterplan project by the City Council on December 13, 2022 by Ordinance No. 1095. The conditions contained herein are added to this ACP and the project is required to comply with the DA requirements and these conditions in totality.

f. All outstanding and applicable fees associated with the processing of this ACP shall be paid prior to the issuance of any building permit for the ACP.

g. Revisions to this ACP shall be processed by the City Community Development Department in accordance with Section 8.5 (Administrative Amendments of Project Approvals) of the Development Agreement.

h. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park and all applicable local, State, and Federal laws and regulations, unless the CDP or DA expressly state otherwise.

i. Prior to issuance of any building permit, the Applicant shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division that are directly applicable to the

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PROJECT CONDITIONS:

project and the type of building permit issued, provide the requirements and conditions are consistent with the CDP and DA.

j. Prior to issuance of any foundation permit, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project and that are consistent with the CDP and DA.

k. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to Section 9.6 of the Development Agreement.

l. Developer is hereby notified, as required by Government Code §66020, that the approved plans, and the conditions of approval and ordinances governing fees and exactions in effect at the time the project is approved, constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90 day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.

Planning Division Conditions

m. During all phases of construction, potable water shall not be used for dust control.

n. Prior to final inspection, occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between ten (10) p.m. and sunrise, as required by Section 16.45.130(6)(C) of the Zoning Ordinance.

o. During all phases of construction and after final inspection for the life of the project, rodenticides shall not be used on the property in accordance with Section 16.45.130(6)(G) of the Zoning Ordinance.

p. Simultaneous with the submittal of a complete building permit application, the Applicant shall comply with Item 13.5 (Public Open Space Access) of the CDP. Prior to issuance of the certificate of occupancy, the Applicant shall construct the publicly accessible open space for each ACP, subject to Exhibit F of the Development Agreement, and subject to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions. Further, the publicly accessible open space shall comply with the operating rules identified in Section 19 of the CDP.

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PROJECT CONDITIONS:

Building Division Conditions

q. Detached structures require their own permit, have an occupancy category and are required to meet all Building Code requirements associated with their occupancy and location on the site.

r. Each complete building permit and/or grading permit application shall include information on all imported fill. The imported fill must meet the City of Menlo Park's requirements. Documentation demonstrating that the fill meets the City's requirements must be submitted to and approved by the Building Official or their designee prior to fill being brought on site. Fill requirements are outlined in CBC appendix J section J107 as adopted in Menlo Park Municipal Code (MPMC) Section 12.06.020.

s. No later than upon the submittal of a complete building permit and/or grading permit application for the publicly accessible dog park, and prior to issuance of the foundation permit, approved soil management plans and work plans by the agency with jurisdiction over any remediation work are required to be submitted to the City for reference purposes. Any excavation related to soils remediation shall require issuance of a building permit from the City. The applicant shall comply with the requirements of CDP Item 10.4 (Voluntary remediation work).

t. No later than upon the submittal of a complete building permit and/or grading permit application and prior to issuance of the permit, the project design shall incorporate dual plumbing for internal use of future recycled water, subject to review and approval of the Building Division.

u. No later than upon the submittal of each complete building permit and/or grading permit application, the Applicant shall submit and get approval of a construction waste management plan per City's ordinance 12.18.010. The construction waste management plan is subject to approval by the Building Official or their designee.

v. Each complete building permit and/or grading permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2022 CBC or the current CBC in effect at the time of submittal of a complete building permit application.

w. As part of each complete building permit and/or grading permit application the project shall show that accessible routes comply with the requirements of 11B-402.

x. As part of each complete building permit and/or grading permit application, the project shall demonstrate compliance that all low-emitting, fuel efficient and/or carpool/van pool vehicle parking meet the Cal Green 5.106.5.1 requirements.

y. As part of each complete building permit and/or grading permit application, the applicant shall include specific occupant loads and egress requirements for all courtyard and other outdoor use areas.

Engineering Division Conditions

z. Prior to any building permit and/or grading permit issuance, Applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the water mains

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.

aa. Prior to any building permit and/or grading permit issuance, Applicant shall coordinate with West Bay Sanitary District to confirm the sanitary sewer mains and service laterals, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, have sufficient capacity for the project.

bb. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit and/or grading permit final inspection.

cc. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:

i. Existing Topography (NAVD 88')
ii. Demolition Plan
iii. Site Plan (including easement dedications)
iv. Construction Parking Plan
v. Grading and Drainage Plan
vi. Utility Plan
vii. Erosion Control Plan / Tree Protection Plan
viii. Planting and Irrigation Plan
ix. Off-site Improvement Plan
x. Construction Details (including references to City Standards)

dd. During the design phase of the construction drawings, all potential utility conflicts shall be potholed and actual depths shall be recorded on the improvement plans, unless sufficiently documented on the as-built improvement plans constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.

ee. Simultaneous with the submittal of any building permit and/or grading permit the applicant shall submit a Stormwater Management Plan. The project Stormwater Management Plan shall incorporate trash capture measures such as screens, filters or CDS/Vortex units to address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP). The Stormwater Management Plan shall be reviewed and approved by the Engineering Division prior to building permit and/or grading permit issuance (grading and utilities phase).

ff. Simultaneous with the submittal of any complete building permit and/or grading permit application, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

gg. All Public Works fees are due prior to issuance of any building permit and/or grading permit. Refer to City of Menlo Park Master Fee Schedule.

hh. If existing utilities outside of the project site and utilities within the project site, constructed as part of the required improvement plans as part of the conditions of approval of the vesting tentative map for the project site and approved by the City Council on December 6, 2022 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.

ii. If a tree protection plan is required pursuant to CDP Condition 12.18, prior to building permit and/or grading permit issuance, a tree protection verification letter from the Project Arborist documenting that the required tree protection is installed consistent with the recommendations in the project arborist report. Documentation shall include, but is not limited to a site visit by the Project Arborist to verify that the protection measures are in compliance, documentation with photos, and summary letter, subject to review and approval of the City Arborist.

jj. If a tree preservation plan is required pursuant to CDP Condition 12.18, the Project Arborist shall conduct monthly tree protection inspections and monitoring. The Project Arborist shall monitor the condition of the trees, verify the tree protection measures are in compliance, provide recommendations for any necessary maintenance and impact reduction, and prepare and submit monthly reports for City Arborist review and acceptance.

kk. For construction activity resulting in a land disturbance of one acre or more, applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board under the Construction Activities Storm Water General Permit (General Permit). The NOI indicates the applicant's intent to comply with the San Mateo Countywide Stormwater Pollution Prevention Program, including a Stormwater Pollution Prevention Plan (SWPPP).

ll. Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans.

mm. Prior to construction, the applicant shall file and obtain a VOC and Fuel Discharge Permit with the San Francisco Bay Regional Water Quality Control Board as necessary for groundwater discharge. All groundwater discharge to the City storm drain during construction shall be approved to the satisfaction of the Public Works Department prior to commencement of work. The City may request, at the behest of the Public Works Department, additional narratives, reports, or engineering plans to establish compliance with state and local regulations prior to approval. Similarly, any discharge to the City's Sanitary Sewer system shall be approved to the satisfaction of West Bay Sanitary District, with proof of acceptance, prior to commencement of work.

nn. Prior to final occupancy of any building and/or publicly accessible dog park open space, any frontage improvements which are damaged as a result of construction

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

shall be required to be replaced.

oo. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.

2. The architectural control shall be subject to the following ***project-specific*** conditions:

a. The architectural control permit shall be valid after 15 days from the Planning Commission's approval (October 4, 2023), unless appealed to the City Council.

b. The Applicant shall document compliance with the Menlo Park Fire Protection District conditions and comments in its correction letter on the Planning Architectural Review, dated March 8, 2023, subject to review by the Building and Planning Division. The Applicant shall submit approval letters from the Menlo Park Fire Protection District for each building permit as applicable, prior to building permit issuance, subject to review by the Building Division. If compliance with the Fire District's access location and design requirements, or other Fire District requirements requires revisions to the approved architectural control and use permits, Planning Commission review of the revisions may be required as determined by the Community Development Director, utilizing Section 8 of the CDP.

Planning Division Conditions

c. Prior to the granting of the Certificate of Occupancy for the first building and/or publicly accessible dog park open space, the Applicant shall submit to the City a schedule for the documentation of compliance with the 100 percent renewable energy requirements and/or renewable energy off sets of Zoning Ordinance sections 16.45.130(2)(A) and 16.43.140(2)(A), per the requirements of CDP condition 13.15.

d. Subject to CDP section 4.13 and the Development Agreement, no later than twelve months after Certificate of Occupancy is granted, the Applicant shall submit calculations documenting the prorated/fair share water usage allocated to the site based on square footage, units, or hotel rooms. The maximum total potable water usage for the project site is 98 million gallons per year. The Applicant shall submit water allocation calculations to the City's Engineering Division and shall be reviewed and approved by the Public Works Director for compliance with the requirements of CD condition 13.1.

e. Once construction has commenced, the applicant shall diligently pursue the project's construction through to completion, and, if at any point after building permits have been issued, the applicant abandons construction and the building permits expire, the applicant shall demolish the uncompleted portions of the project covered by the building permit(s) and restore the site to rough grade condition and/or shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

f. If the applicant leaves any work of construction in an unfinished state for more than seven (7) consecutive days, applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Building and Engineering Divisions.

g. If the applicant leaves any work of construction in an unfinished state for more than one hundred and twenty (120) consecutive days, applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.

h. Utility equipment shall meet the requirements of Chapter 16.45.120(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping, subject to review and approval of the Planning, Engineering, and Building Divisions.

i. The ACP shall comply with requirements of Section 11 (Bird Safe Design) of the CDP and shall document compliance, as necessary, concurrent with the submittal of a complete building permit application, subject to review and approval by the Planning Division.

j. Simultaneous with the submittal of a complete building permit and/or grading permit application, the applicant shall revise the public utility easement (PUE) shown on Sheet CD2.00 of the Project Plans to a public service and access easement to allow the City flexibility to use the easement for public access to potential future connections across the San Francisco Public Utilities Commission Hetch Hetchy right-of-way. The terms of the easement shall allow the City to improve the easement if the SFPUC allows for the construction of bicycle and pedestrian improvements within the Hetch Hetchy right-of-way. The public service and access easement shall be recorded prior to granting of the first Certificate of Occupancy for the publicly accessible dog park.

Transportation Division Conditions

k. All public right-of-way improvements, including frontage and intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy. Required intersection improvements shall be completed per the requirements of CDP section 14. The Applicant shall notify the Transportation Division prior to commencing design for each intersection, to avoid duplicating efforts started by the City and/or other development projects.

l. Prior to issuance of the first building permit, the applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the Transportation, Engineering, Planning, and Building Divisions. The applicant shall secure adequate parking for any and all construction trades, until the parking podium is available on the project site. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The plan shall include construction phasing and anticipated method of traffic handling for each phase.

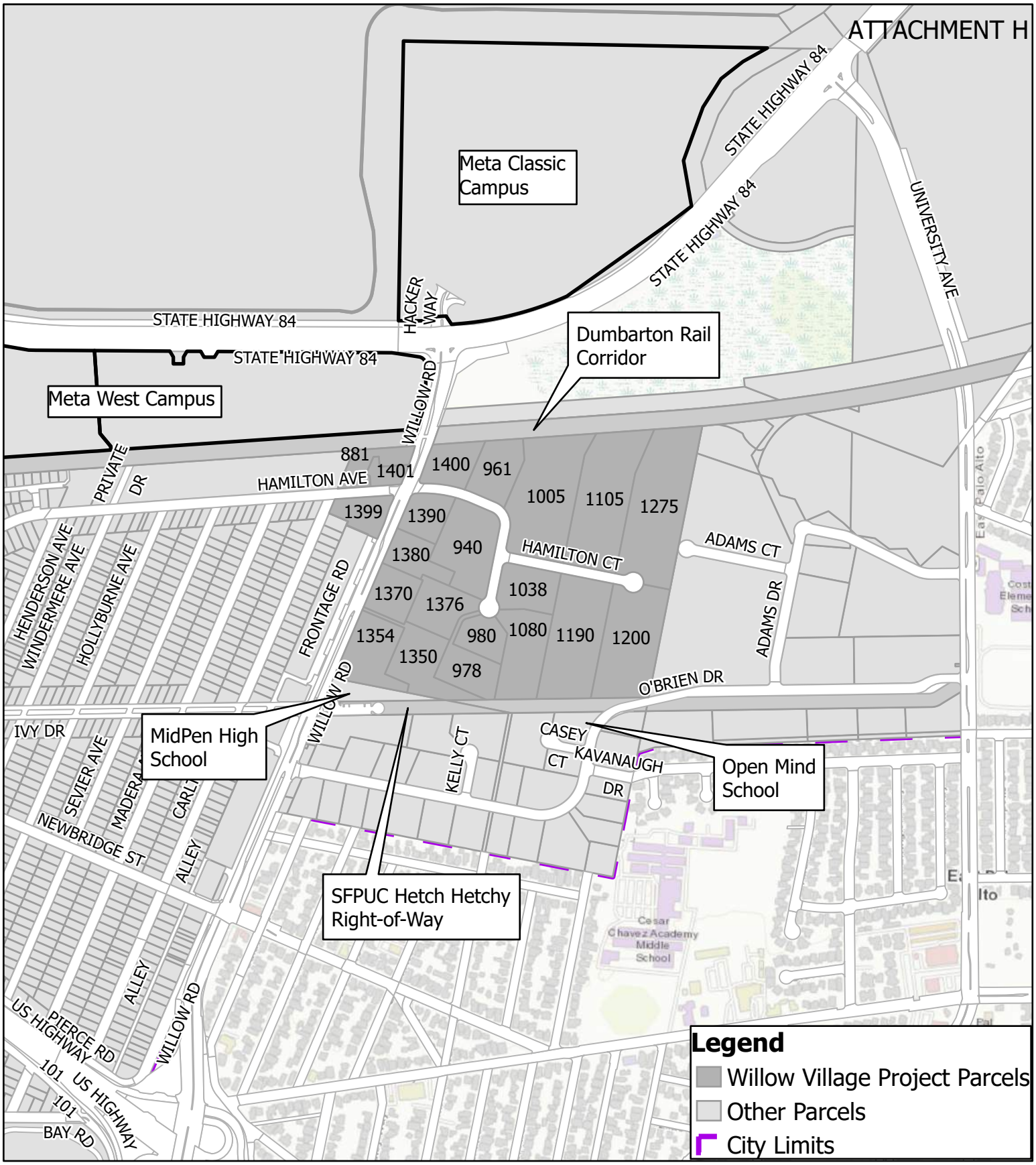
LOCATION: 1350 Willow Road	**PROJECT NUMBER:** PLN2022-00061	**APPLICANT:** Peninsula Innovation partners, LLC	**OWNER:** Peninsula Innovation partners, LLC

PROJECT CONDITIONS:

The existing sidewalk and bike lanes or an acceptable pedestrian and bicycle pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.

Willow Village mixed-use masterplan project meetings and milestones	
Milestone	**Date**
Project submittal	July 2017
Planning Commission study session	February 2018
City Council study session	March 2018
Revised project submitted with current land uses and site plan	February 2019
Notice of Preparation for EIR released	September 18, 2019
Planning Commission EIR scoping session and study session	October 7, 2019
City Council review and confirmation on EIR scope and content	December 16, 2019
Draft EIR released for public review and comment	April 8, 2022
Planning Commission Draft EIR public hearing and study session	April 25, 2022
City Council study session on community amenities proposal	May 24, 2022
Complete Streets Commission review and recommendation on General Plan Circulation and Zoning Map amendments	June 8, 2022
Housing Commission review and recommendation on BMR proposal	August 3, 2022
City Council study session on community amenities proposal updates	August 23, 2022
Complete Streets Commission informational item on site circulation updates	September 14, 2022
Planning Commission review and recommendation on EIR and land use entitlements	October 24, 2022
Planning Commission continuation of review and recommendation on EIR and land use entitlements with modifications	November 3, 2022
City Council review and consideration of Planning Commission recommendation and City Council initial actions (Held hearing, discussed project, continued action to future date)	November 15, 2022
City Council review and consideration of Planning Commission recommendation, including project updates from November 15 City Council discussion (Adopted resolutions and introduced ordinances)	December 6, 2022
City Council ordinance adoption (Waived second reading and adopted ordinances for CDP, DA, rezoning)	December 13, 2022
Planning Commission adoption of architectural control plans (ACPs) and use permits for Office Campus buildings, Meeting and Collaboration Space buildings, Town Square open space and buildings, and Parcel 2 mixed-use residential building.	June 26, 2023

Planning Commission adoption of architectural control plans (ACPs) and use permits for the Hotel, Parcel 6 residential building and Parcel 7 senior BMR residential building	July 24, 2023



CITY OF MENLO PARK

LOCATION MAP

WILLOW VILLAGE

Scale: 1:9,000 Drawn By: KTP Checked By: CDS Date: 10/24/2022

N

LEGEND	
1	Town Square
2	Grocery Store on Ground Level
3	Publicly Accessible Park
4	Publicly Accessible Dog Park
5	Elevated Park Access (Elevator and Stairs)
6	Elevated Park
7	Hotel
8	Mixed-Use Block
9	Residential Block
10a	Office Campus
10b	Meeting & Collaboration Space
11	Parking Garage with Transit Hub on Ground Level
12	Proposed Multi-use Pathway
13	Willow Road Tunnel
14	Realigned Hamilton Avenue
15	Hamilton Avenue Parcel North
16	Hamilton Avenue Parcel South
Note: Willow Road improvements are subject to Caltrans approval.	

Willow Village
Active Compliance Table

ATTACHMENT M

(NOTE: Formulas are not populated in this version)

Master Plan Compliance

			Retail GFA			Shared Parking	Public Park/Off-street Parking			Fossil Fuel Usage (kwh/yr)	Solar PV Generation (kwh/yr)	Heritage Tree Replacement Value
CDP Standard			200,000			1052-1080 spaces	38 spaces					$3,448,500
												ACP / Permit
Public Realm												$1,579,000* /

R-MU Compliance

	Units		GFA		Retail GFA		Avg Height (ft)		Parking		Shared Parking		Public Park/Off-street Parking		Minimim Publicly Accessible Open Space (SF)		Minimum Private Open Space (SF)		Fossil Fuel Usage (kwh/yr)		Solar PV Generation (kwh/yr)		Heritage Tree Replacement Value	
CDP Standard	1,730		1,695,976		see Master Plan above		62.5		1670-1695 spaces		see Master Plan above		see Master Plan above		160,000		210,000						see Master Plan above	
	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit
Parcel 2	328		316,740		46,768		60.82		332		300						51,261		542,052		100,000		$105,000	
Parcel 3	419		430,950		58,821		68.88		420.00		222.00				12,343		55,264				92,000		$45,000	
Parcel 4																								
Parcel 5																								
Parcel 6	178		208,152		0		61.90		179.00						0		22,569				56,000		$98,000	
Parcel 7	120		85,430		0		54.05		38.00						0		12,760				21,500		$80,000	
Park Restroom	N/A	N/A	N/A		925	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Pump Station	N/A	N/A	N/A		448	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Community Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	39.00		134908				N/A	N/A	N/A	N/A		
Dog Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7956				N/A	N/A	N/A	N/A	$50,000	
R-MU Subtotals	1045		1,041,272		106,962				969		522						141,854		542,052		269,500		$378,000	

Office Compliance

	Units		GFA		Retail GFA		Avg Height (ft)		Parking		Shared Parking		Public Park/Off-street Parking		Minimim Publicly Accessible Open Space (SF)		Minimum Private Open Space (SF)		Fossil Fuel Usage (kwh/yr)		Solar PV Generation (kwh/yr)		Heritage Tree Replacement Value	
CDP Standard	N/A		1,772,000		see Master Plan above		70		3200-3700 spaces		see Master Plan above		see Master Plan above		200,000		287,000						see Master Plan above	
	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit	ACP	Permit
Hotel			113,590		23,213		58.90		0		168		0.00		0.00		24267.00				80,000		$40,000	
Town Square					4,778		34.48				267				52,408		9,621				-		$300,000	
MCS - O7			448,807				59.8		11						76,345		25,668				24,000		$425,000	
Office - O1			133,055				59.3														176,000			
Office - O2			159,634		6,679		81.1														240,000			
Office - O3			208,229		8,555		79.6														416,000			
Office - O4			168,466		14,807		67.6														160,000			
Office - O5			236,331				81.4										245,916				352,000		$2,722,200	
Office - O6			214,336				74.4														352,000			
Office - SP1			1,905																					
Office - NG			3,570				81.6		2,006												960,000			
Office - SG			1,106				25.9		1,298												720,000			
Office Subtotals			1,689,029		58,032				3,315						128,753		305,472				3,480,000		$3,487,200	

*The public realm heritage tree replacement value reflects tree replacements planted as part of the backbone infrastructure (on-site public and private improvement plans) and staff will review compliance through the on-site infrastructure plans

PARCEL 3
WILLOW VILLAGE REQUESTED USE PERMITS

The following details the requested 'use permits' to allow modifications from the Zoning Ordinance in order to achieve the proposed building architecture.

Use Permit #1 (Previously Use Permit #8): Allow (1) 70' length of façade without a Minor Modulation along Main Street. The current building design incorporates many building modulation strategies to create visual interest on the various facades, including numerous major and minor recess modulations, bay windows, and balconies, as well as stepback and setbacks. While minor modulations are required every 50' length of façade, along Main Street there is one nearly 70' stretch of facade that has no minor modulations. While it has no modulations, this stretch of the facade forms a baseline by which the more animated portions of the façade, with all of their modulations and setbacks, can be referenced and appreciated.

Use Permit #2 (Previously Use Permit #9): Allow for the building to exceed the maximum of 25% of a building face without a stepback in (3) locations.

From the building base, building setbacks are required for a minimum of 75% of the building face along public streets. The current building design exceeds the maximum horizontal distance of 25% without a stepback in (3) locations:

Along the southeast portion of Main Street, where the exceptions combine for 52%. Along the northwest portion of Main Street, where the exceptions combine for 41%. Along West Street, where the exceptions combine for 36%.

These +25% exceptions are included to a) serve as vertical punctuation, in contrast to those set-back and stepped-back portions, and b) provide suitable spatial enclosure to the surrounding public spaces of the Town Square, Main Street, and West Street. In many locations, these areas have stepbacks in the 4' to 8' range, providing supplemental massing variation without fulfilling the requirements.

BMR COMPLIANCE TABLE

	30% AMI	50% AMI	80% AMI	120% AMI	TOTAL CHECK	Per BMR Agreement
Per BMR Agreement	**82**	**37**	**76**	**117**		**312**
Parcel 2						34
Parcel 3						43
Parcel 4						62
Parcel 5						34
Parcel 6						20
Parcel 7						119
TOTAL CHECK	**0**	**0**	**0**	**0**		**312**

CONCEPTUAL OPEN SPACE TAKE-OFFS	
PLAZA & SEATING AREAS	27,500 SF
LAWN	14,000 SF
PLAY AREA	9,500 SF
UNOCCUPIABLE LANDSCAPE	68,500 SF

PENINSULA INNOVATION PARTNERS

WILLOW VILLAGE
Architectural Control Package - Parcel A & B
Menlo Park, CA

SCALE:

MILESTONES	
DATE	ISSUE
08/31/2023	ACP

REVISIONS		
NO.	DATE	ISSUE

DRAWING TITLE: LANDSCAPE PLAN

DRAWING NO.: LP1.00

SIGNATURE DEVELOPMENT GROUP

MEMORANDUM

To: Kyle Perata, City of Menlo Park

From: Faye Brandin, Signature Development Group

Subject: Willow Village 100% Renewable Energy Memo

Date: March 14, 2023

Dear Kyle:

This is a memorandum is an update to the previous 100% Renewable Energy Memo dated March 29, 2022. This memo outlines the applicant's proposed method of meeting both the REACH code and zoning ordinance requirements as it relates to on-site renewable energy and 100% renewable energy.

On-site Renewable Energy

The City of Menlo Park Municipal code (Menlo Park Municipal Code amendments to Title 24 Section 110.10) is an enhancement to the baseline requirements of Title 24-2019 and requires that new construction projects of 10,000 sf or more include on-site energy Solar PV or Solar Thermal. The applicant expects to meet the requirement with on-site Solar PV sized as follows*:

Building ID	**Solar PV System (kW)**	**Estimated Energy Production (kWh/yr)**	**Location of PV System**
RS2 (Mixed Use)	62	100,000	RS2 Roof
RS3 (Mixed Use)	57	92,000	RS3 Roof
RS4 (Mixed Use)	64	103,000	RS4 Roof
RS5 (Mixed Use)	34	55,000	RS5 Roof
RS6 (Mixed Use)	35	56,000	RS6 Roof
RS7 (Mixed Use	13	21,500	RS7 Roof
TS1 (Hotel)	50	80,000	TS 1 Roof
O1 (Office)	110	176,000	O1 Roof
O2 (Office)	150	240,000	O2 Roof
O3 (Office)	260	416,000	O3 Roof
O4/TS3 (Office)	100	160,000	O4 Roof
O5 (Office)	220	352,000	O5 Roof
O6 (Office)	220	352,000	O6 Roof
O7 (Office)	15	24,000	O7 Roof
North Garage	600	960,000	NG Roof
South Garage	450	720,000	SG Roof
TOTAL	**2,440**	**3,907,500**	

**these calculations are preliminary in nature; as the teams refine working drawings, these calculations will be refined*

Regarding the retail pavilion at the Townsquare, the applicant is currently pursuing some options as to how to achieve the on-site solar requirement and will discuss those options at a later date.

100% Renewable Energy

All of the buildings at Willow Village will be 100% electric other than the following uses, which are anticipated to be gas.

Uses	**Estimated SF**	**Estimated Annual Natural Gas Usage**	**Conversion to kWh/yr***
Supermarket	40,000	18,500	542,052
Retail Dining Establishments	30,000	3,000	87,900
TOTAL	**60,000**	**21,500**	**629,952**

**conversion formula of therms to kWh: 1 therm = 29.3001 kWh*

The Willow Village Campus will be in Peninsula Clean Energy's service area, and when the project completes construction and begins electric service, Peninsula Clean Energy will be the default electricity provider. PCE's goal is to secure 100% of its energy from renewable sources by the end of 2025, well before any residents are anticipated to move in to the project. The applicant has obtained a preliminary commitment from PCE providing the Willow Campus with its required power demand by project's current estimated completion date. The amount of solar generated on-site (3,907,500 in kWh/year) will be in excess of the amount of gas usage anticipated (629,952 when converted to kWh/year) and will offset the anticipated gas usage. The net solar generated in kWh/year is 3,277,548 (3,907,500 less 629,952).

Emergency Backup Generator Testing Offset

Of the 3,277,548 kWh/year net solar that is generated on the Willow Village project site, a portion will be used to offset fossil-fuel energy used by emergency backup generator testing. A conservative estimate of 567,739 kWh/year is used to demonstrate that the project has enough solar power to offset emergency testing. This assumes that all 13 backup generators at the Willow Village Project site and Hamilton Retail are tested for 50 hours at full power (the maximum allowable generator testing permitted by code). The 50-hour assumption is built into the Air Quality modeling by Ramboll, so for consistency, the applicant is using it to demonstrate that the usage can be offset by existing solar. In reality, the applicant believes testing will be much less than the 50 hrs/year. Below is estimated annual output from the generators:

Quantity of Generators	**Power**	**Annual Testing Operation**	**Energy**	
	hp	hr/yr	hp-hrs	kWh
2	324	50	32,400	24,161
1	464	50	23,200	17,300
3	755	50	113,250	84,451
1	900	50	45,000	33,556
3	1,220	50	183,000	136,463
1	1,490	50	74,500	55,555
2	2,900	50	290,000	216,253
		Total	761,350	**567,739**

The energy output of 567,739 kWh is the associated electricity that would be produced from the generators if they were producing electricity.

In conclusion, after taking into taking account the energy associated with emergency backup generator testing, the remaining solar generation in kWh/year is 2,709,809 (3,277,548 less 567,739).

Compliance

The project as currently contemplated will comply with City of Menlo Park Municipal (REACH) code requirement that each building over 10,000 sf include on-site solar PV or solar thermal. Separately, the project will also comply with the zoning requirement of utilizing 100% renewable energy on a master plan wide basis. Each of the Mixed-Use/Residential buildings will comply with Title 24 on a building-by-building basis. Title 24 Compliance for the office campus is currently being evaluated and will be discussed separately with the City of Menlo Park Building Department.

Please do not hesitate to contact me with any questions. I can be reached at (510) 862-5629.

Sincerely,
Faye Brandin

Date: March 7, 2023

To whom it may concern:

The Willow Village Residential Parcel 3 has been registered with the USGBC under the LEED v4 rating system. Stok has been contracted to perform LEED consulting services for this project and this project will achieve LEED Gold Certification. Please see my experience and LEED AP certificate attached.

Sincerely,

JARED RICKMAN, LEED AP BD+C, ILFI LFA

STŌK
(501) 319-4204 | jared@stok.com
26 O'Farrell St, Fl 2, San Francisco, CA 94108

U1

Jared Rickman

LEED AP BD+C, ILFI LFA

EXPERIENCE
12 years

EDUCATION
B.A. History, Hendrix College

KEY PROJECTS
- Confidential Tech Client Office District, Bay Area, CA | LEED Project Management
- Confidential Tech Client Multifamily, Bay Area, CA | LEED Project Management
- Confidential Life Sciences Campus, San Diego, CA | LEED & Fitwel Project Management
- Apple Park | LEED Gap Analysis
- Confidential Tech Client Data Center Portfolio, North America | LEED Project Management
- One-Four Embarcadero, San Francisco, CA | LEED Project Management
- Rockhill 5670 Wilshire Blvd | LEED Project Management
- Nike-TN U.S. Footwear Dist. Center, Memphis, TN – 1.9M SF LEED NC v2009 Silver: LEED Project Management*

*work done prior to joining Stok

Jared's vast experience as a sustainability consultant across a wide array of project types and rating systems has built a foundation of expertise and project management skills. Fused with a base desire to make impactful change in the built environment, his experience and insight allow him to guide clients toward strategies that maximize their impact, communicate leadership, and pave new pathways toward sustainability goals. His expertise includes volume portfolios, zero energy buildings, and various third-party verification tools, providing a foundation of knowledge and a passion for his clients' bold initiatives.

Jared's passion for sustainable and restorative development originated from his time volunteering at Heifer International's learning ranch in Perryville, Arkansas in 2008, where the impact of thoughtful and human-based design was experienced first-hand as a personal relationship with the built environment.

GREEN BUSINESS CERTIFICATION INC. CERTIFIES THAT

Jared Rickman

HAS ATTAINED THE DESIGNATION OF

LEED AP® Building Design + Construction

by demonstrating the knowledge and understanding of green building practices and principles needed to support the use of the LEED® green building program.

10746535-AP-BD+C

CREDENTIAL ID

08 AUG 2012

ISSUED

06 AUG 2024

VALID THROUGH

Peter Templeton

PETER TEMPLETON
PRESIDENT & CEO
U.S. GREEN BUILDING COUNCIL & GREEN BUSINESS CERTIFICATION INC.

U3

LEED NC v4 SCORECARD
WILLOW VILLAGE PARCEL 2

STŌK

IP

YES	LIKELY	MAYBE	NO	Phase	Overlap		Credit Name	Points Available
1				D		Credit	**Integrative Process** - In design phases, achieve synergies between building, energy AND water related systems	1
1				**Totals**				1

LOCATION & TRANSPORTATION

YES	LIKELY	MAYBE	NO	Phase	Overlap		Credit Name	Points Available
			16	D		Credit	**LEED for Neighborhood Development Location** - Locate within LEED ND certified development site boundary	16
1				D		Credit	**Sensitive Land Protection** - Develop on previously developed land or follow criteria for non - sensitive	1
			2	D		Credit	**High Priority Site** - Locate project on infill location in historic district, priority designation or brownfield	2
4			1	D		Credit	**Surrounding Density & Diverse Uses** - Site within 1/4 mile of surrounding density criteria and/or a 1/2 mile of diverse uses	5
			5	D		Credit	**Access to Quality Transit** - Locate functional entries within 1/4 mile of existing transit or 1/2 mile of planned transit services	5
1				D	MP	Credit	**Bicycle Facilities** - Provide a bike network and storage areas	1
			1	D		Credit	**Reduced Parking Footprint** - Don't exceed minimum local code requirements for parking capacity	1
1				D	MP	Credit	**LEED v4.1: Electric Vehicles** - 5 % of spaces or 20 % discount for parking and electric car charging OR liquid, gas or battery facilities	1
7			16	**Totals**				16

SUSTAINABLE SITES

YES	LIKELY	MAYBE	NO	Phase	Overlap		Credit Name	Points Available
REQUIRED				C	T24, MP	Prereq	**Construction Activity Pollution Prevention** - Implement an erosion control plan, per the EPA CGP v2012	NA
1				D		Credit	**Site Assessment** - Complete site survey including: topography, hydrology, climate, vegetation, soils, human use, human health	1
			2	D		Credit	**Site Development - Protect or Restore Habitat** - On-site restoration OR financial support	2
1				D		Credit	**Open Space** - Provide outdoor space greater than or equal to 30% of total site area, 25% of which is vegetated	1
			3	D		Credit	**Rainwater Management** - Manage runoff for at least the 85th percentile of local rainfall events	3
2				D		Credit	**Heat Island Reduction** - Meet nonroof and roof criteria OR place a minimum of 75% parking spaces under cover	2
1				D	T24	Credit	**Light Pollution Reduction** - Backlight-uplight-glare method or calculation method, exterior luminaires and signage req's	1
5			5	**Totals**				10

WATER

YES	LIKELY	MAYBE	NO	Phase	Overlap		Credit Name	Points Available
REQUIRED				D	T24,MP	Prereq 1	**Outdoor Water Use Reduction** - Permanent non-irrigated landscape OR reduce water use 30% for peak water month	N/A
REQUIRED				D	T24	Prereq 2	**Indoor Water Use Reduction** - Reduce aggregate water use by 20% for fixtures and fittings	N/A
REQUIRED				D		Prereq 3	**Building-Level Water Metering** - Install permanent water meters that measure potable water use, share data with USGBC	N/A
2				D	T24,MP	Credit	**Outdoor Water Use Reduction** - Reduce water use no irrigation or reduced irrigation 50% - 100%	2
6				D	T24	Credit	**Indoor Water Use Reduction** - Reduce fixture and fitting water use by 25% - 50%	6
			2	D		Credit	**v4.1 NC Process Water Use** - Use recycled water for 20-30% process water use	2
1				D		Credit	**Water Metering** - Meters for 2 or more water subsystems: irrigation, indoor plumbing, hot water, boiler, reclaimed water, or other	1
9			2	**Totals**				11

ENERGY & ATMOSPHERE

YES	LIKELY	MAYBE	NO	Phase	Overlap		Credit Name	Points Available
REQUIRED				C	T24	Prereq 1	**Fundamental Commissioning and Verification** - Commissioning for ASHRAE 0-2005 and 1.1-2007	N/A
REQUIRED				D	T24	Prereq 2	**Minimum Energy Performance** - Whole building energy simulation OR ASHRAE 50% Design Guide OR ABCPG	N/A
REQUIRED				D	T24	Prereq 3	**Building-Level Energy Metering** - Use building-level energy meters or submeters that can aggregate building-level data	N/A
REQUIRED				D	T24	Prereq 4	**Fundamental Refrigerant Management** - Do not use CFC-based refrigerants in HVAC&R systems, or have a phase out plan	N/A
3			3	C		Credit	**Enhanced Commissioning** - Implement systems commissioning or monitor-based commissioning	6
8			10	D	T24	Credit	**Optimize Energy Performance** - Whole building energy simulation or follow ASHRAE Advanced Energy Design Guide	18
1				D		Credit	**Advanced Energy Metering** - Install advanced energy metering for whole building and individual energy sources	1
			2	C		Credit	**Demand Response** - Participate in existing demand response program or provide infrastructure for demand response programs	2
1			4	D	MP	Credit	**LEED v4.1 Renewable Energy** - Use on-site or offsite renewable energy to offset green house gas emissions for annual energy use	5
			1	D		Credit	**Enhanced Refrigerant Management** - Refrigerants with ODP of 0 and GWP of less than 50 OR calculate refrigerant impact	1
13			20	**Totals**				33

MATERIALS & RESOURCES

YES	LIKELY	NAYBE	NO	Phase	Overlap	Credit Number	Credit Name	Points Available
REQUIRED				D	T24	Prereq	**Storage and Collection of Recyclables** - Dedicated areas for waste collection, collection and storage	N/A
REQUIRED				D	MP	Prereq	**Construction and Demolition Waste Management Planning** - Establish C&D waste diversion goals	N/A
3			2	C		Credit	**Building Life-Cycle Impact Reduction** - Historic building reuse, renovate blighted buildings OR whole building LCA	5
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Environmental Product Declarations**	2
2				C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Material Ingredients**	2
1			1	C		Credit	**LEED v4.1: Building Product Disclosure and Optimization - Sourcing of Raw Materials**	2
2				C	MP	Credit	**C&D Waste Management** - Divert 50% (3 streams), 75% (4 streams) OR 2.5 lbs. waste per square foot	2
9			4	**Totals**				13

INDOOR ENVIRONMENTAL QUALITY

YES	LIKELY	MAYBE	NO	Phase	Overlap	Credit Number	Credit Name	Points Available
REQUIRED				D	T24	Prereq	**Minimum Indoor Air Quality Performance** - Meet ASHRAE 62.1-2010	N/A
REQUIRED				D	T24	Prereq	**Environmental Tobacco Smoke Control** - Prohibit smoking indoors, restrict outdoor smoking within 25 feet	N/A
2				D	T24	Credit	**Enhanced Indoor Air Quality Strategies** - Comply with enhanced IAQ strategies	2
3				C		Credit	**LEED v4.1: Low-Emitting Materials** - Achieve level of compliance for product categories or use budget calculation method	3
1				C	T24	Credit	**Construction IAQM Plan** - Implement IAQMP & protect materials and equipment during construction	1
2				C		Credit	**Indoor Air Quality Assessment** - Before and during occupancy flush-out OR conduct baseline IAQ testing	2
1				D		Credit	**Thermal Comfort** - Meet requirements for ASHRAE 55-2010	1
1			1	D		Credit	**Interior Lighting** - Lighting Controls for 90% plus individual occupant spaces & four lighting quality strategies	2
			3	D		Credit	**Daylight** - Install glare control devices, spatial daylight autonomy, illuminance calculations OR daylight floor area measurement	3
1				D		Credit	**Quality Views** - Vision glazing for 75% of regularly occupied floor area, with at least two kinds of view types	1
1				D		Credit	**Acoustic Performance** - Meet requirements for HVAC noise, sound isolation, reverberation time, & sound masking	1
12			4	**Totals**				16

INNOVATION*

YES	LIKELY	MAYBE	NO	Phase	Overlap		Credit Name	Points Available
1				D		Credit	**ID - Parksmart Measures**	1
1				D		Credit	**Pilot - Integrative Analysis of Building Materials**	1
1				D		Credit	**ID - WELL Feature 87 Beauty and Design I**	1
1				D		Credit	**ID - Green Education**	1
1				D	MP	Credit	**Bird Collision Deterrence or EP point**	1
1				C		Credit	**LEED Accredited Professional**	1
6				**Totals**				6

**Innovation in Design includes Exemplary Performance credits*

REGIONAL**

YES	LIKELY	MAYBE	NO	Phase	Overlap		Credit Name	Points Available
			1	D		Credit	**Optimize Energy Performance**	1
1				D		Credit	**Sourcing of Raw Materials**	1
1				D		Credit	**Building Life-Cycle Impact Reduction**	1
1				D		Credit	**Indoor Water Use Reduction**	1
			1	D		Credit	**Access to Quality Transit**	1
			1	D		Credit	**Rainwater Management**	1
3			3	**Totals**				4

***only 4 Regional Credits are Applicable*

Confirmed Certification Level: GOLD

Confirmed + Likely Certification Level:	GOLD
Confirmed + Likely + Maybe Certification Level:	Gold
Confirmed Points	65
Confirmed + Likely Points	65
Confirmed + Likely + Maybe Points	65

H. T. HARVEY & ASSOCIATES
Ecological Consultants
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August 16, 2022

Brian Zubradt
Peninsula Innovation Partners
1 Hacker Way, Building 28
Menlo Park, CA 94025

Subject: Willow Village Parcel 3 – Draft Bird-Safe Design Architectural Control Package Compliance Assessment (HTH #3375-21)

Dear Brian Zubradt:

Per your request, H. T. Harvey & Associates has assessed compliance of the proposed Parcel 3 development located at the Willow Village project site in Menlo Park, California, with the *Willow Village Master Plan Bird-Safe Design Assessment* prepared by H. T. Harvey & Associates for Peninsula Innovation Partners (October 19, 2021). The Parcel 3 development will consist of a seven-story, 468,559 square-foot mixed-use building with 419 residential units, and is part of the larger Willow Village Master Plan. Parcel 3 is located in the central portion of the Master Plan area and will be surrounded by Main Street and the Town Square to the north, Main Street and office development to the northeast, Center Street and mixed-use development to the south, and West Street and mixed-use development to the west.

We previously assessed project implementation of bird-safe design requirements for Parcel 3 in the *Willow Village Master Plan Bird-Safe Design Assessment* prepared based on the project's conceptual Conditional Development Permit (CDP) application. The purpose of this report is to review the Parcel 3 Architectural Control Package (ACP), which is more detailed compared to the conceptual CDP and commits the project to the design details specified therein, in order to document project compliance with City and California Environmental Quality Act (CEQA) bird-safe design requirements that reduce impacts due to bird collisions to less-than-significant levels under CEQA.

A number of the City and CEQA requirements listed herein pertain to lighting; however, the project's lighting has not yet been designed. It is our understanding that the project will implement the lighting measures provided in the *Willow Village Master Plan Bird-Safe Design Assessment* including lighting design principles in Section 6.2.1, Mitigation Measure 6 in Section 6.3.1.2, Mitigation Measure 13 in Section 6.3.4.2, and City occupancy sensor requirements (either via compliance with City lighting requirements [i.e., requirement C, discussed below] or the implementation of the proposed alternative City measures in Section 6.2.2). Implementation of these measures will reduce impacts due to lighting in the southern portion of the project site to less-than-significant

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levels under CEQA. Per ACP page A9.15, the project will implement these principles, requirements, and measures. By incorporating these principles, requirements, and measures, it is our professional opinion that project impacts due to Parcel 3 lighting would be less than significant under CEQA. A subsequent report prepared by a qualified biologist will accompany the project's permit submittal to document compliance of the lighting design for Parcel 3 with these requirements.

Assessment of Compliance with City Bird-Safe Design Requirements

The City requires the Parcel 3 development to comply with the bird-safe design requirements identified in Mitigation Measure BIO-1 of the *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Environmental Impact Report*, certified by the City of Menlo Park in 2016 and codified in Sections 16.43.140(6) and 16.45.130(6) of the City's Municipal Code, hereafter referred to as *City bird-safe design requirements*. The Parcel 3 development will comply with the City bird-safe design requirements as described in Section 5.2.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment* and documented in Table 1, or, subject to City approval of waivers, implement alternative City measures (described below).

Table 1. Documentation of Parcel 3 Compliance with City Bird-Safe Design Requirements or Waiver Requests

City Bird-Safe Design Requirement	Does the Parcel 3 ACP Design Comply with the Requirement?	ACP Documentation
A. No more than 10% of facade surface area shall have non-bird-friendly glazing	No – waiver requested	Approximately 29.9% of the façade surface area shall have non-bird-friendly glazing
B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.	Yes	Bird-friendly glazing shall have the following specifications (see pages A9.15, A9.15B, and A9.15C): a. Vertical elements of the window patterns should be at least 0.25 inch wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inch wide at a maximum spacing of two inches; OR b. Bird-safe glazing shall have a Threat Factor[1] less than or equal to 30. OR c. A screen shall be placed in front of the treated window such that the combination of the window treatment and screen size/spacing

		meet the specifications in (a) or (b) (e.g., by spacing the frit in between the screen panels) (see discussion below) In addition, the project glazing will have visible reflectance of 15% or lower (ACP page A9.15).
C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.	No – waiver requested	It is our understanding that occupancy sensors will not be used in all areas of the building.
D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.	Yes	In our professional opinion, the placement of the Parcel 3 building does not funnel flight paths towards a building façade.
E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.	No – waiver requested	Free-standing glass guardrails are included in the project design (see pages A4.01and A6.11 of the ACP).
F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.	No – waiver requested	Transparent glass is included at the rooflines of the Parcel 3 building and at roof terraces with landscape vegetation (see pages A4.01–03, A6.10–11, A7.01, L1.00, L1.02, and L2.01 of the ACP).
G. Use of rodenticides shall not be allowed.	Yes	It is our understanding that rodenticides shall not be used.

The use of a screen instead of or in combination with a bird-safe frit pattern to comply with requirement B is not discussed in the *Willow Village Master Plan Bird-Safe Design Assessment* because this alternative was not proposed in the CDP design. However, external screens are listed as an option for bird-safe treatment of windows in requirement B, and hence are an appropriate option to reduce collisions with glazing. In our opinion, the use of a screen in front of a window with a bird-safe glazing treatment such that the combination of the window treatment and screen size/spacing meet the appropriate specifications (i.e., vertical elements at least 0.25 inch wide at a maximum spacing of 4 inches and/or horizontal elements at least 0.125 inches wide at a maximum spacing of 2 inches) by spacing the frit in between the screen panels is an appropriate option to reduce bird collisions with the Parcel 3 building.

The project is requesting waivers for requirements A, C, E, and F for the Parcel 3 building, as permitted by the City bird-safe design requirements. These waivers are requested in order for the project to achieve design excellence. To address collision risk with the project buildings when waivers are requested, and ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, tailored alternative bird-safe design measures, derived from the City bird-safe design requirements, are provided in Section 5.2.2.2 of the *Willow Village Master Plan Bird-Safe Design Assessment* (hereafter, these alternative measures are referred to as *alternative City measures*). Documentation of compliance with these alternative City measures, with the exception of requirement C (discussed separately below), is provided in Table 2.

Table 2. Documentation of Parcel 3 Compliance with Alternative City Measures

Alternative City Measure	Does the Parcel 3 ACP Design Comply with the Measure?	ACP Documentation
The Parcel 3 building shall focus bird-friendly glazing treatments within areas of extensive glazing on lower floors and roof terraces that face the Town Square to the north, as these represent areas of heightened collision risk. The focal façade areas to be treated shall be identified by a qualified biologist on building-specific façade views; no more than 10% of these areas shall have non-bird-friendly glazing.	Yes	H. T. Harvey & Associates reviewed the ACP design and identified focal façade areas to be treated. Documentation that the identified focal façade areas will be treated such that no more than 10% of these areas have non-bird-friendly glazing is provided in the ACP on pages A9.15, A9.15B, and A9.15C.
All glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment. Specifically, this glazing shall have a Threat Factor[1] less than or equal to 15.	Yes	Documentation that free-standing glass railings will be 100% treated with a bird-safe glazing treatment that has a Threat Factor[1] less than or equal to 15 is provided in the ACP on page A9.15.
All glazed features of the Parcel 3 building with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment where they are located within or adjacent to (i.e., on both sides of a corner where one side of the corner falls within a focal treatment area) the focal treatment areas identified by the qualified biologist. These transparent building corners shall treated as far from the corner as it is possible to see through to the other side of the corner.	Yes	H. T. Harvey & Associates reviewed the ACP design and identified transparent glass corners at the northern corner of the Parcel 3 building (at the intersection of Main Street and West Street), on the south corner of the building (at the intersection of Main Street and Center Street), and on the southwest corner of the Level 1 retail island at the eastern corner of the site. Documentation that these areas will be 100% treated with a bird-safe glazing treatment is provided in the ACP on pages A9.15.

[1]A material's Threat Factor is assigned by the American Bird Conservancy, and refers to the level of danger posed to birds based on birds' ability to perceive the material as an obstruction, as tested using a "tunnel" protocol (a standardized test that uses wild birds to determine the relative effectiveness of various products at deterring bird collisions). The higher the Threat Factor, the greater the risk that collisions will occur. An opaque material will have a Threat Factor of 0, and a completely transparent material will have a Threat Factor of 100. Threat Factors for many commercially available façade materials can be found by clicking the "Threat Factor Table" link at https://abcbirds.org/glass-collisions/nyc-threat-factor.

As discussed in the *Willow Village Master Plan Bird-Safe Design Assessment*, the mixed-use buildings (including Parcel 3) shall comply with City occupancy sensor requirements where feasible. However, if occupancy sensors or other switch control devices are not feasible, and/or interior lights cannot be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise (e.g., because the space is occupied 24 hours per day or is residential), no alternative City measures are proposed for the Parcel 3 building. In our opinion, this measure (or an alternative measure) is not necessary to reduce bird collisions with the Parcel 3 building to less-than-significant levels under CEQA, and a waiver to this requirement is appropriate. CEQA mitigation measures developed in the *Willow Village Master Plan Bird-Safe Design Assessment* to minimize lighting for the Parcel 3 building are discussed below.

In lieu of complying with City requirements A, C, E, and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate.

Assessment of Compliance with CEQA Bird-Safe Design Requirements

The *Willow Village Master Plan Bird-Safe Design Assessment* identifies project design elements and mitigation measures that are necessary to reduce project impacts due to bird collisions to less-than-significant levels under CEQA. These are referred to as *CEQA bird-safe design requirements*, and are as follows:

- Features of the Parcel 3 building's architecture that would reduce the frequency of avian collisions (referred to as *beneficial project features*), identified in Section 5.2.1.2 of the *Willow Village Master Plan Bird-Safe Design Assessment.*
- Lighting design principles listed in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment.*
- CEQA Mitigation Measures 6 and 13 identified in Sections 5.2.3 (related to building architecture) and 6.3.4.2 (related to lighting) of the *Willow Village Master Plan Bird-Safe Design Assessment.* Compliance of the Parcel 3 project with other CEQA Mitigation Measures identified in the *Willow Village Master Plan Bird-Safe Design Assessment* (i.e., Mitigation Measures 1–5 and 7–12) is not required, as these measures are specific to other components of the Master Plan.

The Parcel 3 development will comply with the CEQA bird-safe design requirements as described in the *Willow Village Master Plan Bird-Safe Design Assessment* and documented in Table 3.

Table 3. CEQA Bird-Safe Design Requirements

CEQA Bird-Safe Design Requirement	Does the Parcel 3 ACP Design Comply with the Requirement?	Documentation
Beneficial Project Features		
Opaque panels	Yes	Opaque wall panels are shown on ACP pages A4.01–03.
Overhangs	Yes	Building overhangs are shown on ACP pages A4.01 and A4.02.
Mullions	Yes	Mullions are shown on ACP pages A4.01–03.
Porticos that are not vegetated or located immediately adjacent to vegetation	Yes	Porticos without vegetation are shown on ACP pages A4.01 and A4.02.
Lighting Design Principles		
The list of project lighting design principles in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with all lighting design principles in Section 6.2.1 of the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.
CEQA Mitigation Measures		
Mitigation Measure 6. To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture. If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees and buildings) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated.	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply with Mitigation Measure 6 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.
Mitigation Measure 13. Exterior lighting shall be minimized (i.e.,	Yes – Documentation to be provided with permit submittal	The project's lighting has not yet been designed, but will comply

total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from midnight until sunrise, except as needed for safety and City code compliance.	with Mitigation Measure 6 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.

Summary

The Parcel 3 development will comply with the City's bird-safe design requirements by implementing requirements B, D, and G and requesting waivers for requirements A, C, E, and F (with the implementation of alternative City measures). In addition, the project will incorporate the beneficial project features, lighting design principles, and Mitigation Measures 6 and 13 identified for Parcel 3 in the *Willow Village Master Plan Bird-Safe Building Assessment* to reduce impacts due to bird collisions to less-than-significant levels under CEQA. With compliance with City requirements B, D, and G and requested waivers for requirements A, C, E, and F (including implementation of the identified alternative City measures); implementation of the applicable beneficial project features and lighting design principles; and compliance with CEQA Mitigation Measures 6 and 13, it is our professional opinion that impacts of the Parcel 3 development due to bird collisions are less than significant under CEQA, and the requested waivers for requirements A, C, E, and F are appropriate.

Please feel free to contact me at (408) 677-8737 or rcarle@harveyecology.com if you have any questions regarding this assessment. Thank you very much for contacting H. T. Harvey & Associates about this project.

Sincerely,

Robin Carle, M.S.
Senior Associate Wildlife Ecologist/Project Manager

H. T. HARVEY & ASSOCIATES
Ecological Consultants
50 years of field notes, exploration, and excellence

Willow Village Master Plan
Bird-Safe Design Assessment

Project #3375-21

Prepared for:

Brian Zubradt
Peninsula Innovation Partners
1 Hacker Way, Building 28
Menlo Park, CA 94025

Prepared by:

H. T. Harvey & Associates

February 24, 2022

Table of Contents

Section 1. Introduction and Purpose 1

Section 2. City Bird-Safe Design Requirements 2

Section 3. Project Site Conditions 4
3.1 Existing Conditions 4
3.2 Proposed Conditions 7

Section 4. Method of Analysis 9

Section 5. Project Analysis 10
5.1 Analysis of Overall Project Site Conditions 10
5.2 Hotel and Residential/Mixed-Use Buildings 13
5.2.1 Building Descriptions 13
5.2.2 Compliance with City Bird-Safe Design Requirements 18
5.2.3 Additional Mitigation Measures Proposed Under CEQA 20
5.2.4 CEQA Impacts Summary 21
5.3 Office Campus 21
5.3.1 Building Descriptions 21
5.3.2 Compliance with City Bird-Safe Design Requirements 24
5.3.3 Additional Mitigation Measures Proposed Under CEQA 26
5.3.4 CEQA Impacts Summary 26
5.4 Event Building and Nearby Buildings 27
5.4.1 Building Descriptions 27
5.4.2 Compliance with City Bird-Safe Design Requirements 33
5.4.3 Additional Mitigation Measures Proposed Under CEQA 35
5.4.4 CEQA Impacts Summary 35
5.5 Atrium 36
5.5.1 Building Description 36
5.5.2 Compliance with City Bird-Safe Design Requirements 44
5.5.3 Additional Mitigation Measures Proposed Under CEQA 45
5.5.4 CEQA Impacts Summary 49

Section 6. Assessment of Lighting Impacts on Birds 51
6.1 Overview of Potential Impacts on Birds from Artificial Lighting 51
6.1.1 Impacts Related to General Site Lighting Conditions 51
6.1.2 Impacts Related to Up-Lighting 51
6.2 Lighting Design Principles 53
6.2.1 Design Principles 53
6.2.2 City Occupancy Sensor Requirements 55
6.3 Analysis of Potential Impacts on Birds due to Lighting 56
6.3.1 Potential Impacts due to Lighting within the Northern Portion of the Project Site 57
6.3.2 Potential Impacts Related to the Stair/Elevator Towers 59
6.3.3 Potential Impacts Related to the Atrium 60
6.3.4 Potential Impacts Related to the Southern Portion of the Project Site 63

Section 7. References 65

Appendices

Appendix A. Additional Supporting Design Detail A-1
Appendix B. Conceptual Planting Plans and Plant Palettes B-1
Appendix C. Résumés C-1

List of Preparers

Steve Rottenborn, Ph.D., Principal/Senior Wildlife Ecologist
Robin Carle, M.S., Project Manager/Senior Wildlife Ecologist

Section 1. Introduction and Purpose

Per the request of Peninsula Innovation Partners, H. T. Harvey & Associates has performed an assessment of avian collision risk for the proposed Willow Village Master Plan project (Master Plan) located in Menlo Park, California.

It is our understanding that the project proposes to replace more than one million square feet of existing industrial, office, and warehouse space in the 59-acre Menlo Science and Technology Park with a new residential/mixed-used village that includes up to 1,730 residential units, up to 200,000 square feet of retail uses, a hotel with up to 193 rooms and accessory uses, approximately 1,600,000 square feet of space for office and accessory uses (with a maximum of 1,250,000 square feet of office uses and the balance 350,000 square feet [if office use is maximized] of accessory uses) on the project site. The site is bounded by Willow Road to the west, the Joint Powers Board (JPB) rail corridor to the north, the Hetch Hetchy right-of-way corridor and Mid-Peninsula High School to the south, and an existing life science complex to the east. To allow for the transformation of the site into a vibrant residential/mixed-use community, the plan will require demolition of all existing site improvements consisting of buildings, streets, and utilities.

This report provides an analysis of bird collision hazards associated with the conceptual design for the Master Plan and documents the bird-safe design measures that will be incorporated into the project to ensure that (1) project impacts due to bird collisions with buildings are reduced to less-than-significant levels under the California Environmental Quality Act (CEQA), and (2) the project complies with City of Menlo Park bird-safe design requirements.

This assessment is based on the project's Conditional Development Permit (CDP) application, as well as additional design details for the various Master Plan components identified in Appendix A to support our assessment. We will also review the final Architectural Control Plans (ACPs) and produce a subsequent final report for each Master Plan component to document (1) compliance with the CEQA mitigation measures the project will implement to mitigate significant CEQA impacts; and (2) compliance with City of Menlo Park bird-safe design requirements (with requests for waivers of certain requirements as permitted by the City bird-safe design requirements and including compliance with alternative City measures, where appropriate); and (3) compliance with the lighting design principles identified herein. If we find that modifications are needed to the ACPs to ensure that impacts are reduced to less-than-significant levels under CEQA and/or compliance with City requirements, we will provide recommended modifications in our reports for individual ACPs.

Section 2. City Bird-Safe Design Requirements

In 2014, the City of Menlo Park initiated the process of updating its General Plan Land Use and Circulation Elements as well as its zoning for the M-2 area (also known as the Bayfront Area) in the northern portion of Menlo Park. Collectively, this update to the General Plan and zoning is known as *ConnectMenlo*. On November 29, 2016, the City Council certified the *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Environmental Impact Report* (ConnectMenlo EIR) and approved the General Plan Land Use and Circulation Elements. The Willow Village project is located within the ConnectMenlo area.

Mitigation Measure BIO-1 of the ConnectMenlo EIR requires measures to ensure that the project reduces bird collisions with new buildings. For the purpose of this report, we assume that the project will comply with City of Menlo Park bird-safe design requirements (including obtaining waivers, as permitted by the City bird-safe design requirements, where applicable) provided in Municipal Code Sections 16.43.140(6) and 16.45.130(6), which include measures to reduce bird collisions. Hereafter, the bird-safe design measures in the ConnectMenlo EIR and the City's Municipal Code are referred to together as *City bird-safe design requirements*. These requirements are as follows:

A. No more than 10% of facade surface area shall have non-bird-friendly glazing.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

G. Use of rodenticides shall not be allowed.

A project may receive a waiver from requirements A through F, subject to the submittal of a site-specific evaluation from a qualified biologist (defined as an ornithologist familiar with local bird communities and populations and with expertise assessing avian collision risk) and review and approval by the planning commission. A waiver from requirement G is not authorized. The project will comply with requirement G, and this requirement is not discussed further in the body of this report.

However, to address collision risk with the project buildings, tailored alternative bird-safe design measures, derived from the City of Menlo Park's requirements with appropriate waivers, are provided in Section 5 of this report based on the conceptual designs in the project's CDP application to reduce collision impacts to less-than-significant levels under CEQA (hereafter, these alternative measures are referred to as *alternative City measures*). Sections 5 and 6 of this report provides a discussion of how the Master Plan components will comply with the City's bird-safe design requirements, as well as examples of locations where waivers to the City requirements are, in our professional opinion, appropriate in areas of low collision risk. Waivers are requested in order for the project to achieve design excellence (e.g., related to aesthetics, energy efficiency, or project objectives). Waivers are requested only where strict adherence to the City's bird-safe design requirements (a) is not necessary to reduce project impacts to less-than-significant levels under CEQA and (b) would not substantively reduce bird collision risk beyond the alternative City measures proposed in Sections 5 and 6 (discussed in detail in Sections 5 and 6 below).

This report documents the CEQA mitigation measures and alternative City measures the project will implement to reduce impacts to less-than-significant levels and comply with the City's bird-safe design requirements. Documentation of compliance with this report will be provided in subsequent reports for each ACP for the project.

Section 3. Project Site Conditions

3.1 Existing Conditions

Habitat conditions and bird occurrence in the immediate vicinity of the project site (i.e., on the site and on immediately adjacent lands) are typical of much of the urbanized San Francisco Bay area. The approximately 64.0-acre project site currently supports office buildings, roadways, restaurants, a gas station, parking lots, walking paths, mulched and irrigated areas, and landscape areas (Photos 1–4). The site is located across the inactive JPB rail corridor from a storage facility and large brackish marsh to the north, and is otherwise surrounded by high-density commercial and residential development to the east, west, and south (Figure 1).

Photo 1. Office buildings, parking lots, and landscape areas on the project site.

Photo 2. Landscape areas and trees on the project site.

Photo 3. An overgrown wooded area with landscape trees on the project site.

Photo 4. Office buildings and landscape trees on the project site.

Figure 1. The project site (delineated in yellow) is surrounded by commercial and residential development to the east, west, and south. The inactive JPB rail corridor, a storage facility, and a large brackish marsh are located to the north.

Habitat conditions on the site are of low quality for most native birds found in the region due to the scarcity of vegetation, the lack of well-layered vegetation (e.g., with ground cover, shrub, and canopy tree layers in the same areas), and the small size of the vegetated habitat patches. Landscaped areas on the site support nonnative Canary Island pine (*Pinus canariensis*), Chinese pistache (*Pistacia chinensis*), London plane (*Platanus* x *hispanica*), eucalyptus (*Eucalyptus* sp.), and crepe myrtle (*Lagerstroemia* sp.) trees. Common understory plants include nonnative buckbrush (*Ceanothus* sp.) and rosemary (*Rosmarinus officinalis*). Nonnative vegetation supports fewer of the resources required by native birds compared to native vegetation, and the structural simplicity of the vegetation further limits resources available to birds (Anderson 1977, Mills et al. 1989). Nevertheless, there is a suite of common, urban-adapted bird species that occur in such urban areas that are expected to occur on the site regularly. These include the native Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), Bewick's wren (*Thryomanes bewickii*), bushtit (*Psaltriparus minimus*), dark-eyed junco (*Junco hyemalis*), and house finch (*Haemorhous mexicanus*), as well as the non-native European starling (*Sturnus vulgaris*) and house sparrow (*Passer domesticus*). All of these birds are year-round residents that can potentially nest on or immediately adjacent to the project site. A number of other species, primarily migrants or winter visitors (i.e., nonbreeders), are expected to occur occasionally on the site as well, including the white-crowned sparrow (*Zonotrichia leucophrys*), golden-crowned sparrow (*Zonotrichia atricapilla*), and yellow-rumped warbler (*Setophaga coronata*). All of the species expected to occur regularly are regionally abundant species, and no special-status birds (i.e., species of conservation concern) are expected to nest or occur regularly on the site.

The habitat conditions located to the east, west, and south of the project site are very similar to those on the project site itself. These areas are dominated by commercial and residential uses and have landscaping similar to that on the project site (Figure 1). As a result, bird use of these surrounding areas is as described above for the project site.

A large brackish marsh is present approximately 150 feet north of the project site, north of the inactive JPB rail corridor and a storage facility (Figure 1). This brackish marsh, which extends north to State Route 84 and east to University Avenue, is dominated by salt marsh and brackish marsh plants and contains several channels. As a result, marsh-associated special-status birds such as the San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), Alameda song sparrow (*Melospiza melodia pusillula*), and northern harrier (*Circus hudsonius*) – all of which are California species of special concern – may occur in this area. However, state and federally listed birds associated with tidal salt marshes, salt pannes, and aquatic habitats, such as the California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), western snowy plover (*Charadrius nivosus nivosus*), and California least tern (*Sternula antillarum browni*), are absent from these habitats.

Further to the northeast and northwest are former salt ponds, now managed as waterbird habitat, and the waters and marshes of the San Francisco Bay. Ravenswood Pond R3 is located approximately 750 feet north of the site, and is separated from the site by the inactive JPB rail corridor, commercial development, and Highway 84 (Figure 1). Ravenswood Pond SF2 is located approximately 1,760 feet northeast of the site, and is separated from the site by the inactive JPB rail corridor, a large brackish marsh (discussed above), and University Avenue (Figure 1). These ponds provide foraging habitat for a wide variety of waterbirds such as the American avocet (*Recurvirostra americana*), western sandpiper (*Calidris mauri*), marbled godwit (*Limosa fedoa*), ruddy duck (*Oxyura jamaicensis*), semipalmated plover (*Charadrius semipalmatus*), dunlin (*Calidris alpina*), least sandpiper (*Calidris minutilla*), red knot (*Calidris canutus*), long-billed dowitcher (*Limnodromus scolopaceus*), northern shoveler (*Spatula clypeata*), green-winged teal (*Anas crecca*), canvasback (*Aythya valisineria*), American white pelican (*Pelecanus erythrorhynchos*), black-bellied plover (*Pluvialis squatarola*) and others (Cornell Lab of Ornithology 2021). The federally threatened western snowy plover also nests and forages in Pond SF2.

Due to their location along the edge of the San Francisco Bay and the extensive areas of habitat present, the managed ponds located northeast and northwest of the project site support relatively high numbers of species of birds compared to areas located farther inland in San Mateo (Figure 2). Based on observations by birders over the years, approximately 138 species of birds have been recorded at pond SF2 and 136 species along the Bay Trail adjacent to Pond R3, including year-round resident, migrant, and wintering landbirds (associated with upland areas), shorebirds (associated with the shoreline), and waterbirds (associated with open water habitat) (Cornell Lab of Ornithology 2021). Ebird records suggest that some species of shorebirds and waterbirds can occur in these areas in large numbers (i.e., 1,000 individuals), but the majority of these species occur in smaller flocks. A number of migrant bird species will remain in this area for days to weeks to rest and forage. Resident birds that are present in the vicinity year-round are similarly attracted to the open habitats within these salt ponds in relatively large numbers for foraging opportunities (Cornell Lab of Ornithology 2021).

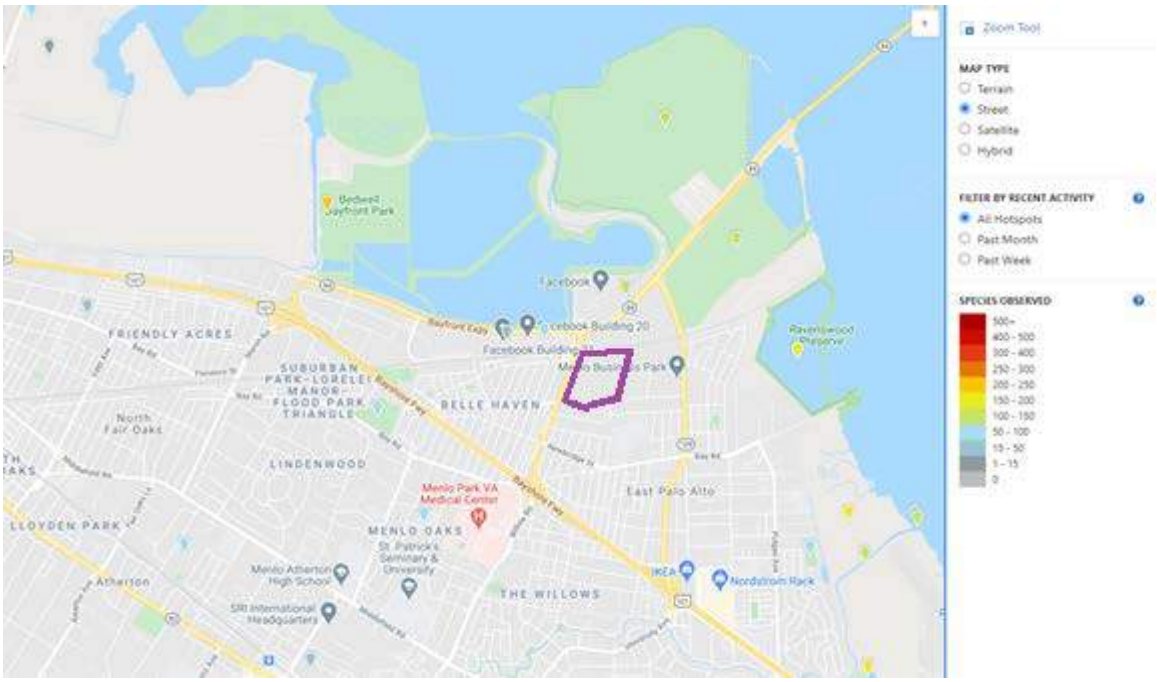

Figure 2. Map of eBird hotspots in the site vicinity. The project site is outlined in purple.

3.2 Proposed Conditions

The project would construct office and accessory space, parking garages, a hotel, retail, residential, and residential/mixed-use buildings on the majority of the site. A portion of the office and accessory space would be located inside a glass atrium. We do not expect these artificial structures to provide high-quality habitat for birds. However, the project will also create approximately 20 acres of open space areas consisting of paved pedestrian areas and landscape vegetation. The conceptual planting plans for these areas predominantly include nonnative trees, shrubs, and herbaceous plants (Appendix B). Nonnative trees to be planted on the site may include red maple (*Acer rubrum*), deodar cedar (*Cedrus deodara*), Canary Island pine, European olive (*Olea europea*), Mexican fan palm (*Washingtonia robusta*), agave (*Agave* sp.), ginkgo (*Ginkgo biloba*), Chinese elm (*Ulmus parvifolia*), crape myrtle, London plane, Brisbane box (*Lophostemon confertus*), coast redwood (*Sequoia sempervirens*) (which is not locally native to the project site), and red alder (*Alnus rubra*). In addition, native California sycamores (*Platanus racemosa*) and coast live oaks (*Quercus agrifolia*) may be planted on the site. Shrubs, forbs, and grasses that may be planted on the site include nonnative European grey sedge (*Carex divulsa*), small cape rush (*Chondropetalum tectorum*), horsetails (*Equisetum hyemale*), slender weavers (*Bambusa textilis*), bougainvillea (*Bougainvillea* sp.), and New Zealand flax (*Phormium* sp.); natives include common yarrow (*Achillea millefolium*), California wild rose (*Rosa californica*), California lilac (*Ceanothus* spp.), toyon (*Heteromeles arbutifolia*), and common rush (*Juncus patens*). While we understand that the exact species to be planted may change, we assume for purposes of this report that the characterization of proposed conditions as a mix of native and nonnative tree and plant species, with predominantly nonnative species, will remain the same.

In general, native plant species provide higher-quality food, nesting, roosting, and cover resources for native birds compared to nonnative plant species. Thus, under proposed conditions, the predominantly nonnative tree and plant species to be planted on the site will provide resources such as food (e.g., seeds, fruits, nectar, or foliage that supports insect prey), nesting sites, roosting sites, and cover from predators that is similar to existing conditions. However, due to the anticipated greater extent of this vegetation compared to existing conditions, this vegetation is expected to attract greater numbers of landbirds, including both resident birds and migrating birds, to the site compared to existing conditions. Nocturnal migrant landbirds that travel along the edge of San Francisco Bay are expected to be attracted to vegetated open space areas on the site following construction, as these areas will be visible from the San Francisco Bay as potential nesting, roosting, and foraging opportunities along a densely developed urban shoreline. Such migrants are expected to descend from their migration flights to the project site to rest and forage. Thus, a slight increase in the abundance of resident birds and a somewhat larger increase in the abundance of migrating birds is expected as a result of the proposed landscaping. Still, due to the extent of hardscape proposed in these open space areas, bird use will be much lower than in natural areas in the region.

Section 4. Method of Analysis

This assessment was prepared by H. T. Harvey & Associates wildlife ecologists/ornithologists Steve Rottenborn, Ph.D., and Robin Carle, M.S. Their qualifications are provided in Appendix C. Reconnaissance-level field surveys of the portion of the site located east of Willow Road, as well as areas within the JPB rail corridor east and west of Willow Road, were initially conducted by S. Rottenborn on October 26, 2017. After the project was redesigned in 2019, S. Rottenborn visited the project site again on April 22, 2019.

Although the subject of bird-friendly design is relatively new to the West Coast, S. Rottenborn and R. Carle have performed avian collision risk assessments and identified measures to reduce collision risk for several projects in the Bay Area, including projects in the cities of San Francisco, Oakland, Berkeley, South San Francisco, Redwood City, Menlo Park, Palo Alto, Mountain View, Santa Clara, Sunnyvale, and San José. The methods of analysis used for this report are consistent with the methods of analysis used for these other projects in the San Francisco Bay Area.

Section 5. Project Analysis

5.1 Analysis of Overall Project Site Conditions

Because birds do not necessarily perceive glass as an obstacle (Sheppard and Phillips 2015), windows or other structures that reflect the sky, trees, or other habitat may not be perceived as obstacles, and birds may collide with these structures. Similarly, transparent windows can result in bird collisions when they allow birds to perceive an unobstructed flight route through the glass (such as at corners), and when the combination of transparent glass and interior vegetation results in attempts by birds to fly through glass to reach vegetation. A number of factors play a role in determining the risk of bird collisions with buildings, including the amount and type of glass used, lighting, properties of the building (e.g., size, design, and orientation), type and location of vegetation around the building, and building location.

As noted above, moderate numbers of native, resident birds occur in the project vicinity. Because resident birds are present within an area year-round, they are more familiar with their surroundings and can be less likely to collide with buildings compared with migrant birds (discussed below). However, the numbers of resident birds that collide with buildings can still be relatively high over time. Young birds that are more naïve regarding their surroundings are more likely to collide with glass compared to adult birds. In addition, although adult birds are often more familiar with their surroundings, they still collide with glass with some frequency, especially when they are startled (e.g., by a predator) and have limited time to assess their intended flight path to avoid glazed facades. As a result, a moderate number of resident (i.e., breeding or overwintering) landbirds may collide with the project buildings over time.

Nocturnal migrant landbirds are also expected to be attracted to the project vicinity, especially the marsh and scrub habitat to the north of the site, during migration periods in the spring and fall. When these birds arrive in the site vicinity they are tired from flying all night, they are hungry, and they are less likely to be aware of risks such as glass compared to well-fed, local resident, summering, or wintering birds familiar with their surroundings. As these migrants descend from higher elevations, they will seek suitable resting and foraging resources in the new landscape vegetation adjacent to the buildings. During this reorientation process, migrants will be susceptible to collisions with the buildings if they cannot detect the glass as a solid structure to be avoided. Migrant birds that use structures for roosting and foraging (such as swifts and swallows) will also be vulnerable to collisions if they perceive building interiors as potential habitat and attempt to enter the buildings through glass walls.

Once migrants have descended and decided to settle into vegetation on or adjacent to the project site, they may collide with the glass because they do not detect it as a solid surface and think they can fly through the building (e.g., if they are on the west side of the building and try to fly through a glazed corner to reach trees on the north side). Foggy conditions may exacerbate collision risk, as birds may be even less able to perceive that glass is present in the fog. The highest collision risk would likely occur when inclement weather enters the region on

a night of heavy bird migration, when clouds and fog make it difficult for birds to find high-quality stopover sites once they reach ground level.

The project site is located in a highly urbanized area, and is surrounded on three sides by high-intensity development (Figure 1). As a result, relatively low numbers of birds are expected to occur in the general vicinity of the site to the east, west, and south (i.e., away from less developed, higher-quality habitats along the edge of the baylands to the north).

In addition, several features of the proposed buildings' architecture would further reduce the frequency of avian collisions (referred to in this report as *beneficial project features*) (Appendix A). For instance, the presence of beneficial project features such as overhangs and awnings on many of the project buildings may reduce the potential for bird collisions with buildings by helping buildings to appear as more solid structures from a distance (San Francisco Planning Department 2011, Sheppard and Phillips 2015), and we expect that birds using habitats on the project site or in adjacent areas would be more likely to interpret the building as a solid structure (rather than as reflected sky or vegetation) due to the presence of these beneficial project features. At a more localized scale, these beneficial project features reduce collisions by blocking views of glazing to birds using areas of trees or roof vegetation located above the overhangs and awnings. However, overhangs and awnings do not eliminate issues related to reflections or transparency, or block the view of birds unless birds are located above the overhang or awning (San Francisco Planning Department 2011, Sheppard and Phillips 2015). Thus, these beneficial project features are typically used in combination with bird-safe glazing treatments, such as incorporation of visible patterns on the glass, as scientific trial studies have documented that these treatments effectively reduce bird collisions. Incorporation of the beneficial project features identified in this Assessment as depicted on the figures included in Appendix A will be required as a condition of the CDP so that they are part of the project description for CEQA review of the Master Plan.

Many of the project buildings are also articulated, with numerous features that break up the building's exterior surfaces so they do not appear smooth and unbroken. Well-articulated buildings are better perceived by birds as solid structures, particularly as birds approach buildings from a distance (San Francisco Planning Department 2011); as discussed above for awnings and overhangs, this is expected to reduce bird collisions. At a more localized/closer scale, building articulations can influence the potential for collisions in different ways. A recent study (Riding et al. 2020) found that buildings with alcoves (i.e., indentations/concavities in the building outline when viewed from above) experienced higher collision rates compared to other façade types (including flat facades), possibly because these features "trap" birds within an area where they are surrounded on three sides by glazing. These findings suggest that alcoves represent high-risk collision hazards to birds that are attracted to vegetation within the alcoves. In contrast, porticos (i.e., areas where an overhang creates a covered paved walkway), which are present in several locations on the Master Plan buildings, have been found to have relatively low collision rates compared to other façade types (Riding et al 2020). However, if porticos are vegetated (rather than entirely paved) or located immediately adjacent to native vegetation and trees that will attract birds, collision rates are expected to be higher because birds would be drawn towards the glass by the vegetation. In addition, porticos on the project buildings include transparent glass corners, which represent high-risk collision

hazards. Thus, it is necessary to consider the presence of collision hazards at porticos that may be created by vegetation and/or transparent glass corners when determining if porticos should be used independently, or in combination with bird-safe glazing treatments, to ensure that collision hazards are effectively addressed.

The project includes landscape vegetation that will be planted immediately adjacent to glazed facades in a number of locations, especially at the elevated park adjacent to the south façade of the atrium and in landscape areas adjacent to the north façade of the atrium. Where landscape vegetation must be planted adjacent to buildings, some agencies recommend planting the vegetation very close to (i.e., within 3 feet of) glazed facades to reduce bird collisions, as this obscures reflections of the vegetation in glazing and reduces fatal collisions by reducing birds' flight speed if they should fly into the glass (Klem 1990, New York City Audubon Society, Inc. 2007). However, not all studies have documented a reduction in bird collisions when resources are placed within 3 feet of windows (Kummer and Bayne 2015), and birds are fragile enough that they may still be killed due to window collisions when flying at relatively slow speeds (Klem 2008). In our professional opinion, vegetation that is (1) dense enough that birds cannot fly swiftly through it to reach glazed windows, and (2) located close enough to windows that birds will not be flying fast when they leave the vegetation and hit the glass, reduces the potential for collisions with glazing that is immediately adjacent to the vegetation. However, while dense shrubs and herbaceous plants will reduce collision hazards with immediately adjacent glazing, they will not protect glazing located above or to the side of the vegetation. Similarly, while a dense crown of a tree located immediately adjacent to a façade will reduce collision hazards on the adjacent glass, birds may still have a relatively high collision risk with glass located below the crown, where there is no dense vegetation. All trees and vegetation also grow and are trimmed over time, and areas of adjacent facades with higher or lower collision risk are expected to change accordingly over time. As a result, although planting vegetation adjacent to facades is expected to reduce collision hazards with immediately adjacent glazing, the effectiveness of this strategy is limited because (1) birds may still be killed or injured even when they fly into windows at relatively low speeds; (2) the vegetation only reduces the collision hazard where it is dense very close to the façade, and not in adjacent areas; and (3) vegetation is not uniformly shaped, and grows or is trimmed back over time, and so does not provide uniform or consistent protection for entire facades over time.

There are also some features evident in the project's plans where bird collisions may be more frequent than at other features because they may not be easily perceived by birds as physical obstructions; these features are related to the presence of a location-related hazard on the site as well as feature-related hazards on the proposed new buildings. A *location-related hazard* occurs where new construction is located within 300 feet of an *urban bird refuge*, which is defined as an open space 2 acres or larger dominated by vegetation (San Francisco Planning Department 2011). The project is located immediately adjacent to open areas to the north that provide habitat for birds. In addition, the project will construct new landscape areas on the site within approximately 20 acres of open space (composed of extensive paved areas with some landscape vegetation) that is accessible to birds. The connectivity of the new open space on the site with open habitats to the north is expected to draw birds onto the site, especially where trees are present to attract migrant birds. The northern portion of the site is expected to attract the highest numbers of birds due to its proximity to open habitats along the edge of San Francisco Bay. Although some birds will also occur farther south within the project site, the number of

individuals is likely to decline farther south due to the urbanized conditions that will be present on the project site and urbanization present to the west, south, and east.

Within areas of relatively high collision risk, the greatest potential for bird collisions is where a feature-related hazard is located adjacent to a location-related hazard. A *feature-related hazard* is a design feature that represents a high-risk collision hazard regardless of its location. Feature-related hazards on the site include free-standing glass railings, transparent glass corners with clear sight lines through a building, and alcoves and atria surrounded by glazing. In addition, feature-related hazards include areas of extensive glazing, as the extent of glazing on a building and the presence of vegetation opposite the glazing are known to be two of the strongest predictors of avian collision rates (Gelb and Delacretaz 2009, Borden et al. 2010, San Francisco Planning Department 2011, Cusa et al. 2015, Sheppard and Phillips 2015, Riding et al. 2020). The risk of collision is highest when a feature-related hazard is located adjacent to a location-related hazard, especially when vegetation is present on either side of the hazard, creating a perceived "flight path" through the glazing. Where these features are located along potential flight paths that birds may use when traveling to and from landscape vegetation on the site or in nearby areas, the risk of bird collisions is higher because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

5.2 Hotel and Residential/Mixed-Use Buildings

The hotel and residential/mixed-use buildings are discussed together because the conceptual designs indicate that their facades are predominantly opaque (with the exception of retail areas on the lower levels of the buildings) and they are located in portions of the site with less extensive vegetation. Thus, bird collisions with these buildings are generally expected to be lower compared to other buildings on the project site, although certain facades of these buildings face areas of landscape vegetation (e.g., parks and courtyards) where bird collisions are generally expected to be relatively higher.

5.2.1 Building Descriptions

5.2.1.1 Hotel

A hotel is located at the eastern end of the Town Square District, adjacent to Willow Road; the hotel will be a maximum of 120 feet tall (Figure 3). The conceptual design of the hotel includes a central courtyard on Level 1, a pool deck on Level 3, and balconies on Level 6 (Figure 4). A bridge will connect the hotel's Level 3 pool deck to the elevated park to the north. The facades of the hotel are intended to be predominantly opaque, with extensive glazing on Level 1 on the west, east, and south facades as well as all Level 1 facades surrounding the courtyard (Figure 5). Free-standing glass railings may be included in the hotel design, and landscape vegetation may be present on roof terraces.

Figure 3. Illustration of buildings in the northern portion of the site showing the proposed atrium, elevated park, hotel, Town Square, Office Building 04, and event building.

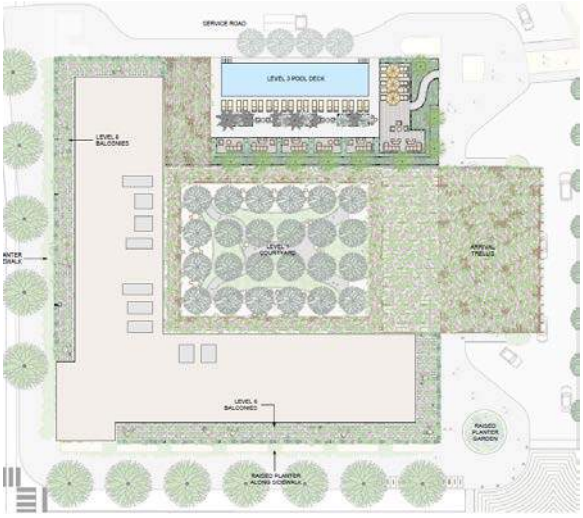

Figure 4. The conceptual hotel plan includes a central courtyard on Level 1, a pool deck on Level 3, and vegetated balconies on Level 6.

Figure 5. The conceptual east (top left), north (top right), west (bottom left), and south (bottom right) facades of the hotel.

Birds using open marsh and scrub habitats, or migrating, north of the site may be attracted to landscape vegetation along the façades of the hotel. The conceptual project plans show vegetation and trees at the elevated park to the northeast within the Town Square to the east, and within the hotel's central courtyard (Figures 3 and 5). Street trees and limited vegetation are proposed along Willow Road to the northwest and future Main Street to the southwest (Figure 5).

Although the hotel is located in the northern portion of the site and adjacent to the elevated park (i.e., in areas where higher numbers of birds are expected to be present, compared to areas farther south within the Master Plan area), the extensive opaque panels on the exterior facades as shown in the conceptual design are beneficial project features that substantially reduce the expected frequency of bird collisions with this building by helping the building appear as a solid structure from a distance (Figure 5). Features of the architecture of the hotel where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at roofs with landscape vegetation (which are expected to attract birds towards glazing on the building), in the central courtyard (where birds are surrounded on three or three sides by glazed facades), and at areas of contiguous glazing that face landscape vegetation within approximately 60 feet of the ground.

5.2.1.2 Residential/Mixed-Use Buildings

The residential/mixed-use buildings on Parcels 2–7 are assessed together because they are similar in structure, and collision hazards with these buildings are expected to be similar. These buildings are located in the southeast portion of the Master Plan area (Figure 6) and will be a maximum of 85 feet tall. Figures 7 and 8, which show the Parcel 2 building, are representative of the conceptual appearance of the residential/mixed-use buildings: their facades are intended to be predominantly opaque with residential windows, with more extensive glazing typically present at ground-floor public spaces. All buildings incorporate courtyards and open space areas, and landscape vegetation may be present on roof terraces. Free-standing glass railings may be included in the building designs.

Figure 6. Illustrative site plan showing the proposed residential/mixed-use buildings and associated open space areas. Facades with relatively highest collision risk are delineated in red.

Figure 7. The conceptual Parcel 2 residential/mixed-use building plan includes open space courtyards on Level 3.

Figure 8. The conceptual east (top), west (middle), south (bottom left), and north (bottom right) facades of the Parcel 2 residential/mixed-use building.

Birds are expected to use landscape vegetation planted adjacent to the façades of the residential/mixed-use buildings within public areas (e.g., street trees), planted landscape areas, and parks. However, according to the conceptual designs, the majority of the residential/mixed-use buildings are not located adjacent to large open space areas; as a result, fewer birds are expected to occur along these buildings compared to other buildings on the project site. In general, higher numbers of birds are expected to be present at the approximately 3.5-acre publicly accessible park on Parcel A and at the Town Square to the north/northeast of Parcels 2 and 3, and fewer birds are expected to be present in smaller/narrower vegetated areas (e.g., in between buildings).

Beneficial project features of the architecture of residential/mixed-use buildings that would reduce the frequency of avian collisions include opaque panels, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to vegetation (Figure 8). Nevertheless, some bird collisions with these façades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the facades of the residential/mixed-use buildings where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at alcoves (which surround trees and vegetation that are expected to attract birds), at green roofs (which are expected to attract birds towards glazing on the building), in courtyards (where birds are surrounded on three or four sides by glazed facades), and at areas of contiguous glazing that face landscape vegetation within approximately 60 feet of the ground (Figure 8). At transparent glass corners, the collision hazard extends as far from the corner as it is possible to see through the corner (and can potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).

5.2.2 Compliance with City Bird-Safe Design Requirements

Collision risk for the hotel and residential/mixed-use buildings is expected to be lower compared with other buildings in the Master Plan area because the conceptual designs indicate that their facades are predominantly opaque (with the exception of retail areas on the lower levels of the buildings) and they are located in portions of the site with less extensive vegetation. To address collision risk, the project will comply with City bird-safe design requirements, with requests for appropriate waivers, as permitted by the City bird-safe design requirements, by focusing bird-safe treatment of glazing within areas of relatively highest collision risk.

5.2.2.1 Requirements for which No Waiver is Requested

As currently proposed, the hotel and residential/mixed-use buildings anticipate complying with City bird-safe design requirements B, D, and G without requesting waivers; requirements B and D are listed below. Where the project's bird-safe design strategy is more specific than the City's requirements, sub-bullets specify how the project will comply with those requirements.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

- Specifically, glazing used on the hotel and residential/mixed-use buildings shall have the following specifications:

    a. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches;

    OR

    b. Bird-safe glazing shall have a Threat Factor[1] less than or equal to 30.

- To reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on the hotel and residential/mixed-use buildings will have a visible reflectance of 15% or lower.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

Discussion of project compliance with City requirement C, related to occupancy sensors, is provided in Section 6.2.2 below.

[1] A material's Threat Factor is assigned by the American Bird Conservancy, and refers to the level of danger posed to birds based on birds' ability to perceive the material as an obstruction, as tested using a "tunnel" protocol (a standardized test that uses wild birds to determine the relative effectiveness of various products at deterring bird collisions). The higher the Threat Factor, the greater the risk that collisions will occur. An opaque material will have a Threat Factor of 0, and a completely transparent material will have a Threat Factor of 100. Threat Factors for many commercially available façade materials can be found at https://abcbirds.org/wp-content/uploads/2021/01/Master-spreadsheet-1-25-2021.xlsx.

5.2.2.2 Requirements for which Waivers will be Requested

Waivers Requested. As currently proposed, the project anticipates complying with City bird-safe requirements A, E, and F by requesting waivers for the hotel and residential/mixed-use buildings, as permitted by the City bird-safe design requirements. These waivers are requested in order for the project to achieve design excellence. City requirements A, E, and F are as follows:

A. No more than 10% of facade surface area shall have non-bird-friendly glazing.

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

Alternative City Measures Proposed. As an alternative to these requirements, to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures:

- The hotel and residential/mixed-use buildings shall focus bird-friendly glazing treatments within areas of extensive glazing on lower floors and roof terraces that face the approximately 3.5-acre publicly accessible park (Parcel A), Town Square, and elevated park (i.e., the north, east, and south facades of the hotel; the north and south façades of the Parcel 2 building; the north/northeast facades of the Parcel 3 buildings; a portion of the south façade of the Parcel 4 building; and the west façades of the Parcel 6 building as indicated on Figure 6), as these represent areas of heightened collision risk. The focal façade areas to be treated shall be identified by a qualified biologist on building-specific façade views; no more than 10% of these areas shall have non-bird-friendly glazing.
- If free-standing glass railings are included on the hotel and/or residential/mixed-use buildings, all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment.
    - Specifically, all glazing on free-standing glass railings on the buildings shall have a Threat Factor (see footnote 1 above) less than or equal to 15. This Threat Factor is relatively low (and the effectiveness of the bird-safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.
- All glazed features of the hotel and residential/mixed-use with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment where they are located within or adjacent to (i.e., on both sides of a corner where one side of the corner falls within a focal treatment area) the focal treatment areas identified by the qualified biologist. These transparent building corners shall treated as far from the corner as it is possible to see through to the other side of the corner.

With respect to the bird-safe glazing treatments recommended in connection with these alternatives, Figure 9 provides an example of identified areas that would be required to be treated on the conceptual Parcel 2 residential/mixed-use building based on the January 2021 façade elevations.

Figure 9. An example mark-up of areas (shown in blue) that would be required to be treated on north (top left), south (top right), east (middle) and west (bottom) facades of the conceptual Parcel 2 residential/mixed-use building to ensure that avian collisions are less-than-significant. Transparent glass corner delineations are estimated; these corners should be treated as far from the corner as it is possible to see through the corner. Free-standing glass railings are not indicated on this figure but are required to be treated in all locations.

In lieu of complying with City requirements A, E, and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirements A, E, and F, the project will comply with these City requirements. In our professional opinion, this strategy (i.e., compliance with City requirements or compliance via approved waivers, as permitted by the City bird-safe design requirements, and alternative City measures) will avoid significant CEQA impacts for these buildings.

5.2.3 Additional Mitigation Measures Proposed Under CEQA

Based on our assessment of the conceptual design of the hotel and residential/mixed-use buildings, we have determined that there is an overall low likelihood of collisions with the buildings. With the project's compliance with City requirements (either via compliance with the listed requirements or by requesting waivers, as permitted by the City bird-safe design requirements, and proposing alternative City measures, where

appropriate), it is our professional opinion that project impacts due to bird collisions with the hotel and residential/mixed-use buildings would be less than significant under CEQA. As such, no additional mitigation measures under CEQA for impacts related to avian collisions are proposed.

5.2.4 CEQA Impacts Summary

The hotel and residential/mixed-use buildings will comply with the City's bird-safe design requirements by implementing requirements B, D, and G; requesting waivers for requirements A, E, and F, as permitted by the City bird-safe design requirements; and implementing alternative City measures for requirements A, E, and F. Compliance with requirement C is discussed in Section 6.2.2 below. No additional mitigation measures under CEQA for impacts related to avian collisions are proposed. As stated above, with compliance with City requirements (including the implementation of the proposed alternative City measures), it is our professional opinion that project impacts due to bird collisions with the hotel and residential/mixed-use buildings would be less than significant under CEQA.

A subsequent report prepared by a qualified biologist will accompany the final ACPs for each of the residential/mixed-use buildings and the hotel. It is our understanding based on coordination with the design teams that (1) the final ACP designs for the residential/mixed-use buildings and hotel will substantially conform with the conceptual designs reviewed for this report, such that our analysis and conclusions are expected to be valid for the final designs; (2) the proposed bird-safe treatments within the areas where such treatments are expected to be necessary (per the example shown in Figure 9) are feasible; and (3) the project will implement alternative City measures as described herein. Nevertheless, because the designs and renderings for the hotel and residential/mixed-use buildings that were reviewed for this assessment are conceptual, a qualified biologist shall review the final ACPs for the hotel and residential/mixed-use buildings to confirm that the alternative City measures described herein, or other alternative measures reasonably acceptable to the qualified biologist[2], are incorporated into the final design, such that project impacts due to bird collisions would be less than significant under CEQA as indicated herein.

5.3 Office Campus

Office Buildings 01, 02, 03, 05, and 06 are assessed together because the conceptual designs indicate that they are similar in structure, and collision hazards with these buildings are expected to be similar.

5.3.1 Building Descriptions

5.3.1.1 Office Buildings 01, 02, 03, 05, and 06

Office Buildings 01, 02, 03, 05, and 06 will be a maximum of 120 feet tall. As shown on Figure 13 in Section 5.4.1.2 below, Office Building 04 is representative of the appearance of all proposed office buildings; their facades are predominantly glazed, although portions of the lower levels incorporate opaque wall panels. All

[2] If alternative measures are used that are not discussed in this report for the project's CDP, those measures will be submitted to the City for review in accordance with the City's Zoning Code and CEQA with the project's ACPs.

buildings have open space areas on rooftops that may support landscape vegetation. Free-standing glass railings may be included in the design of Office Buildings 01, 02, 03, 05, and 06.Birds are expected to use landscape vegetation along the façades of the office buildings. In general, higher numbers of birds are expected to be present in larger vegetated open space areas (e.g., in the plaza north of Office Building 05), and fewer birds are expected to be present in smaller/narrower vegetated areas (e.g., in between Office Building 06 and the South Garage) (Figure 10).

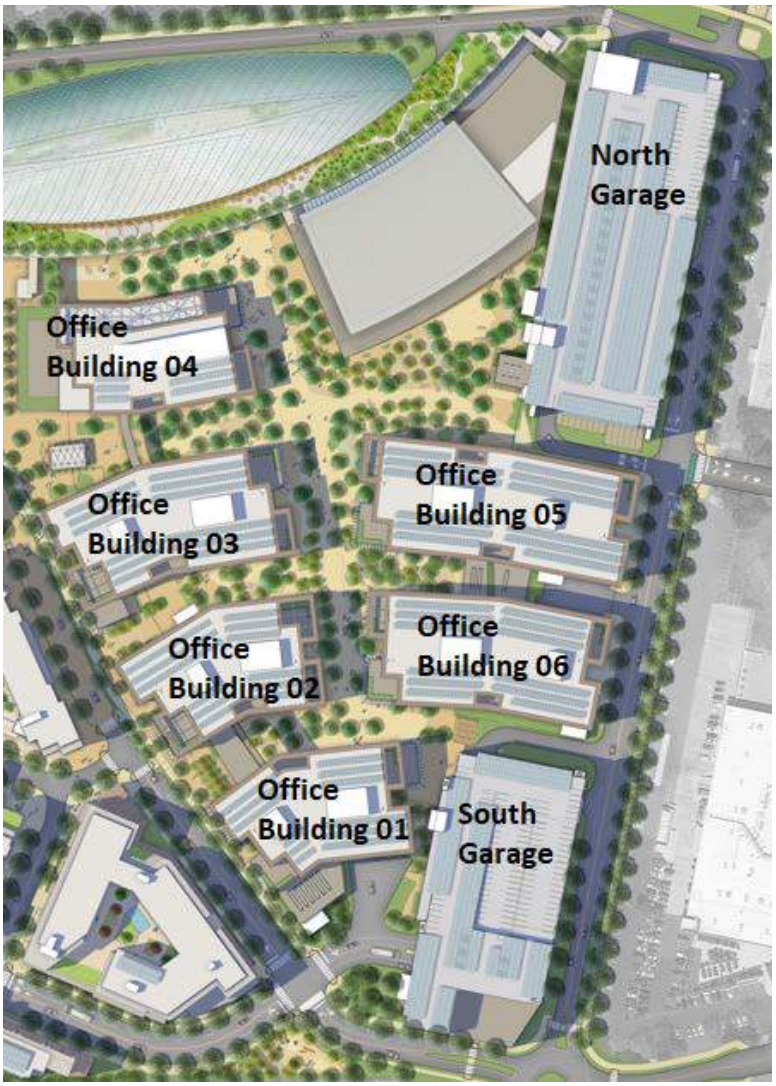

Figure 10. Conceptual site plan showing the locations of proposed office buildings and garages, as well as the proposed extent of landscape vegetation and trees.

Beneficial project features of the architecture of office building facades that would reduce the frequency of avian collisions include opaque panels, exterior vertical and horizontal solar shades, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to native vegetation. Nevertheless, because (1) the façades of the office buildings are extensively glazed and (2) this glazing faces landscape vegetation, bird

collisions with these façades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the facades of the office buildings where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at alcoves (which surround trees and vegetation that are expected to attract birds), at roofs with landscape vegetation (which are expected to attract birds towards glazing on the building), at free-standing glass railings, and at areas of contiguous glazing that face landscape vegetation within approximately 60 feet of the ground. At transparent glass corners, the collision hazard extends as far from the corner as it is possible to see through the corner (and can potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).

5.3.1.2 Parking Garages

The North Garage is located in the northeast corner of the project site and the South Garage is located in the southeast corner of the project site (Figure 10). These garages are similar in structure, and will be a maximum of 120 feet tall. The conceptual plans indicate that the facades of the garages are predominantly opaque, with limited glazing only on two approximately 15-foot wide elevator towers on the west and north facades on all levels (Figure 11). Free-standing glass railings may be included in the project design, and landscape vegetation may be present above the ground level.

Figure 11. Conceptual North Garage elevations: east (top), west (middle), north (bottom left), and south (bottom right). The building facades are predominantly opaque; glazed areas are located on all levels the elevator towers on the west and north facades.

Birds using open marsh and scrub habitats, or migrating, north of the site may use landscape vegetation along the façades of the North Garage and South Garage. In general, higher numbers of birds are expected to be present opposite the north façade of the North Garage (which faces open habitats associated with the San Francisco Bay) and in larger vegetated open space areas (e.g., in the plaza southwest of the North Garage), and

fewer birds are expected to be present in smaller/narrower vegetated areas opposite the garage facades (e.g., in between the North Garage and Office Building 05).

The extensive opaque facades on the North Garage and South Garage shown on the conceptual plans are beneficial project features that will substantially reduce bird collisions with these buildings. Nevertheless, bird collisions are expected to occur where glazing is present opposite open space areas and landscape vegetation, at free-standing glass railings, and at roofs where landscape vegetation is located adjacent to glazing. No high-risk collision hazards (e.g., transparent glass corners) are present on these buildings.

5.3.2 Compliance with City Bird-Safe Design Requirements

Although a number of beneficial project features in the project design mentioned above will reduce bird collisions (e.g., opaque facades, exterior solar shades, mullions, and porticos), the number of collisions with Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage is expected to be relatively higher compared with certain other buildings in the Master Plan area (e.g., the hotel and mixed-use buildings described above) because (1) the building facades incorporate extensive glazing, and (2) this glazing faces landscape vegetation that will be used by birds. To address collision risk, the project will comply with City bird-safe design requirements, with appropriate waivers, as permitted by the City bird-safe design requirements.

5.3.2.1 Requirements for which No Waiver is Requested

As currently proposed, Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage anticipate complying with City bird-safe design requirements A, B, C, D, and G without requesting waivers; requirements A, B, C, and D are listed below. Where the project's bird-safe design strategy is more specific than the City's requirements, sub-bullets specify how the project will comply with those requirements.

A. No more than 10% of facade surface area shall have non-bird-friendly glazing.

   - Specifically, all portions of Office Buildings 01, 02, 03, 05, and 06 shall be treated with a bird-safe glazing treatment with the exception of certain portions of the facades on Level 1. The area of untreated glazing shall be less than 10% of the total surface area of the atrium. Specific treatment areas on the North Garage and South Garage are unknown, but will comply with this requirement.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

   - Specifically, glazing used on Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage shall have the following specifications:

     c. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches;

     OR

d. Bird-safe glazing shall have a Threat Factor (see footnote 1 above) less than or equal to 30.

- To reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage will have a visible reflectance of 15% or lower.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

Discussion of project compliance with City requirement C, related to occupancy sensors is provided in Section 6.2.2 below.

5.3.2.2 Requirements for which Waivers will be Requested

Waivers Requested. As currently proposed, the project anticipates complying with City bird-safe design requirements E and F by requesting waivers for Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage, as permitted by the City bird-safe design requirements. City requirements E and F are as follows:

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

Alternative City Measures Proposed. As an alternative to these requirements, to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures:

- All glazed features with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners and free-standing glass railings) shall be 100% treated with a bird-safe glazing treatment. Transparent building corners shall be treated as far from the corner as it is possible to see through to the other side of the corner (and will potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).
- All glazing above Level 1 of Office Buildings 01, 02, 03, 05, and 06 (i.e., all glazing adjacent to roof terraces with landscape vegetation) will be 100% treated with a bird-safe glazing treatment. Specific treatment areas on the North Garage and South Garage are unknown, but no more than 10% of the façade surface area shall have non-bird-friendly glazing.
- All transparent glass at the rooflines adjacent to vegetated roof decks will be 100% treated with a bird-safe glazing treatment. The only untreated glazing on for Office Buildings 01, 02, 03, 05, and 06 will be located on the ground level, which does not create a collision hazard due to landscape vegetation on roofs. No vegetated roof decks are proposed for the North Garage and South Garage, and all transparent glass at the rooflines of these buildings will be 100% treated with a bird-safe glazing treatment.

- If free-standing glass railings are included on Office Buildings 01, 02, 03, 05 and/or 06, all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment.
    - Specifically, all glazing on free-standing glass railings on the building shall have a Threat Factor (see footnote 1 above) less than or equal to 15. This Threat Factor is relatively low (and the effectiveness of the bird-safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.

In lieu of complying with City requirements E and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirements E and F, the project will comply with these City requirements. In our professional opinion, this strategy (i.e., compliance with City requirements or compliance via approved waivers, as permitted by the City bird-safe design requirements, and alternative City measures) will avoid significant CEQA impacts for these buildings.

5.3.3 Additional Mitigation Measures Proposed Under CEQA

With the project's compliance with City requirements (either via compliance with the listed requirements or by requesting waivers, as permitted by the City bird-safe design requirements, and proposing alternative City measures, where appropriate), it is our professional opinion that project impacts due to bird collisions with Office Buildings 01, 02, 03, 05, and 06 would be less than significant under CEQA. As such, no additional mitigation measures under CEQA for impacts related to avian collisions are proposed.

5.3.4 CEQA Impacts Summary

Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage will comply with the City's bird-safe design requirements by implementing requirements A, B, C, D, and G; requesting waivers for requirements E and F, as permitted by the City bird-safe design requirements; and implementing alternative City measures for requirements E and F. Compliance with requirement C is discussed in Section 6.2.2 below. No additional mitigation measures under CEQA for impacts related to avian collisions are proposed. As stated above, with compliance with City requirements (including the implementation of the proposed alternative City measures), it is our professional opinion that project impacts due to bird collisions with Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage would be less than significant under CEQA.

A subsequent report prepared by a qualified biologist will accompany the final ACPs for Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage. It is our understanding based on coordination with the design teams that (1) the final ACP designs for these buildings will substantially conform with the conceptual designs reviewed for this report, such that our analysis and conclusions are expected to be valid for the final designs; (2) the proposed bird-safe treatments within the areas where such treatments are expected to be necessary are feasible; and (3) the project will implement alternative City measures as described herein.

Nevertheless, because the designs and renderings for Office Buildings 01, 02, 03, 05, and 06 as well as the North Garage and South Garage that were reviewed for this assessment are conceptual, a qualified biologist shall review the final ACPs for these buildings to confirm that the alternative City measures described herein, or other alternative measures reasonably acceptable to the qualified biologist (see footnote 2 above), are incorporated into the final design such that project impacts due to bird collisions would be less than significant under CEQA as indicated herein.

5.4 Event Building and Nearby Buildings

The event building, Office Building 04, Town Square retail pavilion, pavilions SP1 and SP2, and stair/elevator towers are discussed together because the conceptual designs indicate that they are located in the northern portion of the project site reasonably close to open space areas with extensive trees and landscape vegetation (Figure 3). Because these open space areas are relatively large compared to other areas of the project site, and because the structures addressed in this section all incorporate extensive glazing, avian collision risk with these buildings is expected to be relatively higher than on the other office campus buildings, hotel, and residential/mixed-use buildings discussed in Sections 5.2 and 5.3 above.

5.4.1 Building Descriptions

5.4.1.1 Event Building

An event building is located southeast of the atrium (Figure 3), and it will have a maximum height of 120 feet. The northwest façade of this facility abuts the elevated park, and the facility connects directly with the atrium via a partially glazed passageway that extends beneath the elevated park (Figure 12). The southwest and northeast facades of the event building will be entirely opaque, and the lower portions of the northwest and southeast facades will also be opaque (Figure 12). Glazing will be present on the upper portions of the northwest and southeast facades; this glazing will face the vegetation at the adjacent elevated park (Figure 12). Landscape vegetation may be present on the sides of the building above the ground level, and free-standing glass railings may be included in the project design.

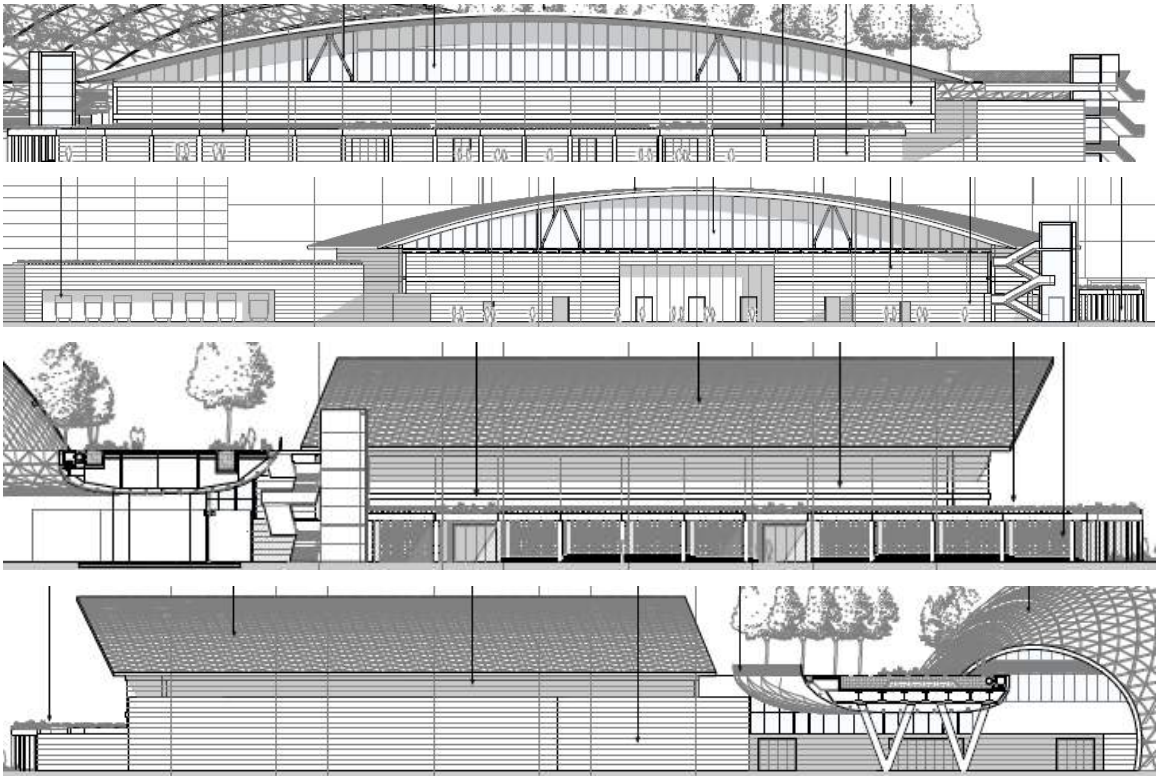

Figure 4. Illustration of the event building façades. Top to bottom: the southeast, northwest, northeast, and southwest facades.

Birds using open marsh and scrub habitats, or migrating, north of the site may be attracted to landscape vegetation along the façades of the event building. Because the conceptual plans show that the event building is surrounded by vegetated open space areas, including the elevated park to the northwest and a plaza with landscape vegetation to the southwest and southeast, relatively high numbers of birds are expected to be present around the building (Figure 3).

The extensive opaque facades on the event building are beneficial project features that will substantially reduce bird collisions with the building. However, bird collisions are expected to occur in several locations where glazing is present. For instance, birds using vegetation at the elevated park northwest of the event building will be able to see vegetation within the open space area southeast of the building, and vice-versa, through the glazing on the building's northwest and southeast facades. In addition, birds using vegetation adjacent to the glazed passageway will also be able to see vegetation on the other side of this feature. The risk of bird collisions at these locations is expected to be relatively high because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass. Bird collisions are also expected to be relatively high where vegetation above the ground level is located adjacent to glazing, and at free-standing glass railings.

5.4.1.2 Office Building 04

Office Building 04 will have a maximum height of 120 feet. Open space areas will be located on rooftop terraces that may support landscape vegetation, and free-standing glass railings may be included in the project design.

Figure 13 shows the facades of Office Building 04, which are predominantly glazed, although portions of the lower levels incorporate opaque wall panels.

Figure 13. Conceptual Office Building 04 elevations: west (top left), east (top right), north (middle), and south (bottom).

Birds using open marsh and scrub habitats, or migrating, north of the site may be attracted to landscape vegetation along the façades of Office Building 04. Higher numbers of birds are expected to be present around this building compared to buildings located farther south on the project site (e.g., Office Buildings 01–03 and 05–06, which are discussed in Section 5.3 above) due to the presence of large open space areas with landscape vegetation in the northern portion of the site. The conceptual plans show vegetation and trees at the elevated park north of Office Building 04 and within open space areas at grade level to the east, west, and south of this building (Figure 10).

Features of the architecture of the facades of Office Building 04 (and connected building TS3) that represent beneficial project features that would reduce the frequency of avian collisions include opaque panels, exterior vertical and horizontal solar shades, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to native vegetation (Figure 13). Nevertheless, because (1) the façades of the office building are extensively glazed and (2) this glazing faces landscape vegetation, bird collisions with these façades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the building where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at roofs with landscape vegetation (which are expected to attract birds towards glazing on the building), at free-standing glass railings, and at areas of contiguous glazing that face landscape vegetation within approximately 60 feet of the ground. At transparent glass corners, the collision hazard extends as far from the

corner as it is possible to see through the corner (and can potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).

5.4.1.3 Town Square

The Town Square is located east of the hotel, south of the elevated park, and west of Office Building 04 (Figure 3). This area includes a new access road (West Street), a below-grade parking garage, a paved plaza with landscape vegetation and trees, several seating areas, bicycle parking, and a retail pavilion (Figure 14). Glazing will be present on the facades of the retail pavilion, which will have a maximum height of 120 feet (Figure 15). Free-standing glass railings may be included in the Town Square design, and landscape vegetation may be present on the roof of the retail pavilion.

Figure 14. The conceptual Town Square includes a paved plaza with landscape vegetation and trees, seating areas, a glazed elevator to the elevated park, bicycle parking, and a retail pavilion.

Figure 15. The conceptual west (top left), east (top right), south (middle), and north (bottom) facades of the Town Square retail pavilion.

Birds using open marsh and scrub habitats, or migrating north of the site may be attracted to landscape vegetation in the Town Square. The Town Square is an open space area with paved pedestrian areas as well as landscape vegetation and trees, and vegetation is also present to the north of the Town Square at the elevated park (Figures 3 and 14).

Beneficial project features of the Town Square retail pavilion that would reduce the frequency of avian collisions include opaque panels and mullions (Figure 15). Nevertheless, because (1) the façades of the retail pavilion are extensively glazed and (2) this glazing faces landscape vegetation, bird collisions with these façades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the pavilion where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at the roof (which is expected to attract birds towards glazing on the pavilion due to the potential presence of landscape vegetation), at free-standing glass railings, and at areas of contiguous glazing that face landscape vegetation. In addition, birds using vegetation north of the pavilion will be able to see vegetation south of the pavilion, and vice-versa, though the glazing on the pavilion's north and south facades. The risk of bird collisions at these locations is expected to be relatively high because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

5.4.1.4 Security Pavilions

Accessory buildings Security Pavilions 1 and 2 (SP1 and SP2) are located in the northern portion of the site: SP1 in between Office Buildings 03 and 04, and SP2 at the southwest corner of the North Garage (Figure 10). These pavilions are discussed together because they are similar in structure, and collision risk with the pavilions' facades is expected to be similar. SP1 and SP2 will have a maximum height of 120 feet. Figure 16 is

representative of the appearance of these buildings, and indicates that glazing will be present on all sides of the buildings and pergolas will be present above the roofs. Free-standing glass railings may be included in the design of the pavilions, and landscape vegetation may be present on the building's roofs.

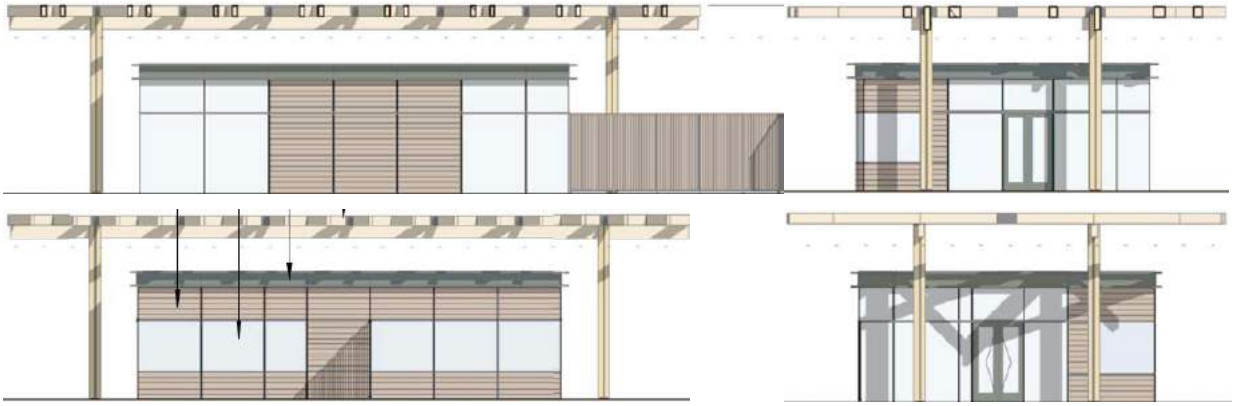

Figure 16. The conceptual south (top left), west (top right), north (bottom left), and east (bottom right) facades of buildings SP1 and SP2.

Birds using open marsh and scrub habitats, or migrating, north of the site may be attracted to landscape vegetation along the pavilions. Higher numbers of birds are expected to be present around these buildings compared to buildings located farther south on the project site (e.g., Office Buildings 01–03 and 05–06, which are discussed in Section 5.3 above) due to the presence of large open space areas with landscape vegetation in the northern portion of the site. The conceptual project plans show vegetation and trees in large open space areas/plazas surrounding buildings SP1 and SP2 (Figure 10).

Features of the architecture of the pavilions that represent beneficial project features that would reduce the frequency of avian collisions include opaque panels and mullions (Figure 16). Nevertheless, because the facades of these pavilions incorporate extensive glazing that faces landscape vegetation, bird collisions with these facades are expected to occur despite the presence of certain features that reduce collision risk. Features of the architecture of the pavilions where collision risk is expected to be relatively highest include transparent glass corners (through which sight lines between vegetation on either side of the corners create collision hazards for birds), at free-standing glass railings, where rooftop vegetation is located adjacent to glazing, and at areas of contiguous glazing that face landscape vegetation. In addition, birds using vegetation east of the pavilions will be able to see vegetation west of the pavilions, and vice-versa, though the glazing on the pavilion's east and west facades (Figure 16). The risk of bird collisions at these locations is expected to be relatively high because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

5.4.1.5 Stair/Elevator Towers

Five stair/elevator towers are present that connect the ground level with the elevated park in the following locations (Figure 3):

- At the eastern end of the elevated park
- At the northwest corner of the event building (also see Figure 12)
- At the Town Square (also see Figure 14)
- At the hotel (also see Figure 5)
- At the western end of the elevated park

The conceptual plans indicate that the stair/elevator towers incorporate extensive glazing; as a result, bird collisions with facades of these towers are expected to occur. Because these towers create clear sight lines between vegetation on either side of the towers, the risk of bird collisions at these locations is expected to be relatively high because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

5.4.2 Compliance with City Bird-Safe Design Requirements

To address collision risk, the project will comply with City bird-safe design requirements, with appropriate waivers, as permitted by the City bird-safe design requirements.

5.4.2.1 Requirements for which No Waiver is Requested

As currently proposed, the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers shall anticipate complying with City bird-safe design requirements A–D and G without requesting waivers; requirements A–D are listed below. Where the project's bird-safe design strategy is more specific than the City's requirements, sub-bullets specify how the project will comply with those requirements.

A. No more than 10% of facade surface areas shall have non-bird-friendly glazing.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

   - Specifically, glazing used on the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers shall have the following specifications:

     e. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches and/or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches;

     OR

     f. Bird-safe glazing shall have a Threat Factor (see footnote 1 above) less than or equal to 30.

   - To reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on the event building, Office

Building 04, Town Square retail pavilion, security pavilions, and elevator towers will have a visible reflectance of 15% or lower.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

Discussion of project compliance with City requirement C, related to occupancy sensors, is provided in Section 6.2.2 below.

5.4.2.2 Requirements for which Waivers will be Requested

Waivers Requested. As currently proposed, the project anticipates complying with City bird-safe design requirements E and F by requesting waivers for the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers, as permitted by the City bird-safe design requirements. City requirements E and F are as follows:

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

Alternative City Measures Proposed. As an alternative to these requirements, to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures:

- All glazed features of the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment. Transparent building corners of these buildings shall be treated as far from the corner as it is possible to see through to the other side of the corner (and will potentially extend through an entire floor or section of a building, if it is possible to see through from one side of the building to the other).
- Any glazing of the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers that creates see-through conditions where vegetation will be visible from one side of the building to the other shall be 100% treated. Examples include the north and south facades of the event building, the north and south facades of the Town Square retail pavilion, and facades of pavilions SP1 and SP2.
- If free-standing glass railings are included on the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers, all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment.
    - Specifically, all glazing on free-standing glass railings on the event building, Office Building 04, Town Square retail pavilion, security pavilions, and elevator towers shall have a Threat Factor (see footnote 1 above) less than or equal to 15. This Threat Factor is relatively low (and the effectiveness of the bird-

safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.

- All glazing above Level 1 of Office Building 04 (i.e., all glazing adjacent to roof terraces with landscape vegetation) will be 100% treated with a bird-safe glazing treatment.

In lieu of complying with City requirements E and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirements E and F, the project will comply with these City requirements. In our professional opinion, this strategy (i.e., compliance with City requirements or compliance via approved waivers, as permitted by the City bird-safe design requirements, and alternative City measures) will avoid significant CEQA impacts for these buildings.

5.4.3 Additional Mitigation Measures Proposed Under CEQA

With the project's compliance with City requirements (either via compliance or by requesting waivers, as permitted by the City bird-safe design requirements, and proposing alternative City measures, where appropriate), it is our professional opinion that project impacts due to bird collisions with the event building and nearby buildings would be less than significant under CEQA. As such, no additional mitigation measures under CEQA for impacts related to avian collisions are proposed.

5.4.4 CEQA Impacts Summary

The Town Square retail pavilion, security pavilions, and stair/elevator towers will comply with the City's bird-safe design requirements by implementing requirements A–D and G, requesting waivers for requirements E and F, as permitted by the City bird-safe design requirements, and implementing alternative City measures for requirements E and F. Compliance with requirement C is discussed in Section 6.2.2 below. No additional mitigation measures under CEQA for impacts related to avian collisions are proposed. As stated above, with compliance with City requirements (including the implementation of the proposed alternative City measures), it is our professional opinion that project impacts due to bird collisions with the Town Square retail pavilion, security pavilion, and stair/elevator towers would be less than significant under CEQA.

A subsequent report prepared by a qualified biologist will accompany the final ACPs for the event building, Office Building 04, the Town Square retail pavilion, the security pavilions, and the stair/elevator towers. It is our understanding based on coordination with the design teams that (1) the final ACP designs for these buildings will substantially conform with the conceptual designs reviewed for this report, such that our analysis and conclusions are expected to be valid for the final designs; (2) the proposed bird-safe treatments within the areas where such treatments are expected to be necessary are feasible; and (3) the project will implement alternative City measures as described herein. Nevertheless, because the designs and renderings for the event building, Office Building 04, the Town Square retail pavilion, the security pavilions, and the stair/elevator

towers that were reviewed for this assessment are conceptual, a qualified biologist shall review the final ACPs for these buildings to confirm that the alternative City measures described herein, or other alternative measures reasonably acceptable to the qualified biologist (see footnote 2 above), are incorporated into the final design such that project impacts due to bird collisions are less than significant under CEQA as described herein.

5.5 Atrium

Due to the unique structure of the atrium and the potential for bird collisions with the atrium to occur, additional supporting information from the project's ACP for the atrium was referenced for this analysis (Appendix A). Although the ACP for the atrium is not yet final, it is our understanding based on considerable coordination with the design teams that the designs in the final ACP for the atrium will substantially conform with the designs referenced in this report, such that our analysis and conclusions are expected to be valid for the final design. Incorporation of the beneficial project features identified in this Assessment as depicted on the figures included in Appendix A will be required as a condition of the CDP so that they are part of the project description for CEQA review of the Master Plan.

5.5.1 Building Description

5.5.1.1 Overall Description of the Atrium Structure

The structure located north of the elevated park is proposed to be covered by an approximately 117-foot tall, 129,000 square-foot glass atrium (hereafter referred to as the *atrium*) with four interior levels of office and accessory space and approximately 3.7 acres of interior open space that will include paved pedestrian areas, landscape vegetation, and trees. For the purpose of these sections, landscape vegetation, structures, and features outside the atrium are referred to as *exterior*, and landscape vegetation, structures, and features within the atrium are referred to as *interior*. The interior of the atrium will not be accessible to birds. The northern side of the atrium faces open marsh and scrub habitats and the San Francisco Bay, and the southern side of the atrium faces the remainder of the project site. A roadway, an open space area, and a bicycle park will be constructed along the northern side of the atrium (Figure 3). An approximately 36-foot tall elevated park will be constructed along the southern side of the atrium, and an event building, office building, town square, and hotel will be located immediately south of the elevated park (Figure 3). Vegetation and trees at the elevated park and in the area immediately north of the atrium will be planted as close to the atrium's north and south façades as feasible (this is discussed as a general 'good practice' in Section 5 above).

The lower approximately 12.5 feet[3] of the atrium's south façade will consist of vertical glazing with several building entrances, and the remaining areas of the atrium's north and south facades will be composed of a network of glass panels that create a curved 'dome' shape (Figure 17). At its eastern end along the south façade, the atrium is connected to the event building via a partially glazed passageway; this connection is discussed in Section 5.4 above. A visitor center is located on the ground floor below the elevated park at the western end of

[3] The vertical façade beneath the elevated park consists of 12.5-foot tall contiguous untreated glazing below a solid roof, and a 4.5-foot tall zone of framed glass louvers in between the roof and the elevated park. The total height of the glazed façade beneath the elevated park is 18.5 feet.

the atrium, and connects with the atrium's westernmost interior building. Glass facades surround the visitor center (Figure 18) and are contiguous with the atrium's vertical south façade (Figure 17). The eastern and western ends of the atrium are closed off via large vertical predominantly glazed facades that are approximately 45–50 feet tall (Figure 18).

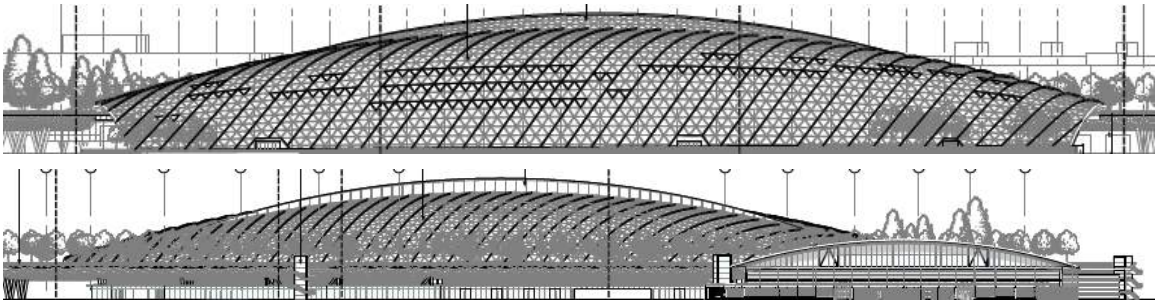

Figure 17. Conceptual drawings of the north façade (top) and south façade (bottom) of the atrium. Trees to be planted along the north façade are not shown.

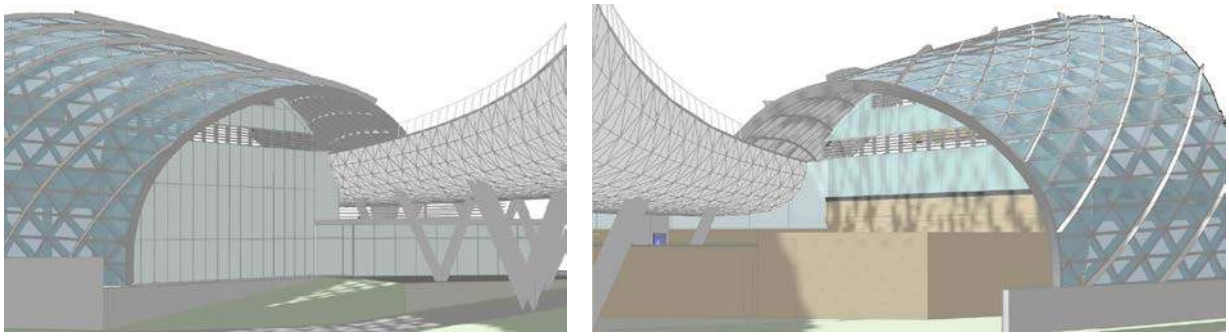

Figure 18. An illustration of the appearance of the vertical glass facades at the western (left) and eastern (right) ends of the atrium.

Figure 19 provides illustrative overhead views of proposed vegetation on each level inside the atrium. The vegetation in the atrium's interior will be similar in character to the exterior vegetation described in Section 3.2 (i.e., predominantly nonnative plant species).

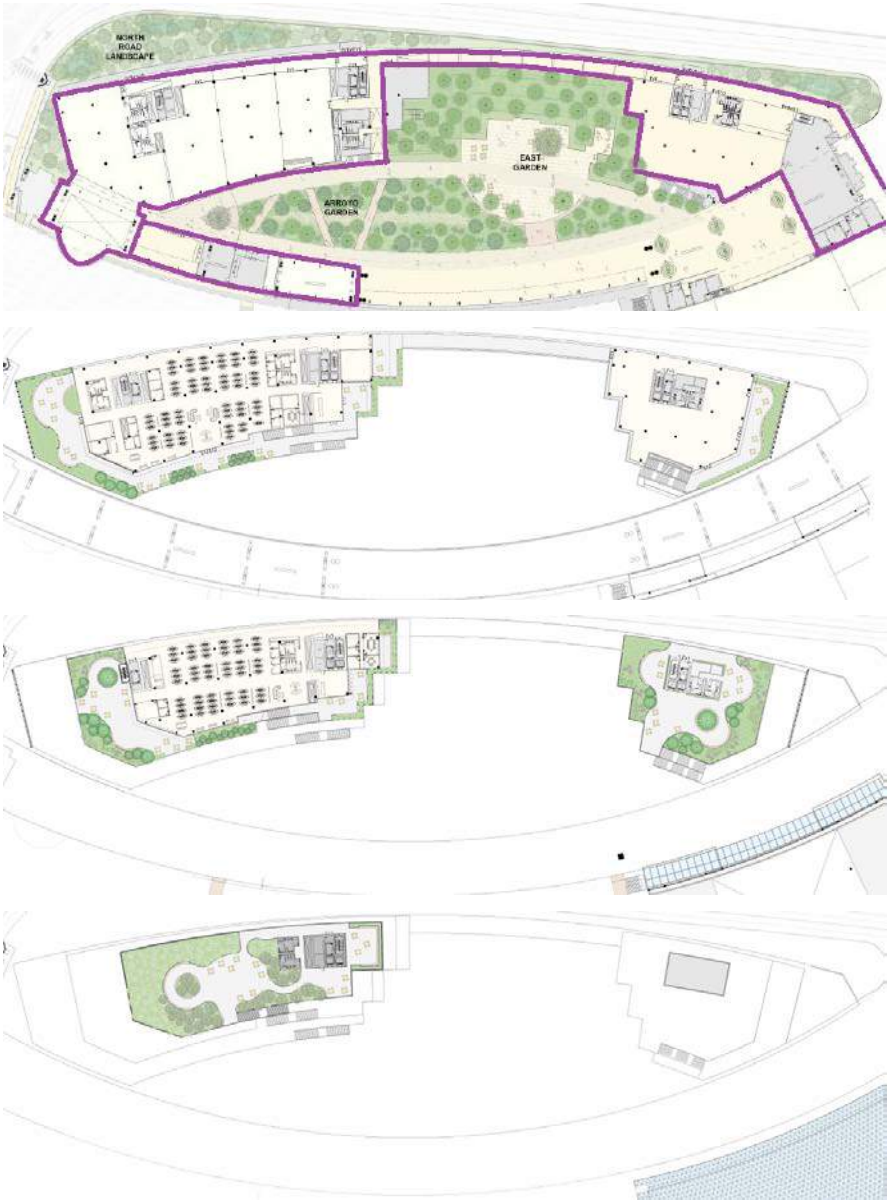

Figure 19. From top to bottom, illustrative views of landscape vegetation on Levels 1, 2, 3, and 4 of the atrium's interior. The interior building footprints and the connection between them are outlined in purple on the top image.

One four-story building and one three-story building will be located within the atrium, and the atrium's north façade composes the north façades of these buildings (Figure 19). These buildings incorporate vegetated terraces approximately 37 feet high on Level 2, 56 feet high on Level 3, and (on the westernmost building only) 75 feet high on Level 4 (Figure 19). A raised walkway connects the two buildings at Level 2 along the atrium's north facade; the area beneath the raised walkway is open with the exception of structural support beams. A security office and café with glass facades will be located beneath the elevated park; however, no interior structures will be located along the atrium's south façade; rather, this area will consist of open space gardens

with landscape vegetation and pedestrian pathways (Figure 19). An approximately 12.5-foot tall vertical glass façade is present along the base of the atrium's south facade beneath the elevated park, with several doorways/entrances that connect with the Town Square and courtyards to the south. As mentioned above and discussed in Section 5.4, a passageway directly connects the atrium with the event building to the south. In addition, a visitor center with glazed facades and a glazed entrance in the shape of a half-circle projects outwards from beneath the elevated park near the atrium's western end, connecting the interior building with the Town Square to the south, and a security office and café with glazed facades are located immediately east of this entrance beneath the elevated park (Figure 19). The only vegetation proposed beneath the elevated park consists of small low interior planters adjacent to the event building near the eastern end of the atrium and small low exterior planters adjacent to a bicycle parking area near the western end of the atrium.

The potential for avian collisions differs between the north, south, east, and west facades of the atrium due to differences in the designs of these facades; the habitats located opposite the façades; and the presence, location, and orientation of interior vegetation, structures, and features within the atrium. Due to these differences, Sections 5.5.1.2, 5.5.1.3, and 5.5.1.4 provide separate assessments of the frequency of bird collisions with the north, south, and east/west facades of the atrium, respectively. The atrium will be sealed such that birds are not expected to be able to enter the atrium's interior; as a result, bird collisions with the interior surfaces of the atrium and/or building facades within the atrium would not occur, and no bird-safe treatment of glazing inside the atrium would be necessary.

5.5.1.2 North Façade

Birds using habitats or descending from migration flights to the north of the site may be attracted to the exterior landscape vegetation along the northern façade of the atrium. There is also some potential for higher-flying birds (e.g., birds descending from migration) to be attracted to the interior vegetation within the atrium; however, the visibility of this interior vegetation to birds located north of the structure will be very limited for the following reasons: (1) interior structures located along the northern facade of the atrium will block the view of the majority of interior vegetation from the north, and (2) the articulated shape of the atrium's facades will substantially reduce the visibility of interior vegetation to birds.

The majority of interior vegetation planted on Level 1 of the atrium's interior will be entirely screened from view to birds located at grade level to the north by the presence of interior buildings along the northern periphery of the atrium (Figure 19). Although some interior trees will be partially visible to birds to the north beneath the walkway that connects the two interior buildings, most will be blocked from view by terraces of the East Garden. No exterior trees will be planted immediately adjacent to the atrium's north façade along the East Garden such that birds would be attracted to this section of the façade where they would be able to see interior vegetation within the East Garden.

Some interior trees planted on roof terraces on Levels 2, 3, and 4 of interior buildings will be visible to birds from the north; however, all trees on these terraces will be set back from the atrium's north façade by approximately 20 feet on Levels 2 and 3, and 25 feet on Level 4 (Figure 19). As a result, birds using exterior

vegetation and trees north of the atrium will have limited line-of-sight views to interior trees at grade level and no line-of-sight views to trees on rooftops. This reduces the potential for bird collisions with the atrium's north façade by blocking direct "flight paths" for birds between interior and exterior vegetation.

The articulated structure of the atrium is a beneficial project feature that will substantially reduce the visibility of all interior vegetation to birds, especially from a distance (Figure 20), reducing the likelihood that birds will collide with glazing on the north façade (in any location) because they are attempting to reach interior vegetation. The architect for the Willow Village atrium has indicated that a good comparison, with respect to birds' ability to view vegetation inside the atrium, is the Jewel Changi Airport in Singapore (Figure 20), which was also designed by the same architecture firm. Although the Jewel Changi Airport building also contains extensive vegetation in its interior, like the Jewel Changi Airport building, the articulated glass surface and fins at the Willow Village atrium (see Figure 21) would combine to mask the visibility of that vegetation, so that birds flying outside the Willow Village atrium will not be able to clearly see, and therefore will not be attracted to, interior vegetation.

Figure 20. The Jewel Changi Airport building, which has a comparable design and exterior appearance to the proposed atrium. Although extensive vegetation is present inside this building, it is largely invisible from outside the atrium.

Fin-like mullions on the exterior surface of the atrium's façade are a beneficial project feature that will help break up the smooth surface and increase the visibility of the façade to birds (Figure 21). As a result, birds located north of the atrium that are attracted to the project site are more likely to view the atrium as a solid structure and are less likely to collide with the atrium.

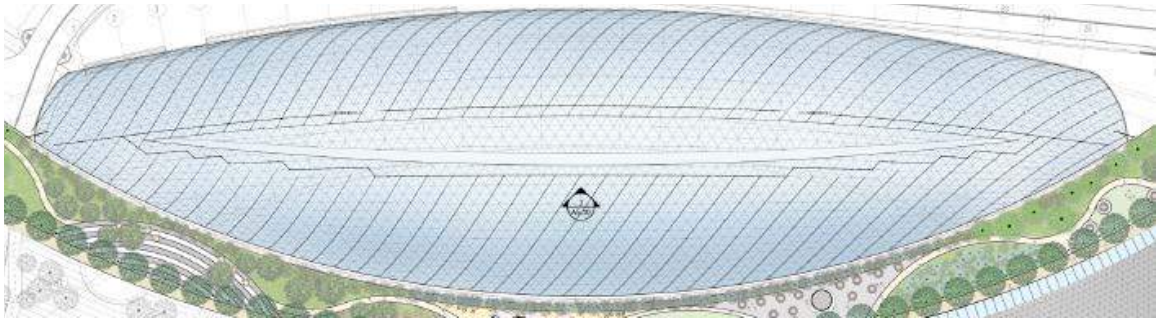

Figure 21. Fin-like mullions on the exterior surface of the conceptual north and south facades of the atrium will break up the smooth surface and increase the visibility of the facades to birds, especially from a distance.

5.5.1.3 South Façade

Birds are expected to be attracted to exterior landscape vegetation along the south side of the atrium, especially at the elevated park located immediately adjacent to the atrium's south façade. Vegetation will also be present in open space courtyards and at the Town Square to the south, and some birds are expected to be attracted to these areas as well. Interior vegetation consisting of small low planters adjacent to the event building will be present below the elevated park; these planters will be screened from the outside by the event building and an adjacent enclosed room, and hence will not be directly visible to birds on the atrium's exterior. Additional exterior vegetation proposed beneath the elevated park consists of small low planters adjacent to a bicycle parking area near the western end of the south façade.

The visibility of vegetation within the glass atrium to birds using vegetation at the elevated park will be limited for the following reasons: (1) interior solar shades will block the view of interior vegetation from the south in certain locations, and (2) the articulated shape of the atrium's façades will substantially reduce the visibility of interior vegetation to birds, as indicated in Figure 20. In addition, vegetation located at the elevated park will be planted immediately adjacent to glass, as feasible, so that birds' flight speeds may be reduced as they approach the glazing, further reducing the potential for collisions.

Interior operable, suspended solar shades along a large portion of the south façade are a beneficial project feature that will block views of interior vegetation to birds located south of the atrium (Figure 22). As a result, birds using exterior vegetation and trees or flying in certain areas south of the atrium (i.e., areas from which the solar shades block views of vegetation in the atrium's interior) will not have line-of-sight views to interior vegetation where these shades are present. This reduces the potential for bird collisions with portions of the atrium's south façade by preventing that interior vegetation from being a strong attractant to birds. However, birds located elsewhere along the south façade (i.e., areas where the solar shades do not block views of vegetation in the atrium's interior) would have line-of-sight views to interior vegetation. As discussed above for the north façade, the articulated structure of the atrium will substantially reduce the visibility of interior vegetation to birds on the atrium's south facade, especially from a distance (Figure 20), reducing the likelihood

that birds will collide with glazing on the south façade because they are attempting to reach interior vegetation. In addition, fin-like mullions on the exterior surface of the façade will help break up the smooth surface and increase the visibility of the façade to birds (Figure 21).

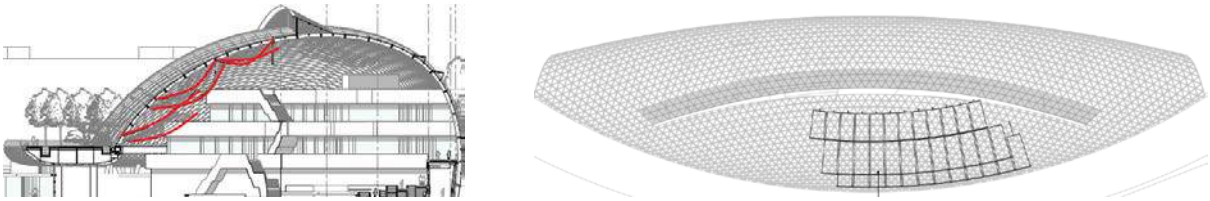

Figure 22. Interior sail shades, shown in red on the left cross-section image, are located along portions of the south façade of the atrium and will block views of interior vegetation to birds located at the elevated park or flying overhead. The approximate extent of the sail shades is shown in dark gray on the right (overhead) image.

To the extent feasible, exterior vegetation at the elevated park will be planted such that high-branching clear-stemmed trees are set back from the glass façade, and dense trees, shrubs, and other plants would be located immediately adjacent to glass facades (Figure 23). As discussed above, we expect this planting strategy to reduce the frequency of collisions with glazing that is immediately adjacent to the vegetation by obscuring reflections of the vegetation in glazing, and to reduce fatal collisions by reducing birds' flight speed if they should fly into the glass. However, even with this orientation of plantings, (1) birds may still be killed or injured even when they fly into windows at relatively low speeds; (2) the vegetation only reduces the collision hazard where it is dense very close to the façade, and not in adjacent areas; and (3) vegetation is not uniformly shaped, and grows or is trimmed back over time, and so does not provide uniform or consistent protection for entire facades over time. As a result, while this strategy represents a good practice for bird-safe design, collisions with the facades adjacent to the elevated park are still expected to occur.

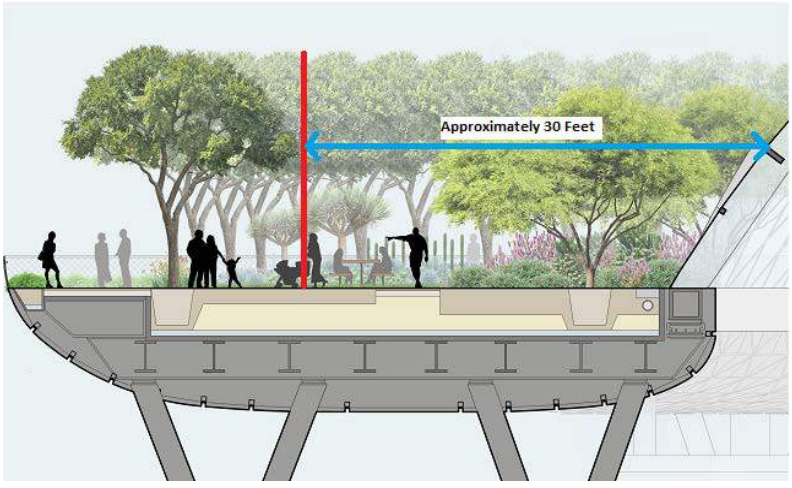

Figure 23. To the extent feasible, vegetation at the elevated park south of the site will be planted such that trees are set back from the glass façade, and dense shrubs and plants are located immediately adjacent to glass facades.

We expect potential bird collisions with the approximately 12.5-foot tall vertical glass façade beneath the elevated park to be reduced due to the following:

- The elevated park is approximately 50–65 feet wide, and trees on Level 1 within the atrium will be set back approximately 50 feet from the vertical glass façade. The resulting more than 50-foot distance of separation is expected to reduce the visibility of trees in the atrium to birds in the Town Square and courtyard.
- Birds would need to traverse more than 50 feet of minimally vegetated areas to attempt to travel in between trees in the Town Square/courtyard and the atrium's interior. Although some birds are expected to attempt to travel along this flight path, in our professional opinion the majority of birds will choose to travel to the immediately adjacent trees at the elevated park due to the closer proximity of these resources.
- A recent study (Riding et al. 2020) found that glass facades located at porticos (i.e., areas where an overhang creates a covered paved walkway, such as beneath the elevated park) have relatively low collision rates compared to other façade types. Thus, the overhang created by the elevated park, in combination with the lack of vegetation beneath the park, is expected to reduce the potential for collision risk.

Nevertheless, due to the presence of vegetation on either side of the atrium's south facade, birds are expected to collide with glazing on this façade when attempting to reach vegetation inside the atrium. Based on the project plans, this is especially true where vegetation on the Level 2 and 3 terraces are located adjacent to the atrium's south façade, because both of these areas are elevated at similar heights (Figure 19).

5.5.1.4 East and West Facades

Birds are expected to be attracted to exterior landscape vegetation along the east and west sides of the atrium. Within the atrium, Level 1 immediately adjacent to the west façade consists of the interior of a building, Level 2 consists of a vegetated roof terrace set back 30 feet from the facade, and Levels 3 and 4 consist of open air with vegetated roof terraces set back farther from the façade (Figure 19). Within the atrium immediately adjacent to the east façade, Level 1 consists of the interior of a building, Level 2 consists of a vegetated roof terrace set back 30 feet from the facade, Level 3 consists of open air with a vegetated roof terrace set back farther from the façade, and Level 4 consists of open air with an unvegetated roof terrace (Figure 19). Vegetation on the Level 2 terraces will be directly visible to birds using landscape vegetation in exterior areas east and west of the atrium. Vegetation on the Level 3 terraces will have limited visibility to birds east and west of the building due to the height of these terraces and because they are set back from the facades (Figure 19). Vegetation on the Level 4 terrace on the westernmost building is not expected to be visible to birds through the atrium's west façade (Figure 19).

Due to the presence of vegetation on either side of the atrium's east and west facades, birds are expected to collide with glazing on these facades when attempting to reach vegetation inside the atrium, especially at the Level 2 and 3 terraces.

5.5.2 Compliance with City Bird-Safe Design Requirements

To address collision risk with the atrium in part, the project will comply with City bird-safe design requirements, with appropriate waivers, as permitted by the City bird-safe design requirements.

5.5.2.1 Requirements for which No Waiver is Requested

As currently proposed, the atrium anticipates complying with City bird-safe design requirements A–D and G without requesting waivers; requirements A–D are listed below. Where the project's bird-safe design strategy is more specific than the City's requirements, sub-bullets specify how the project will comply with those requirements.

A. No more than 10% of facade surface area shall have non-bird-friendly glazing.

   - Specifically, all portions of the atrium shall be treated with a bird-safe glazing treatment with the exception of the vertical façade on the south side of the atrium below the elevated park. The area of untreated glazing shall be no more than 10% of the total surface area of the atrium.

B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

   - Specifically, to reduce reflections of clouds and vegetation in glass and help ensure that bird-safe treatments on the lower surfaces of glass are visible below any reflections, all glazing on the atrium will have a visible reflectance of 15% or lower.

D. Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

Discussion of project compliance with City requirement C, related to occupancy sensors, is provided in Section 6.2.2 below.

5.5.2.2 Requirements for which Waivers will be Requested

Waivers Requested. As currently proposed, the project anticipates complying with the City's bird-safe design requirements E and F by requesting waivers for the atrium, as permitted by the City bird-safe design requirements. These waivers are requested in order for the project to achieve design excellence. City requirements E and F are as follows:

E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

Alternative City Measures Proposed. As an alternative to these requirements, to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures for the atrium:

- All glazed features of the atrium with clear sight lines between vegetation on either side of the feature (e.g., at glazed corners) shall be 100% treated with a bird-safe glazing treatment. Transparent building corners shall be treated in all locations where it is possible to see through to the other side of the visitor center.
- If free-standing glass railings are included in the project design in exterior areas adjacent to the atrium (e.g., at the elevated park), all glazing on free-standing glass railings shall be 100% treated with a bird-safe glazing treatment.
    - Specifically, all glazing on free-standing glass railings in exterior areas adjacent to the atrium shall have a Threat Factor (see footnote 1 above) less than or equal to 15. This Threat Factor is relatively low (and the effectiveness of the bird-safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.
- All transparent glass at the rooflines of the atrium adjacent to roof decks (i.e., the elevated park) will be 100% treated with a bird-safe glazing treatment. The only untreated glazing on the atrium will be located on the vertical façade beneath the elevated park, which does not create a collision hazard due to landscape vegetation on roofs.

In lieu of complying with City requirements E and F per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirements E and F, the project will comply with these City requirements.

5.5.3 Additional Mitigation Measures Proposed Under CEQA

Due to the unique design of the atrium, compliance with City bird-safe design requirements (either via compliance with the listed requirements or by requesting waivers, as permitted by the City bird-safe design requirements, and proposing alternative City measures, where appropriate) may not reduce collision impacts with this structure sufficiently to avoid significant impacts under CEQA, and therefore these impacts may be potentially significant even with incorporation of the alternative City measures provided in Section 5.5.2 above. Therefore, additional CEQA mitigation measures are necessary to reduce impacts. With the implementation of the following mitigation measures, which go above and beyond the City's bird-safe design requirements as well as the alternative City measures, impacts due to bird collisions with the atrium will be reduced to less-than-significant levels under CEQA, in our professional opinion.

- **Mitigation Measure 1.** The project shall treat 100% of glazing on the 'dome-shaped' portions of the atrium's façades (i.e., all areas of the north façade, and all areas of the south façade above the elevated park)

with a bird-safe glazing treatment to reduce the frequency of collisions. This glazing shall have a Threat Factor (see footnote 1 above) of 15 or lower.

Because a Threat Factor is a nonlinear index, its value is not equivalent to the percent reduction in collisions that a glazing product provides. However, products with lower threat factors result in fewer bird collisions. Because the City's bird-safe design requirements (and requirements of other municipalities in the Bay Area) do not specify the effectiveness of required bird-safe glazing, Mitigation Measure 1 goes above and beyond what would ordinarily be acceptable to the City, as well as what is considered the industry standard for the Bay Area.

- **Mitigation Measure 2.** The project shall treat 100% of glazing on the atrium's east and west facades with a bird-safe glazing treatment to reduce the frequency of collisions. This glazing shall have a Threat Factor[1] of 15 or lower.

- **Mitigation Measure 3.** Interior trees and woody shrubs will be set back from the atrium's east, west, and non-sloped (i.e., vertical/perpendicular to the ground) portions of the south facades by at least 50 feet to reduce the potential for collisions with these facades due to the visibility of interior trees. This 50-foot distance is greater than the distance used in the project design for the north and sloped portions of the south facades (e.g., 20-25 feet for the north façade) due to the vertical nature of the east, west, and non-sloped portions of the south facades, as opposed to the articulated nature of the north and sloped portions of the south facades (which is expected to reduce the visibility of internal vegetation to some extent), as well as the direct line-of-sight views between interior and exterior vegetation through the east, west, and non-sloped portions of the south facades compared to the north façade (where internal vegetation is elevated above exterior vegetation). Interior trees and shrubs that are not visible through the east, west, and south facades may be planted closer than 50 feet to glass facades.

- **Mitigation Measure 4.** Because the glass production process can result in substantial variations in the effectiveness of bird-safe glazing, a qualified biologist will review physical samples of all glazing to be used on the atrium to confirm that the bird-safe frit will be visible to birds in various lighting conditions, and is expected to be effective.

- **Mitigation Measure 5.** The project shall monitor bird collisions around the atrium for a minimum of two years following completion of construction of the atrium to identify if there are any collision "hotspots" (i.e., areas where collisions occur repeatedly).

  A monitoring plan for the atrium shall be developed by a qualified biologist that includes focused surveys for bird collisions in late April–May (spring migration), September–October (fall migration), and mid-November–mid-January (winter) to maximize the possibility that the surveys will detect any bird collisions that might occur. Surveys of the atrium will be conducted daily for three weeks during each of these periods (i.e., 21 consecutive days during each season, for a total of 63 surveys per year). In addition, for the two-year monitoring period, surveys of the atrium will be conducted the day following all nighttime events held in the atrium during which temporary lighting exceeds typical levels (i.e., levels specified in the International Dark-Sky Association's defined lighting zone LZ-2 from dusk until 10:00 p.m., or 30% below these levels

from 10:00 p.m. to midnight, as described in Section 6.5 below). The applicant can assign responsibility for tracking events and notifying the biologist when a survey is needed to a designated individual who is involved in the planning and scheduling of atrium events. The timing of the 63 seasonal surveys (e.g., morning or afternoon) will vary on different days to the extent feasible; surveys conducted specifically to follow nighttime events will be conducted in the early morning.

At a frequency of no less than every six months, a qualified biologist will review the bird collision data for the atrium in consultation with the City to determine whether any potential hotspots are present (i.e., if collisions have occurred repeatedly in the same locations). A "potential hotspot" is defined as a cluster of three or more collisions that occur within one of the three-week monitoring periods described above at a given "location" on the atrium. The "location" shall be identified by the qualified biologist as makes sense for the observed collision pattern and may consist of a single pane of glass, an area of glass adjacent to a landscape tree or light fixture, the 8,990 square-foot vertical façade beneath the elevated park, the façade adjacent to vegetation on the elevated park, the atrium's east façade, the atrium's west façade, or another defined area where the collision pattern is observed. "Location" shall be defined based on observations of (1) collision patterns and (2) architectural, lighting, and/or landscape features contributing to the collisions, and not arbitrarily (e.g., by assigning random grids).

If any potential hotspots are found, the qualified biologist will provide an opinion regarding whether the potential hotspot will impact bird populations over the long-term to the point that additional measures (e.g., adjustments to lighting or the placement of vegetation) are needed to reduce the frequency of bird strikes at the hotspot location in order to reduce impacts to a less-than-significant level under CEQA (i.e., whether it constitutes an actual "hotspot"). This will be determined based on the number and species of birds that collide with the atrium over the monitoring period. In addition, a "hotspot" is automatically defined if a cluster of five or more collisions are identified at a given "location" on the atrium within one of the three-week monitoring periods described above. If a hotpot is identified, additional measures will be implemented at the potential hotspot location at the atrium; these may include one or more of the following options in the area of the hotspot depending on the cause of the collisions:

- The addition of a visible bird-safe frit pattern, netting, exterior screens, art, printed sheets, interior shades, grilles, shutters, exterior shades, or other features to untreated glazing (i.e., on the façade below the elevated park) to help birds recognize the façade as a solid structure.
- Installing interior or exterior blinds in the buildings within the atrium to prevent light from spilling outward though glazed facades at night.
- Reducing lighting by dimming fixtures, redirecting fixtures, turning lights off, and/or adjusting programmed timing of dimming/shutoff.
- Replacing certain light fixtures with new fixtures to provide increased shielding or redirect lighting.
- Adjusting or reducing lighting during events.
- Adjusting the timing of events to reduce the frequency of events during certain times of year (e.g., spring and/or fall migration) when relatively high numbers of collisions occur.

- Adjusting landscape vegetation by removing, trimming, or relocating trees or other plants (e.g., moving them farther from glass), or blocking birds' views of vegetation through glazing (e.g., using a screen or other opaque feature).

If modifications to the atrium are implemented to reduce collisions at a hotspot, one year of subsequent focused monitoring of the hotspot location will be performed to confirm that the modifications effectively reduce bird collisions to a less-than-significant level under CEQA. This monitoring may or may not extend beyond the two-year monitoring period described above, depending on the timing of the hotspot detection.

It is our understanding that the project proposes to use a frit consisting of ¼-inch white dots spaced in a 2x2-inch grid (i.e., similar in specifications to the Solyx SX-BSFD Frost Dot Bird Safety Film product rated with a Threat Factor of 15 by the American Bird Conservancy) for all treated façade areas on the atrium. We further understand that the atrium's glazing will have a dark gray thermal frit treatment (e.g., dark dots incorporated into the glass) in addition to the lighter-toned frit pattern that composes the bird-safe treatment. The extent of thermal frit will vary from the lower portions of the atrium to the upper portions of the atrium, with the upper portions incorporating more extensive (i.e., greater percent cover) thermal frit. Based on our review of preliminary physical glass samples supporting potential combinations of thermal frit and bird-safe frit, provided by the project team, it is our opinion that the combination of the bird-safe frit treatment with the thermal frit would produce very low Threat Factors (Figure 24). We are unaware of any glazing products that incorporate thermal frit patterns and have been assigned a Threat Factor by the American Bird Conservancy; however, the U.S. Green Building Council allows Threat Factors to be determined via any of the following options: (1) using a glass product that has been tested and rated by the American Bird Conservancy; (2) using a glass product with the same characteristics as a product that has been tested and rated by the American Bird Conservancy; or (3) using a glass product that has not been tested and rated, and asking the American Bird Conservancy to provide their opinion regarding an appropriate Threat Factor. We reached out to Dr. Christine Sheppard at the American Bird Conservancy to request her concurrence that the presence of the solar frit would not reduce the effectiveness of the bird-safe frit (and may even increase the effectiveness of the bird-safe frit). Dr. Sheppard responded in an email dated April 9, 2021 agreeing that the solar frit should make the lighter bird-safe frit dots more visible, and the proposed bird-safe treatment would have a Threat Factor of 15 as long as the bird-safe frit dots are ¼-inch in diameter (Sheppard 2021). Thus, the proposed bird-safe glazing treatment is appropriate for the atrium facades and goes above and beyond the City's minimum requirements, as well as the local standard for the San Francisco Bay Area.

Figure 24. Two preliminary glass samples that combine the dark gray thermal frit and lighter-toned bird-safe frit were reviewed by H. T. Harvey & Associates. The frit on these samples had very good visibility in different lighting conditions due to the contrast between the light and dark frit, and in our professional opinion are likely to reduce bird collisions with the atrium.

It is our understanding that only the proposed 12.5-foot tall vertical glazed facades on the south side of the atrium will remain untreated. This untreated area is relatively large (approximately 8,990 square feet, per the August 2021 ACPs); however, it will be less than 10% of the entire façade area in compliance with City bird-safe design requirements. Some collisions with this glazing are expected to occur when birds attempt to fly from trees and vegetation within the Town Square and courtyard located south of the elevated park to trees and vegetation within the atrium. As discussed above, because trees on either side of the untreated vertical glass façade will be separated by a distance of approximately 50 feet, and because the vertical glazed façade is located beneath the elevated park (creating a 'portico'), it is our opinion that the potential for collisions with this glazing would be low.

5.5.4 CEQA Impacts Summary

The atrium will comply with the City's bird-safe design requirements by implementing requirements A–D and G, requesting waivers for requirements E and F, as permitted by the City bird-safe design requirements, and implementing alternative City measures for requirements E and F. Compliance with requirement C is discussed in Section 6.2.2 below. In addition, the project will implement Mitigation Measures 1–5 above to reduce impacts to less-than-significant levels under CEQA. As stated above, with compliance with City requirements (including the implementation of proposed alternative City measures) and Mitigation measures 1–5 above, it is our professional opinion that project impacts due to bird collisions with the atrium would be less than significant under CEQA.

A subsequent report prepared by a qualified biologist will accompany the final ACP for the atrium. It is our understanding based on coordination with the design team that (1) the final ACP design for the atrium will

substantially conform with the designs reviewed for this report, such that our analysis and conclusions are expected to be valid for the final design; (2) the proposed bird-safe treatments within the areas where such treatments are expected to be necessary are feasible; and (3) the project will implement alternative City measures and CEQA mitigation measure as described herein. Nevertheless, because the designs and renderings for the atrium were based on conceptual CDP plans and preliminary ACP designs, a qualified biologist shall review the final ACP for the atrium to confirm that the alternative City measures and CEQA mitigation measures described herein , or other alternative measures reasonably acceptable to the qualified biologist (see footnote 2 above) are incorporated into the final design such that project impacts due to bird collisions are reduced to less-than-significant levels under CEQA as described herein.

Section 6. Assessment of Lighting Impacts on Birds

6.1 Overview of Potential Impacts on Birds from Artificial Lighting

Numerous studies indicate that artificial lighting associated with development can have an impact on both local birds and migrating birds. Below is an overview of typical impacts on birds from artificial lighting, including lighting impacts related to general site lighting conditions and up-lighting.

6.1.1 Impacts Related to General Site Lighting Conditions

Evidence that migrating birds are attracted to artificial light sources is abundant in the literature as early as the late 1800s (Gauthreaux and Belser 2006). Although the mechanism causing migrating birds to be attracted to bright lights is unknown, the attraction is well documented (Longcore and Rich 2004, Gauthreaux and Belser 2006). Migrating birds are frequently drawn from their migratory flight paths into the vicinity of an artificial light source, where they will reduce their flight speeds, increase vocalizations, and/or end up circling the lit area, effectively "captured" by the light (Herbert 1970, Gauthreaux and Belser 2006, Sheppard and Phillips 2015, Van Doren et al. 2017). When birds are drawn to artificial lights during their migration, they may become disoriented and possibly blinded by the intensity of the light (Gauthreaux and Belser 2006). The disorienting and blinding effects of artificial lights directly impact migratory birds by causing collisions with light structures, buildings, communication and power structures, or even the ground (Gauthreaux and Belser 2006). Indirect impacts on migrating birds might include orientation mistakes and increased length of migration due to light-driven detours.

6.1.2 Impacts Related to Up-Lighting

Up-lighting refers to light that projects upwards above the fixture. There are two primary ways in which the luminance of up-lights might impact the movements of birds. First, local birds using habitats on a site may become disoriented during flights among foraging areas and fly toward the lights, colliding with the lights or with nearby structures. Second, nocturnally migrating birds may alter their flight direction or behavior upon seeing lights; the birds may be drawn toward the lights or may become disoriented, potentially striking objects such as buildings, adjacent power lines, or even the lights themselves. These two effects are discussed separately below.

Local Birds. Seabirds may be especially vulnerable to artificial lights because many species are nocturnal foragers that have evolved to search out bioluminescent prey (Imber 1975, Reed et al. 1985, Montevecchi 2006), and thus are strongly attracted to bright light sources. When seabirds approach an artificial light, they seem unwilling to leave it and may become "trapped" within the sphere of the light source for hours or even days, often flying themselves to exhaustion or death (Montevecchi 2006). Seabirds using habitats associated with the San Francisco Bay to the north include primarily gulls and terns. Although none of these species are primarily nocturnal foragers, there is some possibility that gulls, which often fly at night, may fly in areas where they

would be disoriented by project up-lights under conditions dark enough that the lights would affect the birds. Shorebirds forage along the San Francisco Bay nocturnally as well as diurnally, and move frequently between foraging locations in response to tide levels and prey availability. Biologists and hunters have long used sudden bright light as a means of blinding and trapping shorebirds (Gerstenberg and Harris 1976, Potts and Sordahl 1979), so evidence that shorebirds are affected by bright light is well established. Though impacts of a consistent bright light are undocumented, it is possible that shorebirds, like other bird species, may be disoriented by a very bright light in their flight path.

Passerine species have been documented responding to increased illumination in their habitats with nocturnal foraging and territorial defense behaviors (Longcore and Rich 2004, Miller 2006, de Molenaar et al. 2006), but absent significant illumination, they typically do not forage at night, leaving them less susceptible to the attraction and disorientation caused by luminance when they are not migrating.

Migrating Birds. Hundreds of bird species migrate nocturnally in order to avoid diurnal predators and minimize energy expenditures. Bird migration over land typically occurs at altitudes of up to 5,000 feet, but is highly variable by species, region, and weather conditions (Kerlinger 1995, Newton 2008). In general, night-migrating birds optimize their altitude based on local conditions, and most songbird and soaring bird migration over land occurs at altitudes below 2,000 feet while waterfowl and shorebirds typically migrate at higher altitudes (Kerlinger 1995, Newton 2008).

It is unknown what light levels adversely affect migrating birds, and at what distances birds respond to lights (Sheppard and Phillips 2015). In general, vertical beams are known to capture higher numbers of birds flying at lower altitudes. High-powered 7,000-watt (equivalent to 105,000-lumen) spotlights that reach altitudes of up to 4 miles (21,120 feet) in the sky have been shown to capture birds migrating at varying altitudes, with most effects occurring below 2,600 feet (where most migration occurs); however, effects were also documented at the upper limits of bird migration at approximately 13,200 feet (Van Doren et al. 2017). A study of bird responses to up-lighting from 250-watt (equivalent to 3,750-lumen) spotlights placed on the roof of a 533-foot tall building and directed upwards at a company logo documented behavioral changes in more than 90% of the birds that were visually observed flying over the building at night (Haupt and Schillemeit 2011). One study of vertical lights projecting up to 3,280 feet found that higher numbers of birds were captured at altitudes below 650 feet, but this effect was influenced by wind direction and the birds' flight speed (Bolshakov et al. 2013). These studies have not analyzed the capacity for vertical lights to attract migrating birds flying beyond their altitudinal range, and the potential for the project up-lights to affect birds flying at various altitudes is unknown. Thus, birds that encounter beams from up-lights are likely to respond to the lights, and may become disoriented or attracted to the lights to the point that they collide with buildings or other nearby structures, but the range of the effect of the lights is unknown.

Observations of bird behavioral responses to up-lights indicate that their behaviors return to normal quickly once up-lights are completely switched off (Van Doren et al. 2017), but no studies are available that demonstrate bird behavioral responses to reduced or dimmed up-lights. In general, up-lights within very dark areas are more

likely to "capture" and disorient migrating birds, whereas up-lights in brightly lit areas (e.g., highly urban areas, such as Menlo Park) are less likely to capture birds (Sheppard 2017). Birds are also known to be more susceptible to capture by artificial light when they are descending from night migration flights in the early mornings compared to when they ascend in the evenings; as a result, switching off up-lights after midnight can minimize adverse effects on migrating birds (Sheppard 2017). However, more powerful up-lights (e.g., 3,000 lumen spotlights) may create issues for migrating birds regardless of the time of night they are used (Sheppard 2017).

6.2 Lighting Design Principles

To address potential impacts from artificial project lighting, the CDP requires the project to implement (i) certain lighting design principles as well as (ii) the occupancy sensor requirement in the City's bird-safe design requirements, as described below. For all Master Plan components, because the project's lighting plan has not yet been developed, a qualified biologist shall review the final lighting design as part of each ACP to ensure that the lighting design principles provided in Sections 6.2.1 and 6.2.2 below are incorporated into the final design.

The International Dark-Sky Association (2021a) recommends using lighting with a color temperature of no more than 3,000 Kelvins to minimize harmful effects on humans and wildlife. However, the effects of different light wavelengths on various species of birds are not consistent (Owens et al. 2020). Some studies have shown that using blue and green lights may be less disorienting to birds compared to red lights (Poot et al. 2008), but it is known that birds can be disoriented by red lights (Sheppard et al. 2015) and blue lights (Zhao et al. 2020). The American Bird Conservancy's Bird-Friendly Building Design guidance states that manipulating light color shows promise in its potential to reduce bird collisions with buildings, but additional study is needed to determine what colors should be used (Sheppard and Phillips 2015). Instead, the American Bird Conservancy recommends reducing exterior building and site lighting, which has been proven to reduce bird mortality (Sheppard and Phillips 2015). The City of San Francisco's Standards for Bird-Safe Buildings recommends that project proponents "consider" reducing red wavelengths where lighting is necessary, but this measure is not required; rather, they require avoidance of uplighting in lighting designs (San Francisco Planning Department 2011). As a result, the principles provided in Sections 6.5.2.1 to 6.4.2.4 below focus on minimizing lighting, rather than restricting lighting temperatures. Reducing, shielding, and directing lights on the project site and avoiding uplighting effectively limits the effects of lights by minimizing skyglow and the spillage of light outwards into adjacent natural areas, and is consistent with local (City of San Francisco) and national (American Bird Conservancy) standards for minimizing bird collisions.

6.2.1 Design Principles

The advancement of luminaires has substantially improved lighting design in recent years, and the project will employ a scientific approach to reduce overall lighting levels as well as Backlight, Up-light, and Glare ("BUG") ratings for individual fixtures to avoid and minimize the lighting impacts on birds discussed above. Accordingly, the CDP requires the following design principles to avoid and minimize potential lighting impacts on birds:

- Fixtures shall comply with lighting zone LZ-2, *Moderate Ambient*, as recommended by the International Dark-Sky Association (2011) for light commercial business districts and high-density or mixed-use residential districts. The allowed total initial luminaire lumens for the Master Plan area is 2.5 lumens per square foot of hardscape, and the BUG rating for individual fixtures shall not exceed B3-U2-G2, as follows:
    - B3: 2,500 lumens high (60–80 degrees), 5,000 lumens mid (30–60 degrees), 2,500 lumens low (0–30 degrees)
    - U2: 50 lumens (90–180 degrees)
    - G2: 225 lumens (forward/back light 80–90 degrees), 5,000 (forward 60–80 degrees), 1,000 (back light 60–80 degrees asymmetrical fixtures), 5,000 (back light 60–80 degrees quadrilateral symmetrical fixtures)
- Unshielded fixtures, flood lights, drop and sag lens fixtures, unshielded bollards, widely and poorly aimed lights, and searchlights shall be avoided. All lights shall be well-shielded and aimed appropriately to minimize up-light and glare. The materials of illuminated objects shall be considered to minimize up-lighting effects, and low-glare lighting shall be prioritized (e.g., fixtures shall be aimed no more than 25 degrees from vertical).
- Full cutoff fixtures, shielded fixtures, shielded walkway bollards, shielded and properly aimed lights, and flush-mounted fixtures will be encouraged. Full glare control and concealed sources shall be provided to minimize light trespass.
- Lighting controls such as automatic timers, photo sensors, and motion sensors shall be used. Luminaires not on emergency controls shall have occupancy sensors and an astronomic time clock.
- Low-level and human-scale lighting shall be prioritized while emphasizing areas of activity.
- All exterior luminaires shall be dimmable, and overall brightness at night shall be minimized.
- Exterior lighting along the perimeter of the Master Plan area shall be minimized.
- Soft transitions and low contrast shall be created between lighter and darker exterior spaces.
- Interior office lighting shall be directed and shielded to light task areas and minimize spillage outside of buildings.
- All energy efficiency standards shall be met.

With the adoption of these principles, the potential for lighting impacts on birds will be greatly reduced. In our professional opinion, compliance these design principles will reduce impacts due to overall lighting levels on birds to less-than-significant levels under CEQA. However, because the project lighting design has not yet been developed, and due to the sensitivity of the Master Plan area (which faces habitats along the San Francisco Bay) as well as the potential for collisions with certain project components (e.g., the atrium and stair/elevator towers), additional mitigation measures are needed in the absence of a finalized design to ensure that impacts of project lighting on birds are reduced to less-than-significant levels (see Section 6.3.1.2 below).

6.2.2 City Occupancy Sensor Requirements

As currently proposed, the project anticipates complying with City bird-safe design requirement C by implementing the requirement as stated or by requesting waivers where compliance is not feasible, as permitted by the City bird-safe design requirements. City requirement C is as follows:

C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.

For the purpose of this report, we assume that the City intends this requirement to apply to interior lights only. No additional lighting measures are required as part of the City's bird-safe design requirements.

The two buildings inside the atrium, visitor center, Town Square retail pavilion, event building, Office Buildings 01–06, stair/elevator towers, security pavilions, North Garage, South Garage, hotel, and mixed-use buildings shall comply with City occupancy sensor requirements where feasible. However, occupancy sensors may not be feasible in some areas (e.g., because the space is occupied 24 hours per day). In addition, events at the atrium may extend later than 10:00 p.m. The applicant shall request waivers for areas where occupancy sensors are not feasible, as well as for events that extend later than 10:00 p.m., as permitted by the City bird-safe design requirements.

Alternative City Measures Proposed. As an alternative to this requirement, to ensure that the project meets the City's intent of minimizing the spill of lighting outwards from buildings at night and addresses high-risk collision hazards, the project proposes to implement the following alternative City measures to minimize lighting:

- When occupancy sensors are not feasible, the visitor center, Town Square retail pavilion, Office Building 04, event building, and North Garage shall program interior or exterior blinds to close on exterior windows during non-work hours and between 11:00 p.m. and sunrise in order to block lighting from spilling outward from the buildings.
- During events at the atrium, occupancy sensors shall be programmed so that interior lights shut off no later than midnight.
- For the remaining buildings on the project site (i.e., the two buildings within the atrium, hotel, residential/mixed-use buildings; Office Buildings 01, 02, 03, 05, and 06; stair/elevator towers; security pavilions, and the South Garage), if occupancy sensors or other switch control devices are not feasible, and/or interior lights cannot be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise (e.g., because the space is occupied 24 hours per day or is residential), no alternative City measures are proposed.

In lieu of complying with City requirement C per se, this proposed approach would reduce bird collisions at the locations where bird collisions are most likely to occur and, in our professional opinion, adequately meet

the objective of the City's requirements (i.e., to minimize bird collisions with the buildings). Therefore, the requested waivers to the City's bird-safe design requirements are appropriate. Alternatively, if the City does not grant a waiver for requirement C, the project will comply with this requirement.

6.3 Analysis of Potential Impacts on Birds due to Lighting

No detailed information regarding the proposed lighting design for the project was available for review as part of this assessment. Nevertheless, construction of the project will create new sources of lighting on the project site. Lighting would emanate from light fixtures illuminating buildings, building architectural lighting, pedestrian lighting, and artistic lighting. Depending on the location, direction, and intensity of exterior lighting, this lighting can potentially spill into adjacent natural areas, thereby resulting in an increase in lighting compared to existing conditions. Areas to the south, east, and west of the project site are entirely developed as urban (i.e., within a city or town) habitats that do not support diverse or sensitive bird communities that might be substantially affected by illuminance from the project. Birds inhabiting more natural habitat areas along the San Francisco Bay to the north and/or the future vegetated open space areas on the project site may be affected by an increase in lighting. However, the number of shorebirds foraging near or flying over the project site is expected to be relatively low, as shorebirds do not congregate in large numbers at or near the project site.

Thus, lighting from the project has some potential to attract and/or disorient birds, especially during inclement weather when nocturnally migrating birds descend to lower altitudes. As a result, some birds moving along the San Francisco Bay at night may be (1) attracted to the site, where they are more likely to collide with buildings; and/or (2) disoriented by night lighting, potentially causing them to collide with the buildings. Certain migrant birds that use structures for roosting and foraging (such as swifts and swallows) would be vulnerable to collisions if they perceive illuminated building interiors as potential roosting habitat and attempt to enter the buildings through glass walls. Similarly, migrant and resident birds would be vulnerable to collisions if they perceive illuminated vegetation within buildings as potential habitat and attempt to enter a building through glass walls.

Potential impacts on birds due to lighting within the various Master Plan components, as well as applicable CEQA mitigation measures, are discussed Sections 6.3.1 to 6.3.4 below. For purposes of this analysis, Master Plan components are grouped together in these sections based on lighting impacts within these areas as well as the lighting design principles necessary to reduce impacts under CEQA, as follows:

- Master Plan components within the northern portion of the project site (i.e., areas north of Main Street and Office Buildings 03 and 05 surrounding the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage, but not including buildings within the atrium) are discussed together because lighting within these areas has a greater potential to (1) spill northwards into sensitive habitats along the San Francisco Bay, and (2) attract and/or disorient migrating birds during the spring and fall compared to areas farther south on the project site.

- The stair/elevator towers are discussed separately due to the potential for lighting of these towers to attract birds (especially migrants) towards these structures where they would able to see roosting opportunities behind glazed façades, and potentially collide with the glass.
- Due its unique structure and location along the northern boundary of the project site, the atrium and buildings within the atrium are discussed separately.
- Master Plan components within the southern portion of the project site (i.e., Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings) are discussed together because they have a lower potential to affect migrating birds due to the greater distance between these areas and the San Francisco Bay, the extensive opaque facades on these buildings, and the less extensive vegetation present compared to the northern portion of the site.

6.3.1 Potential Impacts due to Lighting within the Northern Portion of the Project Site

6.3.1.1 Description of Potential Impacts

As discussed above, birds inhabiting more natural habitat areas along the San Francisco Bay to the north and/or the future vegetated open space areas on the project site itself may be affected by an increase in lighting on the site. Because buildings within the northern portion of the site are located in closer proximity to natural habitats along the San Francisco Bay as well as proposed extensive vegetation on the project site itself (e.g., at the elevated park), lighting associated with the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage has a greater potential to (1) spill northwards into sensitive habitats along the San Francisco Bay, and (2) attract and/or disorient migrating birds during the spring and fall, compared to buildings located farther south on the project site. Due to the potential for birds to collide with glazing on these buildings, CEQA mitigation measures to minimize lighting at these locations are provided in Section 6.3.1.2 below to ensure that these impacts are minimized.

6.3.1.2 Additional Mitigation Measures Proposed Under CEQA

Due to the potential for lighting within the northern portion of the project site to affect birds, the City's requirement to include occupancy sensors in the project design (or the alternative City measures provided in Section 6.2.2 above) in combination with the lighting design principles provided in Section 6.2 may not reduce lighting-related impacts within this area sufficiently to avoid significant impacts under CEQA. While the project's lighting design principles provide a general strategy for lighting design and specify a BUG rating for exterior fixtures, these principles are not specific enough to ensure that the spill of lighting upwards and outwards into adjacent natural areas will be minimized to an appropriate level. With the implementation of Mitigation Measures 6–9 below, which provide greater specificity to ensure that lighting impacts are minimized, impacts on birds due to lighting in the northern portion of the site will be reduced to less-than-significant levels under CEQA, in our professional opinion.

For all exterior lighting in the northern portion of the project site (i.e., areas north of Main Street and Office Buildings 03 and 05 surrounding the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage):

- **Mitigation Measure 6.** To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture.

  If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees and buildings) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated.

- **Mitigation Measure 7.** All lighting shall be fully shielded to block illumination from shining outward towards San Francisco Bay habitats to the north. No light trespass shall be permitted more than 80 feet beyond the site's northern property line (i.e., beyond the JPB rail corridor).

- **Mitigation Measure 8.** Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from 10:00 p.m. until sunrise, except as needed for safety and City code compliance.

- **Mitigation Measure 9.** Temporary lighting that exceeds minimal site lighting requirements may be used for nighttime social events. This lighting shall be switched off no later than midnight. No exterior up-lighting (i.e., lighting that projects upward above the fixture, including spotlights) shall be used during events.

6.3.1.3 CEQA Impacts Summary

The project will implement the lighting design principles in Section 6.2 as well as Mitigation Measures 6–9 above and comply with City requirements (either via compliance with requirement C or the implementation of the proposed alternative City measures) to reduce impacts due to lighting in the northern portion of the project site to less-than-significant levels under CEQA. By incorporating these principles and measures, it is our professional opinion that project impacts due to bird collisions with the buildings in the northern portion of the project site would be less than significant under CEQA.

Subsequent reports prepared by a qualified biologist will accompany each of the final ACPs for the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage. It is our understanding based on considerable coordination with the design team that (1) the proposed lighting design principles, City measures, and mitigation measures are feasible, and (2) the project will implement the lighting design principles, City requirements or alternative City measures, and mitigation measures as described herein. Nevertheless, because detailed information about project lighting design was not available as part of this assessment, a qualified biologist shall review the final ACPs to confirm that the lighting design principles, City requirements or

alternative City measures, and mitigation measures described herein are incorporated into the final design such that project impacts due to bird collisions are reduced to less-than-significant levels under CEQA as described herein.

6.3.2 Potential Impacts Related to the Stair/Elevator Towers

6.3.2.1 Description of Potential Impacts

Five stair/elevator towers connect the plaza south of the atrium with the elevated park. These towers will be lit at night. As discussed above, certain migrant birds that use structures for roosting and foraging (such as swifts and swallows) would be vulnerable to collisions if they perceive illuminated building interiors as potential roosting habitat and attempt to enter the buildings through glass walls. Lighting of these towers is expected to illuminate their interiors, potentially attracting birds (especially migrants) towards these areas when they are able to see roosting opportunities behind glazed façades. Due to the potential for birds to collide with this glazing, CEQA mitigation measures to minimize lighting at these locations are provided in Section 6.3.2.2 below to ensure that impacts due to lighting at stair/elevator towers are minimized.

6.3.2.2 Additional Mitigation Measures Proposed Under CEQA

Due to the potential for lighting within the stair/elevator towers to result in bird collisions, the City's requirement to include occupancy sensors in the project design (or the alternative City measures provided in Section 6.2.2 above) in combination with the lighting design principles provided in Section 6.2 may not reduce collision impacts with these towers sufficiently to avoid significant impacts under CEQA. While the project's lighting design principles provide a general strategy for lighting design and specify a BUG rating for exterior fixtures, these principles are not specific enough to ensure that the spill of lighting outwards from the glass stair/elevator towers will be minimized to an appropriate level. With the implementation of Mitigation Measure 10 below, impacts due to lighting of the stair/elevator towers will be reduced to less-than-significant levels under CEQA, in our professional opinion.

- **Mitigation Measure 10.** Lights shall be shielded and directed so that lighting does not spill outwards from the elevator/stair towers into adjacent areas.

6.3.2.3 CEQA Impacts Summary

The project will implement the lighting design principles in Section 6.2 as well as Mitigation Measure 10 above and comply with City requirements (either via compliance with requirement C or the implementation of the proposed alternative City measures) to reduce impacts due to lighting within the stair/elevator towers to less-than-significant levels under CEQA. By incorporating these principles, requirements, and measures, it is our professional opinion that project impacts due to bird collisions with the stair/elevator towers would be less than significant under CEQA.

Subsequent reports prepared by a qualified biologist will accompany the final ACPs for the project components that include elevator towers (i.e., the hotel, Town Square, Office Building 04, event building, and atrium). It is

our understanding based on considerable coordination with the design team that (1) the proposed lighting design principles, City requirements or alternative City measures, and mitigation measures are feasible; and (2) the project will implement the lighting design principles, City requirements or alternative City measures, and mitigation measures as described herein. Nevertheless, because detailed information about project lighting design was not available as part of this assessment, a qualified biologist shall review the final ACPs to confirm that the lighting design principles, City requirements or alternative City measures, and mitigation measures described herein are incorporated into the final design such that project impacts due to bird collisions are reduced to less-than-significant levels under CEQA as described herein.

6.3.3 Potential Impacts Related to the Atrium

6.3.3.1 Description of Potential Impacts

In addition to the general site lighting impacts and up-lighting impacts discussed above, lighting within the atrium will illuminate interior vegetation and structures. The architectural features described above that are expected to make it difficult for birds to see interior vegetation during daytime would still mask the appearance of interior vegetation at night to some extent. However, if illumination makes interior vegetation more visible to birds (e.g., in early morning or late evening hours when exterior light levels are low), birds that are active between dusk and dawn may fly into the glazing on the atrium where they can see vegetation and/or structures (e.g., for roosting) on the other side of the glass. As discussed above, collisions by resident birds are expected to occur year-round; however, these birds are generally familiar with their surroundings and can be less likely to collide with buildings compared with migrant birds. In addition, resident birds are primarily active during the day. In contrast, nocturnal migrant landbirds may be attracted to lighting, and are less likely to be aware of risks such as glass compared to resident birds. As a result, relatively higher numbers of collisions by birds, especially migrant birds, could occur if vegetation and/or structures within the atrium are made more conspicuous between dusk and dawn due to interior illumination.

Conceptual views of night lighting levels within the atrium are provided in Figure 25. As discussed in Section 5 above, the visibility of interior vegetation to birds is limited within the atrium due to the presence of interior buildings and solar shades that partially block the view of this vegetation from the north and south, respectively. Nevertheless, lighting is expected to illuminate interior vegetation and structures such that they may be visible to birds outside of the atrium as follows:

- Birds located north of the atrium at any elevation will be able to see illuminated interiors of structures within the atrium. Birds flying at elevations 37 feet or higher will be able to see illuminated interior vegetation and structures on rooftops (Figure 19). The presence of exterior trees and other vegetation immediately adjacent to the north façade is expected to screen illuminated interior vegetation less than or equal to the height of these trees to birds from a distance, with the exception of the area along the East Garden (where no trees will be planted along the atrium's north façade).
- Birds located south of the atrium will be able to see illuminated interior structures and vegetation except where interior solar shades are present in between the birds and interior features (Figure 22). In addition,

the presence of exterior trees and other vegetation immediately adjacent to the south façade along the elevated park is expected to screen illuminated interior vegetation less than or equal to the height of these trees to birds from a distance.

Figure 5. Anticipated conceptual lighting conditions within the atrium and immediately surrounding areas during evening hours (top left), events (top right), and after hours (bottom).

Due to the potential for birds to collide with glazing on the atrium if interior structures and vegetation are illuminated, CEQA mitigation measures to minimize the attraction of birds towards the atrium by minimizing light radiating outward from the atrium being perceived as a bright attractant to nocturnal migrants, as well as the illumination of vegetation and structures within the atrium, are provided in Section 6.3.3.2 below to ensure that impacts due to lighting within the atrium are minimized.

6.3.3.2 Additional Mitigation Measures Proposed Under CEQA

Buildings within the Atrium. Due to the potential for interior lighting within the buildings within the atrium to spill outwards to the north and affect birds, the City's requirement to include occupancy sensors in the project design (or the alternative City measures provided in Section 6.2.2 above), in combination with the lighting design principles provided in Section 6.2 above, may not reduce collisions with the atrium's north façade sufficiently to avoid significant impacts under CEQA. While the project's lighting design principles provide a general strategy for lighting design and specify a BUG rating for exterior fixtures, these principles do not ensure that any security lighting and lighting within occupied spaces will not spill outwards from these buildings towards sensitive habitats to the north. The project shall implement the following mitigation measure for interior lights within the buildings within the atrium to minimize impacts due to lighting:

- **Mitigation Measure 11.** Interior or exterior blinds shall be programmed to close on north-facing windows of interior buildings within the atrium from 10:00 p.m. to sunrise in order to block lighting from spilling outward from these windows.

Atrium. If birds are able to distinguish illuminated interior vegetation, trees, and structures within the atrium at night, collisions with the building are expected to be appreciably higher as birds attempt to fly through glazing to reach these features (e.g., during descent from migration at dawn). The project shall implement Mitigation Measures 6 and 8 above as well as the Mitigation Measure 12 below to ensure that structures, trees, and vegetation in the atrium are not illuminated by up-lighting or accent lighting such that they are more conspicuous to birds from outside compared to ambient conditions (i.e., lighting levels from fixtures within the atrium that do not specifically illuminate these features). Structures, trees, and vegetation are considered 'more conspicuous' to birds when they would be more conspicuous when viewed by the human eye from outside the atrium at any elevation.

- **Mitigation Measure 12.** Accent lighting within the atrium shall not be used to illuminate trees or vegetation. OR

  The applicant shall provide documentation to the satisfaction of a qualified biologist that the illumination of vegetation and/or structures within the atrium by accent lighting and/or up-lighting will not make these features more conspicuous to the human eye from any elevation outside the atrium compared to ambient conditions within the atrium. The biologist shall submit a report to the City following the completion of the lighting design documenting compliance with this requirement.

6.3.3.3 CEQA Impacts Summary

The project will implement the lighting design principles in Section 6.21 as well as Mitigation Measures 6, 8, 11, and 12 above and comply with City requirements (either via compliance with requirement C or the implementation of the proposed alternative City measures) to reduce impacts due to lighting within the atrium and the buildings within the atrium to less-than-significant levels under CEQA. By incorporating these principles and measures, it is our professional opinion that project impacts due to lighting within these areas would be less than significant under CEQA.

Subsequent reports prepared by a qualified biologist will accompany the final ACP for the atrium. It is our understanding based on considerable coordination with the design team that (1) the proposed lighting design principles, City requirements or alternative City measures, and mitigation measures are feasible; and (2) the project will implement the lighting design principles, City requirements or alternative City measures, and mitigation measures as described herein. Nevertheless, because detailed information about project lighting design was not available as part of this assessment, a qualified biologist shall review the final ACP to confirm that the lighting design principles, City requirements or alternative City measures, and mitigation measures described herein are incorporated into the final design such that project impacts are reduced to less-than-significant levels under CEQA as described herein.

6.3.4 Potential Impacts Related to the Southern Portion of the Project Site

6.3.4.1 Description of Potential Impacts

As discussed above, birds inhabiting more natural habitat areas along the San Francisco Bay to the north and/or the future vegetated open space areas on the project site itself may be affected by an increase in lighting on the site. Because buildings within the southern portion of the site are located farther from natural habitats along the San Francisco Bay as well as proposed extensive vegetation on the project site itself (e.g., at the elevated park), the potential for lighting associated with Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings is not expected to spill into sensitive habitats north of the site (due to the presence of buildings in between these areas and habitats to the north), and has a lower potential to attract and/or disorient migrating birds during the spring and fall compared to buildings located farther north on the project site. Nevertheless, due to the potential for birds to collide with glazing on these buildings due to lighting within these areas, CEQA mitigation measures to minimize lighting within this area are provided in Section 6.3.4.2 below to ensure that these impacts are less than significant.

6.3.4.2 Additional Mitigation Measures Proposed Under CEQA

Due to the potential for lighting within the southern portion of the project site to affect birds, the City's requirement to include occupancy sensors in the project design (or the alternative City measures provided in Section 6.2.2 above) in combination with the lighting design principles provided in Section 6.2.1 may not reduce collision impacts with Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings to less-than-significant levels under CEQA. While the project's lighting design principles provide a general strategy for lighting design and specify a BUG rating for exterior fixtures, these principles are not specific enough to ensure that lighting will be minimized sufficiently to avoid significant impacts under CEQA. With the implementation of Mitigation Measures 6 and 13, which provide greater specificity to ensure that lighting impacts are minimized, impacts due to lighting in the southern portion of the site will be reduced to less-than-significant levels under CEQA, in our professional opinion.

For Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings, the project shall implement Mitigation Measure 6 above as well as the following mitigation measure to minimize impacts due to increased lighting:

- **Mitigation Measure 13.** Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from midnight until sunrise, except as needed for safety and City code compliance.

6.3.4.3 CEQA Impacts Summary

The project will implement the lighting design principles in Section 6.2.1 as well as Mitigation Measures 6 and 13 and comply with City requirements (either via compliance with requirement C or the implementation of the proposed alternative City measures) to reduce impacts due to lighting in the southern portion of the project site to less-than-significant levels under CEQA. By incorporating these principles, requirements, and measures,

it is our professional opinion that project impacts due to lighting within this area would be less than significant under CEQA.

Subsequent reports prepared by a qualified biologist will accompany each of the final ACPs for Office Buildings 01, 02, 03, 05, and 06 and the residential/mixed-use buildings. It is our understanding based on considerable coordination with the design team that (1) the proposed lighting design principles, City requirements or alternative City measures, and mitigation measures are feasible; and (2) the project will implement the lighting design principles, City requirements or alternative City measures, and mitigation measures as described herein. Nevertheless, because detailed information about project lighting design was not available as part of this assessment, a qualified biologist shall review the final ACPs to confirm that the lighting design principles, City requirements or alternative City measures, and mitigation measures described herein are incorporated into the final design such that project impacts due to bird collisions are reduced to less-than-significant levels under CEQA as described herein.

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Appendix A. Additional Supporting Design Detail

The project will generally conform with the designs reviewed for this report, as depicted on the figures in this Appendix A to support H. T. Harvey & Associates analysis of bird collision hazards associated with the project. In addition, the CDP will require that the project comply with the specific beneficial project features identified in this Assessment as depicted on the figures in this Appendix A, in addition to the City bird-safe design requirements, City alternative measures, mitigation measures, and lighting design principles discussed in the Assessment, to avoid or reduce to less-than-significant levels under the California Environmental Quality Act project impacts due to bird collisions.

The images provided herein were used as the basis for the Willow Village Master Plan bird-safe design analysis; however, these images are conceptual and represent design intent rather than the final project design. Because the final design may differ from the images provided in Appendix A, a qualified biologist shall review the final ACPs for each project component to confirm that the final design is consistent with this bird-safe design assessment.

Hotel

Figure 6. Illustration of buildings in the northern portion of the site showing the proposed atrium, elevated park, hotel, Town Square, Office Building 04, and event building.

Figure 4. The conceptual hotel plan includes a central courtyard on Level 1, a pool deck on Level 3, and vegetated balconies on Level 6.

Figure 5. The conceptual east (top left), north (top right), west (bottom left), and south (bottom right) facades of the hotel.

Residential/Mixed-Use Buildings

Figure 6. Illustrative site plan showing the proposed residential/mixed-use buildings and associated open space areas. Facades with highest collision risk are delineated in red.

Figure 7. The conceptual Parcel 2 residential/mixed-use building plan includes open space courtyards on Level 3.

Figure 8. The conceptual east (top), west (middle), south (bottom left), and north (bottom right) facades of the Parcel 2 residential/mixed-use building.

Figure 9. An example mark-up of areas (shown in blue) that would be required to be treated on north (top left), south (top right), east (middle) and west (bottom) facades of the conceptual Parcel 2 residential/mixed-use building to ensure that avian collisions are less-than-significant. Transparent glass corner delineations are estimated; these corners should be treated as far from the corner as it is possible to see through the corner. Free-standing glass railings are not indicated on this figure but are required to be treated in all locations.

Office Buildings

Figure 10. Conceptual site plan showing the locations of proposed office buildings and garages, as well as the proposed extent of landscape vegetation and trees.

Parking Garages

Figure 11. Conceptual North Garage elevations: east (top), west (middle), north (bottom left), and south (bottom right). The building facades are predominantly opaque; glazed areas are located on all levels the elevator towers on the west and north facades.

Event Building

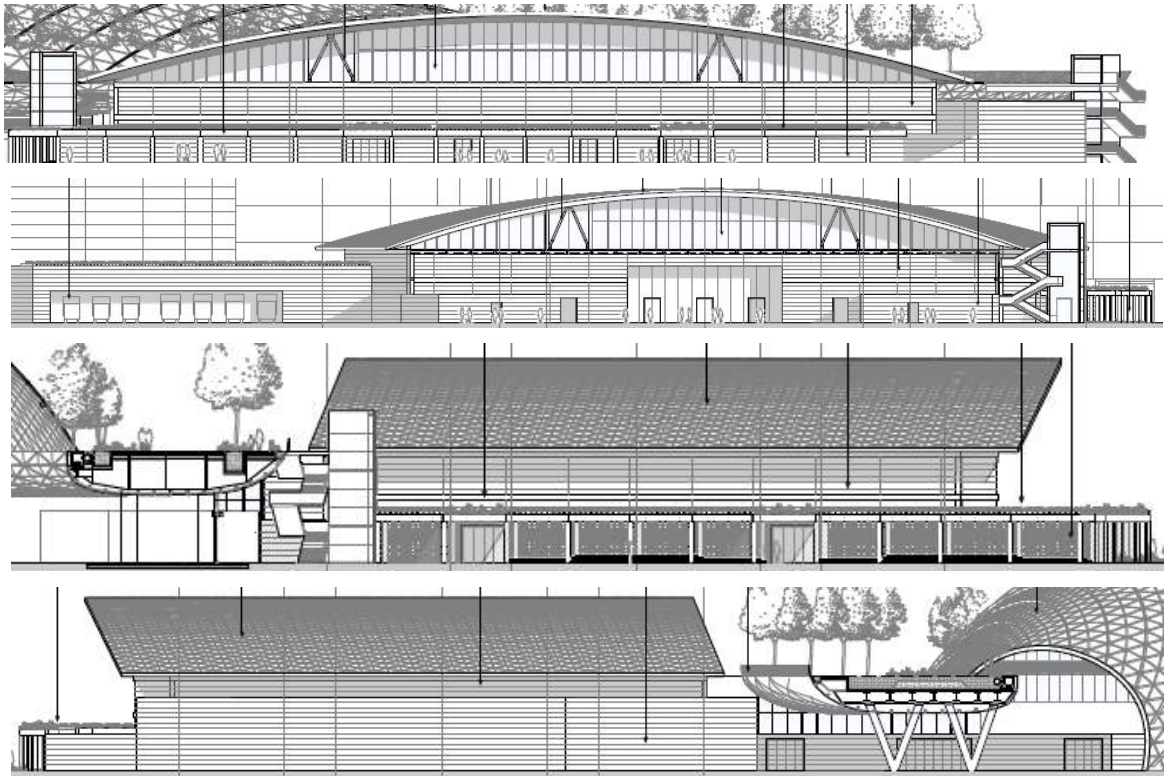


Figure 13. Illustration of the event building façades. Top to bottom: the southeast, northwest, northeast, and southwest facades.

Office Building 04

Figure 14. Conceptual Office Building 04 elevations: west (top left), east (top right), north (middle), and south (bottom).

Town Square

Figure 14. The conceptual Town Square includes a paved plaza with landscape vegetation and trees, seating areas, a glazed elevator to the elevated park, bicycle parking, and a retail pavilion.

Figure 15. The conceptual west (top left), east (top right), south (middle), and north (bottom) facades of the Town Square retail pavilion.

Security Pavilions

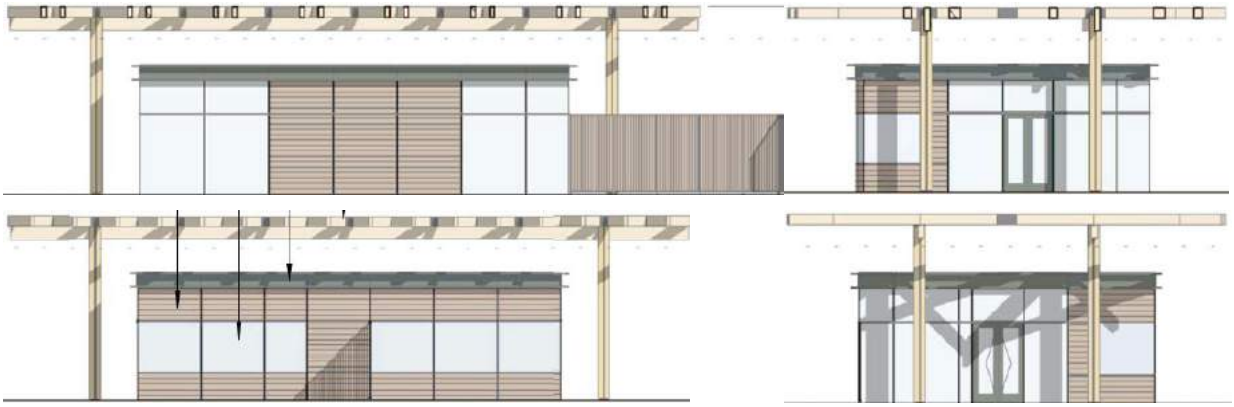


Figure 16. The conceptual south (top left), west (top right), north (bottom left), and east (bottom right) facades of buildings SP1 and SP2.

Atrium

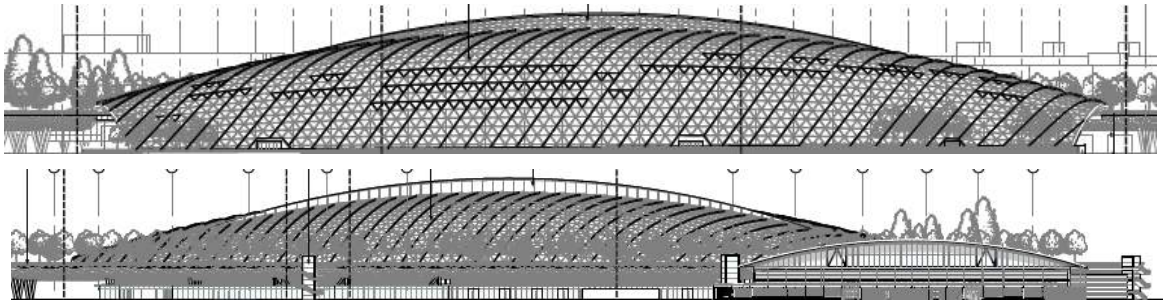


Figure 17. Conceptual drawings of the north façade (top) and south façade (bottom) of the atrium. Trees to be planted along the north façade are not shown.

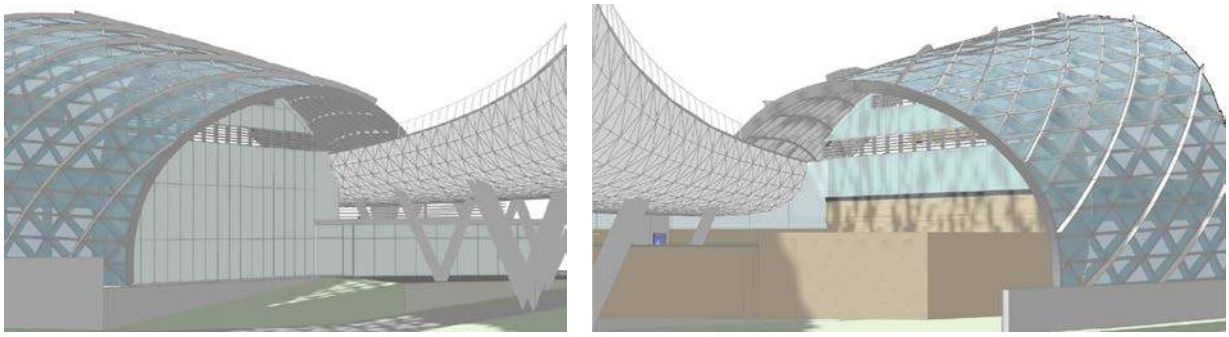


Figure 18. An illustration of the appearance of the vertical glass facades at the western (left) and eastern (right) ends of the atrium.

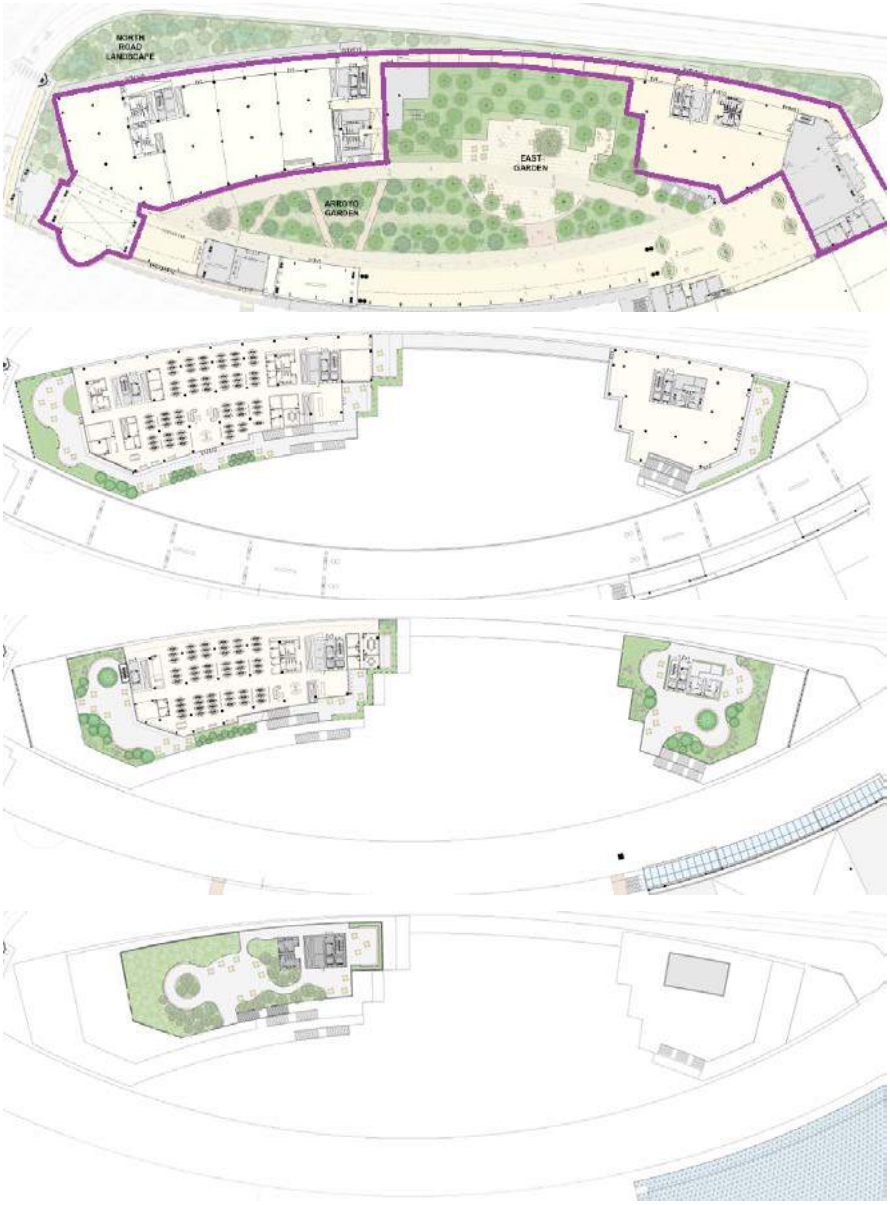


Figure 19. From top to bottom, illustrative views of landscape vegetation on Levels 1, 2, 3, and 4 of the atrium's interior. The interior building footprints and the connection between them are outlined in purple on the top image.

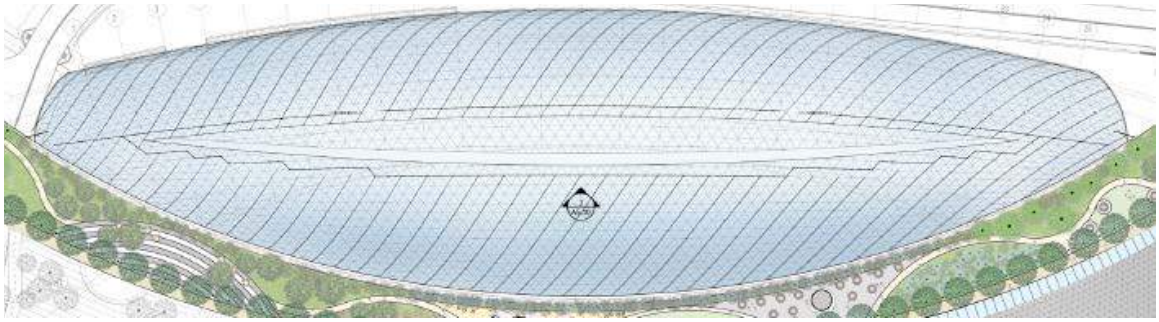


Figure 21. Fin-like mullions on the exterior surface of the conceptual north and south facades of the atrium will break up the smooth surface and increase the visibility of the facades to birds, especially from a distance.

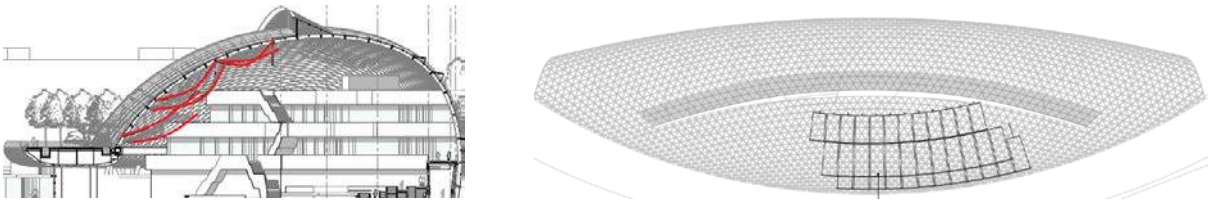


Figure 22. Interior sail shades, shown in red on the left cross-section image, are located along portions of the south façade of the atrium and will block views of interior vegetation to birds located at the elevated park or flying overhead. The approximate extent of the sail shades is shown in dark gray on the right (overhead) image.

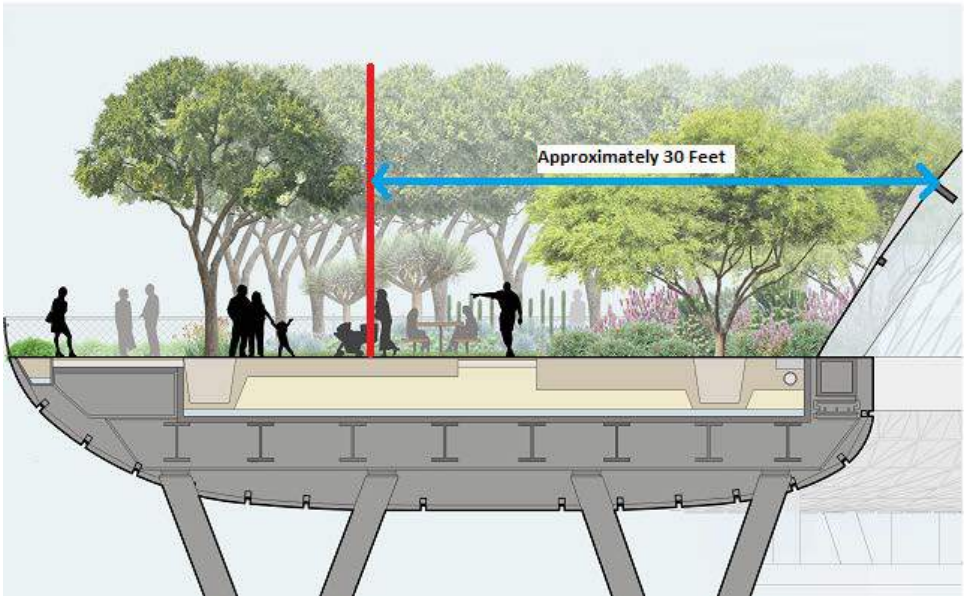


Figure 23. To the extent feasible, vegetation at the elevated park south of the site will be planted such that trees are set back from the glass façade, and dense shrubs and plants are located immediately adjacent to glass facades.

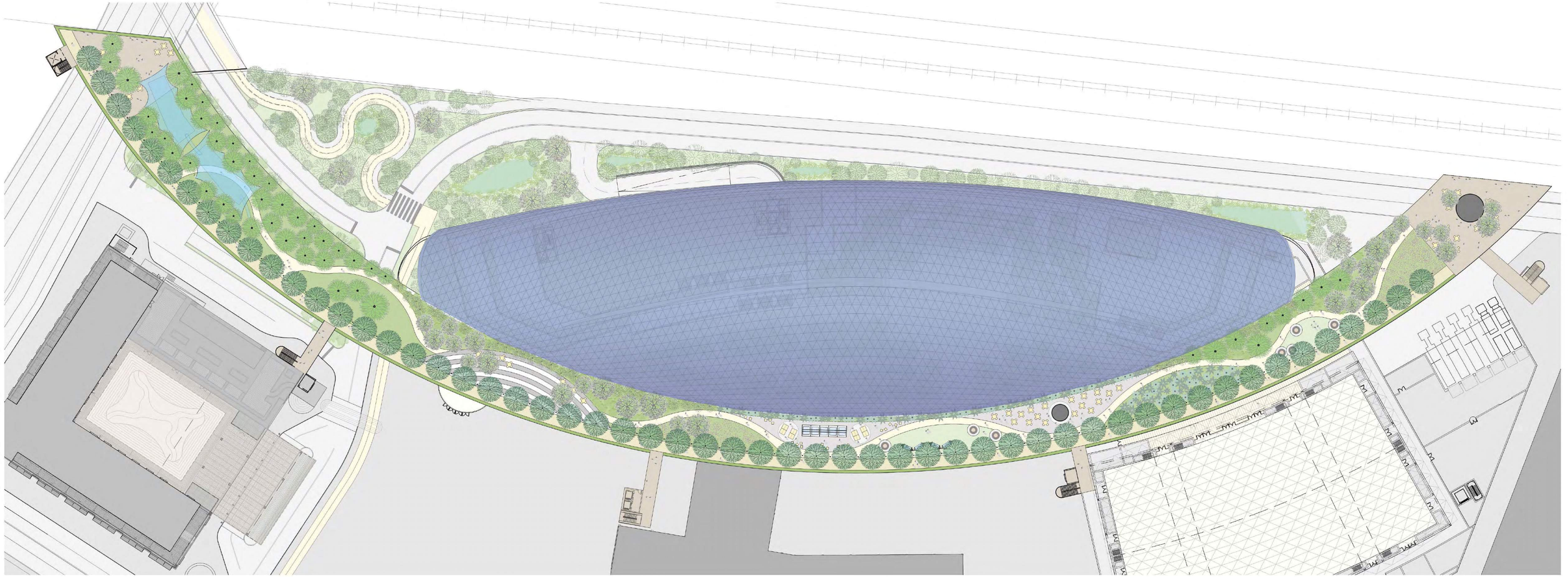
Lighting

Figure 7. Anticipated conceptual lighting conditions within the atrium and immediately surrounding areas during evening hours (top left), events (top right), and after hours (bottom).

Beneficial Project Features

- The extensive opaque panels on the exterior facades of the hotel (Figure 5)
- Opaque panels, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to vegetation on the residential/mixed-use buildings (Figure 8)
- The extensive opaque facades on the North Garage and South Garage (Figure 11)
- The extensive opaque facades on the event building (Figure 13)
- Opaque panels, exterior vertical and horizontal solar shades, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to native vegetation on Office Buildings 01–06 (Figure 14)
- Opaque panels and mullions on the Town Square retail pavilion (Figure 15)
- Opaque panels and mullions on the security pavilions (Figure 16).
- The articulated structure of the atrium (Figure 20)
- Fin-like mullions on the exterior surface of the atrium's façade (Figure 21)
- Interior operable, suspended solar shades along a large portion of the south façade of the atrium Figure 22)

Appendix B. Conceptual Planting Plans and Plant Palettes



1 min. Walk

0 40 80 120 160 200 240 320'

1" = 40' at 22" x 34"

PARCEL 1 - MCS
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

TREES

Sydney Red Gum
Angophora costata

Manzanita
Arctostaphylos manzanita

Brisbane Box
Lophostemon confertus

Chilean Myrtle
Luma apiculata

Catalina Ironwood
Lyonothamnus floribundus

Palo Verde
Parkinsonia ' Desert Museum'

African Sumac
Rhus lancea

Norfolk Island Palm
Auracaria heterophylla

Yew Plum Pine
Podocarpus spp.

London Plane Tree
Platanus x acerifolia

Chinese Elm
Ulmus parvifolia

Oak Tree
Quercus spp.

Quiver Tree
Aloe dichotoma

Ponytail Palm
Beaucarnea recurvata

Illawarra Flame Tree
Bracychiton acerifolius

Sago Palm
Cycas revoluta

Dragon Tree
Dracaena draco

UNDERSTORY PLANTING

Tree Houseleek
Aeonium spp.

Fox Tail Agave
Agave attenuate 'Boutin Blue'

Coral Aloe
Aloe striata

Blue Grama
Bouteloua gracilis

Leafy Reed Grass
Calamagrostis foliosa

California Lilac
Ceanothus horizontalis

Silk Floss Tree
Chorisia speciosa

Finger Aloe
Cotyledon orbiculata var. oblonga

Sunshine Bush Cone
Leucadendron spp.

Giant Dioon
Dioon spp.

Chalk Dudleya
Dudleya spp.

Mexican Snowball
Echeveria spp.

Golden Barrel Cactus
Echinocactus grusonii

California Fuscia
Epilobium canum

Red Buckwheat Erigonum
Eriogonum grande 'Rubescens'

California Fescue
Festuca californica

Lavander
Lavandula angustifolia

Blue Chalk Sticks
Senecio mandraliscae

Blue Lyme Grass
Leymus spp

Silver Bush Lupine
Lupinus albifrons

Burrawang
Macrozamia spp.

Bush Monkey Flower
Mimulus aurantiacus

Scarlet Bugler
Penstemon centranthifolius

Coffeeberry
Rhamnus californica

Firecracker Plant
Russelia equisetiformis

Protea
Protea spp.

Beaked Yucca
Yucca rostrata

Honeysuckle
Banksia spp.

White Sage
Salvia apiana

Western Sword Fern
Polystichum munitum

Woolybush
Adenanthos sericeus

Puya
Puya venusta

Giant Chain Fern
Woodwardia fimbriata

PARCEL 1 - MCS
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.01
CONCEPTUAL REPRESENTATIVE PLANT PALETTE

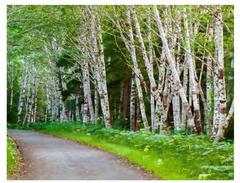
January 8, 2021

W88

LEVEL 1

TREES

Kauri Pine
Agathis robusta



Red Alder
Alnus rubra

Norfolk Island Pine
Auracaria heterophyla

Black Olive
Bucida buceras

Karaka
Corynocarpus laevigatus

Brisbane Box
Lophostemon confertus

Champak
Michelia champaca

Yew Plum Pine
Podocarpus spp.

Umbrella Tree
Schefflera actinophylla

UNDERSTORY PLANTING

Indian Mallow
Abutilon spp.

Japanese Rush
Acorus gramineus

Azalea
Azalea spp.

Rushes
Baumea spp.

Sedges
Carex spp.

Tree Ferns
Cyathea spp.

Rabbits Foot Fern
Davallia denticulata

Green Island Ficus
Ficus microcarpa 'Green Island'

Walking Iris
Neomarica gracilis

Western Sword Fern
Polystichum munitum

Rhododendron
Vireya rhododendron

Giant Chain Fern
Woodwardia fimbriata

Boston Fern
Nephrolepis exaltata

LEVEL 2-4

TREES

Alii Fig
Ficus alii

Weeping Fig
Ficus benjamina

Chinese Banyan
Ficus microcarpa

Rusty Leaf Fig
Ficus rubiginosa

Brisbane Box
Lophostemon confertus

Champak
Michelia alba

European Olive
Olea europaea

Umbrella Tree
Schefflera actinophylla

UNDERSTORY PLANTING

Calathea
Calathea zebrina

Spider Lily
Hymenocalis speciosa

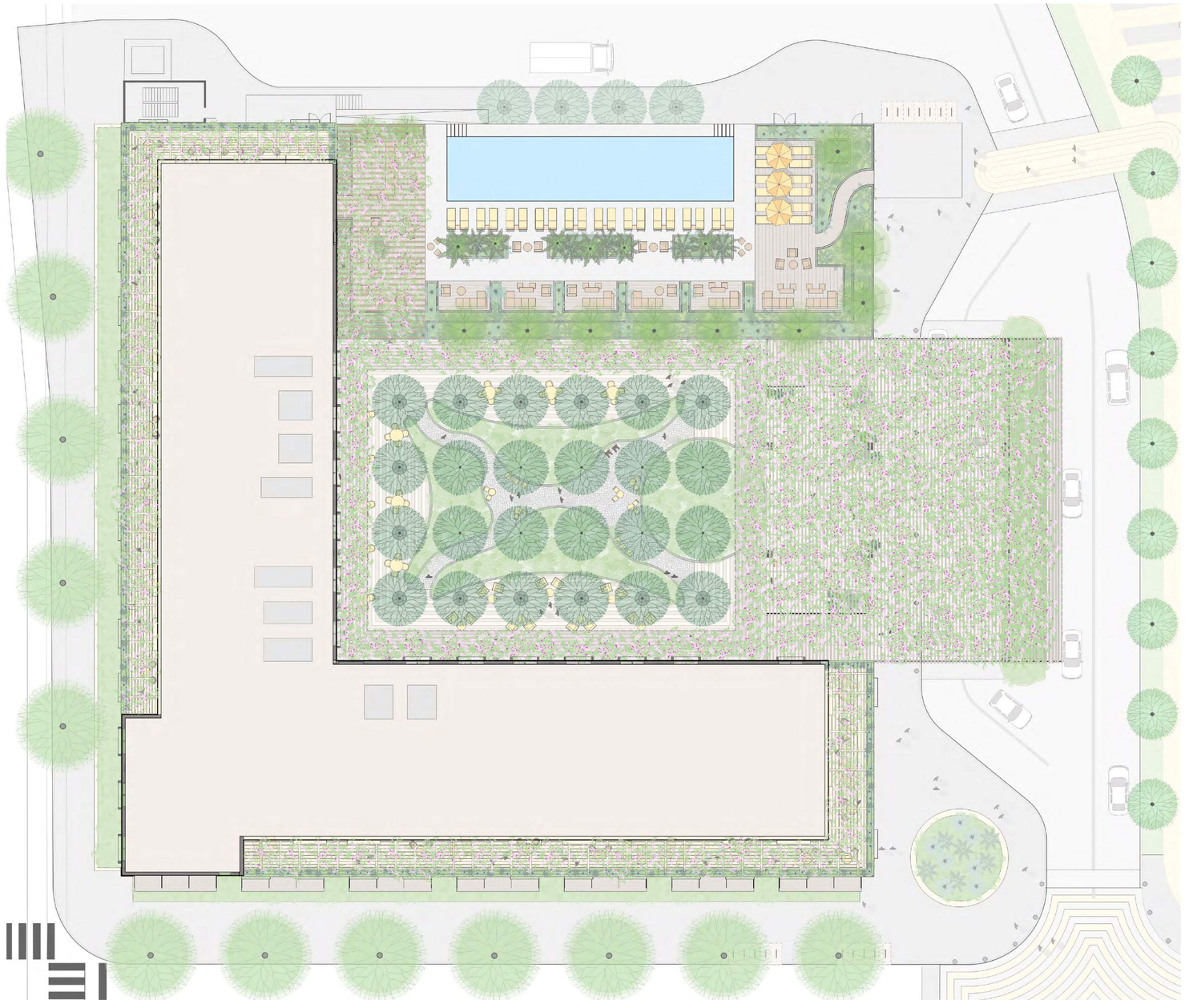
Shell Ginger
Alpinia zerumbet

Mint Geranium
Pelargonium tomentosum

Asparagus Fern
Asparagus densiflorus 'Sprengeri'

Rattlesnake Plant
Calathea lancifolia

Dwarf Umbrella Tree
Schefflera arboricola



0 8 16 32'

1/16" = 1'-0" at 22" x 34"

PARCEL 1-HOTEL
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
CONCEPTUAL LANDSCAPE PLAN
January 8, 2021

W90

LEVEL 1

TREES

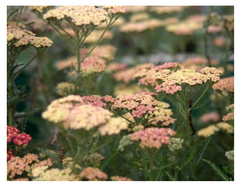
Eastern Redbud
Cercis canadensis

European Olive
Olea europaea

Brisbane Box
Lophostemon confertus

UNDERSTORY PLANTING

Foxtail Agave
Agave attenuata 'Nova'



Yarrow
Achillea spp.

Tree Houseleek
Aeonium spp.

Kangaroo Paw
Anigozanthos spp.

Wormwood
Artemisia

Rabbit's Foot Fern
Davallia spp.

Mexican Snowball
Echeveria spp.

Mediterranean Spurge
Euphorbia characias

Spider Flower
Grevillea

Sage
Salvia spp.

Lace Fern
Microlepia strigosa

Boston Fern
Nephrolepis exaltata

Western Sword Fern
Polystichum munitum

Giant Chain Fern
Woodwardia fimbriata

Carpet Geranium
Geranium incanum

Japanese Wisteria
Wisteria floribunda

California Lilac
Ceanothus horizontalis

Coffeeberry
Rhamnus californica

LEVEL 3

TREES AND PALMS

King Palm
Archontophoenix spp.

Mediterranean Fan Palm
Chamaerops humilis 'Cerifera'

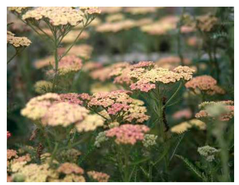
Kentia Palm
Howea forsteriana

Fruitless Olive
Olea europaea 'Swan Hill'

Pygmy Date Palm
Phoenix roebelenii

UNDERSTORY PLANTING

Foxtail Agave
Agave attenuata



Yarrow
Achillea spp.

Tree Houseleek
Aeonium spp.

Wormwood
Artemisia

Mexican Snowball
Echeveria spp.

Mediterranean Spurge
Euphorbia characias

Lavender
Lavandula spp.

LEVEL 6

Tree Houseleek
Aeonium spp.

Agave
Agave 'Blue Flame'

Mexican Snowball
Echeveria spp.

Blue Finger
Senecio talinoides spp. mandraliscae

Japanese Wisteria
Wisteria floribunda

Bougainvillea
Bougainvillea spp.

PARCEL 1-TOWN SQUARE
Peninsula Innovation Partners
Conditional Development Permit

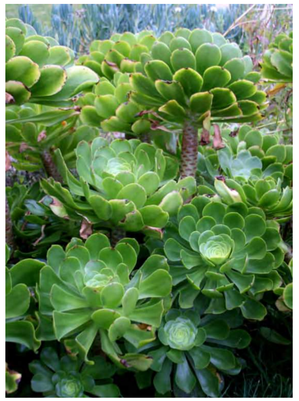
WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2020

Peppermint Tree
Agonis flexuosa

London Plane Tree*
Platnus x acerifolia



Aeonium
Aeonium spp.

Kangaroo Paw
Anigozanthos cv.

Black Anther Flax Lily
Dianella revoluta

Lavender
Lavandula spp.

New Zealand Flax
Phormium cv.

Jacaranda
Jacaranda mimosifolia

Chinese Evergreen Elm
Ulmus parvifolia cv.

Agave
Agave spp.

Berkeley Sedge
Carex divulsa

Dietes
Dietes spp.

Lily Turf
Liriope muscari cv.

California Sword Fern
Polystichum californicum

Brisbane Box*
Lophostemon confertus

Zelkova*
Zelkova serrata cv.

Aloe
Aloe spp.

Small Cape Rush
Chondropetalum tectorum

Spurge
Euphorbia spp.

Deer Grass
Muhlenburgia rigens

Sage
Salvia spp.

1 min. Walk

0 80 160 240 320 400 480 640'

1" = 80' at 22" x 34"

1/4 ac

1/8 ac

PARCEL 1(PORTION) & 8
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00

January 8, 2021

W95

CHINESE PISTACHE

Pistacia chinensis

CHINESE PISTACHE

Pistacia chinensis multi-trunk

CALIFORNIA SYCAMORE

Platanus racemosa

CALIFORNIA SYCAMORE

Platanus racemosa multi-stem

SHUMARD OAK

Quercus shumardii

COASTAL REDWOOD

Sequoia sempervirens 'Aptos Blue'

ELM

Ulmus 'Accolade'

CHINESE ELM

Ulmus parviflora 'True Green'

OLIVE TREE

Olea europaea 'Mission'

MYRICA CALIFORNICA

Pacific Wax Myrtle

PARCEL 1(PORTION) & 8
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.01
Conceptual Representative Planting Palette

January 8, 2021

W96

BLONDE AMBITION BLUE GRAMA

Bouteloua gracilis 'Blonde Ambition'

BERKELEY SEDGE

Carex divulsa (C. tumulicola)

SMALL CAPE RUSH

Chondropetalum tectorum

BLUE OAT GRASS

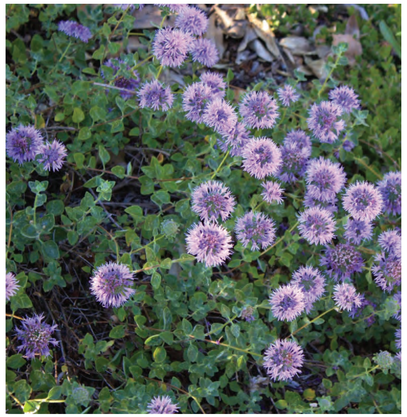
Helictotrichon sempervirens

SEA PINK

Armeria maritima

COREOPSIS

Coreopis grandiflora



COYOTE MINT

Monardella villosa

FOOTHILL PENSTEMON

Penstemon heterophyllus 'Blue Springs'

STONE CROP

Sedum sp. (many)

EMERALD CARPET MANZANITA

Arctostaphylos 'Emerald Carpet'

WAYNE RODERICK DAISY

Erigeron glaucus 'Wayne Roderick'

CALIFORNIA POPPY

Eschscholzia californica

COASTAL GUM PLANT

Grindelia stricta platyphylla

CREEPING SAGE

Salvia sonomensis

MOLATE FESCUE

Festuca rubra 'molate'

HOOKER'S MANZANITA

Arctostaphylos hookeri

ROCKROSE

Cistus spp.

LITTLE SUR COFFEEBERRY

Rhamnus californica 'Little Sur'

PARCEL 1(PORTION) & 8
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.01
Conceptual Representative Planting Palette

January 8, 2021

W97

STICKY MONKEY

Mimulus aurantiacus

RED-FLOWERED BUCKWHEAT

Eriogonum grande var. rubescens

DEER GRASS

Muhlenbergia rigens

COMMON COYOTE MINT

Monardella villosa

CENTENNIAL CEANOTHUS

Ceanothus Centennial

BEE'S BLISS SAGE

Salvia 'Bee's Bliss'

DWARF SILVERGRASS

Miscanthus sp. 'Adagio'

CANYON PRINCE WILD RYE

Leymus condensatus 'Canyon Prince'

SIX HILLS GIANT CATMINT

Nepeta faassenii 'Six Hills Giant'

SPANISH LAVENDER

Lavandula otto quast

COMPACT MEXICAN SAGE

Salvia leucantha 'Santa Barbara'

UPRIGHT ROSEMARY

Rosmarinus officinalis 'Tuscan'

LITTLE OLLIE DWARF OLIVE

Olea europaea 'Little Ollie'

MOUNTAIN FLAX

Phormium cookianum

WYNYABBIE COAST ROSEMARY

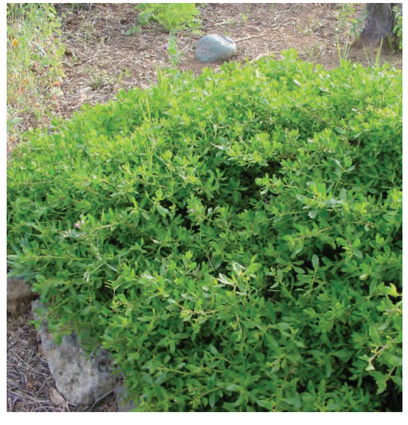
Westringia fruticosa 'Wynyabbie Gem'

COMMON YARROW

Achillea millefolium

FORTNIGHT LILY

Dietes iridioides



DWARF COYOTE BRUSH

Baccharis pilularis 'Twin Peaks'

PARCEL 1(PORTION) & 8
Peninsula Innovation Partners
Conditional Development Permit

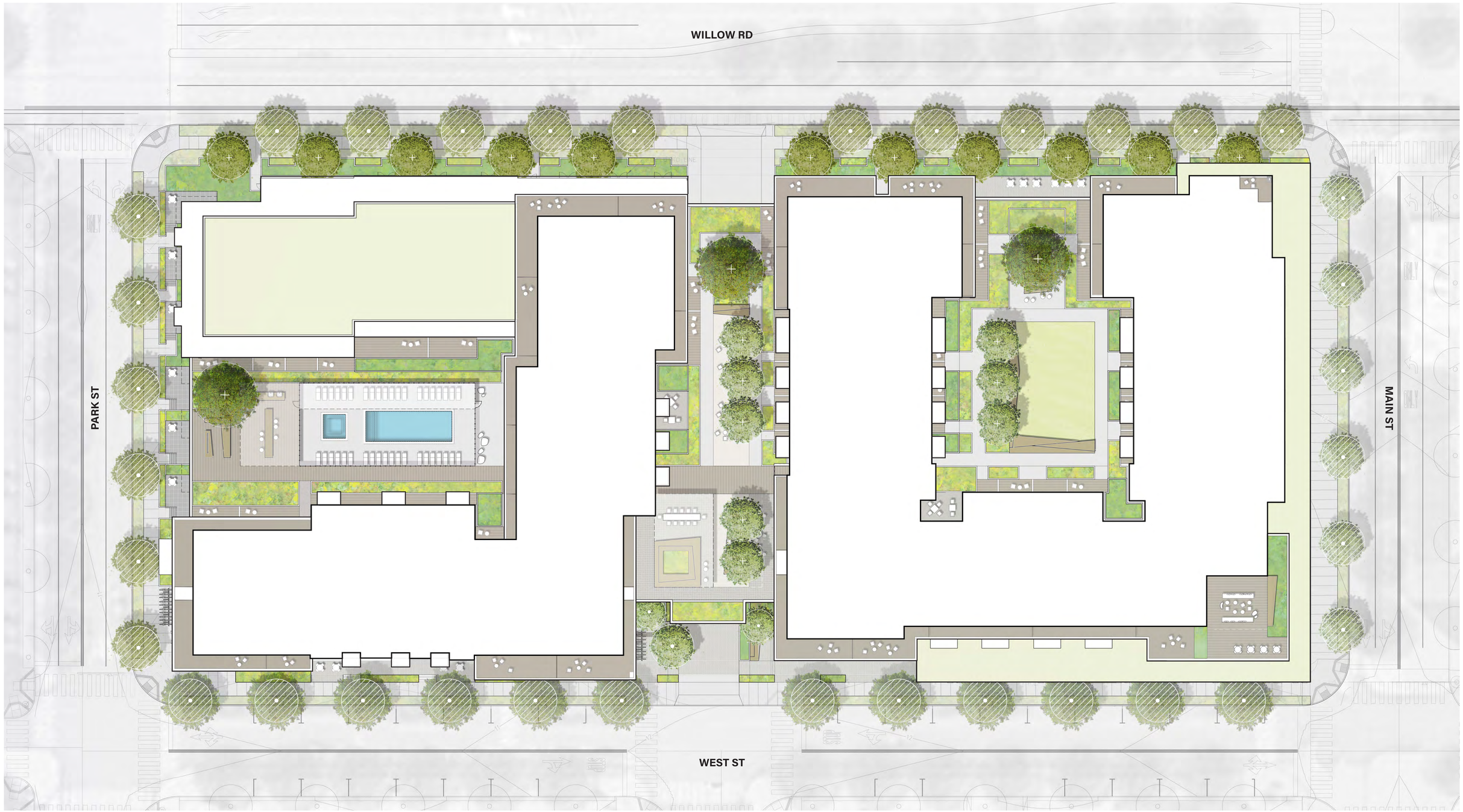
WILLOW VILLAGE

Menlo Park, CA

L1.01
Conceptual Representative Planting Palette

January 8, 2021

W98



30 seconds Walk

0 20 40 60 80 100 120 160'

1" = 20' at 22" x 34"

PARCEL 2
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

W99

TREE PALETTE

Platanus × acerifolia
London Plane

Magnolia grandiflora
Magnolia Tree

Zelkova serrata
Japanese Zelkova

Platanus × acerifolia
London Plane

Quercus suber
Cork Oak

Arbutus Marina
Strawberry Tree

Quercus virginiana
Southern Live Oak

Olea europaea ‘Swan Hill’
Swan Hill Olive

Lyonothamnus floribundus
Catalina Ironwood

Myrica californica
Pacific Wax myrtle

Prunus ilicifolia
Hollyleaf cherry

Ceanothus
California lilacs

UNDERSTORY PALETTE

Verbena lilacina
Purple Cedros Island Verbena

Arctostaphylos
‘John Dourley’
John Dourley Manzanita

Bouteloua gracilis ‘Blonde Ambition’
mosquito grass

Arctostaphylos manzanita
whiteleaf manzanita

Aristida purpurea
Purple three-awn

Carpenteria californica
Tree Anemone

Ceanothus thyrsiflorus
Blue blossom ceanothus

Daphne x transatlantica
Eternal Fragrance

Agave attenuata
Foxtail Agave

Lessingia filaginifolia
California Dune Aster

Rosmarinus officinalis ‘Tuscan Blue
Italian Rosemary

Festuca mairei
Mt. Atlas Fescue

Kniphofia uvaria hybrids
Red-hot Poker

Olea europaea ‘Little Ollie’
Dwarf Olive

Sporobolus airoides
Sporobolus airoides

Achillea millefolium ‘coronation gold’
Common Yarrow

Myrica californica
Pacific Wax myrtle

Calycanthus occidentalis
Spice Bush

Salvia rosmarinus
Rosemary

Salvia sonomensis Bee’s Bliss
Bee’s Bliss Sage

30 sec. walk

0 20 40 60 80 100 120 160'

1" = 20' *at 24" x 36"*

PARCEL 3
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan

January 8, 2021

W101

TREES

Chinese Elm
Ulmus parvifolia

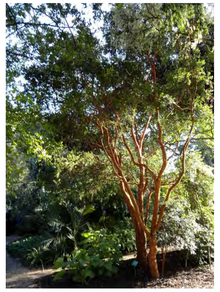
Zelkova
Zelkova serrata cv.

Ginkgo 'Autumn Gold'
Ginkgo biloba 'Autumn

Guadalupe Fan Palm
Brahea edulis

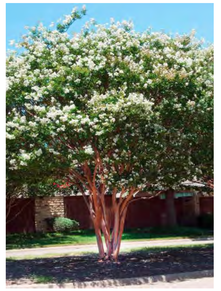
Peppermint Tree
Agonis flexuosa

Swan Hill Olive
Olea europaea 'Swan Hill'



Chilean Myrtle
Luma apiculate

Arapaho Crape Myrtle
Lagerstroemia indica x faueri 'Arapaho'

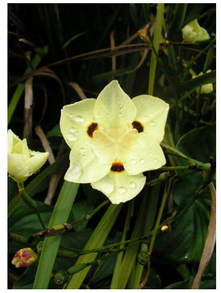


Natchez Crape Myrtle
Lagerstroemia indica x fauriei 'Natchez'

Jade Butterfly Ginkgo
Ginkgo biloba 'Jade Butterfly'

Venus Dogwood
Cornus 'Venus'

SHRUBS, PERENNIALS, GRASSES AND GROUND COVERS



Dietes
Dietes spp.

Baby Bliss Flax Lily
Dianella revoluta 'Baby Bliss'

Dwarf Red Kangaroo Paw
Anigozanthos 'Dwarf Red'

Weeping Lantana
Lantana montevidensis 'White Lightning'

Finescape Lomandra
Lomandra confertifolia

Platinum Beauty Lomandra
Lomandra longifolia 'Platinum Beauty'

Breeze Dwarf Mat Rush
Lomandra longifolia

Dwarf Germander
Teucrium chamaedrys 'nanum'

Snow in Summer
Cerastium tomentosum

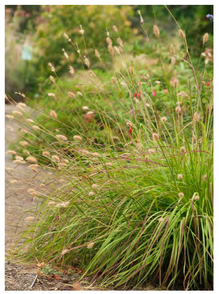
Elijah Blue Fescue
Festuca glauca 'Elijah Blue'

Small Cape Rush
Chondropetalum tectorum

Sheep's Fescue
Festuca amethystina

Berkeley Sedge
Carex divulsa

Amazing Red New Zealand Flax
Phormium 'Amazing Red'



Red Bunny Tails Fountain Grass
Pennisetum massaicum

Blue Oat Grass
Helictotrichon sempervirens

Mexican Feather Grass
Stipa tennuissima

CENTER STREET

WEST STREET

EAST STREET

PARK STREET

STOP

30 seconds Walk

0 20 40 60 80 100 120 160'

1" = 20' at 22" x 34"

PARCEL 4
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan

January 8, 2021

W103

TREE PALETTE

Platanus × acerifolia
London Plane

Magnolia grandiflora
Magnolia Tree

Zelkova serrata
Japanese Zelkova

Platanus × acerifolia
London Plane

Quercus suber
Cork Oak

Arbutus Marina
Strawberry Tree

Quercus virginiana
Southern Live Oak

Olea europaea 'Swan Hill'
Swan Hill Olive

Lyonothamnus floribundus
Catalina Ironwood

Myrica californica
Pacific Wax myrtle

Prunus ilicifolia
Hollyleaf cherry

Ceanothus
California lilacs

UNDERSTORY PALETTE

Verbena lilacina
Purple Cedros Island Verbena

Arctostaphylos 'John Dourley'
John Dourley Manzanita

Bouteloua gracilis 'Blonde Ambition'
mosquito grass

Arctostaphylos manzanita
whiteleaf manzanita

Aristida purpurea
Purple three-awn

Carpenteria californica
Tree Anemone

Ceanothus thyrsiflorus
Blue blossom ceanothus

Daphne x transatlantica
Eternal Fragrance

Agave attenuata
Foxtail Agave

Lessingia filaginifolia
California Dune Aster

Rosmarinus officinalis 'Tuscan Blue
Italian Rosemary

Festuca mairei
Mt. Atlas Fescue

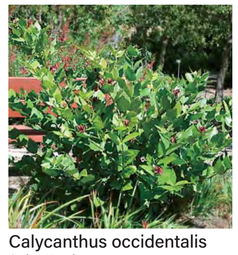
Kniphofia uvaria hybrids
Red-hot Poker

Olea europaea 'Little Ollie'
Dwarf Olive

Sporobolus airoides
Sporobolus airoides

Achillea millefolium 'coronation gold'
Common Yarrow

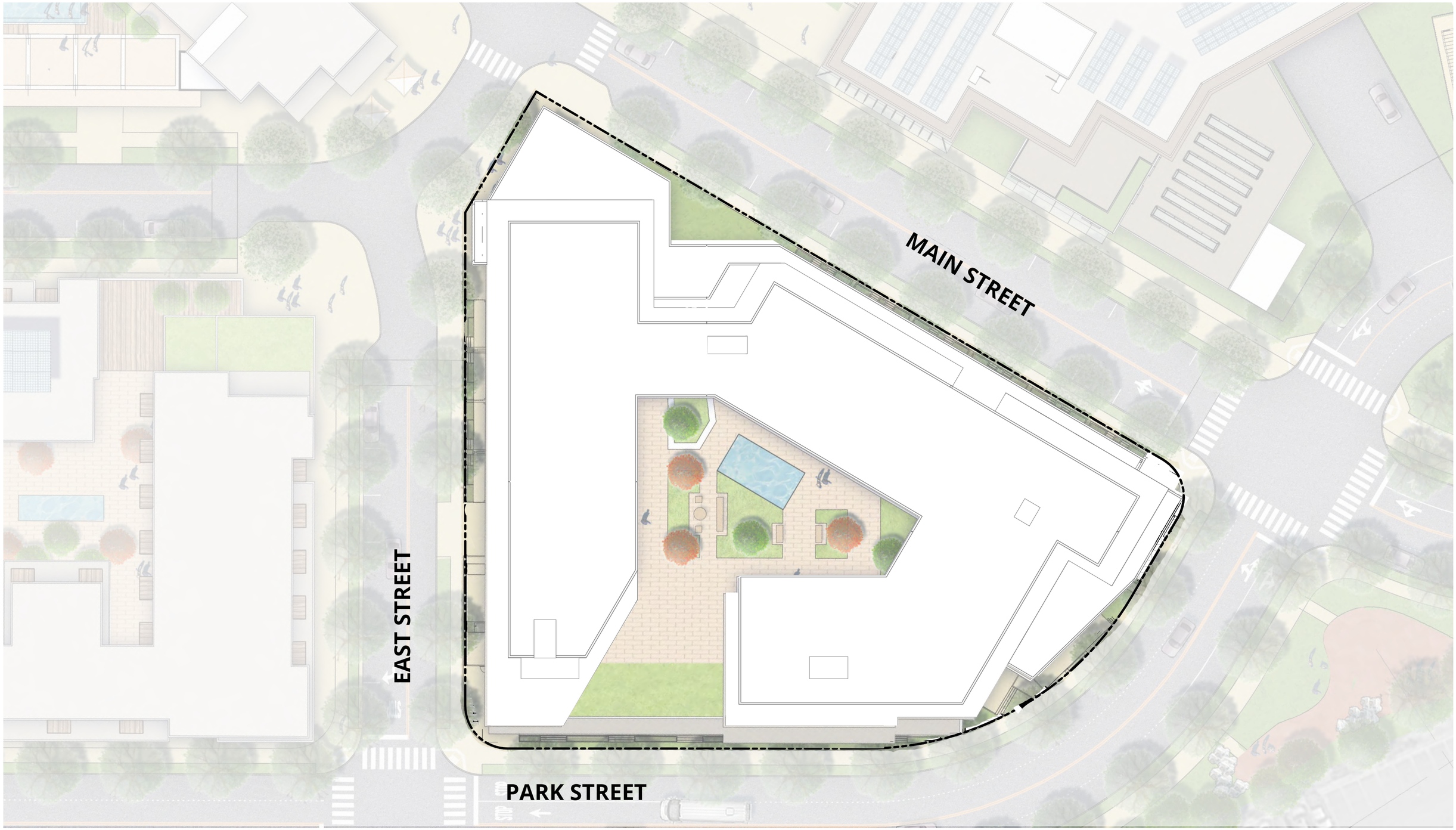
Myrica californica
Pacific Wax myrtle



Calycanthus occidentalis
Spice Bush

Salvia rosmarinus
Rosemary

Salvia sonomensis Bee's Bliss
Bee's Bliss Sage



PARCEL 5
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

W105

TREE PALETTE

Platanus × acerifolia
London Plane

Magnolia grandiflora
Magnolia Tree

Zelkova serrata
Japanese Zelkova

Platanus × acerifolia
London Plane

Quercus suber
Cork Oak

Arbutus Marina
Strawberry Tree

Quercus virginiana
Southern Live Oak

Olea europaea 'Swan Hill'
Swan Hill Olive

Lyonothamnus floribundus
Catalina Ironwood

Myrica californica
Pacific Wax myrtle

Prunus ilicifolia
Hollyleaf cherry

Ceanothus
California lilacs

UNDERSTORY PALETTE

Verbena lilacina
Purple Cedros Island Verbena

Arctostaphylos 'John Dourley'
John Dourley Manzanita

Bouteloua gracilis 'Blonde Ambition'
mosquito grass

Arctostaphylos manzanita
whiteleaf manzanita

Aristida purpurea
Purple three-awn

Carpenteria californica
Tree Anemone

Ceanothus thyrsiflorus
Blue blossom ceanothus

Daphne x transatlantica
Eternal Fragrance

Agave attenuata
Foxtail Agave

Lessingia filaginifolia
California Dune Aster

Rosmarinus officinalis 'Tuscan Blue
Italian Rosemary

Festuca mairei
Mt. Atlas Fescue

Kniphofia uvaria hybrids
Red-hot Poker

Olea europaea 'Little Ollie'
Dwarf Olive

Sporobolus airoides
Sporobolus airoides

Achillea millefolium 'coronation gold'
Common Yarrow

Myrica californica
Pacific Wax myrtle

Calycanthus occidentalis
Spice Bush

Salvia rosmarinus
Rosemary

Salvia sonomensis Bee's Bliss
Bee's Bliss Sage

30 seconds Walk

0 20 40 60 80 100 120 160'

1" = 20' at 24" x 36"

PARCEL 6
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

W107

Carex divulsa
European Grey Sedge

Chondropetalum tectorum
Small Cape Rush

Juncus patens
Common Rush

Symphoricarpos albus
Common Snowberry

Acer rubrum 'Armstrong'
Armstrong Red Maple

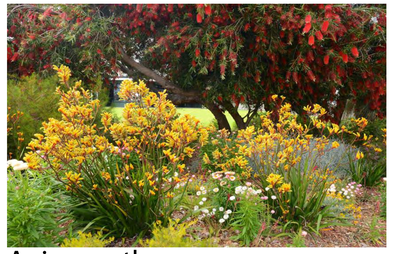
Cedrus deodara
Deodar Cedar

Gingko biloba 'Princeton Sentry'
Princeton Sentry Maidenhair Tree

Pinus canariensis
Canary Island Pine

Salvia elegans
Pineapple Sage

Lomandra longifolia
Spiny Headed Mat Rush



Anigozanthos var.
Kangaroo Paw

Calamagrostis x acutiflora 'Karl Foerster'
Feather Reed Grass

Hesperaloe parviflora
Red Yucca

Bouteloua gracilis 'Blonde Ambition'
Blonde Ambition Blue Grama Grass

Muhlenbergia capillaris 'Pink Muhly'
Pink Muhly Grass

Salvia 'Anthony Parker'
Anthony Parker Bush Sage

Aspidistra elatior
Cast Iron Plant

Dicksonia Antarctica
Soft Tree Fern

Salvia spathacea
Humming Bird Sage

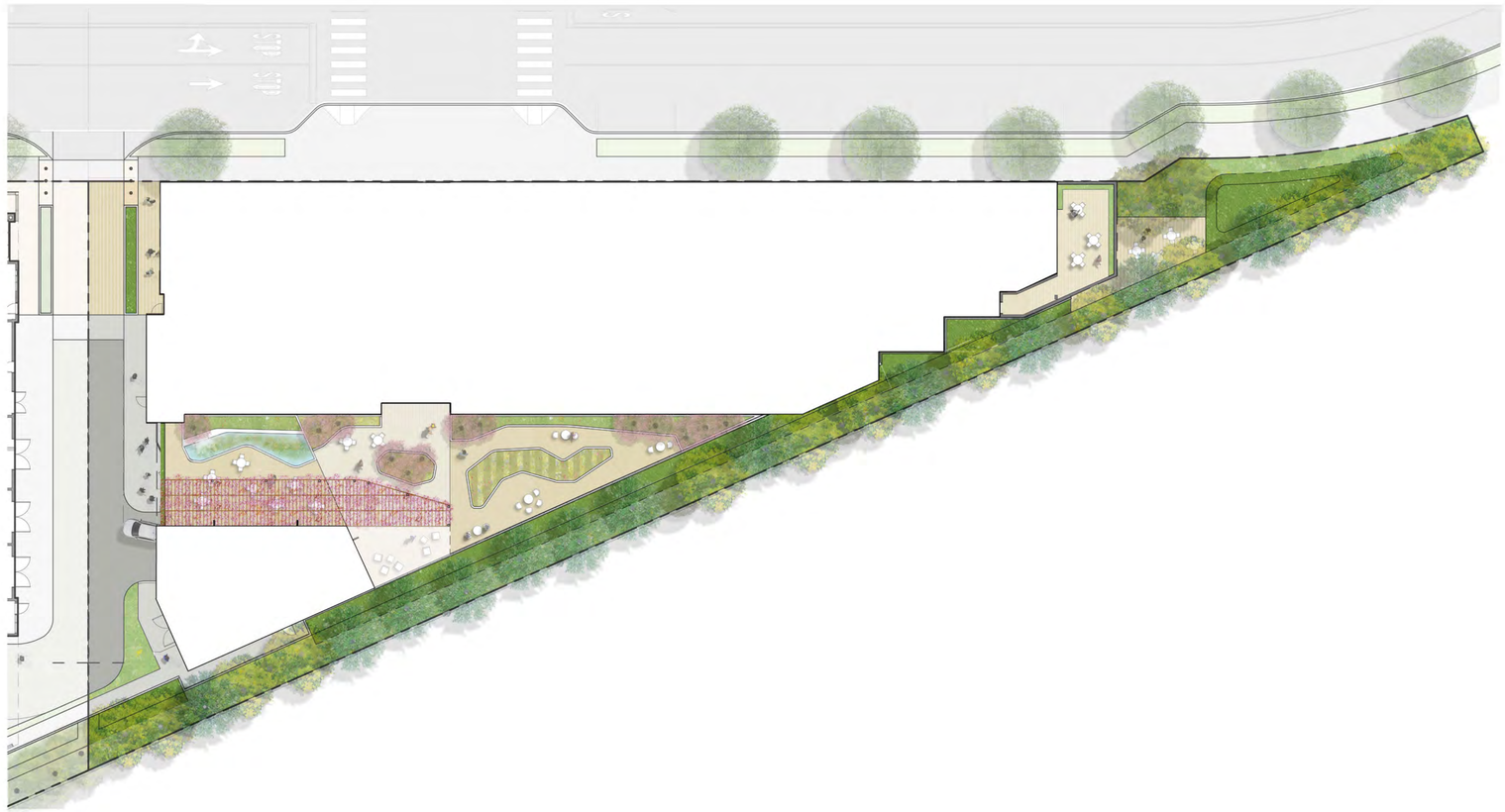
Woodwardia fimbriata
Giant Chain Fern

Agave attenuata
Century Plant

Calamagrostis foliosa
Leafy Reedgrass

Euphorbia rigida
Gopher Spurge

Washingtonia Robusta
Mexican Fan Palm



30 seconds Walk

0 20 40 60 80 100 120 160'

1" = 20' at 24" x 36"

PARCEL 7
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

L1.00
Conceptual Landscape Plan
January 8, 2021

W109

Carex divulsa
European Grey Sedge

Chondropetalum tectorum
Small Cape Rush

Juncus patens
Common Rush

Symphoricarpos Albus
Common Snowberry

Acer rubrum 'Armstrong'
Armstrong Red Maple

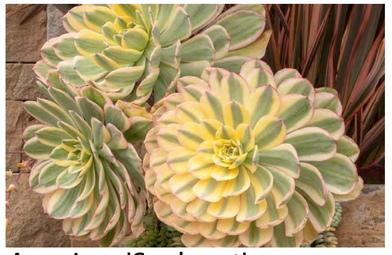
Cedrus deodara
Deodar Cedar

Gingko biloba 'Princeton Sentry'
Princeton Sentry Maidenhair Tree

Pinus canariensis
Canary Island Pine

Heuchera maxima
Island Alum Root

Polystichum munitum
Western Sword Fern



Aeonium 'Sunburst'
Copper Pinwheel

Gardenia jasminoides 'Leetwo'
Gardenia

Lavandula x intermedia
Lavender

Olea europaea 'Montra'
Little Ollie Dwarf Olive

Perovskia atriplicifolia
Russian Sage

Rosemary officinalis 'Chef's Choice'
Chef's Choice Rosemary

Salvia microphylla 'Killer Cranberry'
Autumn Sage

Salvia microphylla 'Little Kiss'
Cherry Sage

Westringia fruticosa
Coastal Rosemary

Bambusa multiplex 'Golden Goddess'
Golden Goddess Bamboo

Bambusa textilis 'Gracilis'
Slender Weavers

Anigozanthos Hybrid
Kangaroo Paw

Bouteloua 'Blonde Ambition'
Blue Grama Grass

Calandrinia Grandiflora
Rock Purslane

LEGEND

	BOTANIC NAME (COMMON NAME)	QUANTITY	SIZE	WUCOLS
	Existing Tree to Remain *Pinus canariensis* (Canary Island Pine)	23	-	-
	Alnus rhombifolia (White Alder)	10	48" box	High
	Arbutus 'Marina' (Marina Arbutus)	13	48" box	Low
	Magnolia grandiflora (Southern Magnolia)	21	48" box	Medium
	Pinus canariensis (Canary Island Pine)	33	48" box	Low
	Pistacia chinensis (Chinese Pistache)	2	48" box	Low
	Platanus x *acerifolia* 'Morton Circle' (Exclamation London Plane Tree)	118	48" box	Medium
	Platanus racemosa (California Sycamore)	53	48" box	Medium
	Ulmus parvifolia cv. (Chinese Elm)	38	48" box	Low
	Zelkova serrata cv. (Zelkova)	68	60" box	Medium
	Total Proposed Tree	356		

Note: Structural soil to be used under sidewalk and plaza adjoining street trees.

TREE VALUATION

QUANTITY	UNIT SIZE	UNIT VALUE	VALUE
0	#5	$ 100	$ -
55	#5	$ 200	$ 11,000
369	24" box	$ 400	$ 147,000
103	36" box	$ 1,200	$ 123,000
670	48" box	$ 5,000	$ 3,350,000
110	60" box	$ 7,000	$ 770,000
294	72" box	$ 10,000	$ 2,940,000
12	84" box	$ 12,000	$ 144,000
34	96" box	$ 15,000	$ 510,000
2	108" box	$ 17,000	$ 34,000
2	120" box	$ 20,000	$ 40,000
1,651			$ 8,070,000

Note: Current valuation includes all proposed trees within Willow Village, and excludes the publicly accessible park. Pending park design.

White Alder
Alnus rhombifolia

Marina Arbutus
Arbutus 'Marina'

Southern Magnolia
Magnolia grandiflora

Canary Island Pine
Pinus canariensis

Chinese Pistache
Pistacia chinensis

Exclamation London Plane Tree
Platanus x acerifolia 'Morton Circle'

California Sycamore
Platanus racemosa

Chinese Evergreen Elm
Ulmus parvifolia cv.

Zelkova
Zelkova serrata cv.

WATER USE ESTIMATION & IRRIGATION SCHEDULE - PUBLIC REALM

WATER TYPE	Recycled
CITY	Palo Alto
ETO	43.1
DATE	

Nearest City to project with published ET data

REGULAR LANDSCAPE AREAS

STATION/HYDROZONE	GPM	AREA (sq.ft) (HA)	WATER USE TYPE (LW=LOW, MW=MOD, HW=HIGH)	PLANT TYPE	IRRIGATION TYPE	PLANT FACTOR (PF)	IRRIGATION EFFICIENCY (IE)	PRECIP. RATE/ APPLICATION RATE (IN/HR)	ETAF (PF/IE)	CYCLES PER DAY	DAYS PER WEEK	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ETWU (GALLONS PER YEAR)	PERCENTAGE OF LANDSCAPE
												MONTHLY ETO													
												1.5	1.8	2.8	3.8	5.2	5.3	6.2	5.6	5.0	3.2	1.7	1.0		
												TOTAL RUN TIME IN MINUTES PER DAY													
Trees - Low	0	31737	LW	SHRUB DC LW	DRIP LINE 12"	0.3	0.81	0.9	0.4	2	2	0.0	0.0	8.0	11.0	15.0	15.0	18.0	16.0	14.0	9.0	5.0	0.0	215,132	18%
Trees - Med	0	48086	MW	SHRUB DC LW	DRIP LINE 12"	0.5	0.81	0.9	0.6	2	2	0.0	0.0	14.0	18.0	25.0	25.0	29.0	27.0	24.0	15.0	8.0	0.0	793,182	41%
Trees - High	0	3300	MW	SHRUB DC HW	DRIP LINE 12"	0.8	0.81	0.9	1.0	2	3	0.0	0.0	14.0	19.0	25.0	27.0	31.0	29.0	25.0	15.0	9.0	0.0	26,392	1%
Shrubs	0	53909	LW	SHRUB DC LW	DRIP LINE 12"	0.3	0.81	0.9	0.4	2	2	0.0	0.0	8.0	11.0	15.0	15.0	18.0	16.0	14.0	9.0	5.0	0.0	324,712	28%
BTA	0	14935	LW	SHRUB DC LW	SPRAY	0.3	0.75	1.6	0.4	2	2	0.0	0.0	5.0	7.0	9.0	9.0	11.0	10.0	9.0	6.0	3.0	0.0	159,680	13%
	TOTAL	118,571																					TOTAL	1,554,706	66%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	AREA (sq.ft) (HA)	Percentage of Landscape
ALL		118,571	
		118,571	100%

MAWA	GALLONS/YR	3,188,454
	ACRE FEET/YR	9.72
	HCF/YR	4,235.90
ETWU	GALLONS/YR	1,554,706
	ACRE FEET/YR	3.18
	HCF/YR	1,383.30

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
65.4%	0.26	YES

ETAF Calculations	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	38,721
TOTAL AREA	118,571
AVG. ETAF	32.66%

THE IRRIGATION VALVE SCHEDULE SHOWN ABOVE IS INTENDED TO BE USED AS A GUIDELINE ONLY AND INDICATES THE APPROXIMATE RUN TIMES IN MINUTES FOR EACH VALVE BASED ON ESTIMATED WEEKLY WATER REQUIREMENTS FOR ESTABLISHED PLANT MATERIAL. THE TIMES SHOWN ARE APPROXIMATE AND HAVE BEEN DEVELOPED FROM LOCAL AND CURRENT AVERAGES FOR EVAPOTRANSPIRATION, AND REFLECTIVE WATER REQUIREMENTS OF THE PLANT MATERIAL BASED ON PLANT TYPE AND THE APPROXIMATE PRECIPITATION OR APPLICATION RATES OF THE IRRIGATION SYSTEM TYPE. ACTUAL RUN TIMES MAY BE DIFFERENT DEPENDING ON A VARIETY OF FACTORS INCLUDING TOPOGRAPHY, SOIL STRUCTURE, SUN AND WIND EXPOSURE, WEATHER, ACTUAL PLANT WATER REQUIREMENTS, OVERALL PRECIPITATION RATE OF ZONE, ETC.

MAWA FORMULA
MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR
MAWA = (ETo)(0.62)(LA x 0.45) + (0.55 x SLA)]

ETo = REFERENCE EVAPOTRANSPIRATION

0.45= ET ADJUSTMENT FACTOR

LA=LANDSCAPED AREA (SQUARE FEET)
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA
ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR
ETWU= (ETO)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION

PF = PLANT FACTOR FOR HYDROZONES

HA = HYDROZONE AREA (SQ.FT)
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

California Sycamore
Platanus racemosa

Chinese Evergreen Elm
Ulmus parvifolia cv.

Zelkova
Zelkova serrata cv.

Agave
Agave spp.

Berkeley Sedge
Carex divulsa

Dietes
Dietes spp.

New Zealand Flax
Phormium cv.

Aloe
Aloe spp.

California Wild Lilac
Ceanothus spp.

Grevillea
Grevillea 'Noelii'

Rosemary
Rosmarinus officinalis cv.

Kangaroo Paw
Anigozanthos cv.

Small Cape Rush
Chondropetalum tectorum

Pine Muhly
Muhlenburgia dubia

Sage
Salvia spp.

MASTER PLAN
Peninsula Innovation Partners
Conditional Development Permit

WILLOW VILLAGE

Menlo Park, CA

G5.20
Conceptual Representative Shrub Palette
December 23, 2021

W113

Appendix C. Résumés

Robin J. Carle, MS

Wildlife Ecology

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408.458.3241

H. T. HARVEY & ASSOCIATES
Ecological Consultants
50 years of field notes, exploration, and excellence

HIGHLIGHTS

- 14 years of experience
- Avian ecology
- Environmental impact assessment
- Endangered Species Act consultation and compliance
- Nesting bird and burrowing owl surveys and monitoring
- Other special-status wildlife surveys and habitat assessments
- Bird-safe design

EDUCATION

MS, Fish and Wildlife Management, Montana State University

BS, Ecology, Behavior, and Evolution, University of California, San Diego

PERMITS AND LICENSES

Listed under CDFW letter permits to assist with research on bats, California tiger salamanders, California Ridgway's rails, and California black rails

USFWS 10(a)(1)(A) for California tiger salamander

PROFESSIONAL EXPERIENCE

Associate ecologist, H. T. Harvey & Associates, 2007–present

Volunteer bird bander, San Francisco Bay Bird Observatory, 2010–20

Avian field technician, West Virginia University, 2006

Graduate teaching assistant, Montana State University, 2003–06

Avian field technician, Point Blue Conservation Science (formerly PRBO Conservation Science), 2004

PROFESSIONAL PROFILE

Robin Carle is an associate wildlife ecologist and ornithologist at H. T. Harvey & Associates, with more than 14 years of experience working in the greater San Francisco Bay Area. Her expertise is in the nesting ecology of passerine birds, and her graduate research focused on how local habitat features and larger landscape-level human effects combine to influence the nesting productivity of passerine birds in the Greater Yellowstone region. She also banded, sexed, and aged resident and migrant passerine birds with the San Francisco Bay Bird Observatory for 10 years.

With an in-depth knowledge of regulatory requirements for special-status species, Robin has contributed to all aspects of client projects including NEPA/CEQA documentation, bird-safe design assessments, biological constraints analyses, special-status species surveys, nesting bird and raptor surveys and monitoring, construction implementation/permit compliance, Santa Clara Valley Habitat Plan/Natural Community Conservation Plan applications and compliance support, and natural resource management plans. Her strong understanding of CEQA, FESA, and CESA allows her to prepare environmental documents that fully satisfy the regulatory requirements of the agencies that issue discretionary permits. She manages field surveys, site assessments, report preparation, agency and client coordination, and large projects.

BIRD-SAFE DESIGN EXPERIENCE

Provides bird-safe design support for **development projects for major technology companies in Sunnyvale and Mountain View** including the preparation of avian collision risk assessments, sections of CEQA documents, assessments of project compliance with City requirements, design recommendations, avian collision monitoring plans, and calculations of qualification for LEED Pilot Credit 55.

Provided bird-safe design support for a **development project in Berkeley** including the preparation of an avian collision risk assessment and development of bird-safe design features.

Served as project manager for the preparation of an **avian collision risk assessment for the CityView Plaza project** in San José, and prepared recommendations to minimize the potential for bird nesting and perching on the building following construction.

Served as project manager for the preparation of **avian collision risk assessments for the Menlo Uptown and Menlo Portal** projects in Menlo Park, which included assessments of the potential for avian collisions to occur with the proposed buildings and the potential significance (e.g., under CEQA) of such an impact.

Provided bird-safe design support for **development at Oyster Point in South San Francisco** including the preparation of an avian collision risk assessment and providing project-specific bird-safe design measures to ensure project compliance with CEQA requirements.

Stephen C. Rottenborn, PhD
Principal, Wildlife Ecology

srottenborn@harveyecology.com
408.458.3205

H. T. HARVEY & ASSOCIATES
Ecological Consultants
50 years of field notes, exploration, and excellence

HIGHLIGHTS

- 28 years of experience
- Avian ecology
- Wetlands and riparian systems ecology
- Endangered Species Act consultation
- Environmental impact assessment
- Management of complex projects

EDUCATION

PhD, Biological Sciences, Stanford University

BS, Biology, College of William and Mary

PROFESSIONAL EXPERIENCE

Principal, H. T. Harvey & Associates, 1997–2000, 2004–present

Ecology section chief/environmental scientist, Wetland Studies and Solutions, Inc., 2000–04

Independent consultant, 1989–97

MEMBERSHIPS AND AFFILIATIONS

Chair, California Bird Records Committee, 2016–19

Member, Board of Directors, Western Field Ornithologists, 2014–20

Scientific associate/advisory board, San Francisco Bay Bird Observatory, 1999–2004, 2009–18

Member, Board of Directors, Virginia Society of Ornithology, 2000–04

PUBLICATIONS

Erickson, R. A., Garrett, K. L., Palacios, E., Rottenborn, S. C., and Unitt, P. 2018. Joseph Grinnell meets eBird: Climate change and 100 years of latitudinal movement in the avifauna of the Californias, in Trends and traditions: Avifaunal change in western North America (W. D. Shuford, R. E. Gill Jr., and C. M. Handel, eds.), pp. 12–49. Studies of Western Birds 3. Western Field Ornithologists, Camarillo, CA.

Rottenborn, S. C. 2000. Nest-site selection and reproductive success of red-shouldered hawks in central California. Journal of Raptor Research 34:18-25.

Rottenborn, S. C. 1999. Predicting the impacts of urbanization on riparian bird communities. Biological Conservation 88:289-299.

Rottenborn, S. C. and E. S. Brinkley. 2007. Virginia's Birdlife. Virginia Society of Ornithology, Virginia Avifauna No. 7.

PROFESSIONAL PROFILE

Dr. Steve Rottenborn is a principal in the wildlife ecology group in H. T. Harvey & Associates' Los Gatos office. He specializes in resolving issues related to special-status wildlife species and in meeting the wildlife-related requirements of federal and state environmental laws and regulations. Combining his research and training as a wildlife biologist and avian ecologist, Steve has built an impressive professional career that is highlighted by a particular interest in wetland and riparian communities, as well as the effects of human activities on bird populations and communities. Steve's experience extends to numerous additional special-status animal species. The breadth of his ecological training and project experience enables him to expertly manage multidisciplinary projects involving a broad array of biological issues.

He has contributed to more than 800 projects involving wildlife impact assessment, NEPA/CEQA documentation, biological constraints analysis, endangered species issues (including California and Federal Endangered Species Act consultations), permitting, and restoration. Steve has conducted surveys for a variety of wildlife taxa, including a number of threatened and endangered species, and contributes to the design of habitat restoration and monitoring plans. In his role as project manager and principal-in-charge for numerous projects, he has supervised data collection and analysis, report preparation, and agency and client coordination.

PROJECT EXAMPLES

Principal-in-charge for **bird-safe design support for more than 40 development projects** in more than 10 cities throughout the San Francisco Bay area. This work has entailed preparation of avian collision risk assessments, sections of CEQA documents, assessments of project compliance with requirements of the lead agency, design recommendations (e.g., related to the selection of bird-safe glazing), and avian collision monitoring plans.

Senior wildlife ecology expert on the South Bay Salt Pond restoration project — the largest (~15,000-acre) restoration project of its kind in the western United States.

Served on the **Technical Advisory Committees/Expert Panels for the Santa Clara Valley Water District's Upper Penitencia Creek, One Water, Science Advisory Hub, San Tomas/Calabazas/Pond A8 Restoration, and Coyote Creek Native Ecosystem Enhancement Tool** efforts; selected to serve on these panels for his expertise in South Bay wildlife, restoration, and riparian ecology.

Led H. T. Harvey's work on the biological CEQA assessment and permitting for extensive/regional **facilities and habitat management programs for the Santa Clara Valley Water District, San Jose Water Company, County of San Mateo, and Midpeninsula Regional Open Space District**.

Contract manager/principal-in-charge for **Santa Clara Valley Water District's Biological Resources On-Call contract** (four successive contracts, with over 120 task orders, since 2009).