



## REGULAR MEETING AGENDA

**Date:** 6/26/2023  
**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 in-person at **Belle Haven Branch Library, 413 Ivy St.**, where the meeting will be shown live on a big screen using Zoom videoconference technology
- Access the meeting real-time online at:  
[zoom.us/join](https://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](mailto: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.

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## 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 May 15, 2023, Planning Commission meeting. ([Attachment](#))

E2. Approval of minutes from June 5, 2023, Planning Commission meeting. ([Attachment](#))

### F. Public Hearing

F1. Use Permit/John Ray/248 San Mateo Drive:

Consider and adopt resolutions to approve a use permit to demolish an existing single-story, single-family residence and construct a new two-story single-family residence with a basement on a 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 a detached accessory dwelling unit (ADU) which is a permitted use and not subject to discretionary review. ([Staff Report #23-042-PC](#))

F2. 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 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 below market rate (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 for conformance with the approved masterplan, conditional development permit, development agreement, mitigation monitoring and reporting program from 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 is the next phase in the implementation of the Willow Village masterplan project.

This item includes four separate architectural control plans and use permit requests for the office campus, meeting and collaboration space, town square project components (all located on Parcel 1), and the mixed-use residential building on Parcel 2. The office campus and meeting and collaboration space would include approximately eight buildings, the elevated park, and two parking structures with up to 1.6 million square feet (with a maximum of 1.25 million square feet for office uses and the balance for accessory uses), inclusive of approximately 30,041 square feet of retail and restaurant uses. The meeting and collaboration space project also includes the publicly accessible elevated park. The town square includes approximately 4,778 square feet of retail and restaurant use and an approximately 1.5 acre publicly accessible open space that would be predominately hardscape with landscape planting features. The residential mixed-use building on Parcel 2 would include up to approximately 328 dwelling units with a ground floor grocery store of approximately 46,768 square feet. The proposals include associated use permit requests for modifications to design standards (e.g. setbacks, stepbacks, modulation and projections, base height, frontage landscaping, building/garage entrances) not included in the conditional development permit; determine this action is consistent with the environmental impact report prepared for the proposed project and certified by the City Council on December 6, 2022. ([Staff Report #23-043-PC](#))

F3 and G1 are associated items with a single staff report

- F3. Environmental Impact Report (EIR) Scoping Session/O'Brien Drive Portfolio LLC/1300-1320 Willow Road, 975-995 and 1001-1015 O'Brien Drive: Public hearing to receive comments on the Initial Study (IS) and Notice of Preparation (NOP) for the proposed 1005 O'Brien Drive and 1320 Willow Road Project that would redevelop the project site (985-1005 O'Brien Drive and 1320 Willow Road). The proposed project includes requests for a development agreement, architectural control, use permit, lot line adjustment, lot merger, and environmental review. The project would demolish three existing, one-story commercial buildings on three parcels and construct one new five-story building for research and development (R&D) uses, one new four-story building for R&D uses, and one new seven-story parking structure on two parcels located in the Life Science, Bonus (LS-B) zoning district. The proposed project would be constructed in two phases, with the five-story R&D/office building and five levels of the parking structure to be developed in the first phase and the four-story R&D/office building and the remaining two levels of the parking structure in the second phase. The applicant is proposing a development agreement to extend the life of the entitlements in order to account for a potential delay of approximately 10 years between the two phases. The proposed total gross floor area of the project would be approximately 228,081 square feet of R&D space with a floor area ratio (FAR) of 1.24. The proposal includes a request for an increase in height and FAR under the bonus level development provisions in exchange for community amenities. The applicant is proposing payment of a community amenities in-lieu fee. The project includes a hazardous materials use permit request to allow two diesel generators, one for each proposed building, to operate the facilities in the event of a power outage or emergency. The project includes a request to modify the design standards related to major building modulations to allow the modulation on the south elevation of the 1005 O'Brien Drive building to extend to the second floor (approximately 34 feet) instead of extending to 45 feet, which is the required base height. The proposed project is requesting an exception from the City's reach code to allow for the use of natural gas for space conditioning in the laboratory spaces of both buildings. The proposed project also includes a request to remove seven heritage trees. An Initial Study has been prepared and is included with the Notice of Preparation (NOP) for the proposed project. The NOP and Initial Study were released on Friday,

June 2, 2023. The Initial Study scopes out the following environmental topics from further review: aesthetics, agricultural and forestry resources, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise (operation – airport or air strip noise), public services, recreation, utilities and service systems, and wildfire. The focused EIR will address potential physical environmental effects of the proposed project that have not been scoped out, as outlined in the California Environmental Quality Act (CEQA), in the following areas: transportation, population and housing, air quality, greenhouse gas emissions, and noise (operation – traffic noise, construction noise and vibration). The City is requesting comments on the scope and content of this focused EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. Comments on the scope and content of the focused EIR are due by 5:30 p.m. on Wednesday, July 5, 2023. ([Staff Report #23-044-PC](#))

## **G. Study Session**

### **G1. Study Session/O'Brien Drive Portfolio LLC/1300-1320 Willow Road, 975-995 and 1001-1015 O'Brien Drive:**

Request for a study session for a development agreement, architectural control, use permit, lot line adjustment, lot merger, and environmental review for the proposed 1005 O'Brien Drive and 1320 Willow Road Project that would redevelop the project site (985-1005 O'Brien Drive and 1320 Willow Road). The project would demolish three existing, one-story commercial buildings on three parcels and construct one new five-story building for research and development (R&D) uses, one new four-story building for R&D uses, and one new seven-story parking structure on two parcels located in the Life Science, Bonus (LS-B) zoning district. The proposed project would be constructed in two phases, with the five-story R&D/office building and five levels of the parking structure to be developed in the first phase and the four-story R&D/office building and the remaining two levels of the parking structure in the second phase. The applicant is proposing a development agreement to extend the life of the entitlements in order to account for a potential delay of approximately 10 years between the two phases. The proposed total gross floor area of the project would be approximately 228,081 square feet of R&D space with a floor area ratio (FAR) of 1.24. The proposal includes a request for an increase in height and FAR under the bonus level development provisions in exchange for community amenities. The applicant is proposing payment of a community amenities in-lieu fee. The project includes a hazardous materials use permit request to allow two diesel generators, one for each proposed building, to operate the facilities in the event of a power outage or emergency. The project includes a request to modify the design standards related to major building modulations to allow the modulation on the south elevation of the 1005 O'Brien Drive building to extend to the second floor (approximately 34 feet) instead of extending to 45 feet, which is the required base height. The proposed project is requesting an exception from the City's reach code to allow for the use of natural gas for space conditioning in the laboratory spaces of both buildings. The proposed project also includes a request to remove seven heritage trees. ([Staff Report #23-044-PC](#))

## **H. Informational Items**

H1. 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: July 10, 2023

- Regular Meeting: July 24, 2023

## I. 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](mailto: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.

Agendas are posted in accordance with Cal. Gov. Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the city website at [menlopark.gov/agendas](http://menlopark.gov/agendas) and can receive email notifications of agenda postings by subscribing at [menlopark.gov/subscribe](http://menlopark.gov/subscribe). Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 6/22/2023)



## REGULAR MEETING DRAFT MINUTES

**Date:** 5/15/2023  
**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

Chair Cynthia Harris called the meeting to order at 7:00 p.m.

### B. Roll Call

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

Staff: Christine Begin, Planning Technician; Kyle Perata, Planning Manager; Matt Pruter, Associate Planner

### C. Reports and Announcements

Kyle Perata, Planning Manager, announced an advisory body and commissions training event on May 16, 2023. He said the City Council at its May 23, 2023 meeting would review the Planning Commission's denial of a use permit for 100 Terminal Avenue and the Planning Commission's approval of a use permit and architectural control for 961 El Camino Real both of which actions were called up by separate council members under the call up policy process. He said at the same meeting the Council would consider the Planning Commission's recommendation for approval of the revisions to the planned development permit for 700-800 El Camino Real.

### D. Public Comment

Chris Kummer, an architect, expressed concern that Menlo Park Planning Division staff enforced unwritten policies and shared various personal experiences of projects of his that he thought illustrated that and requested that if policies were important that they be codified so applicants were clear on what was required.

### E. Consent Calendar

- E1. Approval of minutes and court report transcript from April 10, 2023, Planning Commission meeting. (Attachment)

ACTION: Motion and second (Barnes/Schindler) to approve the Consent Calendar consisting of minutes and court report transcript from the April 10, 2023 Planning Commission meeting; passes 6-1-0 with Commissioner Do abstaining.

## **F. Public Hearing**

- F1. Sign Review/Amrita Meher/2 Meta Way:  
Consider and adopt a resolution to approve three illuminated signs with bright colors (red) comprising more than 25 percent of the signage area. Two of the signs would be new wall-mounted signs featuring lettering greater than 24 inches in size, and one freestanding monument sign is also proposed. The signage is associated with the citizenM hotel located on the Meta West Campus, in the O (Office) zoning district and regulated by a conditional development permit; Determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities and determine this action is consistent with the certified EIR and the first and second addenda to the certified EIR for the Facebook Campus Expansion Project. (Staff Report #23-034-PC)

Associate Planner Matt Pruter noted staff had no additions to the written report.

Ben McGee, citizenM Hotels, spoke on behalf of the sign proposal project.

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

ACTION: Motion and second (Barnes/Riggs) to adopt a resolution to approve three illuminated signs with bright colors (red) comprising more than 25 percent of the signage area and determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities and determine this action is consistent with the certified EIR and the first and second addenda to the certified EIR for the Facebook Campus Expansion Project; passes 7-0.

## **G. Study Session**

- G1. Study Session/MidPen Housing Corporation/795 Willow Road (Menlo Park Veterans Affairs Campus):  
Request for a study session for a proposed three-story, 62-unit, multifamily affordable housing development located in the P-F (Public Facilities) zoning district on the Menlo Park Veteran Affairs Campus at 795 Willow Road. The proposed affordable housing development is being evaluated for consistency with the R-4-S (High Density Residential, Special) zoning district; Study sessions are not CEQA projects. (Staff Report #23-035-PC)

Planner Pruter presented the item.

Cynthia Luzod, MidPen Housing Corporation, introduced Abby Goldware Potluri, Director of Housing Development, and Alazar Malaban, project associate at MidPen and the architect team of Elaine Wong and Rick Williams from Van Meter Williams Pollack, and landscape architect Leah Farley, Jett Landscape Architecture, and Kathleen Negly, arborist with Aeschylus Consulting.

Ms. Luzod said they found in doing community outreach that there was excitement around affordable housing for veterans, strong interest in tree preservation and curiosity about what services residents would receive. She said of the 125 existing trees they would preserve 94 of which 72 were heritage trees.

Rick Williams, architect, presented the proposed design. He said they tried to minimize impact on the trees and located the building against the lease boundary to be as far from the street as

possible. He noted a combination of natural landscaping along Willow Road, a community garden and additional trees placed along the frontage. He said the units were predominantly one-bedroom with seven units being two- and three-bedrooms, which plan was developed by the VA based on known need.

Chair Harris opened public comment.

Public Comment:

- Kathleen Daly, small business owner in the Willows, expressed support for the proposal.

Chair Harris closed public comment.

Discussion Comment: Commissioner Riggs asked about backup energy sources noting an all-electric building. Ms. Abby Goldware Potluri said they were looking at batteries that might power smaller spaces like their community rooms where residents could gather if needed as a safe place. She said they would follow up with the VA and find out what it already had for backup generators.

Commissioner Riggs noted the intersection of Hospital Drive and Willow Road noting it was challenging at certain times of the day and asked if there were any plans to upgrade the traffic signal. Mr. Perata said he would need to follow up separately to answer that as it would be a city project.

Replying to Commissioner Barnes, Planner Pruter said the idea behind general compliance (about the letter from the Community Development Director) was looking at standards and guidelines of the R-4-S zone. He said it was somewhat contextual as the property was federally owned but within city limits. He said the intent was attaining something that generally was within the range of certain standards and thresholds. Replying further to Commissioner Barnes, Planner Pruter said looking at setbacks for example and the modulation requirement that the project achieved as close as it could to those while providing high density housing within several site constraints. He said for example there were limitations with the setback in the positioning of the building that inhibited achievement of some complete setback distances.

In response to Commissioner Barnes' question about community outreach, Ms. Luzod said they held a virtual neighborhood meeting and sent out mailers to addresses within 500 feet of the property site. Replying further, she said MidPen on all its projects conducted community outreach whether required or not by a city to know if people had any major concerns.

Commissioner Barnes noted the size of the VA campus and suggested a larger radius would have been more suitable for outreach for this project.

Replying to Commissioner Schindler, Planner Pruter said with respect to the affordable housing overlay (AHO) the proposed project was not exceeding the maximum density at the base level and was considered base level for R-4-S zoning and not applicable to AHO.

Commissioner Schindler expressed support for greater community engagement and awareness particularly for projects relevant to the City's Housing Element. She said feedback they received on this proposed project included preserving trees, considering increased density, questions about the parking ratios, and questions about support services residents would receive. She said efforts to



preserve the trees and the logic behind the parking ratios were well documented. She said she would like more details about increasing density and what support services would be provided. Ms. Luzod said regarding the density that the VA had informed them they wanted 50 to 60 units on the site based on the demand they were seeing from Willow Housing. She said they had checked with the VA on that number in response to comments from the public and the VA was certain about the proposed density. She said regarding services that 35 of the units that had HUD vouchers would have case managers through the VA. She said in addition to services received from the VA that MidPen was planning for 1.5 full time services employees, one of whom would live onsite, providing a combination of general services such as general vocational and educational support, independence and life skills development such as food preparation, computer learning, exercise and nutritional help, and supportive services. She said their supportive services staff also prepared individualized service plans with residents to set goals and plans to help them achieve those.

Commissioner Schindler asked about the proposed fence design, noting its visibility. Ms. Luzod said they wanted the fence to be somewhat permeable to allow for visibility in and outside but noted it was a safety feature. She showed inspirational images of classic ornamental metal fence, which was the direction they were heading.

Mr. Williams said they would use wood trellises throughout the landscaping so where they could on the fence, they would probably change out the columns to be hefty wood with a trellis on it to make it warmer and friendlier noting the need to have a six-foot fence. He said they would try to blend the landscaping in and out of the fence as well as potentially having plants grow on the fence but without creating a wall.

Commissioner Ferrick said what she had seen so far in the proposal seemed to comply with the intended spirit of R-4-S zoning. She said the site plan was thoughtful and had project-enhancing landscape amenities. She said the design of the building was responsive to the neighborhood context and noted the roof line pitch was lower on the street side. She asked about school population impact information.

Ms. Luzod said the project was within the Ravenswood School District. She said she did not have information currently on the project's student generation rate. She noted that basically 10% of the units would be two- and three-bedrooms and they could get more information from the VA on potential student generation from its wait list for housing.

Commissioner Riggs said regarding outreach that Commissioner Barnes' idea to do outreach to the most adjacent neighborhood was good. He said he had a heavy prejudice in favor of this project as it was one that he had been hoping to see for decades.

Commissioner Ehrick asked about the other parking lot to the east and its use. Ms. Luzod said it was for resident, resident staff, and visitor parking use.

Commissioner Ehrick said he was also excited about the project. He noted it was difficult for a pedestrian to cross Willow Road in that area from the Willow Oaks neighborhood. He encouraged the city in the future to consider ways to bring the proposed development into the community by making it possible to cross Willow Road and visit what looked like would be a lovely site.

Replying to Chair Harris, Mr. Perata said staff would follow up on the question about the intersection operations and pedestrian connectivity across Willow Road and follow up with details if there was anything planned.

Commissioner Do said the building sat well on the site, noting the limitations of an existing structure. She said the one area with no trees was a bonus for the community garden site. She said she appreciated the generous distance between parking and the building.

Chair Harris said this was an exciting project that would provide needed housing for veterans. She said she appreciated the landscaping, the green space, the community garden, the dog park, the use of solar and the all-electric building, and the reduced number of parking spaces. She said she thought it met the spirit of the R-4-S zoning well.

## **H. Informational Items**

### **H1. Future Planning Commission Meeting Schedule.**

- Regular Meeting: June 5, 2023

Mr. Perata said the June 5 agenda would shortly be finalized. He said they were tentatively looking at June 20 as the date for a joint meeting of the City Council and Planning Commission.

- Regular Meeting: June 26, 2023

## **I. Adjournment**

Chair Harris adjourned the meeting at 8:53 p.m.

Staff Liaison: Kyle Perata, Planning Manager

Recording Secretary: Brenda Bennett





## REGULAR MEETING DRAFT MINUTES

**Date:** 06/05/2023  
**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

Chair Cynthia Harris called the meeting to order at 7:00 p.m.

### B. Roll Call

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

Staff: Christine Begin, Planning Technician; Calvin Chan, Senior Planner; Nira Doherty, City Attorney; Connor Hochleutner, Assistant Planner; Hugh Louch, Assistant Public Works Director (Transportation); Kyle Perata, Planning Manager; Corinna Sandmeier, Principal Planner; Chris Turner, Associate Planner; Tanisha Werner, Assistant Public Works Director (Engineering)

### C. Reports and Announcements

Principal Planner Corinna Sandmeier said the City Manager held a budget workshop on June 1, 2023 and the public hearing for the fiscal year 2023-2024 budget was planned for the June 13, 2023 City Council meeting, with that budget's approval tentatively planned for the June 27, 2023 City Council meeting.

### D. Public Comment

None

### E. Consent Calendar

Chair Harris pulled item E4 from the consent calendar noting the number of comment letters received about the lighting of the proposed artwork.

Commissioner Do asked that item E2 be pulled from the consent calendar for separate vote as she would abstain.

E1. Approval of minutes from February 6, 2023, Planning Commission meeting. (Attachment)

E3. Approval of minutes from May 1, 2023, Planning Commission meeting. (Attachment)

**ACTION:** Motion and second (Do/Ehrich) to approve the consent calendar consisting of the minutes from the February 6 and May 1, 2023 Planning Commission meetings; passes 7-0.

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

ACTION: Motion and second (Schindler/Riggs) to approve the minutes from the April 24, 2023 Planning Commission meeting; passes 5-0 with Commissioners Barnes and Do abstaining.

E4. Artwork Location Review/Ben McGhee/2 Meta Way:

Consider and adopt a resolution to approve the location, size, and lighting design of the façade-mounted artwork associated with the citizenM hotel located at 2 Meta Way on the Meta West Campus in the O (Office) zoning district. The artwork would be located on the northwest elevation of the building, facing Chilco Street, and adjacent to the exterior red staircase. Per condition 15.2.1 of the conditional development permit for the site, Planning Commission review is required for the size, location, lighting, and other design specifications for the artwork. The selection of the artist and future artwork are not subject to Planning Commission review; determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities and determine this action is consistent with the certified EIR and the first and second addenda to the certified EIR for the Facebook Campus Expansion Project. (Staff Report #23-036-PC)

Planning Manager Kyle Perata reported three additional items of correspondence regarding spillover of light that were received after publication of the staff report and were available to the public.

Ben McGhee, citizenM, spoke on behalf of the proposed project. He noted they would hold off on the LED lighting to discuss a suitable solution with the three entities who were concerned with light spillover from the artwork to sensitive wildlife habitat.

Commissioner Riggs confirmed with staff that other light producing elements were in the area and that the proposed artwork was on the other side of the Bayfront Expressway.

Commissioner Schindler confirmed with the applicant that the request to approve would remove the lighting element from that approval. Mr. Perata said it was the commission's discretion whether to continue the entire item or to remove the lighting element and approve the other elements.

Chair Harris opened public comment.

Public Comment:

- Eileen McLaughlin, CCCR, said she appreciated that discussion would take place among the applicant and other environmental groups about the lighting, noting light pollution had become a serious problem for the wildlife refuge and Bayfront Park.
- Gita Dev, Sierra Club member, said the artwork concept was welcome but the lighting at night was concerning as there were night foraging creatures in the refuge that depended upon darkness.
- Pam Jones said she was part of the art façade committee but was speaking as an individual. She expressed support for the artwork, noting this proposal would present some vibrancy for an area which had had much construction.

Chair Harris closed public comment.

The Commission discussed longevity and replacement of artwork materials with the applicant and expressed a desire to know what the lighting solution would be if it materialized and asked about lighting impacts from windows of tall buildings in that area.

Commissioner Riggs moved and Commissioner Ferrick seconded the motion to adopt a resolution approving the location and size but removing the lighting design of the façade-mounted artwork associated with the citizenM hotel located at 2 Meta Way on the Meta West Campus in the O (Office) zoning district.

Mr. Perata said staff had suggested language to modify condition 2.d to read: *The applicant shall remove the exterior lighting from the proposed project, unless the applicant submits a separate request to include lighting in the future. Such a request shall include documentation of outreach to the organizations that submitted comment letters on the artwork lighting plans and the applicant shall document that the proposed lighting would comply with the mitigation monitoring and report program of the certified EIR for the Facebook Campus Expansion Project, the Third Amended and Restated CDP, and Section 16.43.140(6) of Title 16 of the Menlo Park Municipal Code as applicable, subject to review and approval of the Planning Commission.*

Commissioner Riggs as the maker of the motion and Commissioner Ferrick as the maker of the second accepted staff's suggested language to modify condition 2.d.

ACTION: Motion and second (Riggs/Ferrick) to adopt a resolution approving the location and size of the façade-mounted artwork associated with the citizenM hotel located at 2 Meta Way on the Meta West Campus in the O (Office) zoning district with the following modification and determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities and determine this action is consistent with the certified EIR and the first and second addenda to the certified EIR for the Facebook Campus Expansion Project; passes 7-0.

**Modify condition 2.d by removing and replacing it with:** The applicant shall remove the exterior lighting from the proposed project unless the applicant submits a separate request to include lighting in the future. Such a request shall include documentation of outreach to the organizations that submitted comment letters on the artwork lighting plans and the applicant shall document that the proposed lighting would comply with the mitigation monitoring and report program of the certified EIR for the Facebook Campus Expansion Project, the Third Amended and Restated CDP, and Section 16.43.140(6) of Title 16 of the Menlo Park Municipal Code as applicable, subject to review and approval of the Planning Commission.

## F. Public Hearing

- F1. Use Permit/Eilien Choo/1383 Woodland (APN 063-452-390):  
Consider and adopt a resolution to approve a use permit to excavate within the required front setback for a mechanical automobile turntable on a standard lot 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 project also includes a new two-story home and detached accessory dwelling unit (ADU), which are permitted uses and not subject to discretionary review. (Staff Report #23-037-PC)

Assistant Planner Connor Hochleutner said staff had no additions to the written report.

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

**ACTION:** Motion and second (Riggs/Barnes) to adopt a resolution to approve a use permit to excavate within the required front setback for a mechanical automobile turntable on a standard lot 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 7-0.

- F2. Use Permit and Variance/Thomas James Homes/69 Cornell Road:  
Consider and adopt a resolution to approve a use permit to demolish an existing one-story residence, and construct a new two-story residence on a substandard lot with regard to minimum lot width, depth, and area in the R-1-U (Single Family Urban Residential) zoning district. The lot is less than 5,000 square feet in area and a use permit is required to establish the maximum floor area limit. The project includes renovations to an existing nonconforming detached garage that would exceed 50 percent of the replacement value in a 12-month period which requires use permit approval. The project includes a variance to reduce the front setback to 10 feet, where 20 feet is required. Determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. *Continued from the meeting of January 9, 2023.* (Staff Report #23-038-PC)

Associate Planner Chris Turner said staff had no additions to the written report.

Aaron Olster, Thomas James Homes, spoke on behalf of the project.

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

The Commission discussion noted favorable response by the applicants to prior commission comment, found staff's findings supporting the variance request supportable and appreciated the applicants' evaluations of other possible garage options.

**ACTION:** Motion and second (Riggs/Schindler) to adopt a resolution to approve a use permit to demolish an existing one-story residence, and construct a new two-story residence on a substandard lot with regard to minimum lot width, depth, 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; passes 7-0.

- F3. Architectural Control/Jackson Derler/2700 Sand Hill Road:  
Consider and adopt a resolution to approve an architectural control permit for modifications to an existing office campus including exterior and interior modifications to the existing fitness center; hardscaping and landscaping modifications throughout the site, including the addition of two outdoor shade structures; and conversion of existing parking spaces to landscape reserve in the C-1-C (Administrative, Professional, and Research District, Restrictive) zoning district. Determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities and Section 15303's Class 3 exemption for new construction or conversion of small structures. (Staff Report #23-039-PC)

Senior Planner Calvin Chan said staff had no additions to the written report.

Virginia Calkins, DivcoWest, and Jackson Derler, landscape architect, spoke on behalf of the project.

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

Commission comments noted excess of existing parking and preference for more vibrant outdoor spaces and confirming planned gazebos as potential outdoor meeting places.

**ACTION:** Motion and second (Ehrich/Ferrick) to adopt a resolution to approve an architectural control permit for modifications to an existing office campus including exterior and interior modifications to the existing fitness center; hardscaping and landscaping modifications throughout the site, including the addition of two outdoor shade structures; and conversion of existing parking spaces to landscape reserve in the C-1-C (Administrative, Professional, and Research District, Restrictive) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities and Section 15303's Class 3 exemption for new construction or conversion of small structures; passes 7-0.

- F4. **Zoning Ordinance Amendments and Community Amenities Update:**  
Consider and adopt a resolution recommending that the City Council adopt an ordinance amending sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code to clarify the process for determining the appraised value of bonus level developments and the required community amenities value for bonus level development projects in the O (Office), R-MU (Residential Mixed-Use), and L-S (Life Sciences) zoning districts and adopt a resolution updating the community amenities list. The Planning Commission is recommending to the City Council on the proposed Zoning Ordinance amendments and the update to the community amenities list; determine that the ordinance amendments and the update to the community amenities list are exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this ordinance and updated community amenity list may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning). (Staff Report #23-040-PC)

Mr. Perata presented the item.

Mr. Perata responded to commission clarifying questions about the 90-day appraisal date of value requirement and future planning commission consideration of process elements.

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

Commission discussion included considering the process change as the first component of discussion and the updated community amenities list as the second component of discussion.

Staff clarified that as done currently an appraisal is required within 90 days of application for bonus level development and that had proved difficult noting environmental review that might have to occur. He said the change required the date of value to be within a 90-day period.

Commissioner Riggs commented that ConnectMenlo and rezoning in the bayfront area had not addressed transportation and that was within the city's jurisdiction to address including action with

legislators. He said the proposed community amenities list contained nothing to address transportation impacts.

Commissioner Barnes said for the record that when the ConnectMenlo community amenities process and list was established that the Planning Commission had discretion over what community amenities would be approved for a specific project. He said the City Council approving an in-lieu fee for community amenity changed that.

City Attorney Nira Doherty said when the City Council adopted an ordinance that established the option to pay a community amenity in-lieu fee that gave applicants the option to elect to pay the in-lieu payment. She said in a housing development context the city would be required per SB 330 to allow the applicant to provide the in-lieu payment instead of building an onsite or offsite community amenity. She said outside of the housing development project scenario that they had not encountered a scenario where a project within planning commission purview or city council purview had its request to pay an in-lieu fee declined. She said one of the things in the regulations staff were working on that would go before the Council for review but were not before the Planning Commission this evening was to clarify some of the process changes or some of the lack of process that existed in the community amenity ordinance to date. She said there was no precise answer in the current ordinance to the question of what happened when the city did not want an in-lieu payment, but it allowed the applicant to elect to pay the in-lieu payment.

Chair Harris referred to the new community amenity list and asked if the idea was to have more items that a developer could choose. She said the old list had items that either would be difficult for the developer to build or were not in the right price range of what the appraisal obligated the applicant to. She asked if it were true that a broader community amenity list as proposed might allow the developers more ability to actually develop something from the list.

Mr. Perata said one of the goals was that developers would utilize the updated list. He said another goal of the community amenities subcommittee was to ensure that the updated list reflected the current values and needs of the community.

Commissioner Barnes asked about the community engagement that fed the subcommittee's development of the new list.

Mr. Perata said he did not have details on the subcommittee's work. He said that body made a report to the City Council about a year ago regarding the community amenities list update.

Commissioner Barnes said he supported streamlining the process, but he wanted assurance that the proposed community amenities list reflected what the community wanted now. He noted the amount of funds in the in-lieu fund. He said education, job training, and employment were talked about previously but were not heavily represented in the newly proposed list.

Chair Harris said although she did not have details that she had spoken with Vice Mayor Taylor, who with Council Member Nash were the subcommittee, and was told there had been deep outreach.

Commissioner Ferrick said there was appropriateness to the in-lieu fee as some projects might go through the entitlement process long before they were ready to get the project permits and build an amenity. She said that could be a disadvantage to the community if that developer claimed an amenity but could not build it until 10 years later for instance. She said conversely the appraised



value for a community amenity in some projects would limit what amenity it could support. She said having the aggregated funds from in-lieu payments meant larger amenities were possible, but it had been problematic because the list had not been updated.

Ms. Doherty clarified that the provisions of the ordinance that directed an in-lieu payment might be provided by an applicant also provided that in-lieu payments must be separated and held in a separate account by the city and only used to implement amenities on the adopted list of amenities. She said that list might be updated but in-lieu payments could only be used for amenities on an adopted list.

Chair Harris noted the item to have a Bayfront task force to focus on community amenities and environmental justice. She asked if that body could enable things to be added to the community amenities list as new development occurred and changes happened in that zoning district.

Mr. Perata said there currently was not a Bayfront task force. He said the community amenities list could be updated in the future at the discretion of the City Council. He said the City had embarked on development of its first environmental justice element for the general plan and there would potentially be goals and programs from that element that could inform this proposed amenity.

Chair Harris said she liked the idea of a Bayfront task force and wondered how much that would cost as a community amenity. She said it seemed a good way to continuously make sure that the right items were being provided for the constituency.

Commissioner Schindler said she compared the 2016 community amenities list and the proposed list and thought that specific line items under transit and transportation became more specific and a couple of the line items under energy technology utilities became more specific. She said that the new list would incrementally benefit as it had specificity that developers would understand what the city's communities wanted. She said the new list did have the opportunity to get more specific particularly in the category of enhanced quality of life. She noted the Bayfront task force and said she also would like much more detail as to what that task force would do such as identifying new amenities or engaging in public conversation, and whether it would be an implementing body or an advocate for some entities. She said more specificity would make her more confident in the list. She said she would like to see the cost values become part of the final adopted list as that was important for the developers in the evaluation process and for the community to see what some of the items meant in terms of cost. She said she would like to understand better why things came off the 2016 list and how things were added to the proposed list. She said if things on the 2016 list were accomplished that should be part of the publicly disclosed process. She noted the community survey associated with the 2016 list and suggested that was a good idea for the newly proposed list. She said she would be much more comfortable with the proposed list if the specificity were increased and if the process of how it was developed were more transparent and documented. She said that would be preferable to do now rather than having to go back and start the process with another update cycle.

Replying to Commissioner Barnes, Mr. Perata said the gatekeeper process was a process they were still working through. He said it was initiated from the City Council's 2021 study session on community amenities and that was to create an early check in on community amenities that were proposed to allow for a public review of that while allowing the development application process to continue. He said the goal was to have the bonus level development appraisal value identified and

the required community amenity identified early on so there could effectively be a screening process.

Commissioner Barnes said that dollar values for items on the list were important to see to know the scope and feasibility of those items.

Chair Harris said things mentioned that the commission were interested in included more specificity in the list, understanding the idea, timing and scope of the Bayfront task force, understanding the process of how this list evolved and what the community outreach looked like, potentially attaching dollar amounts to list items for comparison, what was accomplished from the existing list and those items that the community no longer wanted. She said looking specifically at item number 1: *carbon-free transit and enhanced transportation* it seemed items on that list would be regular items the city would do for many of its neighborhoods such as sidewalks and landscaping to improve overall walkability, safety and aesthetics and were not extra community amenities that should be funded from the community amenities fund.

Mr. Perata said a number of those improvements were things the city considered in terms of public infrastructure and part of the inclusion of those items on the amenities list was to potentially provide funding and mechanism to move the potential improvements forward earlier than would be done on a more comprehensive scale.

Assistant Public Works Director Hugh Louch, Transportation, said they had a number of different ways in the city of funding transportation improvements. He said while he could not speak to the direct process by which the amenities list was updated by the subcommittee that there were numerous examples of places where the city made infrastructure investments through impact fees and gas taxes. He said larger scope items for which it was hard to get grants or funding for such as building out new sections of sidewalk could be supported in this way.

Commissioner Ehrick said he appreciated the updating of the ordinance to clarify the process for developers and to expedite the rate at which they could do projects like those on the amenities list in the city. He said he would support any process through which the Commission could at least recommend that tonight. He said his personal view and which he gathered was not unanimously shared was that this was a policy issue, and it was noted that future modifications to the community amenities list would likely only be reviewed by the City Council. He said he would like to move ahead on the ordinance pieces. He said the points made on the community amenities list process were valid, but they did not have enough information to arbitrate on those.

Commissioner Ferrick said she also would like to move the item forward. She said she was comfortable with the level of detail regarding the proposed community amenities list.

Commissioner Do said the content of the community amenities list was for the Belle Haven community and she appreciated others' summary of concerns regarding community outreach. She said she had confidence in the subcommittee's due diligence, but it would be helpful for transparency for the community to understand the process.

Chair Harris recessed the meeting for an eight-minute break. She reconvened the meeting at 10:00 p.m.



Replying to Chair Harris, Mr. Perata said if the Commission was interested in advancing the ordinance, the Planning Commission's resolution to recommend could be modified to remove Section 3, which were the findings and recommendation on the community amenities list update.

Replying to Chair Harris, Ms. Doherty said if Section 3 was removed the community amenities list would not necessarily come back to the Planning Commission for recommendation to the City Council.

The Commission discussed various options on how to move forward, noting varying opinions as to what the motion of recommendation would be.

Commissioner Schindler moved to adopt the resolution to recommend as stated but to remove Section 3 relating to the community amenities list.

Commission further discussed whether or not to add recommendations around the community amenities list to the motion.

Commissioner Ehrick seconded the motion to adopt the resolution to recommend as stated but to remove Section 3 relating to the community amenities list.

Replying to Commissioner Ferrick, Mr. Perata said the minutes for this item and the staff's summary of the discussion would be included in the staff report to the City Council.

**ACTION:** Motion and second (Schindler/Ehrich) to adopt a resolution recommending that the City Council adopt an ordinance amending sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code to clarify the process for determining the appraised value of bonus level developments and the required community amenities value for bonus level development projects in the O (Office), R-MU (Residential Mixed-Use), and L-S (Life Sciences) zoning districts with a modification to the Planning Commission resolution to remove Section 3 (findings and recommendation on community amenities list update); passes 5-1 with Commissioner Barnes opposing and Commissioner Riggs abstaining.

## **G. Regular Business**

- G1. 2023-24 Capital Improvement Plan/General Plan Consistency:  
Consider and adopt a resolution determining General Plan consistency for the 2023-24 projects of the five-year capital improvement plan; determine that general plan consistency review is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 since it is not a project as defined under CEQA. (Staff Report #23-041-PC)

Assistant Public Works Director Tanisha Werner, Engineering, presented the item.

Chair Harris opened public comment and closed it as no persons requested to speak.

**ACTION:** Motion and second (Riggs/Schindler) to adopt a resolution determining General Plan consistency for the 2023-24 projects of the five-year capital improvement plan and determine that general plan consistency review is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 since it is not a project as defined under CEQA; passes 7-0.



## **H. Informational Items**

### **H1. Future Planning Commission Meeting Schedule**

- Special Joint City Council and Planning Commission Meeting: June 20, 2023

Mr. Perata said this would be a study session on the environmental justice and safety elements of the general plan.

- Regular Meeting: June 26, 2023

Mr. Perata said this agenda potentially would include the first phase of the Willow Village Master Plan architectural control packets and an EIR scoping session and study session for the 1005 and 1340 Willow Road project.

- Regular Meeting: July 10, 2023

## **I. Adjournment**

Chair Harris adjourned the meeting at 10:40 p.m.

Staff Liaison: Corinna Sandmeier, Principal Planner

Recording Secretary: Brenda Bennett



## STAFF REPORT

### Planning Commission

**Meeting Date:**

**6/26/2023**

**Staff Report Number:**

**23-042-PC**

**Public Hearing:**

**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 with a basement on a substandard lot with regard to minimum lot width in the R-1-S (Single-Family Suburban Residential) zoning district at 248 San Mateo Drive**

### Recommendation

Staff recommends that the Planning Commission adopt a resolution approving a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence with a basement on a substandard lot with regard to minimum lot width in the R-1-S (Single Family Suburban Residential) zoning district. The proposal includes an attached accessory dwelling unit (ADU) which is a permitted use and not subject to discretionary review. The draft resolution, including the recommended actions and conditions of approval, is included as Attachment A.

### Policy Issues

Each use permit request is considered individually. The Planning Commission should consider whether the required use permit findings can be made for the proposal.

### Background

#### *Site location*

Using San Mateo Drive in the north-south orientation, the subject parcel is located on the east side of San Mateo Drive between Middle Avenue to the north and a discontinuous portion of Bay Laurel Drive to the south in the Allied Arts neighborhood. A location map is included as Attachment B.

Surrounding properties feature a mix of older single-story, ranch-style residences along with newer two-story residences in a mixture of traditional and modern architectural styles. San Mateo Drive does not feature curbs or sidewalks and lots are heavily wooded which lends to the semi-rural character of the neighborhood. The neighborhood features single-family residences that are also in the R-1-S zoning district.

### Analysis

#### *Project description*

The subject property is currently occupied by a one-story, ranch-style residence built in 1950 with an

attached two-car garage. The property is a substandard, L-shaped lot with a substandard width of 45 feet, where 80 feet is required, and a standard lot area of 13,968 square feet where 10,000 square feet is required, and a standard lot depth of 215 feet where 100 is required.

The applicant is proposing to demolish the existing residence and construct a new two-story, single-family residence with a basement, an attached two-car garage, a new swimming pool, and a detached ADU at the rear of the property.

The proposed residence would include a total of six bedrooms and six and one-half bathrooms. The required parking for the residence would be provided by an attached two-car garage, located in the front right corner of the residence.

The proposed residence would meet all Zoning Ordinance requirements for setbacks, lot coverage, FAL, daylight plane, parking, and height. Of particular note with regard to Zoning Ordinance requirements:

- The main residence would be 4,450 square feet and the detached ADU would be 656 square feet and would exceed the maximum floor area limit.
- The proposed floor area for the lot would be 5,106 square feet, where 4,452 square feet is the maximum permitted; however, the maximum FAL is permitted to be exceeded by up to 800 square feet in order to accommodate the ADU.
- On the first floor, a portion of the stair landing area, at the left front corner, would extend beyond a height of 12 feet. This area, which constitutes 14 square feet, has been counted at 200 percent within the floor area calculations.
- The second floor would be limited in size relative to the development, with a floor area of 1,413 square feet, where 2,226 square feet is the maximum permitted.
- The proposed building coverage would be 4,484 square feet, approximately 32.1 percent of the lot area, where 35 percent is the maximum allowed.
- The proposed residence would be 27.8 feet in height, where 28 feet is the maximum allowed.

The proposed residence would be set back 20 feet from the front property line and approximately 100 feet from the rear property line, where a 20-foot setback is required for both. The first floor left side would have an approximately 15-foot, six-inch setback, and the first floor, right side would have an approximately 11-foot, five-inch setback. In the R-1-S zoning district, the minimum side setbacks are 10 feet. The proposed second story would be stepped back from the first story on portions of the front and rear sides, and would feature varied wall depths to minimize massing and increase separation from neighboring properties.

A data table summarizing parcel and project attributes is included as Attachment C. The project plans and the applicant's project description letter are included as Attachment A, Exhibits A and B respectively.

### ***Design and materials***

The applicant states in their project description letter that the proposed residence is designed in a modern farmhouse aesthetic, similar to many other existing properties in the neighborhood. The proposal includes the use of painted board siding and cement plaster siding, clad casement windows with large divided lights, and a steep roof line.

The proposed ADU would be finished in the same materials as the main residence for continuity.

Staff believes that the scale, materials, and style of the proposed residence would result in a consistent aesthetic approach and are generally consistent with the broader neighborhood, given the similar architectural styles and sizes of structures in the area.

**Trees and landscaping**

The applicant has submitted an arborist report (Attachment D) completed by Heartwood Consulting Arborists, detailing the species, size, and conditions of the nearby heritage and non-heritage trees. The report discusses the impacts of the proposed improvements and provides recommendations for tree maintenance and protection. As part of the project review process, the arborist report was reviewed by the City Arborist.

Based on the arborist report, there are 10 existing trees located on or near the property. Of these trees, nine are on the subject property, of which six trees are of heritage size, and one heritage tree is located on a neighboring property. Table 1 lists the tree numbers, their species, trunk diameter, overall condition, and any additional notes.

Table 1: Tree summary and disposition				
Tree Number	Species	Size (DBH, in inches)	Health	Notes
1	Douglas Fir	36	Fair	
2	Coast Redwood	27	Fair	
3	Coast Redwood	30	Fair	
4	Coast Live Oak	30	Good	Neighbor tree. DBH estimated.
5	Japanese Camellia	8	Good	
6	Japanese Camellia	9	Good	
7	White Birch	9	Fair	
8	Not used			
9	Bay Tree	20	Fair	
10	Coast Live Oak	15	Fair	
11	Silk Oak	13, 16	Fair	2-stem tree

The applicant is not proposing to remove any trees as part of the development. No new trees are

proposed.

To protect the heritage and non-heritage trees on site, the arborist report has identified such measures as tree protection fencing, irrigation and mulching over impacted root protection zones, exposing roots through hand digging, potholing, or using an air spade, applying a geotextile fabric, trenching with hydro-vac equipment or air spade, placing piping beneath roots, or boring deeper trenches underneath roots, and a certified arborist monitoring during and after construction. All recommended tree protection measures identified in the arborist report would be implemented and ensured as part of condition 1h.

### **Correspondence**

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

### **Conclusion**

Staff believes that the design, scale, and materials of the proposed residence are generally compatible with the surrounding neighborhood, and would result in a consistent aesthetic approach. The architectural style would be generally attractive and well-proportioned, and the additional side setback distances would help increase privacy. 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 3 (Section 15303, "New Construction or Conversion of Small Structures") 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 of Approval Adopting Findings for project Use Permit, including project Conditions of Approval  
[Exhibits to Attachment A](#)

- A. Project Plans
  - B. Project Description Letter
  - C. Conditions of Approval
- B. Location Map
  - C. Data Table
  - D. Arborist Report

Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, 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.

**Exhibits to Be Provided at Meeting**

None

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 A USE PERMIT TO DEMOLISH AN EXISTING SINGLE-STORY, SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE WITH A BASEMENT ON A SUBSTANDARD LOT WITH REGARD TO MINIMUM LOT WIDTH IN THE R-1-S (SINGLE-FAMILY SUBURBAN RESIDENTIAL) ZONING DISTRICT**

**WHEREAS**, the City of Menlo Park (“City”) received an application requesting to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence with a basement on a substandard lot with regard to minimum lot width in the R-1-S (Single-Family Suburban) zoning district. The proposal includes a detached accessory dwelling unit which is not subject to discretionary review (collectively, the “Project”) from John Ray (“Applicant”), on behalf of the property owner AHD Home, LLC (“Owner”), located at 248 San Mateo Drive (APN 071-342-090) (“Property”). The Project use permit is depicted in and subject to the development plans and project description letter, which are attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by this reference; and

**WHEREAS**, the Property is located in the Single Family Suburban Residential (R-1-S) district. The R-1-S district supports single-family residential uses; and

**WHEREAS**, the proposed Project complies with all objective standards of the R-1-S district; and

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

**WHEREAS**, the Applicant submitted an arborist report prepared by Heartwood Consulting Arborists, which was reviewed by the City Arborist and found to be in compliance with the Heritage Tree Ordinance and proposes mitigation measures to adequately protect heritage trees in the vicinity of the project; 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 except from environmental review pursuant to Cal. Code of Regulations, Title 14, §15303 et seq. (New Construction or Conversion of Small Structures); 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 June 26, 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 Project.

**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. Conditional Use Permit Findings.** The Planning Commission of the City of Menlo Park does hereby make the following Findings:

The approval of the use permit for the construction of new two-story residence on a substandard lot is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.82.030:

1. That the establishment, maintenance, or operation of the use applied for will, under the circumstance of the particular case, not 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. Consideration and due regard were given to the nature and condition of all adjacent uses and structures, and to general plans for the area in question and surrounding areas, and impact of the application hereon; in that, the proposed use permit is consistent with the R-1-S zoning district and the General Plan because two-story residences are allowed to be constructed on substandard lots subject to granting of a use permit and provided that the proposed residence conforms to applicable zoning standards, including, but not limited to, minimum setbacks, maximum floor area limit, and maximum building coverage.
  - b. The proposed residence would include the required number of off-street parking spaces because one covered and one uncovered parking space would be required at a minimum, and two covered parking spaces are provided.

- c. The proposed Project is designed to meet all the applicable codes and ordinances of the City of Menlo Park Municipal Code and the Commission concludes that the Project would not be detrimental to the health, safety, and welfare of the surrounding community as the new residence would be located in a single-family neighborhood and designed such that privacy concerns would be addressed through right-side, left-side, and rear setbacks greater than the minimum required setbacks in the R-1-S district.

**Section 3. Conditional Use Permit.** The Planning Commission approves Use Permit No. PLN2023-00002, which use permit is 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 Use Permit is conditioned in conformance with the conditions attached hereto and incorporated herein by this reference as Exhibit C.

**Section 4. 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 except from environmental review pursuant to Cal. Code of Regulations, Title 14, §15303 et seq. (New Construction or Conversion of Small Structures)

**Section 5. 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, Corinna Sandmeier, Principal Planner and Planning Commission Liaison 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 June 26, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

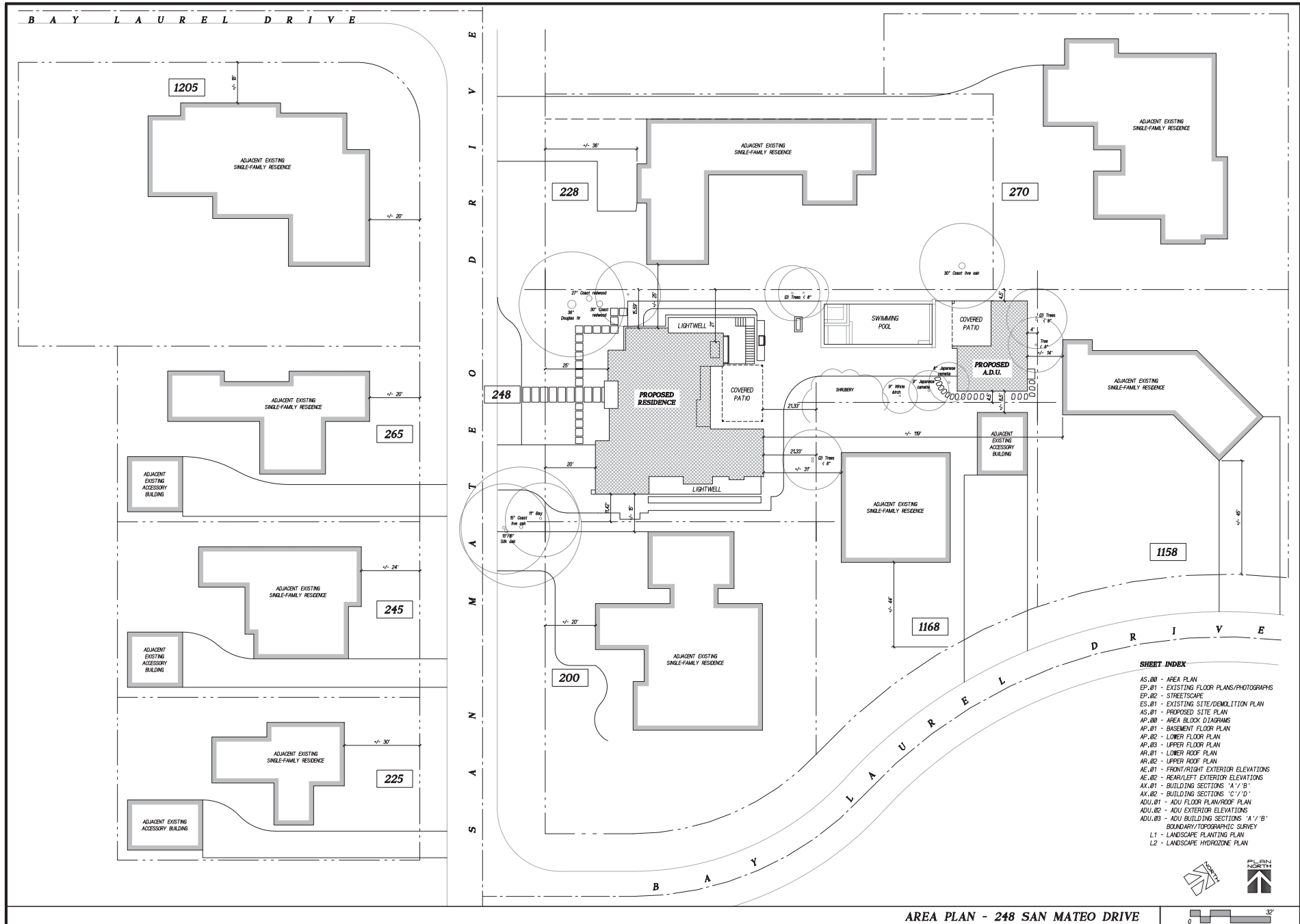
IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this 26<sup>th</sup> day of June, 2023

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Corinna Sandmeier  
Principal Planner and Planning Commission Liaison  
City of Menlo Park

Exhibits

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



1100 BAY LAUREL  
MENLO PARK,  
CALIFORNIA  
94025-5339  
(650) 321-4348  
stev@schwanke.com

**SCHWANKE**  
ARCHITECTURE



248 SAN MATEO DRIVE  
MENLO PARK, CALIFORNIA 94025  
A.P.N.: 071-342-090 (RIS)  
APPLICATION No.:

**Spec. Residence**  
NEW RESIDENCE

RE:	DATE:
PLNG	03/15/2023
PLNG	04/28/2023

**Area Plan**  
**AS.00**



FRONT



RIGHT SIDE

(LOOKING TOWARD REAR YARD)



REAR

(LOOKING TOWARD RIGHT SIDE YARD)

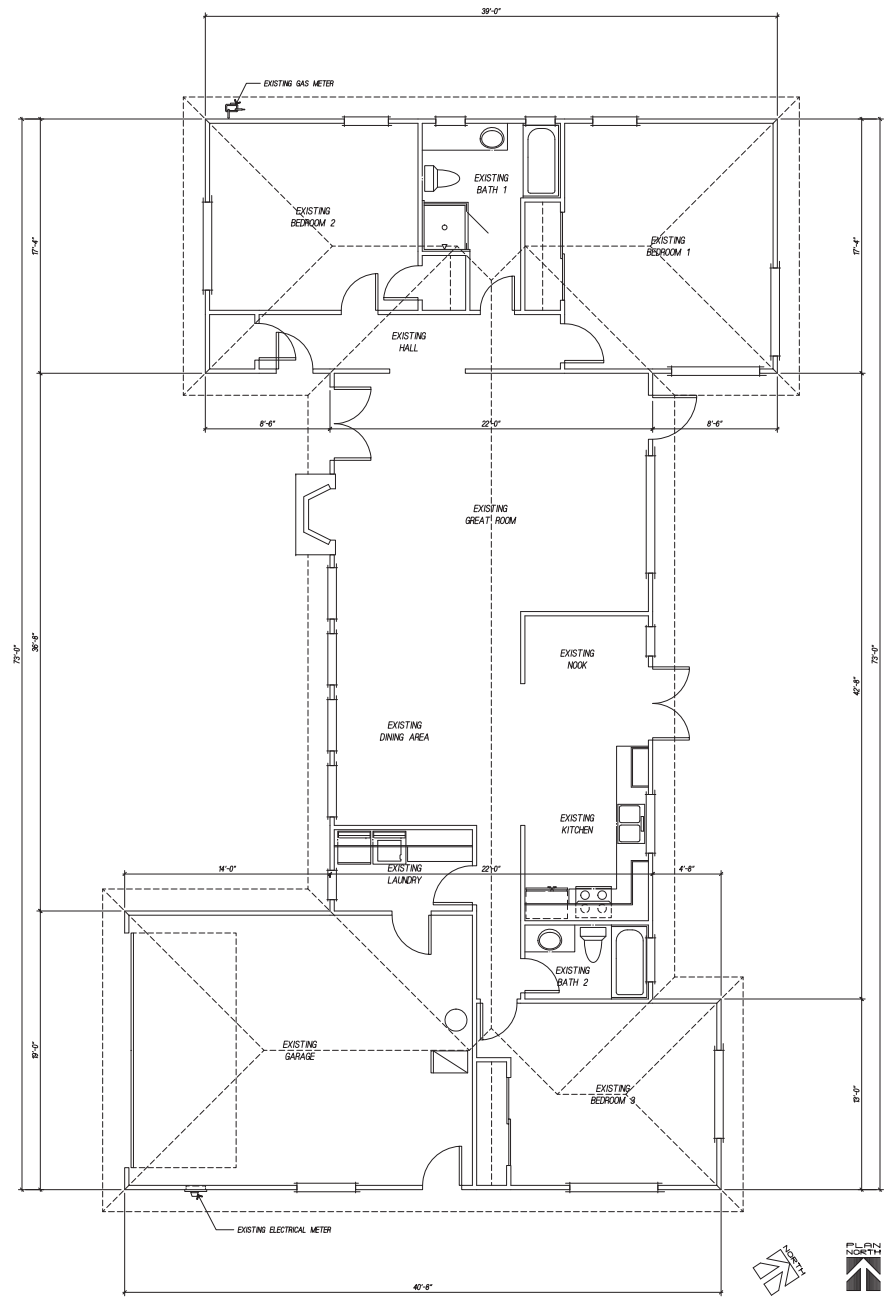


REAR



LEFT SIDE

(LOOKING TOWARD REAR YARD)



EXISTING FLOOR PLAN

100 BAY LAUREL  
MENLO PARK  
CALIFORNIA  
94025-5339  
(650) 321-4348  
stev@schwanke.com

**SCHWANKE**  
ARCHITECTURE



248 SAN MATEO DRIVE  
MENLO PARK CALIFORNIA 94025  
A.P.N.: 071-342-090 (RIS)  
APPLICATION No.:

**Spec. Residence**  
NEW RESIDENCE

REV	DATE

SCALE: 1/4" = 1'-0"  
FILE: ssmrto248-0pe.d  
PLAN:

Existing Floor Plan  
EP.01



228



248

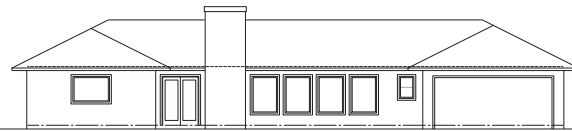


200

EXISTING SAN MATEO DRIVE CONTEXT PHOTOGRAPHS



228



248



200

EXISTING SAN MATEO DRIVE STREETSCAPE



228



248



200

PROPOSED SAN MATEO DRIVE STREETSCAPE



100 BAY LAUREL  
MENLO PARK,  
CALIFORNIA  
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ARCHITECTURE



248 SAN MATEO DRIVE  
MENLO PARK  
CALIFORNIA 94025  
A.P.N.: 071-342-090 (RIS)  
APPLICATION No.:

**Spec. Residence**  
NEW RESIDENCE

REVISIONS  
DATE: 03/15/2023

SCALE: 1/8" = 1'-0"

FILE: sam160248-5.dwg

PLAN:

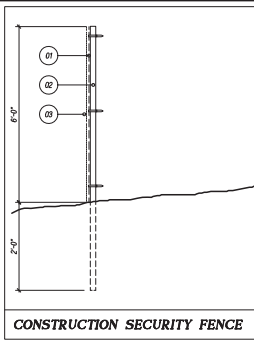
Context and Streetscapes

EP.02







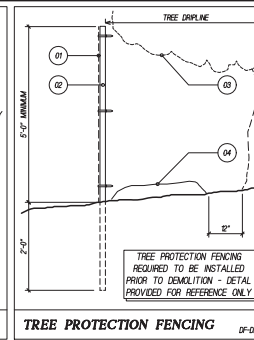


**01 CHAIN LINK FENCING**  
 02 1/2" x 6" GALVANIZED METAL 6'-0"  
 03 2" x 4" MINIMUM TO 10'-0" O.C. MAX.  
 04 GREEN WINDSCREEN PRIVACY  
 SCREEN SHADE MESH - SECURE TO  
 CHAIN LINK FENCING

NOTE: TREE PROTECTION FENCE MAY  
 BE USED AS CONSTRUCTION SECURITY  
 FENCE PROVIDED IT MEETS THE  
 REQUIREMENTS FOR BOTH.

SCALE: 3/4" = 1'-0"  
 security/finco.dwg

**2**



**01 CHAIN LINK FENCING**  
 02 2" x 4" GALVANIZED METAL 6'-0"  
 03 2" x 4" MINIMUM TO 10'-0" O.C. MAX.  
 04 TREE DASHED AS OCCURS  
 05 6" LAYER OF COARSE MULCH OR  
 WOODCHIPS

NOTE:

A. TREE PROTECTION FENCING (TPF)  
 MAY BE LOCATED WITHIN THE ENDRINE  
 OF THE TREE BUT NO CLOSER THAN  
 2' FROM THE TRUNK IF ALLOWED BY  
 ARBORIST.

B. MOVABLE BARRIERS OF CHAIN  
 LINK FENCING MAY BE USED AT THE  
 DISCRETION OF THE PROJECT AND  
 CITY ARBORIST.

C. CONTRACTOR SHALL OBTAIN A  
 COPY OF Town of Los Altos  
 "TREE FENCING REQUIREMENTS"  
 FOR COMPLETE LIST OF  
 REQUIREMENTS FOR TREE PROTECTION

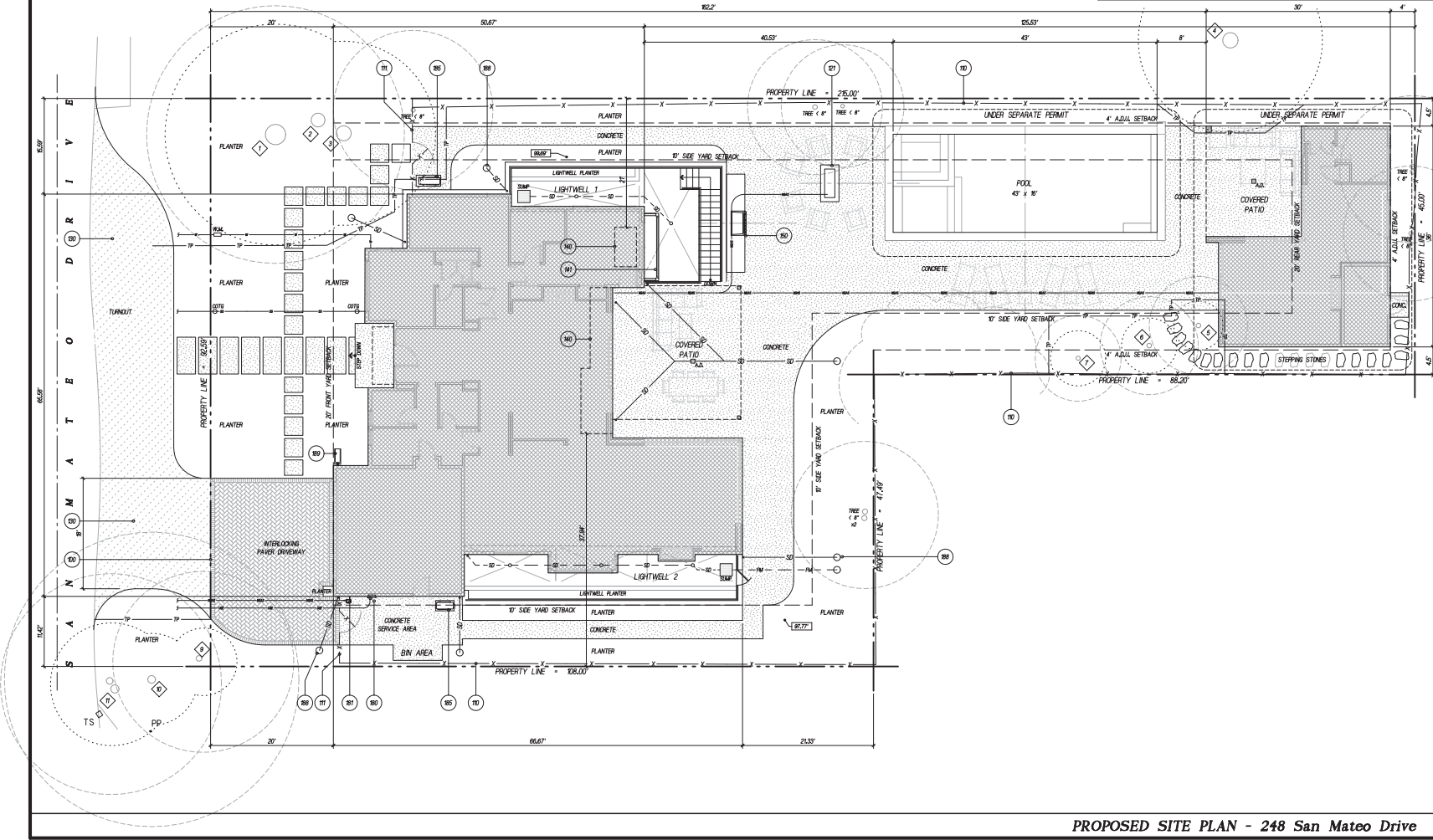
SCALE: 3/4" = 1'-0"  
 DP-DETAILS/teeprnt-losaltos.dwg

**1**

TREE SCHEDULE										
NO.	SPECIES	DIAL.	N	H	P	R	NOTES			
1	Douglas fir	36"	X	X	X	X	A. TREE SCHEDULE BASED ON Heartwood Consulting Arborist Tree Protection Report, Sept. 20, 2022.			
2	Coast redwood	27"	X	X	X	X	B. N o t U s e d			
3	Coast redwood	30"	X	X	X	X	C. NON-HERITAGE TREES NOT MARKED AS "REMOVE" AND MARKED AS "PROTECT" MAY NOT BE REMOVED WITHOUT A TREE REMOVAL PERMIT FROM THE COMMUNITY DEVELOPMENT DIRECTOR.			
4	Coast live oak	30"	X	X	X	X	D. CITY APPROVED TREE PROTECTION WARNINGS SIGNS ARE REQUIRED TO BE INSTALLED AND MAINTAINED AT ALL TIMES UNTIL ALL CONSTRUCTION ACTIVITIES ARE COMPLETE.			
5	Japanease camelia	8"	X	X	X	X	E. REQUIRED TREE PROTECTION SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION ACTIVITIES ARE COMPLETE. NO CHANGES TO TREE PROTECTION CAN BE MADE UNTIL A REVISED TREE PROTECTION PLAN IS SUBMITTED AND APPROVED BY THE TOWN ARBORIST.			
6	Japanease camelia	12"	X	X	X	X	F. FAILURE TO INSTALL AND MAINTAIN REQUIRED TREE PROTECTION WILL RESULT IN ISSUANCE OF STOP WORK ORDER AND IMPLEMENTATION OF A CORRECTIVE ACTION PLAN.			
7	White Birch	9"	X	X	X	X	G. ANY DIGGING WITHIN THE TREE PROTECTION ZONE (TZS) SHALL BE DONE BY HAND (BYP-SHARE) OR VACUUM SYSTEM UNDER THE DIRECTION SUPERVISION OF A CERTIFIED ARBORIST.			
8	N o t U s e d									
9	Bay tree	11"	X	X	X	X				
10	Coast live oak	15"	X	X	X	X				
11	S.W. oak	17/18"	X	X	X	X				

\* = ESTIMATED TREE DIAMETER AND APPROXIMATE  
 LOCATION  
 N = TREE ON ADJACENT PROPERTY  
 H = HERITAGE TREE PROTECTED BY ORDINANCE  
 P = TREE PROTECTION REQUIRED  
 R = TREE TO BE REMOVED (See note "C" below)

- KEYNOTES**
- 00 INTERLOCKING PAVERS (IMPERVIOUS)
  - 01 CONCRETE
  - 10 EXISTING 6" REMOVED FENCE AT PROPERTY LINE  
TO REMAIN - REPAIR AS REQUIRED
  - 11 6" REMOVED FENCE TO MATCH EXISTING, TYPICAL
  - 21 FREIGHT C 8" TALL - BY OTHERS REFER TO MEAS  
FOR NATURAL GAS PIPE INFORMATION
  - 30 A/C PAVING TO MATCH AND ALIGN WITH EXISTING
  - 40 UPPER FLOOR BALCONY (DASHED)
  - 41 LOWER FLOOR BALCONY
  - 50 BUILT-IN BATH-QUE
  - 60 ELECTRICAL METER AND DISTRIBUTION PANEL WITH  
400 amp MAIN BREAKER
  - 80 GAS METER
  - 90 CONDENSING UNIT - COMPLIANT WITH CITY SOUND  
RESTRICTION REQUIREMENTS, TYPICAL
  - 99 TIGHT-LINE STORM DRAIN TO POP-UP BUBBLER
  - 999 SPLASHBLOCK



- SITE NOTES**
- A. REMOVE AND REPLACE ALL EXISTING DAMAGED  
FRONTAGE IMPROVEMENTS ALONG THE ENTIRE PROJECT  
FRONTAGE. ALL FRONTAGE IMPROVEMENT WORK SHALL  
BE IN ACCORDANCE WITH THE CITY STANDARDS.
  - B. ALL FRONTAGE IMPROVEMENTS DAMAGED AS A  
RESULT OF CONSTRUCTION SHALL BE REPLACED.
  - C. AN ENCROACHMENT PERMIT FROM THE ENGINEERING  
DIVISION IS REQUIRED PRIOR TO ANY CONSTRUCTION  
ACTIVITIES, INCLUDING LATERALS, IN THE PUBLIC  
RIGHT-OF-WAY.

**FINISHED FLOORS**

BASEMENT	87.70'
LOWER FLOOR	100.20'
UPPER FLOOR	111.52'
A.D.U.C.	97.25'

**SITE ANALYSIS**

ADDRESS: 248 SAN MATEO DRIVE

ACCESSOR'S PARCEL NUMBER: 071-342-090

ZONE: R-1-S

SITE AREA: 13,968 S.F.

AVERAGE NATURAL GRADE (A.N.G.): 98.73'

**ALLOWABLE**

COVERAGE (CSZ):	4,889 S.F.
FLOOR AREA LIMIT:	4,452 S.F.
MAXIMUM BUILDING HEIGHT:	28'
DAYLIGHT PLANE:	45' at 19.5' (AT SETBACK)

- SITE LEGEND**
- 01— EXISTING OVERHEAD ELECTRICAL (AS OCCURS)
  - W— EXISTING UNDERGROUND WATER (AS OCCURS)
  - G— EXISTING UNDERGROUND GAS (AS OCCURS)
  - SS— EXISTING SANITARY SEWER (AS OCCURS)
  - OH— OVERHEAD ELECTRICAL (AS OCCURS)
  - W— UNDERGROUND WATER (AS OCCURS)
  - G— UNDERGROUND GAS (AS OCCURS)
  - SS— SANITARY SEWER (AS OCCURS)
  - SD— STORM DRAIN - TIGHT LINE FROM DOWNSLOPE  
TO POP-UP BUBBLER
  - SS00 SANITARY SEWER CLEANOUT
  - MM WATER METER - VERIFY EXISTING SIZE WITH  
WATER DEPARTMENT
  - CP— TEMPORARY 8'-0" CHAIN LINK CONSTRUCTION  
SECURITY FENCING - VERIFY EXISTENT REQUIRED
  - TP— TREE PROTECTION FENCING PER SAN MATEO  
COUNTY STANDARDS - TO REMAIN FOR  
DURATION OF CONSTRUCTION
  - ◇ TREE NUMBER - REFER TO TREE SCHEDULE

**PROPOSED SITE PLAN**

FILE: ssm10248-2va.dwg

PLAN:

**Proposed Site Plan**

AS.01

100 BAY LAUREL  
 REMEDIATION  
 CONSULTANTS  
 940245-6339  
 (650) 321-4348  
 steve@schwanke.com

**SCHWANKE**  
 ARCHITECTURE

STATE OF CALIFORNIA  
 Steven A. Schwanke  
 CIVIL ENGINEER  
 LICENSED ARCHITECT

248 SAN MATEO DRIVE  
 MENLO PARK  
 CALIFORNIA 94025  
 A.P.N.: 071-342-090 (RIS)  
 APPLICATION NO.:

**Spec. Residence**  
 NEW RESIDENCE

REV:	DATE:
DO	11/16/2022
BLDG	12/15/2022
PLNG	03/15/2023
CP	04/28/2023
SCALE	06/02/2023
PLNG	1/8" = 1'-0"

NOTE:  
ALL SKYLIGHT WELLS SHALL HAVE A  
TEMPERED GLASS LENS AT CEILING LEVEL.

A.D.U. (Under Separate Permit - For Reference Only):

A1	20.00' x 18.00'	=	360.00 S.F.
A2	8.00' x 4.33'	=	34.64 S.F.
A2	14.50' x 18.00'	=	261.00 S.F.

TOTAL A.D.U. FLOOR AREA: 655.64 S.F.

LOWER FLOOR AREA:

L1	15.67' x 12.67'	=	198.54 S.F.
L2	11.67' x 10.50'	=	122.54 S.F.
L3	16.17' x 12.25'	=	198.06 S.F.
L4	9.33' x 8.83'	=	82.39 S.F.
L5	7.67' x 15.25'	=	116.97 S.F.
L6	21.67' x 13.25'	=	287.13 S.F.
L7 **	24.17' x 24.50'	=	592.17 S.F.
L8 **	45.33' x 15.00'	=	680.00 S.F.
L9	11.33' x 3.00'	=	33.99 S.F.

\*\* Area excluded from L7 and L8:  
 Fa (Fireplace - L7) 5.00' x 2.17' = -12.93 S.F.  
 Fb (Fireplace - L8) 6.00' x 8.96' = -53.76 S.F.

GARAGE:  
 G 21.33' x 21.33' = 454.97 S.F.

POOL EQUIPMENT Located in A.D.U.s:  
 P 8.00' x 13.67' = 109.36 S.F.

TOTAL LOWER FLOOR AREA: 3836.92 S.F.

UPPER FLOOR AREA

U1	20.67' x 13.12'	=	271.19 S.F.
U2	15.50' x 10.50'	=	162.75 S.F.
U3	24.83' x 12.25'	=	304.17 S.F.
U4	5.71' x 8.83'	=	50.42 S.F.
U5	16.67' x 13.25'	=	220.88 S.F.
U6	12.67' x 5.83'	=	73.87 S.F.
U7	15.33' x 7.13'	=	109.30 S.F.
U8	13.50' x 14.00'	=	189.00 S.F.

S1 (Stair opening) 2(7.00' x 1.00') = 14 S.F.  
 S2 (False chimney) 3.00' x 2.00' = 6 S.F.

TOTAL UPPER FLOOR AREA: 1413.20 S.F.

FLOOR AREA TOTALS:  
 LOWER FLOOR 3836.92 S.F.  
 UPPER FLOOR 1413.20 S.F.

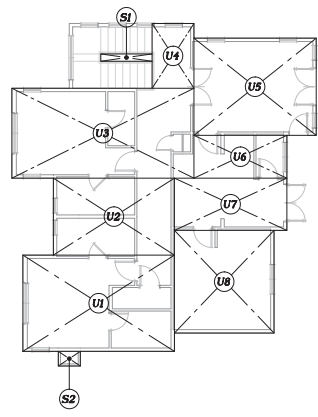
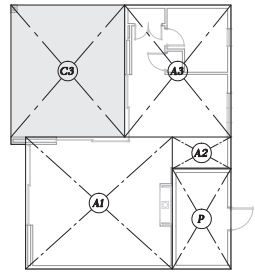
TOTAL FLOOR AREA (F.A.L.): 4450.12 S.F.  
 MAXIMUM ALLOWABLE F.A.L.: 4452.00 S.F.

ADDITIONAL COVERAGE AREAS:  
 COVERED AREAS (SHADED)  
 C1 4.17' x 10.50' = 43.79 S.F.  
 C2 16.17' x 22.48' = 363.58 S.F.  
 C3 (A.D.U. - Separate Permit) 15.50' x 18.00' = 279.00 S.F.  
 2.00' x 1.00' = 2.00 S.F.

OTHER COVERED AREAS (SHADED)  
 F1 (Fireplace) 6.00' x 1.50' = 9.00 S.F.  
 Fa (Fireplace - L7) 5.00' x 2.17' = 10.85 S.F.  
 Fb (Fireplace - L8) 6.00' x 8.96' = 53.76 S.F.  
 B1 (Balcony) 2.50' x 11.00' = 27.50 S.F.  
 O (Bar-B-Que Counter) 3.00' x 16.00' = 48.00 S.F.

ADDITIONAL COVERAGE AREA TOTAL:  
 LOWER FLOOR 3836.92 S.F.  
 A.D.U. (Under Separate Permit) 655.64 S.F.

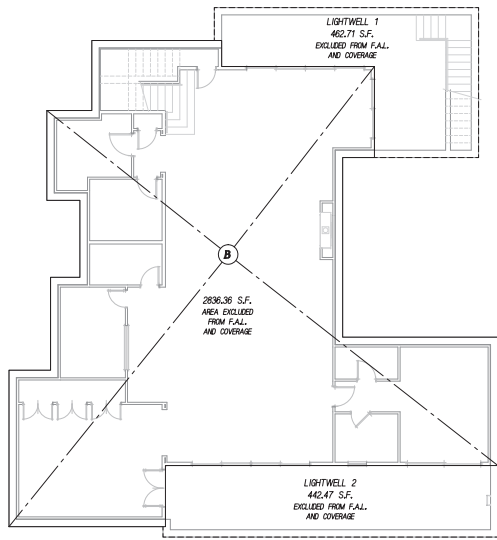
TOTAL BUILDING COVERAGE: 4484.04 S.F.  
 MAXIMUM ALLOWABLE BUILDING COVERAGE: 4889.00 S.F.



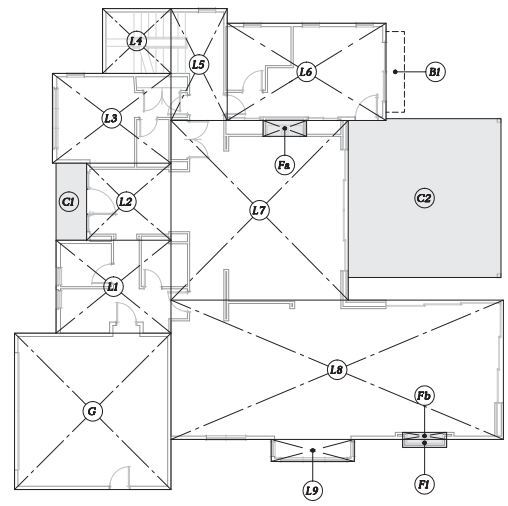
BAR-B-QUE COUNTER

ACCESSORY DWELLING UNIT

UNDER SEPARATE PERMIT - PROVIDED FOR REFERENCE ONLY



UPPER FLOOR PLAN AP.03



BASEMENT FLOOR PLAN AP.01

LOWER FLOOR PLAN AP.02

AREA BLOCK DIAGRAMS



100 BAY LAUREL  
 MEMPHIS PARK  
 CALIFORNIA 94025  
 (650) 321-4348  
 stred@schwanke.com

SCHWANKE  
 ARCHITECTURE



248 SAN MATEO DRIVE  
 MEMPHIS PARK  
 CALIFORNIA 94025  
 A.P.N.: 071-342-090 (RIS)  
 APPLICATION No.:

Spec. Residence  
 NEW RESIDENCE

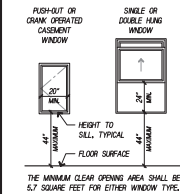
REV	DATE
PRELIM	08/18/2022
LD	11/18/2022
BLDG	02/15/2023
PLNG	03/15/2023
SCALE	1/8" = 1'-0"
FILE NAME	248-2va.dwg

Area Block Diagrams  
 AP.00

**FLOOR PLAN NOTES**

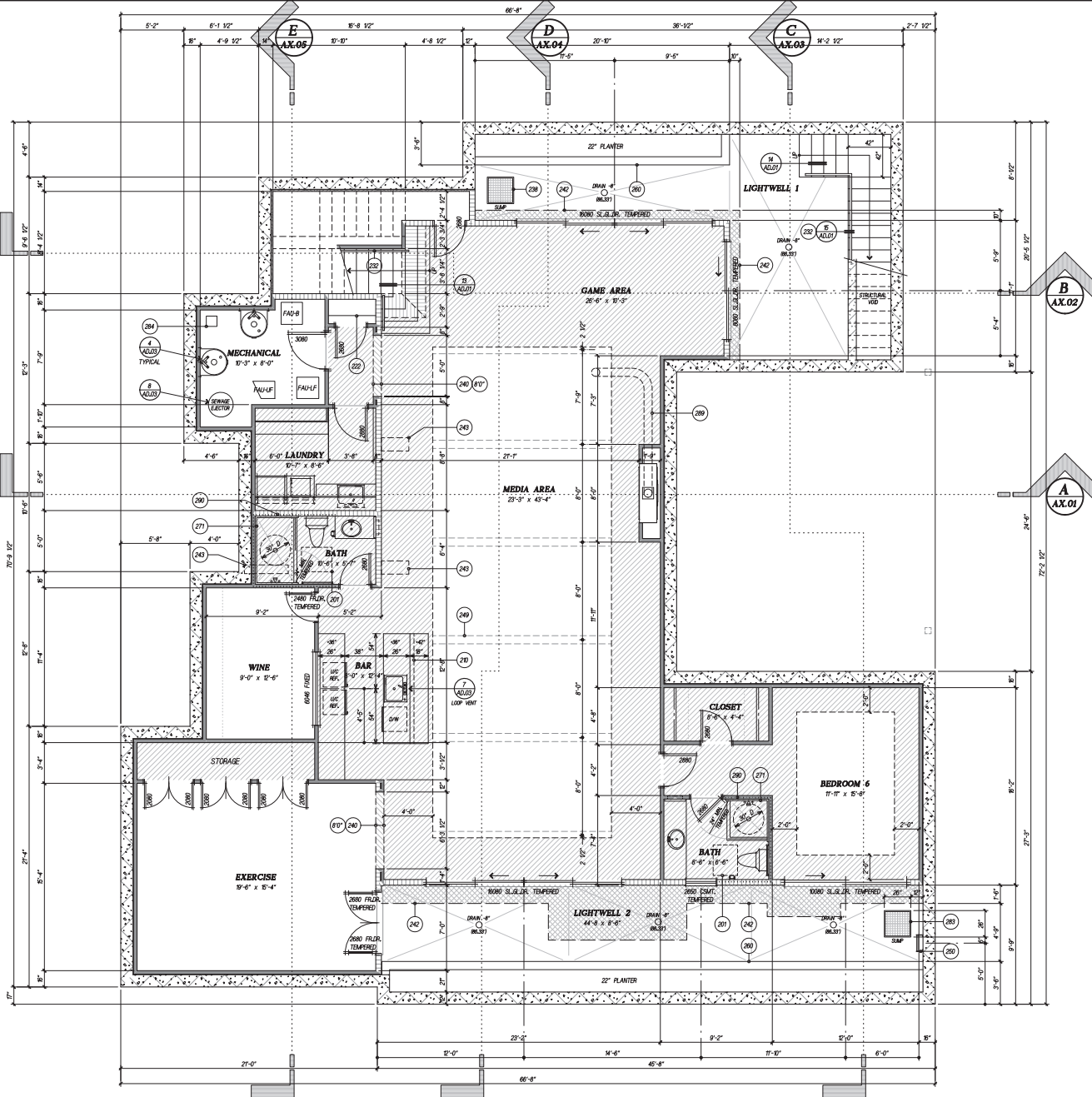
- A. FINISHED FLOOR = 67.7'
- B. 1/2" DYPIM BOARD SHALL BE PROVIDED AT WALLS AND SIFFITS OF ENCLOSED USEABLE SPACE UNDER STAIRS.
- C. EXTERIOR DOORS LANDINGS SHALL BE A MAXIMUM OF 7 3/4" FROM TOP OF THRESHOLD 1/2" MAXIMUM AT OUT-SWING DOORS.
- D. ROOM SIZES (WHERE NOTED) ARE APPROXIMATE.
- E. REFER TO LOWER FLOOR PLAN (A) FOR FIREPLACE NOTES AND FIREPLACE LISTING INFORMATION.

**EGRESS WINDOWS**



**FIREBLOCKING**

- IN COMBUSTIBLE CONSTRUCTION, FIREBLOCKING SHALL BE PROVIDED TO CUT OFF BOTH VERTICAL AND HORIZONTAL CONCEALED DRAFT OPENINGS AND TO FORM AN EFFECTIVE FIRE BARRIER BETWEEN STORIES, AND BETWEEN TOP STORY AND ROOF SPACE.
- FIREBLOCKING SHALL BE PROVIDED IN WOOD-FRAMED CONSTRUCTION IN THE FOLLOWING LOCATIONS:
- IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING FIRED SPACES AND PARALLEL ROWS OF STUDS OR STAGGERED STUDS, AS FOLLOWS:
    - VERTICAL AT THE CEILING AND FLOOR LEVELS.
    - HORIZONTAL AT INTERVALS NOT EXCEEDING 10 FEET.
  - AT INTERSECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCURS AT SIFFITS, DROP CEILING, AND COVE CEILING.
  - IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN.
  - AT OPENINGS AROUND VENTS, PIPES, DUCTS, CABLES AND WIRES AT CEILING AND FLOOR LEVEL, WITH AN APPROVED MATERIAL TO RESIST THE FREE PASSAGE OF FLAME AND PRODUCTS OF COMBUSTION. THE MATERIAL FILLING THIS ANNULAR SPACE SHALL NOT BE REQUIRED TO MEET THE ASTM E818 REQUIREMENTS.



**KEYNOTES**

- 201 24"x30" REQUIRED CLEAR SPACE AT TOILET (DASHED)
- 220 KNEESPACE DIMS UNDER BAR COUNTER
- 222 FIRED PLYWOOD SHELVES WITH HARDWOOD EDGES EQUALLY SPACED
- 223 BUILT-IN CASEWORK
- 230 CEILING BREAK LINE (DASHED)
- 232 HANDRAIL TO 36" ABOVE NOSE - CAPABLE OF WITHSTANDING 200# FORCE AT TOP RAIL IN ANY DIRECTION
- 240 SIFFIT PATCHES
- 242 LINE OF FLOOR ABOVE (DASHED)
- 243 LINE OF DUCT SHIRT ABOVE (DASHED)
- 249 DECORATIVE 6x6 FLAT) BEAM DASHED TYPICAL
- 250 EGRESS LADDER
- 260 8" CONCRETE PLANTER WALL TO 24"
- 271 CERAMIC TILE SHOWER SURROUND - TILE OVER FIBER-REINFORCED CEMENTITIOUS BACKER BOARD TO A MINIMUM OF 12" ABOVE DRAIN WITH TEMPERED GLASS ENCLOSURE
- 276 LINE OF SHAFT ABOVE (DASHED)
- 283 LIGHTWELL SINK - REFER TO CIVIL DRAWINGS
- 284 FLOOR SUMP - FOR CONDENSATE/T.A. DRAIN
- 286 FLE DASHED TO ROOF
- 290 2x6 BLOCKING DOTTED AT 36"

**PLAN LEGEND**

- REFRIGERATOR - PROVIDE WATER VALVE IN RECESSED VALVE BOX
- UNDERCOUNTER DISHWASHER WITH AIR-GAP
- DOUBLE BOWL KITCHEN SINK WITH 1 HP GARBAGE DISPOSER
- HANDWASH/WASHABLE PREP SINK WITH ISLAND FIXTURE VENT
- RANGE/OVEN WITH VENT HOOD EXHAUST FAN AND LIGHT FIXTURE
- HVAC UNIT
- AIR CONDITIONING OR HEAT PUMP CONDENSER ON CONCRETE PAD
- HYBRID HEAT PUMP WATER HEATER WITH SERVIC STRAPS
- LAVATORY WITH WATER SAVING FAUCET - REFER TO ME01
- WATER SAVING TOILET - REFER TO ME01
- GLASS TO REMAIN FOR INSPECTION
- WASHING MACHINE (OPTIONAL) - PROVIDE WATER AND WASTE IN RECESSED BOX
- DRYER (OPTIONAL) - PROVIDE 4" VENT BALANCED TO EXTERIOR - 14" MAX.
- HOSE BIB WITH NON-REMOVABLE BACK FLOW PREVENTION DEVICE
- TOILET PAPER HOLDER WITH BLOCKING
- RECESSED FRAMELESS IMPERVED MEDICINE CABINET
- TOWEL BAR WITH BLOCKING IN WALL
- SHOEL AND POLE

**SYMBOL LEGEND**

- 2x4 STUDS AT 16" ON CENTER WITH 3 1/2" THERMAL BATT INSULATION WITH VAPOR BARRIER AT EXTERIOR WALLS
- 2x6 STUDS AT 16" ON CENTER WITH 5 1/2" THERMAL BATT INSULATION WITH VAPOR BARRIER AT EXTERIOR WALLS
- 2x8 STUDS AT 16" ON CENTER WITH 5 1/2" THERMAL BATT INSULATION WITH VAPOR BARRIER AT EXTERIOR WALLS
- 3/2" x 2x2 FIBROX 4x 2x4 FLAT FRAME STUDS AT 16" ON CENTER
- 12" CONCRETE RETAINING WALL
- OCCUPANCY SEPARATION (2x4 - 2x6)
- INTERIOR SIFFIT (DASHED) REFER TO INTERIOR ELEVATION FOR HEIGHT
- LINE OF FLOOR ABOVE (DASHED) (Lower Floor)
- LINE OF FLOOR BELOW (DASHED) (Upper Floor)



**BASEMENT FLOOR PLAN**

100 BAY LAUREL  
 MENLO PARK, CA  
 94025-5339  
 (650) 321-4348  
 stef@schwanke.com

**SCHWANKE**  
 ARCHITECTURE



248 SAN MATEO DRIVE  
 MENLO PARK, CALIFORNIA 94025  
 A.P.N.: 071-342-090 (RIS)  
 APPLICATION No.:

**Spec. Residence**  
 NEW RESIDENCE

REV	DATE
PRELIM	08/18/2022
LD	11/18/2022
BLDG	02/15/2023
PLNG	04/28/2023

SCALE: 1/4" = 1'-0"  
 FILE: sam160248-10-b  
 PLAN:

**Basement Floor Plan**  
 AP.01

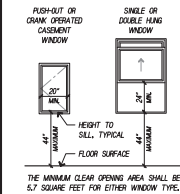




**FLOOR PLAN NOTES**

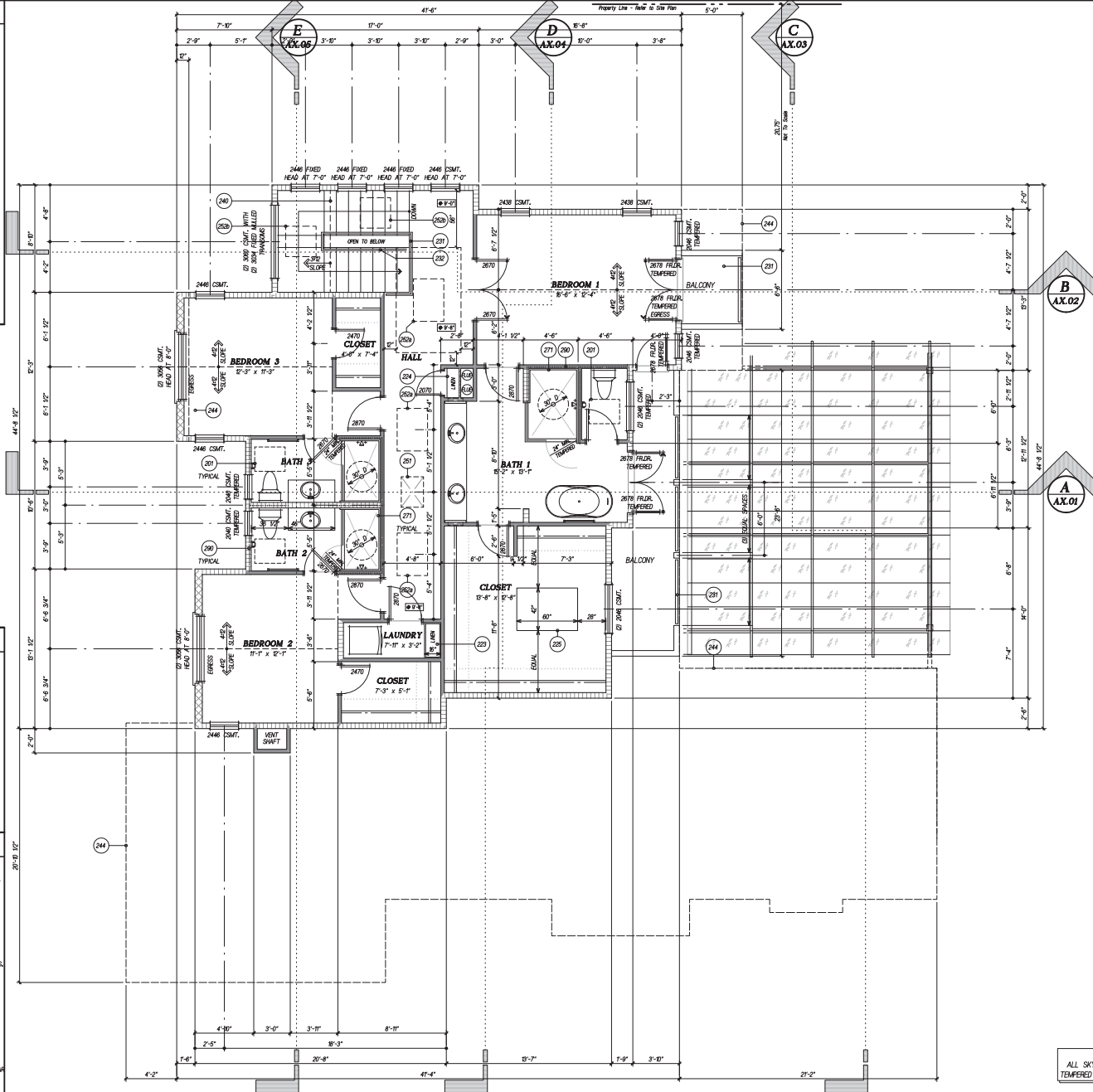
- A. FINISHED FLOOR = 71/2"
- B. 1" OYSM BOARD SHALL BE PROVIDED AT WALLS AND SOFFITS OF ENCLOSED USEABLE SPACE UNDER STAIRS.
- C. ROOM SIZES (WHERE NOTED) ARE APPROXIMATE.
- D. EXTERIOR DOOR LANDINGS SHALL BE A MAXIMUM OF 07' 3/4" FROM TOP OF THRESHOLD FOR IN-SWING DOORS OR A MAXIMUM OF 1' 1/2" FROM TOP OF THRESHOLD FOR OUT-SWING DOORS.

**EGRESS WINDOWS**



**FIREBLOCKING**

- IN COMBUSTIBLE CONSTRUCTION, FIREBLOCKING SHALL BE PROVIDED TO CUT OFF BOTH VERTICAL AND HORIZONTAL CONCEALED DRAFT OPENINGS AND TO FORM AN EFFECTIVE FIRE BARRIER BETWEEN STORIES, AND BETWEEN TOP STORY AND ROOF SPACE.
- FIREBLOCKING SHALL BE PROVIDED IN WOOD-FRAMED CONSTRUCTION IN THE FOLLOWING LOCATIONS:
- IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING FLARED SPACES AND PARALLEL ROWS OF STUDS OR STAGGERED STUDS, AS FOLLOWS:
    - VERTICAL AT THE CEILING AND FLOOR LEVELS.
    - HORIZONTAL AT INTERVALS NOT EXCEEDING 10 FEET.
  - AT INTERSECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCURS AT SOFFITS, DROP CEILINGS, AND COVE CEILINGS.
  - IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN.
  - AT OPENING AROUND VENTS, PIPES, DUCTS, CABLES AND WIRES AT CEILING AND FLOOR LEVEL, WITH AN APPROVED MATERIAL TO RESIST THE FREE PASSAGE OF FLAME AND PRODUCTS OF COMBUSTION. THE MATERIAL FILLING THIS ANNULAR SPACE SHALL NOT BE REQUIRED TO MEET THE ASTM E818 REQUIREMENTS.



NOTE:  
ALL SKYLIGHT WELLS SHALL HAVE A TEMPERED GLASS LENS AT CEILING LEVEL.

**UPPER FLOOR PLAN**

**KEYNOTES**

- 201 24"x30" REQUIRED CLEAR SPACE AT TOILET (DASHED)
- 223 BUILT-IN CASEWORK
- 224 (5) FIXED 8" SHELVES - EQUALLY SPACED
- 225 DRESSING ISLAND
- 230 CEILING BREAK LINE (DASHED)
- 231 GUARDRAIL TO 42" - CAPABLE OF WITHSTANDING 200# FORCE AT TOP RAIL IN ANY DIRECTION
- 232 HANDRAIL TO 38" ABOVE NOSE - CAPABLE OF WITHSTANDING 200# FORCE AT TOP RAIL IN ANY DIRECTION
- 240 CEILING BREAK LINE (DASHED)
- 244 LINE OF WALL BELOW (DASHED)
- 251 22"x30" MINIMUM ATTIC ACCESS PANEL WITH CONCEALED FRAME AND INSET FOR CEILING MATERIAL
- 252 SKYLIGHT WELL AT CEILING (DASHED)
- 253 30"x42"
- 254 30"x36" SQUARE
- 271 CERAMIC TILE SHOWER SURROUND - TILE OVER FIBER-REINFORCED CONCRETE/STAINLESS STEEL BAKER BOARD TO A MINIMUM OF 12" ABOVE DRAIN WITH TEMPERED GLASS ENCLOSURE
- 280 2x6 BLOCKING DOTTED AT 36"

**PLAN LEGEND**

- REFRIGERATOR - PROVIDE WATER VALVE IN RECESSED VALVE BOX
- UNDERCOUNTER DISHWASHER WITH AIR-GAP
- DOUBLE BOWL KITCHEN SINK WITH 1 HP GARBAGE DISPOSER
- HANDWASHING/VARIABLE PREP SINK WITH ISLAND FIXTURE VENT
- RANGE/OVEN WITH VENT HOOD EXHAUST FAN AND LIGHT FIXTURE
- HVAC UNIT
- AIR CONDITIONING OR HEAT PUMP CONDENSER ON CONCRETE PAD
- HYBRID HEAT PUMP WATER HEATER WITH SERVICING STRAPS
- LAVATORY WITH WATER SAVING FAUCET - REFER TO ME01
- WATER SAVING TOILET - REFER TO ME01 (GLASS TO REMAIN FOR INSPECTION)
- WASHING MACHINE (OPTIONAL) - PROVIDE WATER AND WASTE IN RECESSED BOX
- DRYER (OPTIONAL) - PROVIDE 4" VENT (BALANCED TO EXTERIOR - 1" MAX.)
- HOSE BIB WITH NON-REMOVABLE BACK FLOW PREVENTION DEVICE
- TOILET PAPER HOLDER WITH BLOCKING
- RECESSED FRAMELESS IMPERVED MEDICINE CABINET
- TOWEL BAR WITH BLOCKING IN WALL
- SHelf AND POLE

**SYMBOL LEGEND**

- 2x4 STUDS AT 16" ON CENTER WITH 3 1/2" THERMAL BATT INSULATION WITH VAPOR BARRIER AT EXTERIOR WALLS
- 2x6 STUDS AT 16" ON CENTER WITH 5 1/2" THERMAL BATT INSULATION WITH VAPOR BARRIER AT EXTERIOR WALLS
- 2x8 STUDS AT 16" ON CENTER WITH 5 1/2" THERMAL BATT INSULATION WITH VAPOR BARRIER AT EXTERIOR WALLS
- 3/2" - 2x2 FLOORING - 2x4 FLAT FRAME STUDS AT 16" ON CENTER
- 2" CONCRETE RETAINING WALL
- EXPANSION SEPARATION (2x4 - 2x4)
- INTERIOR SOFFIT (EXPANDED) REFER TO INTERIOR ELEVATION FOR HEIGHT
- LINE OF FLOOR ABOVE (DASHED Lower Floor)
- LINE OF FLOOR BELOW (DASHED Upper Floor)



100 BAY LAUREL  
MENLO PARK, CA  
94025-5339  
(650) 321-4348  
stev@schwanke.com

**SCHWANKE**  
ARCHITECTURE



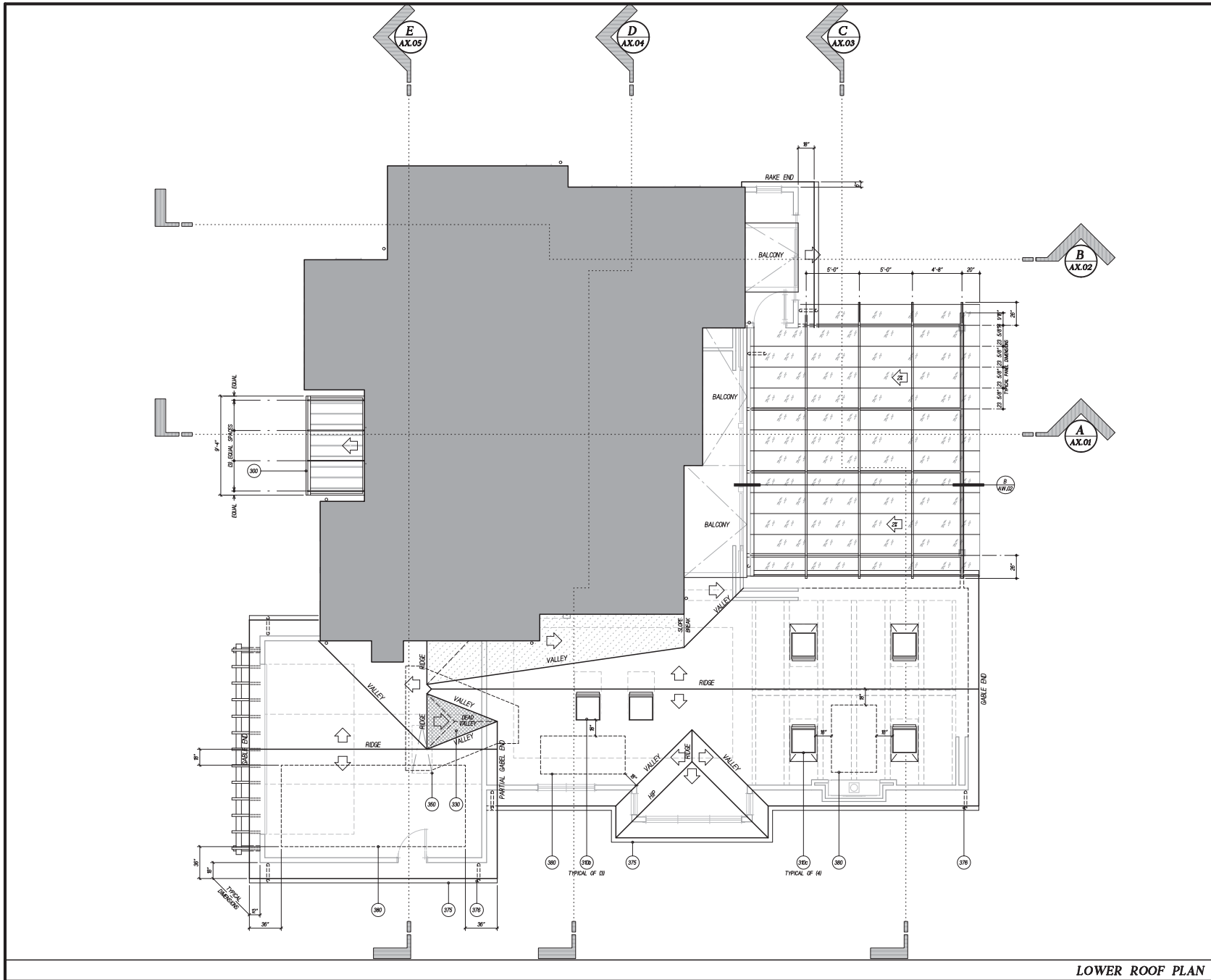
248 SAN MATEO DRIVE  
MENLO PARK, CALIFORNIA 94025  
A.P.N.: 071-342-090 (RIS)  
APPLICATION NO.:

**Spec. Residence**  
NEW RESIDENCE

REV	DATE
PRELIM	08/18/2022
DD	11/18/2022
BLDG	01/15/2023
PLNG	03/15/2023
PLNG	04/28/2023

SCALE: 1/4" = 1'-0"  
FILE: ssm160248-10.dwg

PLAN:  
**Upper Floor Plan**  
AP.03



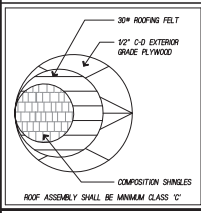
LOWER ROOF PLAN

**KEYNOTES**

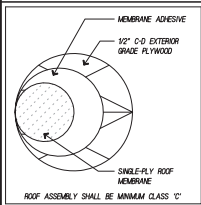
- 300 STEEL ENTRY CANOPY - REFER TO SHEET AWJ01
- 310 SKYLIGHT - REFER TO SKJ01
  - a) 24" SQUARE
  - b) 24"x24"
  - c) 30"x48"
- 330 OVERLAP CHIMNEY CROSSHATCHES - 3/8"/2" APPROXIMATE SLOPE - UNDERLAY COMPOSITION SHINGLES WITH WATERPROOF MEMBRANE EXTENDING A MINIMUM OF 24" BEYOND ALL EDGES OF CHIMNEY EXTENTS SHOWN DASHED
- 350 22"x30" MINIMUM ATTIC ACCESS FALL-DOWN STAIR SELF-CLOSING, SELF-LATCHING, 20-MINUTE RATED MINIMUM
- 375 GALVANIZED SHEET METAL GUTTER
- 376 GALVANIZED SHEET METAL DOWNSPOUT
- 380 SOLAR PANEL FIELD (DASHED) - +/- 277 S.F. FOR 2.77 KW/HP MINIMUM (1/2" @ 8" S.F. ON LOWER ROOF)

NOTE:  
ALL ATTIC SPACES ARE INSULATED AT UNDERSIDE OF ROOF SHEATHING AND ARE UNVENTILATED. GABLE END WALLS SHALL BE INSULATED TO SAME DEPTH AS ROOF SHEATHING INSULATION.

**ROOF ASSEMBLY**



**ROOF ASSEMBLY**



**ROOF NOTES**

- A. VALLEY FLASHING SHALL BE 26 GAUGE GALVANIZED SHEET METAL 2" WIDE OVER 10 LAYER OF MINIMUM 72# MINERAL SURFACE NONPENETRATED CAP SHEET (ASTM D 3099) AT LEAST 36" WIDE AND FINISH THE FULL LENGTH OF THE VALLEY.
- B. ALL AREAS OF OVERBUILD (CALIFORNIA) FRAMING WITH CONTIGUOUS SHEATHING ON THE UNDERLYING ROOF SHALL HAVE OPENINGS AS REQUIRED FOR ACCESS AND VENTILATION.
- C. SINGLE-PLY ROOF MEMBRANE SHALL BE "50P" (TYPICAL) 120 @ 120 MI FULLY ADHESIVE GLASS "A" ROOFING MEMBRANE (ALL PRODUCTS, 5/29/2015, Report available upon request.)



100 BAY LAUREL  
MENLO PARK,  
CALIFORNIA 94025-5339  
(650) 321-4348  
stere@schwanke.com

**SCHWANKE**  
ARCHITECTURE



248 SAN MATEO DRIVE  
MENLO PARK  
CALIFORNIA 94025  
A.P.N.: 071-342-090 (RIS)  
APPLICATION No.:

**Spec. Residence**  
NEW RESIDENCE

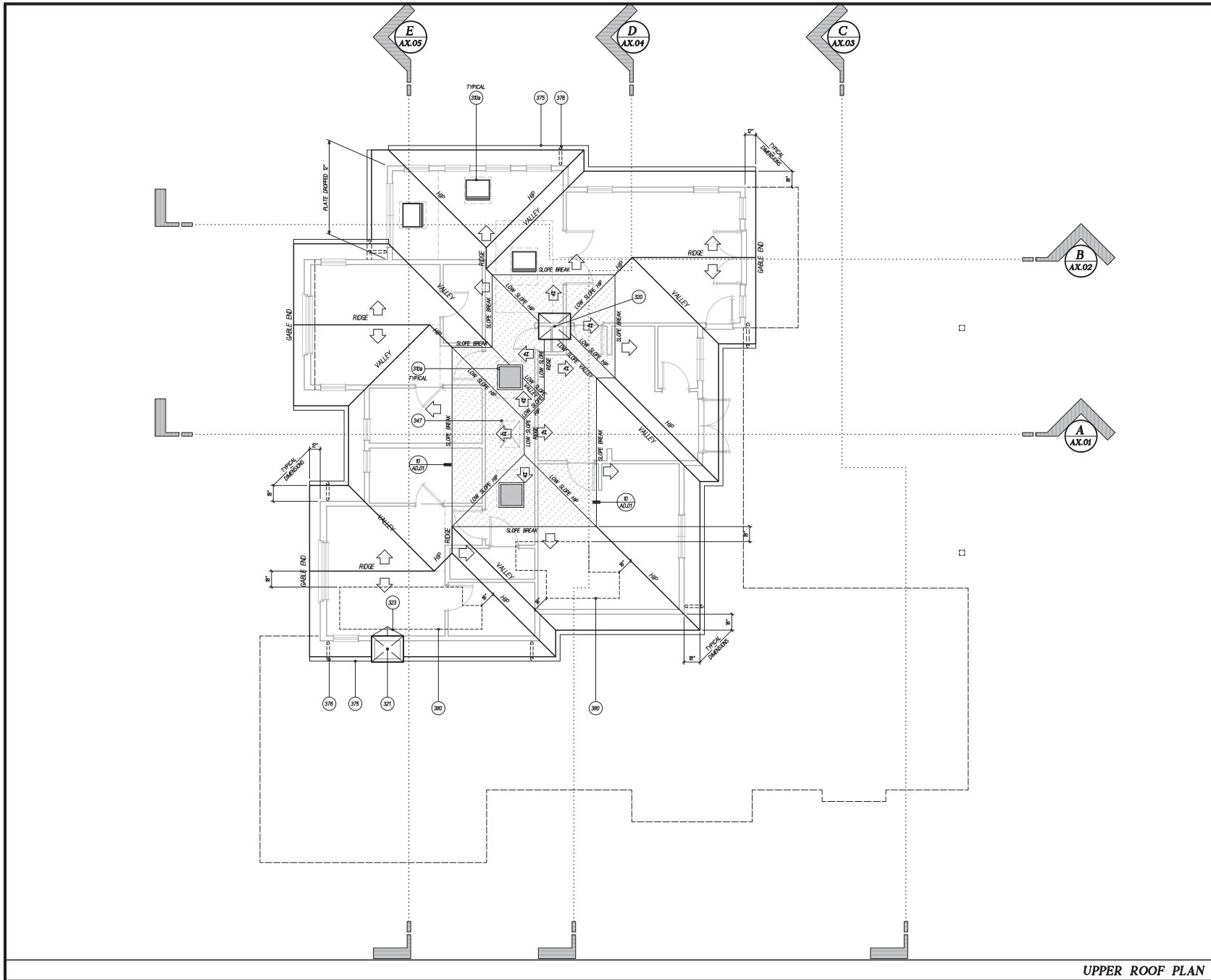
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PRELIM	08/18/2022
DD	11/18/2022
BLDG	12/15/2022
PLNG	03/15/2023
PLNG	04/28/2023

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

FILE: sammlc048-1.dwg

PLAN:

**Lower Roof Plan**  
AR.01



UPPER ROOF PLAN

**KEYNOTES**

310 SKYLIGHT - REFER TO SK/01  
 @ 24" SQUARE

320 CHIMNEY WITH GALVANIZED SHEET METAL SHROUD - REFER TO EXTERIOR ELEVATIONS

321 FALSE CHIMNEY TO CONCEAL PLUMBING VENTS - REFER TO EXTERIOR ELEVATIONS

322 GALVANIZED SHEET METAL CHIMNEY CRACKET - REFER TO DETAIL 9/AD/02

347 22"x30" MINIMUM ATTIC ACCESS PANEL WITH CONDENSED FRAME AND INSET FOR CEILING MATERIAL

375 GALVANIZED SHEET METAL GUTTER

376 GALVANIZED SHEET METAL DOWNSPOUT

380 SOLAR PANEL FIELD (DASHED) - +/- 277 S.F. FOR 2.77 KW/6 MINIMUM (+/- 89 S.F. ON UPPER ROOF)

**NOTE:**  
 ALL ATTIC SPACES ARE INSULATED AT UNDERSIDE OF ROOF SHEATHING AND ARE UNVENTILATED. GABLE END WALLS SHALL BE INSULATED TO SAME DEPTH AS ROOF SHEATHING INSULATION.

**ROOF ASSEMBLY**

ROOF ASSEMBLY SHALL BE MINIMUM CLASS 'C'

**ROOF ASSEMBLY**

ROOF ASSEMBLY SHALL BE MINIMUM CLASS 'C'

**ROOF NOTES**

A. VALLEY FLASHING SHALL BE 26 GAUGE GALVANIZED SHEET METAL 20" WIDE OVER 10 LAYER OF MINIMUM 72# MINERAL SURFACE NONPENETRATED CAP SHEET (ASTM D 3090) AT LEAST 36" WIDE AND FINISH THE FULL LENGTH OF THE VALLEY.

B. ALL AREAS OF OVERBUILD (CALIFORNIA) FRAMING WITH CONTRAILS SHEATHING ON THE UNDERLYING ROOF SHALL HAVE OPENINGS AS REQUIRED FOR ACCESS AND VENTILATION.

C. SINGLE-PLY ROOF MEMBRANE SHALL BE "50P" (THERMOFLEX 100 60" x 60" OR FULLY ADHESIVE CLASS 'A' ROOFING MEMBRANE (ALL PRODUCTS, 5/29/2015, Report available upon request.)

RE: DATE:  
 PRELIM 08/18/2022  
 DD 11/8/2022  
 BLDG 02/15/2022  
 PLNG 03/15/2023  
 PLNG 04/28/2023  
 SCALE: 1/4" = 1'-0"  
 FILE: samml60248-1p.dwg  
 PLAN:

**Upper Roof Plan**

AR.02

100 BAY LAUREL  
 MENLO PARK, CALIFORNIA  
 94025-5339  
 (650) 321-4348  
 steve@schwanke.com

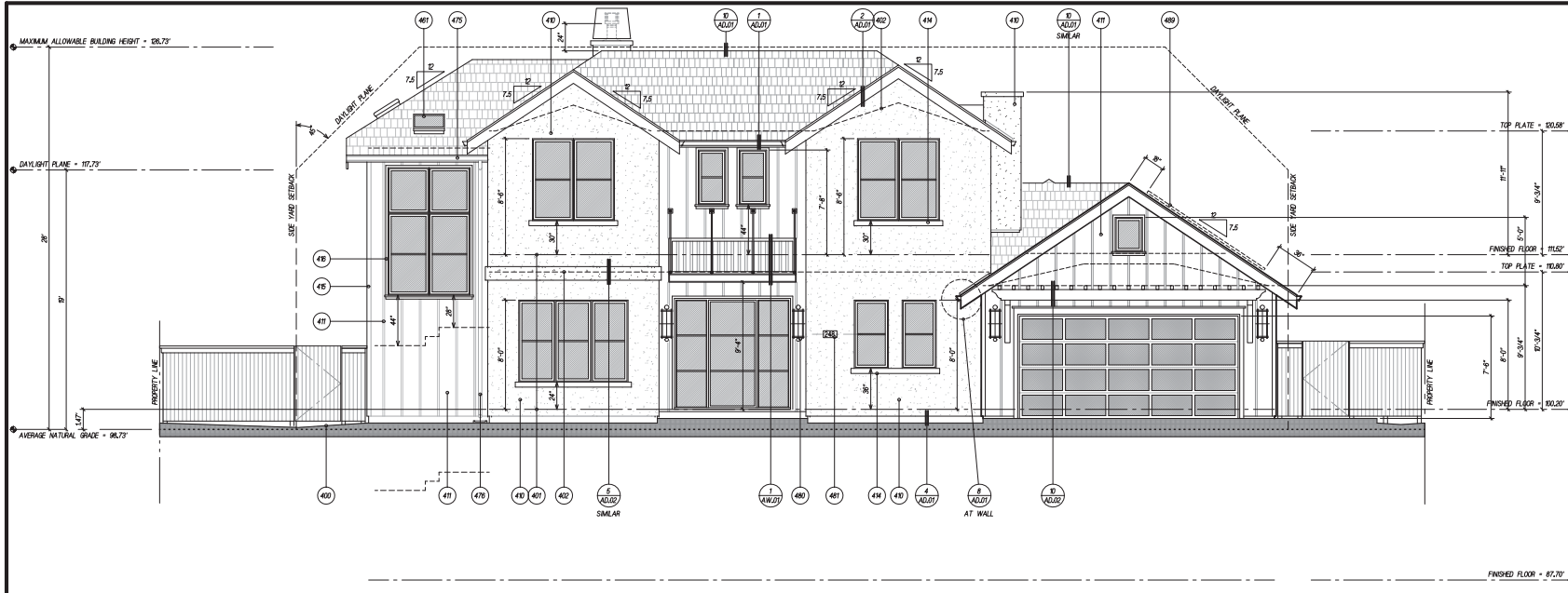
**SCHWANKE**  
 ARCHITECTURE

STATE OF CALIFORNIA  
 Steven A. Schwanke  
 License No. 12723  
 REGISTERED ARCHITECT

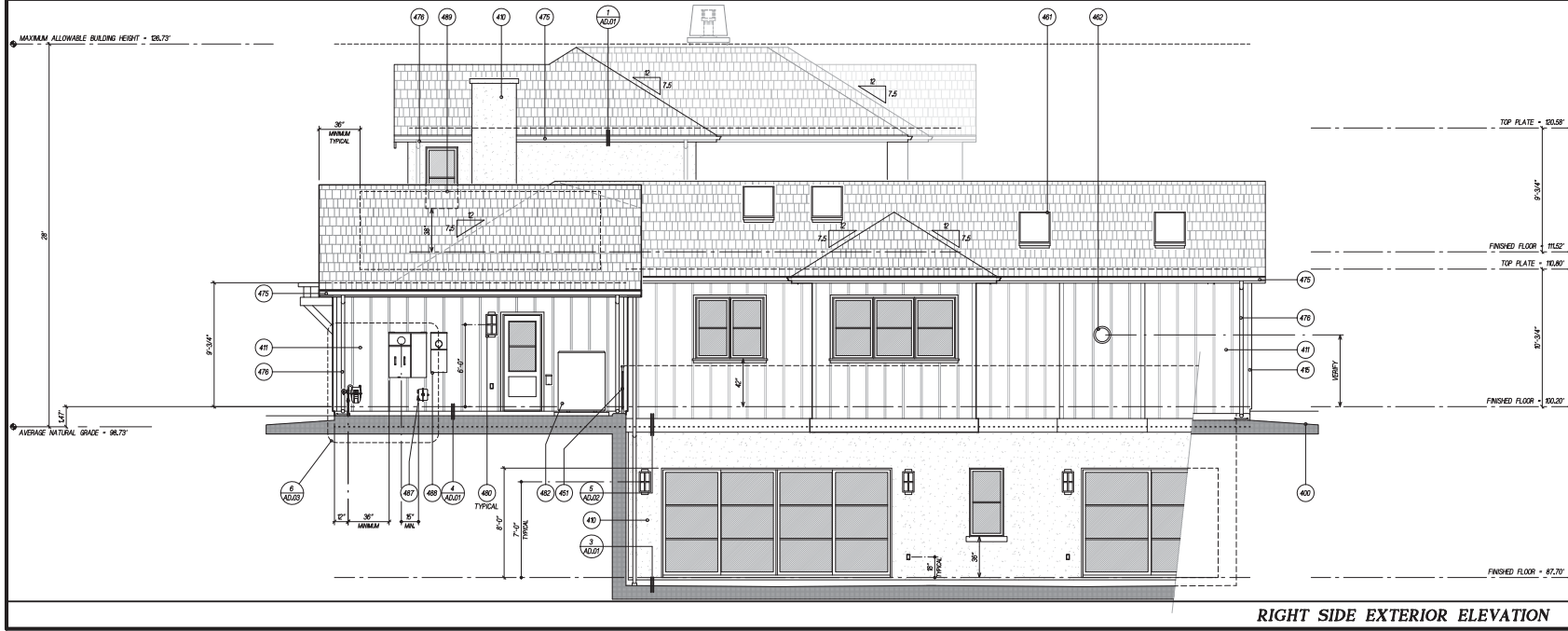
248 SAN MATEO DRIVE  
 MENLO PARK, CALIFORNIA 94025  
 A.P.N.: 071-342-090 (RIS)  
 APPLICATION No.:

**Spec. Residence**  
 NEW RESIDENCE





FRONT EXTERIOR ELEVATION



RIGHT SIDE EXTERIOR ELEVATION

**KEYNOTES**

- 400 APPROXIMATE FINISHED GRADE
- 401 FINISHED FLOOR
- 402 TOP PLATE/CEILING LINE
- 410 CEMENT PLASTER - REFER TO DETAIL 'WADJ01'
- 411 WOOD SIDING
- 414 STONE WINDOW SILL
- 415 WOOD CORNER TRIM
- 416 WOOD WINDOW TRIM AND SILL
- 451 METAL BANDSAW - CAPABLE OF WITHSTANDING 200# FORCE IN ANY DIRECTION AT TOP RAIL
- 451 SKYLIGHT - REFER TO ROOF PLAN
- 460 DIRECT VENT FIREPLACE OUTLET
- 470 GALVANIZED SHEET METAL FLASHING
- 475 GALVANIZED SHEET METAL GUTTER
- 476 GALVANIZED SHEET METAL DOWNSPOUT
- 480 HIGH-EFFICACY DECORATIVE EXTERIOR LIGHT FIXTURE
- 481 ILLUMINATED HIGH-EFFICACY STREET ADDRESS SIGN WITH MINIMUM 4" HIGH x 1/2" STROKE NUMERALS
- 482 AIR CONDITIONING CONDENSER RATED TO CONCRETE SLAB AT 3" MINIMUM ABOVE FINISHED GRADE
- 487 TELEPHONE NUD
- 488 PHOTOVOLTAIC NET METER
- 489 PHOTOVOLTAIC PANEL FIELD (DASHED)

**TYPICAL FINISHES**

- CEMENT PLASTER: "Omega Products International" "Cappuccino"
- WINDOWS: "Andersen Windows & Doors" "Terralora" CLAD WOOD WITH SIMULATED TREE DIVIDED LITES
- WOOD SIDING PAINT: "Sherwin Williams" SW 7031 Mega Greige
- WOOD TRIM PAINT: "Sherwin Williams" SW 7026 Griffin
- COMPOSITION SHINGLES: "CertainTeed" Presidential - Autumn Blend
- DRIVEWAY PAVERS: "Castalite Block LLC" Century Stone Shasta Blend
- SKYLIGHTS: "Velux" Dark Anodized Bronze FRAME
- LIGHT FIXTURES AND MISCELLANEOUS METAL: Dark Anodized Bronze (similar to Enduring Bronze) Manufacturers vary
- FENCES: Redwood or Cedar - natural coloring

100 BAY LAUREL  
MENDOCINO PARK  
CALIFORNIA 94025  
94025-6339  
(650) 321-4348  
stev@schwanke.com

**SCHWANKE**  
ARCHITECTURE



248 SAN MATEO DRIVE  
MENDOCINO PARK  
CALIFORNIA 94025  
A.P.N.: 071-342-090 (RIS)  
APPLICATION No.:

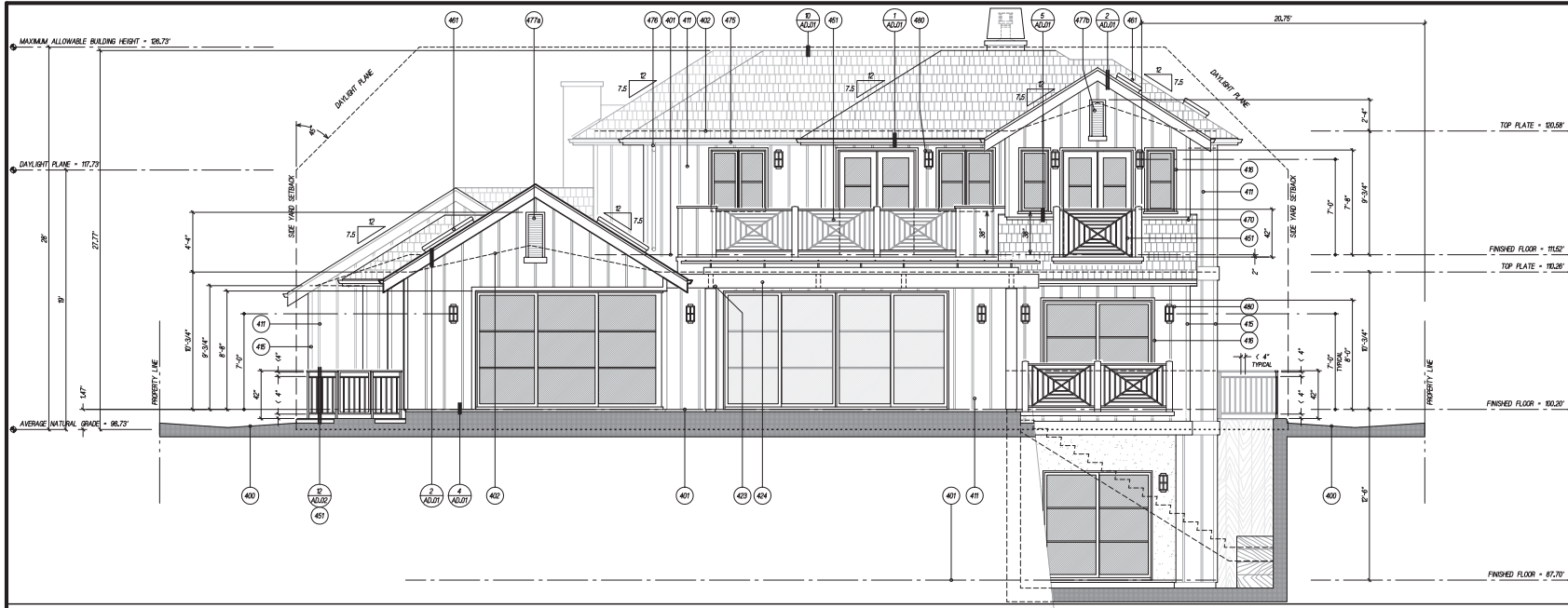
**Spec. Residence**  
NEW RESIDENCE

REV	DATE
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BLDG	12/15/2022
PLNG	03/15/2023
PLNG	04/29/2023
PLNG	06/02/2023

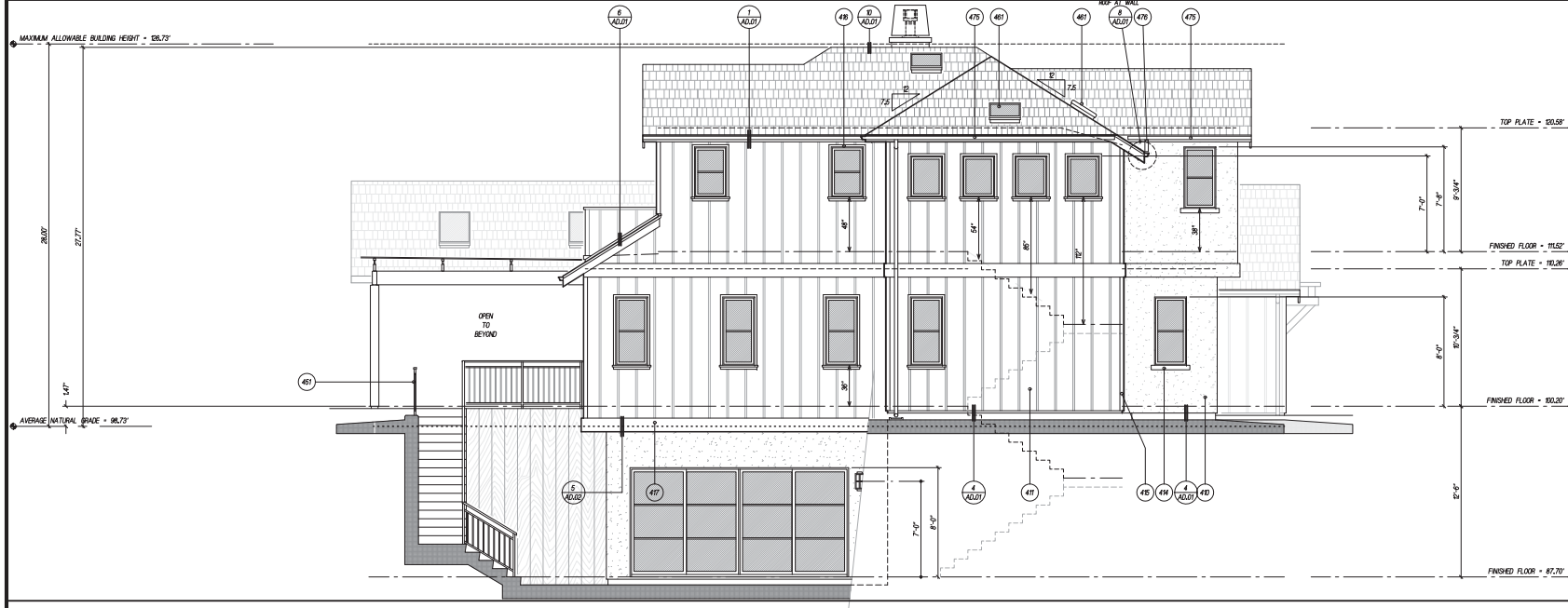
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FILE: sammeto248-1a-b  
PLAN:

**Exterior Elevations**

AE.01



REAR EXTERIOR ELEVATION



LEFT SIDE EXTERIOR ELEVATION

**KEYNOTES**

- 400 APPROXIMATE FINISHED GRADE
- 401 FINISHED FLOOR
- 402 TOP PLATE/CEILING LINE
- 410 CEMENT PLASTER - REFER TO DETAIL 3/ADJ.01
- 411 WOOD SIDING
- 414 STONE WINDOW SILL
- 415 WOOD CORNER TRIM
- 416 WOOD WINDOW TRIM AND SILL
- 417 2x2 WOOD BELLY BAND TRIM
- 423 HSS TRELLIS BEAM
- 424 HSS TRELLIS CROSS-MEMBER, TYPICAL
- 425 6x8 REDWOOD - OR - CEDAR OUTRIGGER, TYPICAL
- 451 METAL GUARDRAIL - CAPABLE OF WITHSTANDING 200# FORCE IN ANY DIRECTION AT TOP RAIL
- 461 SKYLIGHT - REFER TO ROOF PLAN
- 470 GALVANIZED SHEET METAL FLASHING
- 475 GALVANIZED SHEET METAL GUTTER
- 476 GALVANIZED SHEET METAL DOWNSPOUT
- 477 GALVANIZED SHEET METAL FALSE LOUVERED VENT @ 30"x36"
- 480 HIGH-EFFICIENCY EXTERIOR LIGHT FIXTURE

- 403 APPROXIMATE FINISHED GRADE
- 404 FINISHED FLOOR
- 405 TOP PLATE/CEILING LINE
- 410 CEMENT PLASTER - REFER TO DETAIL 3/ADJ.01
- 411 WOOD SIDING
- 414 STONE WINDOW SILL
- 415 WOOD CORNER TRIM
- 416 WOOD WINDOW TRIM AND SILL
- 417 2x2 WOOD BELLY BAND TRIM
- 423 HSS TRELLIS BEAM
- 424 HSS TRELLIS CROSS-MEMBER, TYPICAL
- 425 6x8 REDWOOD - OR - CEDAR OUTRIGGER, TYPICAL
- 451 METAL GUARDRAIL - CAPABLE OF WITHSTANDING 200# FORCE IN ANY DIRECTION AT TOP RAIL
- 461 SKYLIGHT - REFER TO ROOF PLAN
- 470 GALVANIZED SHEET METAL FLASHING
- 475 GALVANIZED SHEET METAL GUTTER
- 476 GALVANIZED SHEET METAL DOWNSPOUT
- 477 GALVANIZED SHEET METAL FALSE LOUVERED VENT @ 30"x36"
- 480 HIGH-EFFICIENCY EXTERIOR LIGHT FIXTURE

**TYPICAL FINISHES**

- CEMENT PLASTER: "Omega Products International" Cappuccino
- WINDOWS: "Anderson Windows & Doors" Terralite® CLAD WOOD WITH SIMULATED TREE DIVIDED LITES
- WOOD SIDING PAINT: "Sherwin Williams" SW 7031 Mega Greige
- WOOD TRIM PAINT: "Sherwin Williams" SW 7026 Griffin
- COMPOSITION SHINGLES: "CertainTeed" Presidential - Autumn Blend
- DRIVEWAY PAVERS: "Castellite Block LLC" Century Stone Shasta Blend
- SKYLIGHTS: "Velux" Dark Anodized Bronze FRAME
- LIGHT FIXTURES and MISCELLANEOUS METAL: Dark Anodized Bronze (similar to Enduring Bronze) Manufacturers vary
- FENCES: Redwood or Cedar - natural coloring

100 BAY LAUREL  
MENDOCINO PARK  
CALIFORNIA 94025  
94925-5339  
(650) 321-4348  
stev@schwanke.com

**SCHWANKE**  
ARCHITECTURE



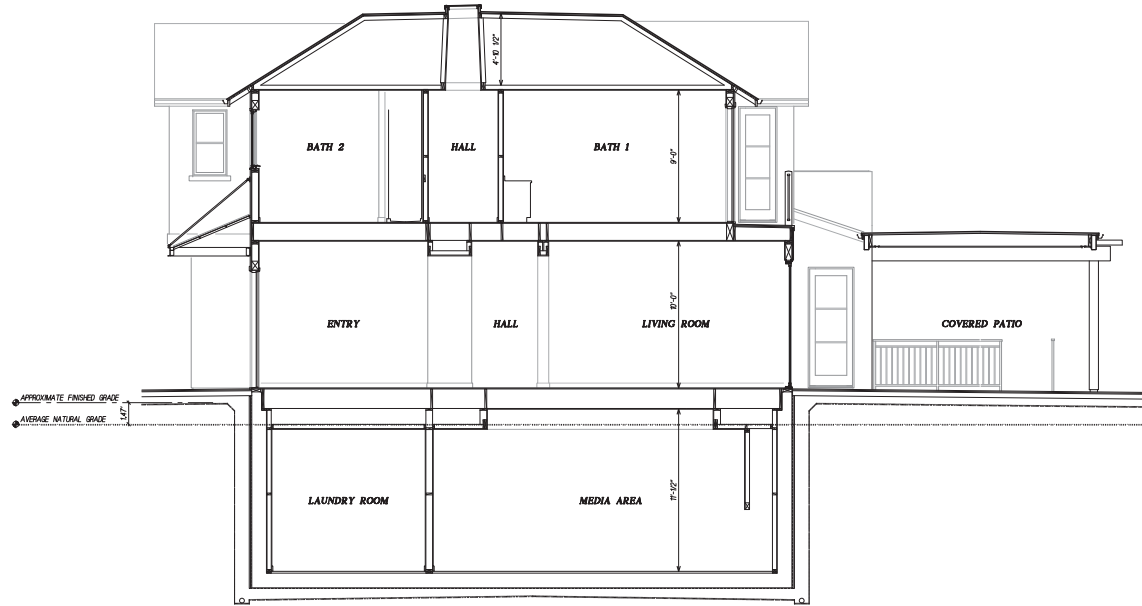
248 SAN MATEO DRIVE  
MENDOCINO PARK  
CALIFORNIA 94025  
A.P.N.: 071-342-090 (R1S)  
APPLICATION No.:

**Spec. Residence**  
NEW RESIDENCE

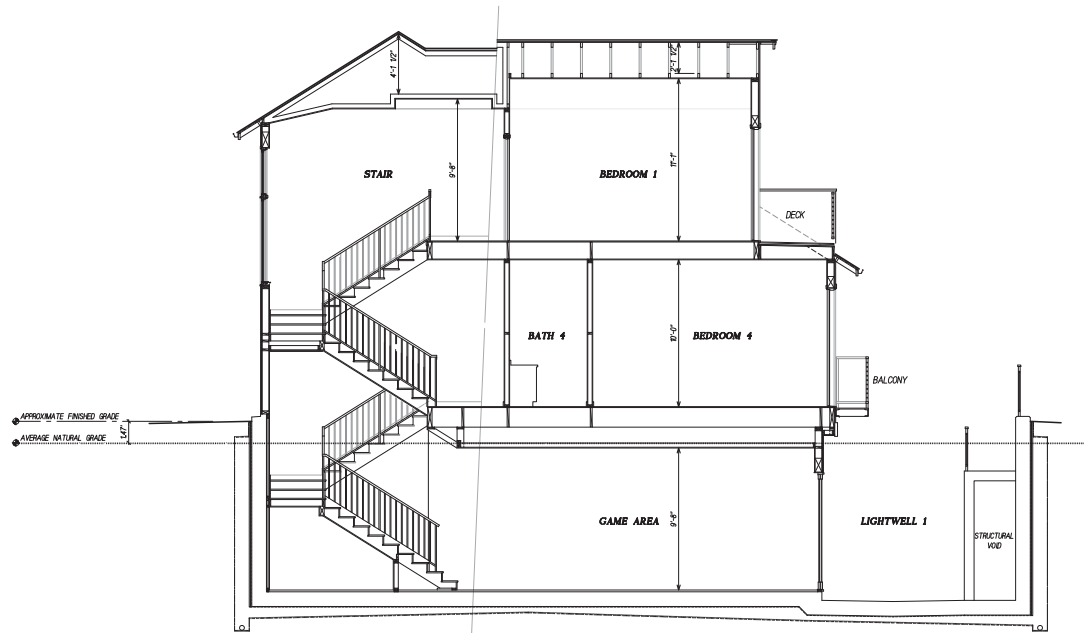
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DD	11/18/2022
BLDG	02/15/2022
PLNG	03/15/2023
PLNG	04/29/2023
PLNG	06/02/2023

FILE: sam10c248-1a.dwg  
PLAN:  
**Exterior Elevations**

AE.02



BUILDING SECTION 'A'



BUILDING SECTION 'B'



1100 BAY LAUREL  
MENDOTA PARK  
MENDOTA, CA 94025-5339  
(650) 321-4348  
scre@schwanke.com

**SCHWANKE**  
ARCHITECTURE



X  
X  
X  
A.P.N.:  
PERMIT No.:

**Family Residence**  
REMODEL and ADDITION

RE:	DATE:
DFR	03/15/2023

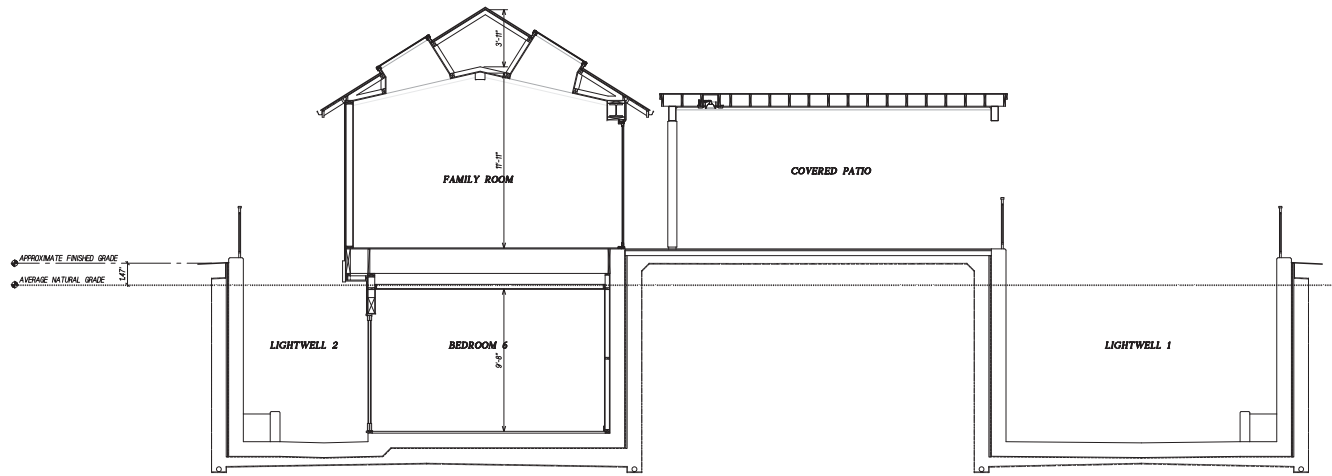
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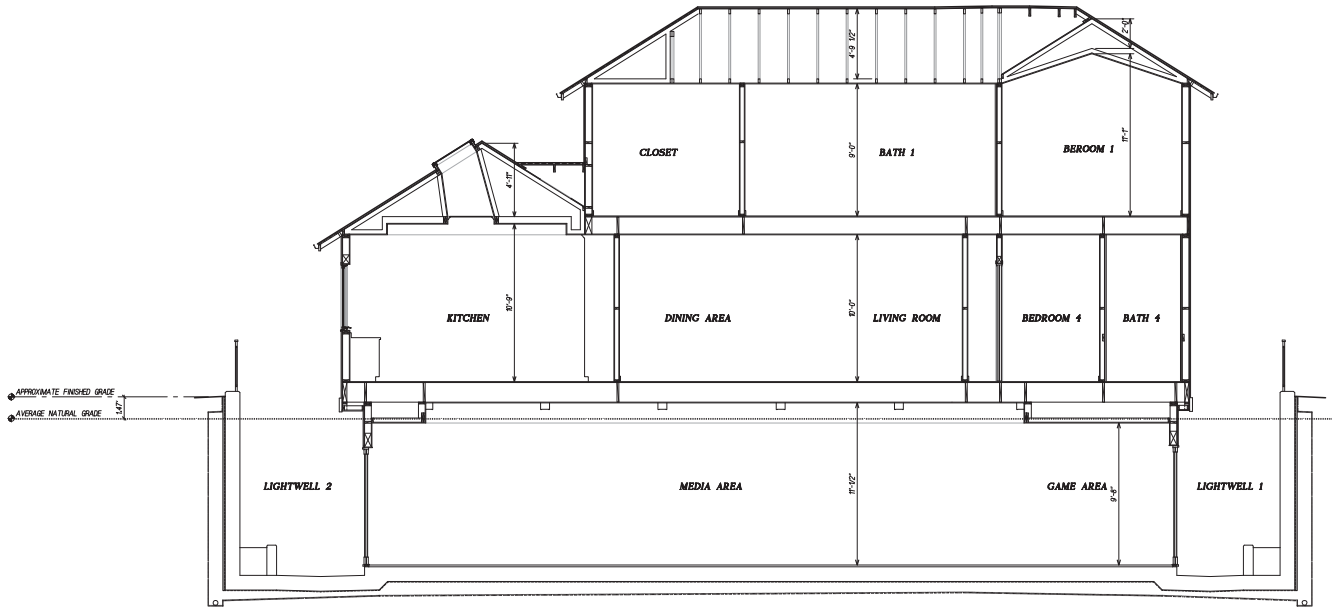
PLAN:

**Building Section 'A'/'B'**

AX.01



BUILDING SECTION 'C'



BUILDING SECTION 'D'



1100 BAY LAUREL  
MENDOTA PARK  
MENDOTA, ILLINOIS  
94025-5339  
(630) 321-4348  
scre@schwanke.com

**SCHWANKE**  
ARCHITECTURE



X  
X  
X  
A.P.N.:  
PERMIT No.:

**Family Residence**  
REMODEL and ADDITION

RE:	DATE:
DR	03/15/2023

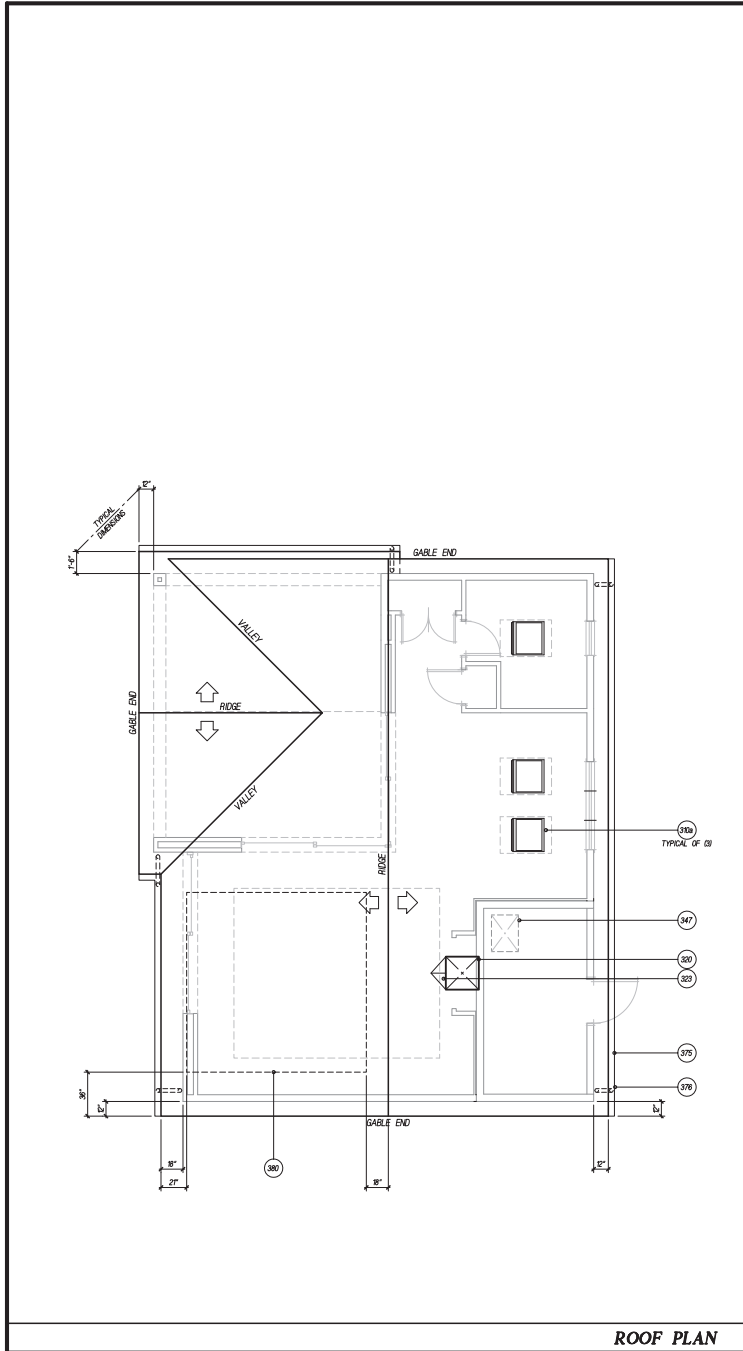
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FILE: sanna160249-00.dwg

PLAN:

**Building Section 'C'/'D'**

AX.02



ROOF PLAN

**KEYNOTES**

310 SKYLIGHT - REFER TO SKL01  
#1 24" SQUARE

320 CHIMNEY WITH GALVANIZED SHEET METAL DOWNSPOUT - REFER TO EXTERIOR ELEVATIONS

323 GALVANIZED SHEET METAL DRAIN DROU - REFER TO DETAIL 04A.02

350 22"x30" MINIMUM ATTIC ACCESS

376 GALVANIZED SHEET METAL GUTTER

378 GALVANIZED SHEET METAL DOWNSPOUT

380 SOLAR PANEL FIELD DASHES 1/4" - NO S.F. FOR 1.4 KW MINIMUM

**NOTE:**  
ALL ATTIC SPACES ARE INSULATED AT UNDERSIDE OF ROOF SHEATHING AND ARE UNVENTILATED. GABLE END WALLS SHALL BE INSULATED TO SAME DEPTH AS ROOF SHEATHING INSULATION.

**ROOF ASSEMBLY**

30" ROOFING FELT  
1/2" CD EXTERIOR BRACE PLYWOOD  
COMPOSITION SHINGLES  
ROOF ASSEMBLY SHALL BE MINIMUM CLASS 1"

**ROOF NOTES**

A. VALLEY FLASHING SHALL BE 20 GAUGE GALVANIZED SHEET METAL 20" WIDE OVER 13 LAYERS OF MINIMUM 7/8" MINERAL SURFACE NON-PERFORATED CAP SHEET (ASTM D 3950) AT LEAST 36" WIDE AND RUNNING THE FULL LENGTH OF THE VALLEY.

B. ALL AREAS OF OVER-BUILD (CALIFORNIA) FRAMING WITH CONTINUOUS SHEATHING ON THE UNDERLYING ROOF SHALL HAVE OPENINGS AS REQUIRED FOR ACCESS AND VENTILATION.

C. SINGLE-PLY ROOF MEMBRANE SHALL BE "30" EPDM 60 MIL FULLY ADHERED CLASS "A" ROOFING MEMBRANE (ILL. EPDM09-01, 5/29/2015. Report available upon request).

**KEYNOTES**

210 KNEESPACE BASED UNDER COUNTER

222 FIED PLYWOOD SHELVES WITH HARDWOOD EDGES EQUALLY SPACED

230 CEILING BREAK LINE DASHED

244 SKYLIGHT MELL DASHED  
#1 30"x42"

250 22"x30" MINIMUM ATTIC ACCESS

271 CERAMIC TILE SHOWER SURROUND - TILE OVER FIBER-REINFORCED CEMENTitious SANDOR BOARD TO A MINIMUM OF 72" ABOVE DRAIN INLET WITH TEMPERED GLASS ENCLOSURE

278 FIRE SPRINKLER RISER - VERIFY LOCATION WITH ENGINEER AND IN FIELD

280 2x8 BLOCKING DOTTED AT 36"

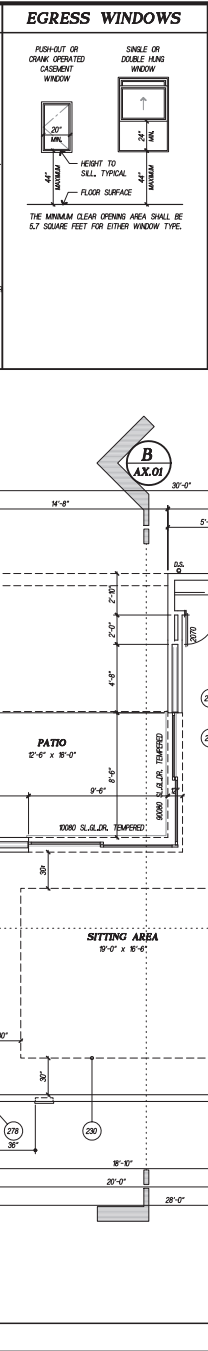
**FLOOR PLAN NOTES**

A. FINISHED FLOOR = 97.25'

B. FIREPLACE:  
78" H & 60" PRIMO48 - UL LISTED AND TESTED IN ACCORDANCE WITH AGC 2208/MSA 23398. INSTALL IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND THE LISTING - INSTALLATION MANUAL SHALL BE AVAILABLE FOR REVIEW BY INSPECTOR. FIREPLACE VENT SHALL BE "Smooth" "Dark-Vent" AS 10" APPROVED EQUAL AS LISTED BY FIREPLACE MANUFACTURER IN THE INSTALLATION MANUAL. FIREPLACE VENT SHALL BE INSTALLED IN ACCORDANCE WITH THE FUELE MANUFACTURER'S INSTRUCTIONS.

C. EXTERIOR DOORS/LANDINGS SHALL BE A MAXIMUM OF 7 3/4" FROM TOP OF THRESHOLD (1 1/2" MAXIMUM AT OUT-SWING DOORS).

D. ROOM SIZES (WHERE NOTED) ARE APPROXIMATE.



FLOOR PLAN

**KEYNOTES**

210 KNEESPACE BASED UNDER COUNTER

222 FIED PLYWOOD SHELVES WITH HARDWOOD EDGES EQUALLY SPACED

230 CEILING BREAK LINE DASHED

244 SKYLIGHT MELL DASHED  
#1 30"x42"

250 22"x30" MINIMUM ATTIC ACCESS

271 CERAMIC TILE SHOWER SURROUND - TILE OVER FIBER-REINFORCED CEMENTitious SANDOR BOARD TO A MINIMUM OF 72" ABOVE DRAIN INLET WITH TEMPERED GLASS ENCLOSURE

278 FIRE SPRINKLER RISER - VERIFY LOCATION WITH ENGINEER AND IN FIELD

280 2x8 BLOCKING DOTTED AT 36"

**FLOOR PLAN NOTES**

A. FINISHED FLOOR = 97.25'

B. FIREPLACE:  
78" H & 60" PRIMO48 - UL LISTED AND TESTED IN ACCORDANCE WITH AGC 2208/MSA 23398. INSTALL IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND THE LISTING - INSTALLATION MANUAL SHALL BE AVAILABLE FOR REVIEW BY INSPECTOR. FIREPLACE VENT SHALL BE "Smooth" "Dark-Vent" AS 10" APPROVED EQUAL AS LISTED BY FIREPLACE MANUFACTURER IN THE INSTALLATION MANUAL. FIREPLACE VENT SHALL BE INSTALLED IN ACCORDANCE WITH THE FUELE MANUFACTURER'S INSTRUCTIONS.

C. EXTERIOR DOORS/LANDINGS SHALL BE A MAXIMUM OF 7 3/4" FROM TOP OF THRESHOLD (1 1/2" MAXIMUM AT OUT-SWING DOORS).

D. ROOM SIZES (WHERE NOTED) ARE APPROXIMATE.

**HEAT & GLO**  
PRIMO48  
UL LISTED

MODEL: PRIMO48, PRIMO48ST  
PRIMO60, PRIMO60ST, PRIMO72, PRIMO72ST  
LABORATORY: Underwriters Laboratories, Inc. (UL)  
TYPE: Direct Vent Gas Appliance  
STANDARD: ANSI Z21.90-2016 • CSA 2.22-2016

Models	Minimum	Maximum	Minimum	Maximum
(UL or Canada)	Input	Input	Clearance	Clearance
	(BTU)	(BTU)	(inches)	(inches)
PRIMO48	20,000	30,000	18"	24"
PRIMO48	20,000	30,000	18"	24"

**KEYNOTES**

210 KNEESPACE BASED UNDER COUNTER

222 FIED PLYWOOD SHELVES WITH HARDWOOD EDGES EQUALLY SPACED

230 CEILING BREAK LINE DASHED

244 SKYLIGHT MELL DASHED  
#1 30"x42"

250 22"x30" MINIMUM ATTIC ACCESS

271 CERAMIC TILE SHOWER SURROUND - TILE OVER FIBER-REINFORCED CEMENTitious SANDOR BOARD TO A MINIMUM OF 72" ABOVE DRAIN INLET WITH TEMPERED GLASS ENCLOSURE

278 FIRE SPRINKLER RISER - VERIFY LOCATION WITH ENGINEER AND IN FIELD

280 2x8 BLOCKING DOTTED AT 36"

**FLOOR PLAN NOTES**

A. FINISHED FLOOR = 97.25'

B. FIREPLACE:  
78" H & 60" PRIMO48 - UL LISTED AND TESTED IN ACCORDANCE WITH AGC 2208/MSA 23398. INSTALL IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND THE LISTING - INSTALLATION MANUAL SHALL BE AVAILABLE FOR REVIEW BY INSPECTOR. FIREPLACE VENT SHALL BE "Smooth" "Dark-Vent" AS 10" APPROVED EQUAL AS LISTED BY FIREPLACE MANUFACTURER IN THE INSTALLATION MANUAL. FIREPLACE VENT SHALL BE INSTALLED IN ACCORDANCE WITH THE FUELE MANUFACTURER'S INSTRUCTIONS.

C. EXTERIOR DOORS/LANDINGS SHALL BE A MAXIMUM OF 7 3/4" FROM TOP OF THRESHOLD (1 1/2" MAXIMUM AT OUT-SWING DOORS).

D. ROOM SIZES (WHERE NOTED) ARE APPROXIMATE.

**STATE OF CALIFORNIA**  
Steven A. Schwanke  
REGISTERED ARCHITECT  
No. 1273

248 SAN MATEO DRIVE  
MENLO PARK  
CALIFORNIA 94025  
A.P.N.: 071-342-090 (RIS)  
APPLICATION No.

**Spec. Residence**  
ACCESSORY DWELLING UNIT

RE:	DATE:
PRELIM	08/18/2022
DD	11/8/2022
BLDG	12/15/2022
DDR	03/15/2023

SCALE: 1/4" = 1'-0"  
FILE: samat-adv-bldg  
PLAN:

**Floor Plan**

ADU.01

100 BAY LAUREL  
MENLO PARK, CA  
94025-5339  
(650) 321-4348  
stev@schwanke.com

**SCHWANKE**  
ARCHITECTURE

STATE OF CALIFORNIA  
Steven A. Schwanke  
REGISTERED ARCHITECT  
No. 1273

248 SAN MATEO DRIVE  
MENLO PARK  
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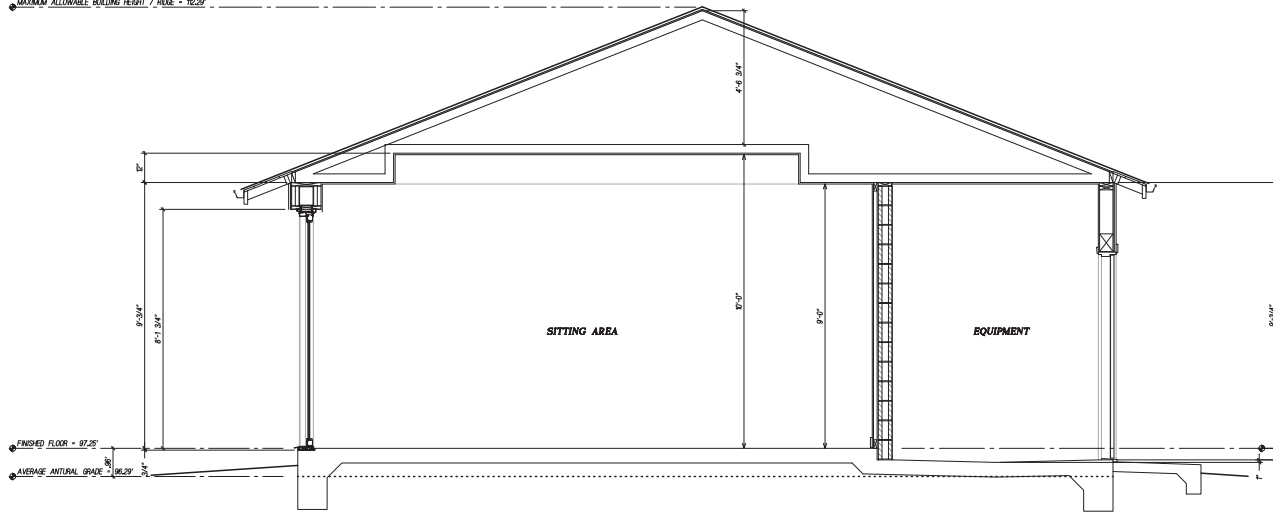
SCALE: 1/4" = 1'-0"  
FILE: samat-adv-bldg  
PLAN:

**Floor Plan**

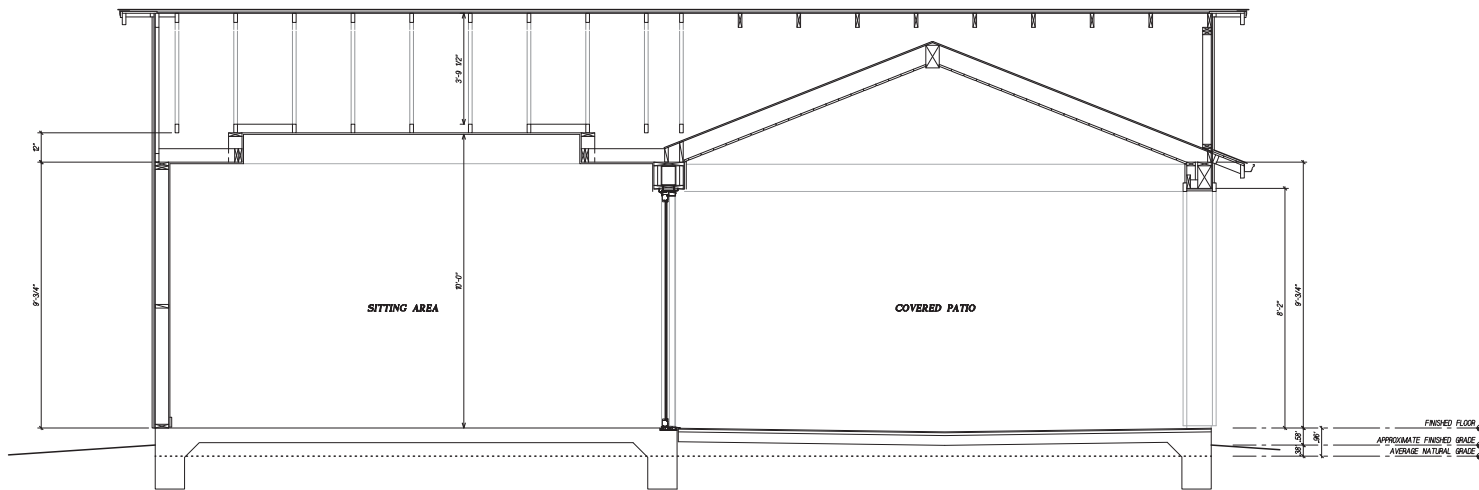
ADU.01



MAXIMUM ALLOWABLE BUILDING HEIGHT / ROOF - 12'-2"



BUILDING SECTION 'A'



BUILDING SECTION 'B'

KEYNOTES

1100 BAY LAUREL  
MENDOTA, CA  
94025-5339  
(650) 321-4348  
astre@schwanke.com

**SCHWANKE**  
ARCHITECTURE



248 SAN MATEO DRIVE  
MENDOTA, CA 94025  
A.P.N.: 071-342-090 (RIS)  
APPLICATION No.:

**Spec. Residence**  
ACCESSORY DWELLING UNIT

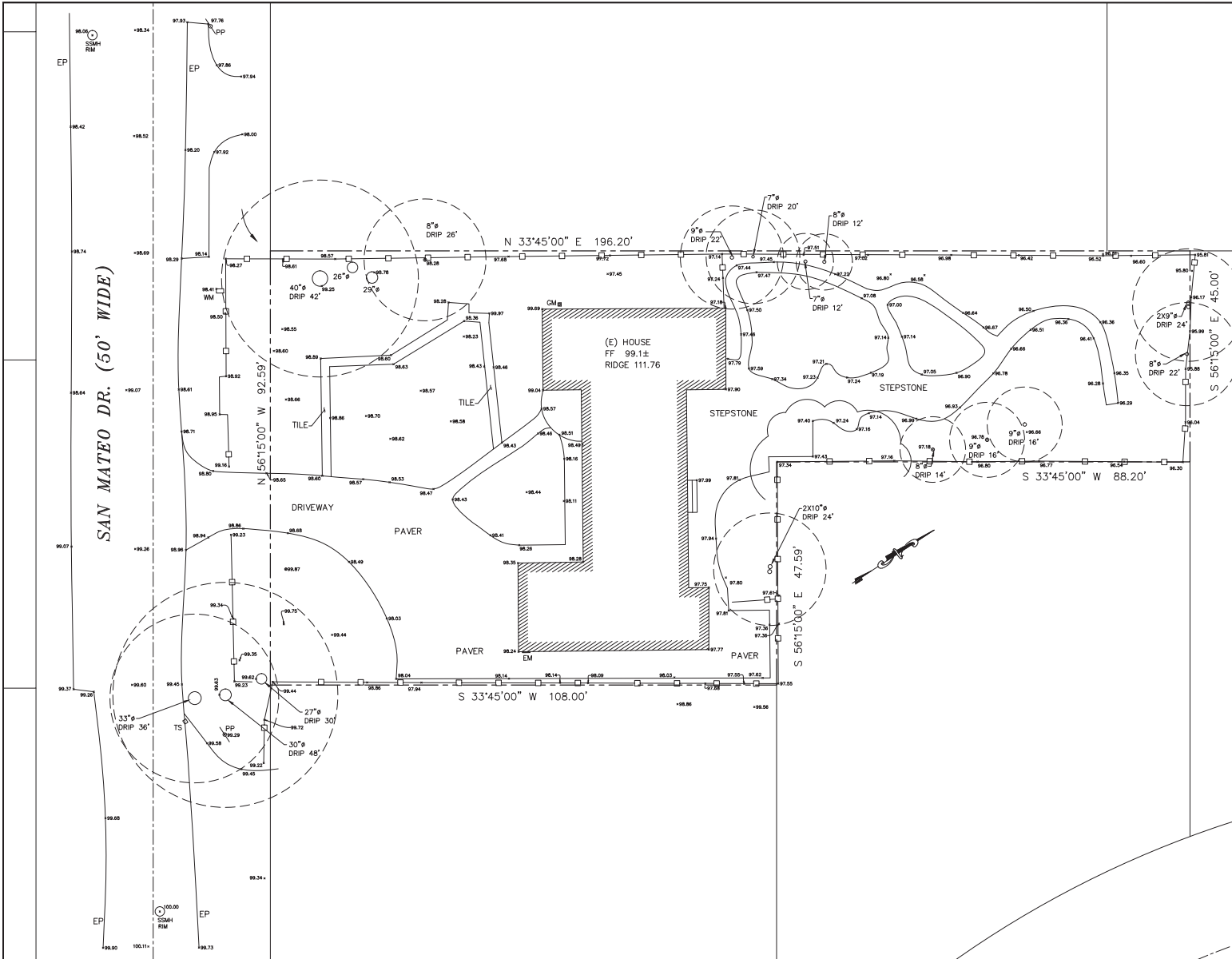
REV	DATE
PRELIM	08/18/2022
DD	11/8/2022
BLDG	12/15/2022
DFR	03/15/2023

SCALE: 1/2" = 1'-0"  
FILE: ssmat-adu-kub

PLAN:  
**Building Section 'A'/'B'**

ADU.03





**LEGEND**

- STREET CENTERLINE
- - - PROPERTY LINE
- WOOD FENCE
- WM WATER METER
- GM GAS METER
- EM ELECTRIC METER
- EP EDGE OF PAVEMENT
- PP POWER POLE
- SSMH SANITARY SEWER MANHOLE
- SDMH STORM DRAINAGE MANHOLE
- FH FIRE HYDRANT
- TRAFFIC SIGN TRAFFIC SIGN
- WV WATER VALVE

**DISCLAIMER:**  
SMP ENGINEERS OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN.

**NOTE:**  
THIS MAP REPRESENTS TOPOGRAPHY OF THE SURFACE FEATURES ONLY. UNLESS SPECIFIED ON THIS MAP, LOCATIONS OF THE UNDERGROUND UTILITIES ARE NEITHER INTENDED NOR IMPLIED. FOR THE LOCATIONS OF UNDERGROUND UTILITIES CALL "USA" (1-800-642-2444). SURFACE FEATURES ARE LOCATED BY MEANS OF A STATION AND OFFSET FROM THE CONTROL LINE.

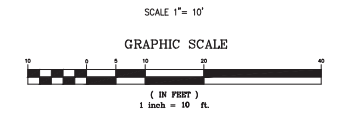
**BASIS OF BEARINGS:**  
THE BEARING N 56°15'00" W OF THE NORTHEASTERLY LINE OF SAN MATEO DR., AS SHOWN ON THAT CERTAIN RECORD OF SURVEY NO. 2070, FILED FOR RECORD IN VOLUME 33 OF LLS MAPS AT PAGES 54, SAN MATEO COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP

**PROJECT BENCHMARK:**  
REFERENCED ASSUMED B.M.: TOP OF SANITARY SEWER MANHOLE LOCATED AT SAN MATEO DR. DISTANT THEREON 54' SOUTHEASTERLY OF THE MOST SOUTHERLY PROPERTY CORNER EL: 100.00'

- NOTES:**
- ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF.
  - THE GROSS AREA OF LAND OF RECORD IS 13,968.72 SQ. FT. ±.
  - THE MAP WAS BASED ON A GRANT DEED DOC.# 43671 BY LAWYERS TITLE CO. DATED 05/27/2022, RECORDED IN SAN MATEO COUNTY.
  - ALL EXISTING BUILDINGS ARE WOOD.
  - FOR PRECISE SPECIES OF TREES A CERTIFIED ARBORIST SHALL BE CONSULTED.
  - THIS DRAWING REPRESENTS A TOPOGRAPHIC SURVEY PREPARED IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT. THE PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD DATA AND REPRESENT THE BEST GRAPHICAL FIT BETWEEN RECORD INFORMATION AND THE TOPOGRAPHICAL FEATURES SURVEYED AND SHOULD NOT BE RELIED UPON OR USED FOR ANY OTHER PURPOSES. PURSUANT TO THE CLIENT'S DIRECTION A BOUNDARY SURVEY WAS NOT PERFORMED AT THIS TIME WHICH MAY HAVE DETERMINED THE ACTUAL PROPERTY LINES.

**SURVEYOR'S STATEMENT:**  
I CERTIFY THAT THIS PARCEL'S BOUNDARY WAS ESTABLISHED BY ME OR UNDER MY SUPERVISION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

SARKISS PARVIN, PLS 8261



248 SAN MATEO DR.  
MENLO PARK, CA 94025  
APN: 071-342-090



**SMP ENGINEERS**  
CIVIL ENGINEERS—LAND SURVEYORS  
1534 Carob Lane Los Altos, CA 94024  
Tel. (650) 941-8055 Fax (650) 941-8755

Scale: 1" = 10'  
Prepared by: S.P.  
Checked by: S.P.  
Date: 07/13/2022  
Project No: 222098

**PRELIMINARY BOUNDARY AND TOPOGRAPHIC SURVEY MAP**

Sheet No: T-1

NO.	REVISIONS	DESIGN BY	DESIGN DATE	CITY APPR.	APPR. DATE

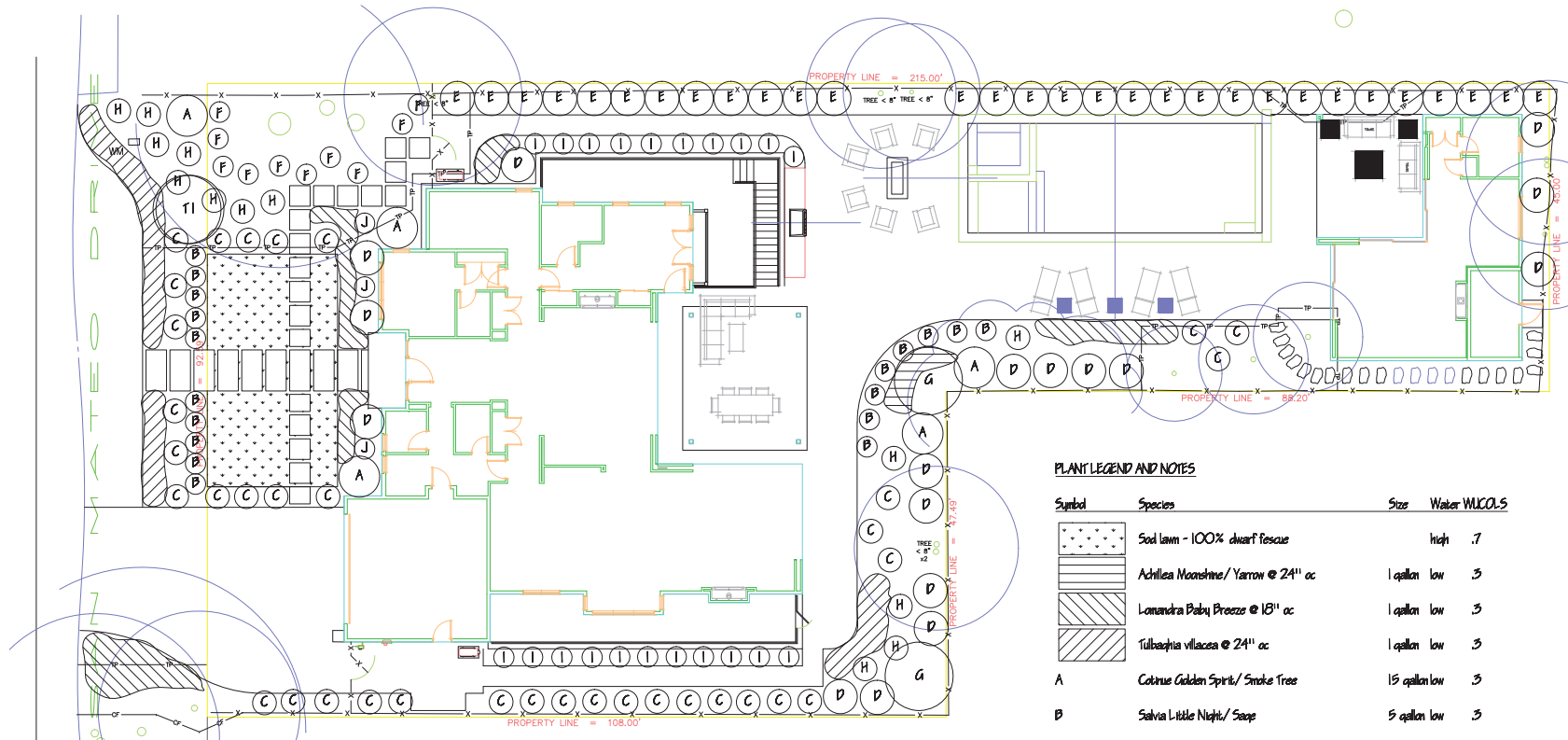
CITY OF MENLO PARK

W. Jeffrey Heid  
Landscape Architect  
C-2235

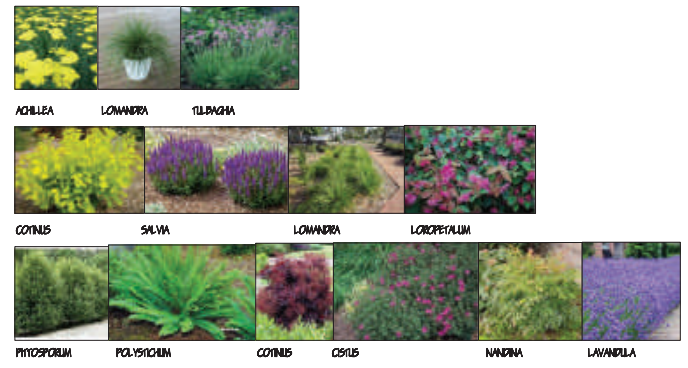
6179 Onesta Drive  
San Jose, California 95125

tel 408 691-9207  
fax 408 226-6005  
email wjheid@comcast.net

OWNERSHIP AND USE OF DRAWINGS  
All drawings, specifications and copies thereof furnished by W. Jeffrey Heid Landscape Architect are and shall remain its property. They are to be used only with respect to the Project and are not to be used on any other project. Distribution or duplication in any form without the written consent of W. Jeffrey Heid Landscape Architect is prohibited. This drawing is not to be construed as publication in violation of W. Jeffrey Heid Landscape Architect's common law, copyright or other reserved rights.



PLANTING PLAN  
1/8" = 1'-0"



PLANT LEGEND AND NOTES

Symbol	Species	Size	Water	WUCOLS
[Stippled pattern]	Sod lawn - 100% dwarf fescue		high	.7
[Horizontal lines]	Achillea Moonshine/ Yarrow @ 24" oc	1 gallon	low	3
[Diagonal lines]	Lavandera Baby Breeze @ 18" oc	1 gallon	low	3
[Cross-hatch]	Tulbaghia villosa @ 24" oc	1 gallon	low	3
A	Cotinus Golden Spirit/ Smoke Tree	15 gallon	low	3
B	Salvia Little Night/ Sage	5 gallon	low	3
C	Lavandera Breeze	5 gallon	low	3
D	Lycopodium Suzanne	5 gallon	low	3
E	Ptilosporum tenuifolium	15 gallon	low	3
F	Polystichum munifolium	5 gallon	low	3
G	Cotinus Royal Purple/ Smoke Tree	15 gallon	low	3
H	Celtis Santa Cruz	5 gallon	low	3
I	Nandina Harbor Dwarf	5 gallon	low	3
J	Lavandula Munstead/ Lavender	5 gallon	low	3



PRAVIN  
RESIDENCE

for:  
ALI PRAVIN  
248 SAN MATEO DRIVE  
MENLO PARK, CA. 94025

PLANTING PLAN

date: 12/7/22  
scale: NOTED  
drawn by: WJH  
job no: 202271  
sheet:







75 ARBOR ROAD  
MENLO PARK,  
CALIFORNIA 94025  
650 321-4348  
FAX 650 321-0589

March 6, 2023

## **Spec. Residence 248 San Mateo Drive**

### Project Description

The subject parcel is located in the Allied Arts neighborhood and is currently developed with an existing single-story single-family residence on an existing non-conforming lot. This proposal consists of complete demolition of the existing dwelling and associated landscaping, while retaining the existing healthy mature trees.

#### *Purpose of the Proposal:*

This project was submitted for a building permit and in plan check, when the Planning Department changed their previous determination as to the status of the lot and required a Development Permit. A portion of the lot at the rear does not meet the current minimum width for the R-1-S zone.

#### *Scope of Work:*

In addition to the demolition previously mentioned, this submittal involves the construction of a two-story single-family residence with an attached two-car garage and full basement. A detached Accessory Dwelling Unit (A.D.U.) of less than 800 S.F. is also proposed with this development. A complete rework of the site for water efficient landscape is included; as well as a swimming pool and related hardscape.

#### *Architectural Style:*

The existing residence is a non-descript mid-century ranch style residence with attached two-car garage. The proposed residence is designed with a modern minimalist traditional style (modern farmhouse) aesthetic, similar to many other existing properties in the neighborhood. This style is identified by the use of “traditional” materials, including: a combination of painted board siding and cement plaster siding, clad casement windows with large divided lites, and a steep roof line. The proposed A.D.U. incorporates the style and materials of the main residence. The proposed style will complement the existing character of the surrounding neighborhood.

#### *Existing and Proposed Uses:*

The existing use of this parcel is, and will remain, single-family residential.

<b>LOCATION:</b> 248 San Mateo Drive	<b>PROJECT NUMBER:</b> PLN2023-00002	<b>APPLICANT:</b> John Ray	<b>OWNER:</b> AHD Home, LLC
--------------------------------------	--------------------------------------	----------------------------	-----------------------------

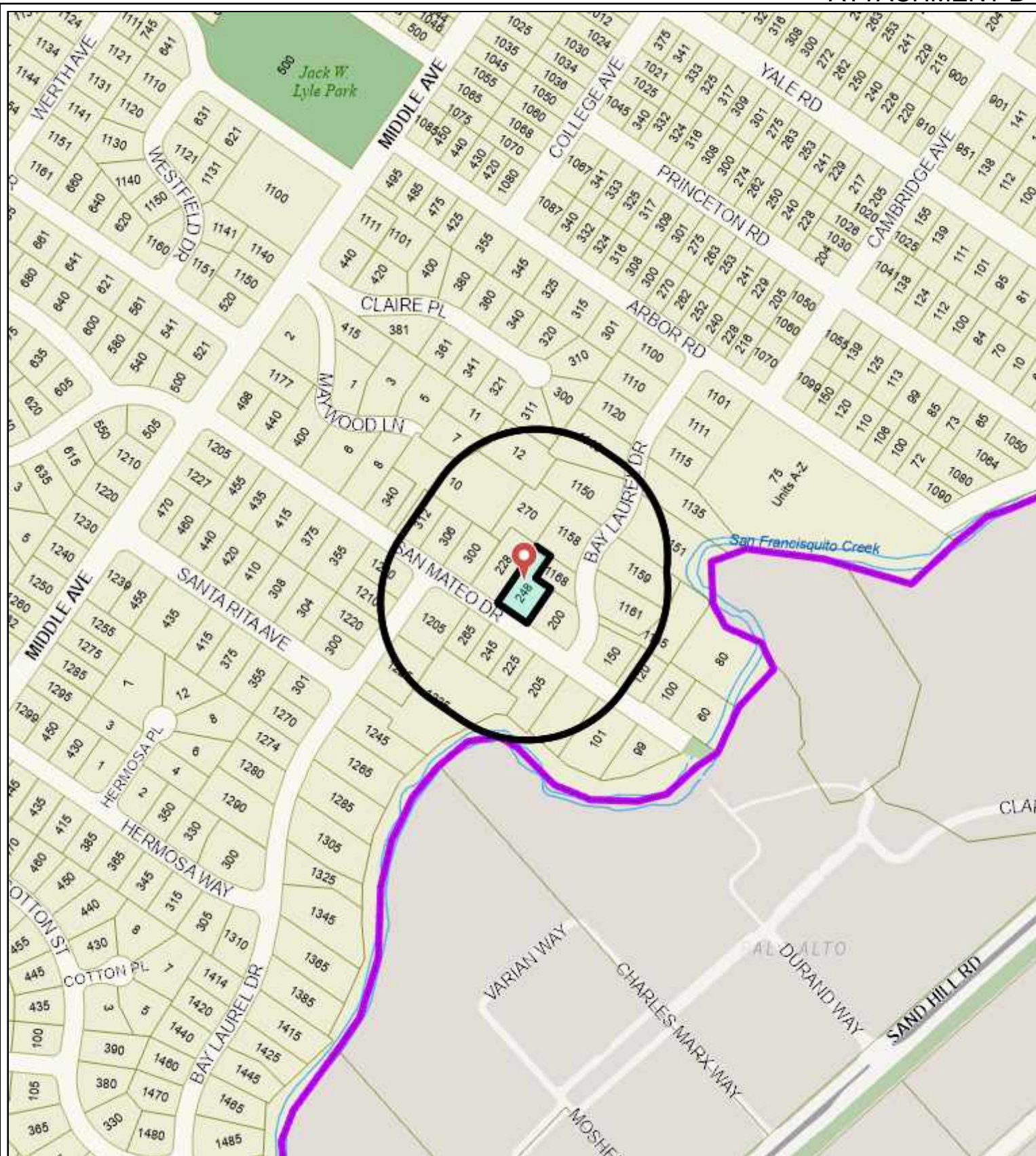
**PROJECT CONDITIONS:**

1. The use permit shall be subject to the following standard conditions:
  - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by June 26, 2024) for the use permit to remain in effect.
  - b. Development of the project shall be substantially in conformance with the plans prepared by Schwanke Architecture consisting of 21 plan sheets, dated received June 1, 2023 and approved by the Planning Commission on June 26, 2023, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - c. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - e. 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.
  - f. 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.
  - g. 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.
  - h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Heartwood Consulting Arborists, dated received May 2, 2023.
  - i. Prior to building permit issuance, the applicant shall pay all fees incurred through staff time spent reviewing the application.
  - j. 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.

248 San Mateo Drive – Attachment A, Exhibit C

<b>LOCATION:</b> 248 San Mateo Drive	<b>PROJECT NUMBER:</b> PLN2023-00002	<b>APPLICANT:</b> John Ray	<b>OWNER:</b> AHD Home, LLC
<b>PROJECT CONDITIONS:</b> <ul style="list-style-type: none"><li>k. 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.</li></ul>			





City of Menlo Park  
 Location Map  
 248 San Mateo Drive



Scale: 1:4,000

Drawn By: CDH

Checked By: CDS

Date: 6/26/2023

Sheet: 1



	PROPOSED PROJECT		EXISTING PROJECT		ZONING ORDINANCE	
Lot area	13,968	sf	13,968	sf	10,000	sf min
Lot width	45	ft	45	ft	80	ft min
Lot depth	215	ft	215	ft	100	ft min
Setbacks						
Front	20	ft	53	ft	20	ft min
Rear	110	ft	99.8	ft	20	ft min
Side (left)	10	ft	12.2	ft	10 ft	
Side (right)	10	ft	7.5	ft		
Building coverage*	4,484*	sf	2,228	sf	4,888	sf max
	32.1*	%	16	%	35.0	% max
FAL (Floor Area Limit)*	5,106*	sf	2,228	sf	4,542	sf max
Square footage by floor	2,454	sf/1 <sup>st</sup>	2,228	sf/1st		
	1,413.20	sf/2 <sup>nd</sup>				
	454	sf/garage				
	655.64	sf/ADU				
	14	sf/over 12 feet in height				
	407.29	sf/covered porches				
	18.69	sf/fireplaces				
Square footage of buildings	7,996	sf	2,228	sf		
Building height	27.77	ft	14.28	ft	28 ft max	
Parking	2 covered spaces		2 covered spaces		1 covered and 1 uncovered space	
Note: Areas shown highlighted indicate a nonconforming or substandard situation						
Trees	Heritage trees	7**	Non-Heritage trees	3	New trees	0
	Heritage trees proposed for removal	0	Non-Heritage trees proposed for removal	0	Total Number of trees	10

\* Floor area and building coverage for the proposed project includes the ADU, which is allowed to exceed the maximum floor area and building coverage by up to 800 square feet

\*\* One heritage tree is located off-site

Ali Parvin  
248 San Mateo Drive  
Menlo Park, CA 94025



Re: Tree Protection for 248 San Mateo Drive in Menlo Park, CA

## Summary

The existing residence will be demolished and replaced with a new home, a pool, and several patios. No “protected” trees are proposed for removal. The impact level for all trees to be preserved is expected to be Low.

## Assignment

1. Assign unique ID to each protected tree on the project site.
2. Assess each tree and record species, size (trunk diameter), and condition (health and structure).
3. Provide a table identifying tree attributes listed in #2 above, whether they are to be removed or retained, and the justification for removal (if applicable).
4. Provide Tree Protection Guidelines for any trees scheduled to be retained.
5. Provide an Arborist Report detailing all of the above.

## Plans Reviewed

- Preliminary Boundary and Topographic Survey Map SMP Engineers. T-1. SMP Engineers (7/13/22)
- Site Plan AS.01. Schwanke Architecture. (8/18/22)

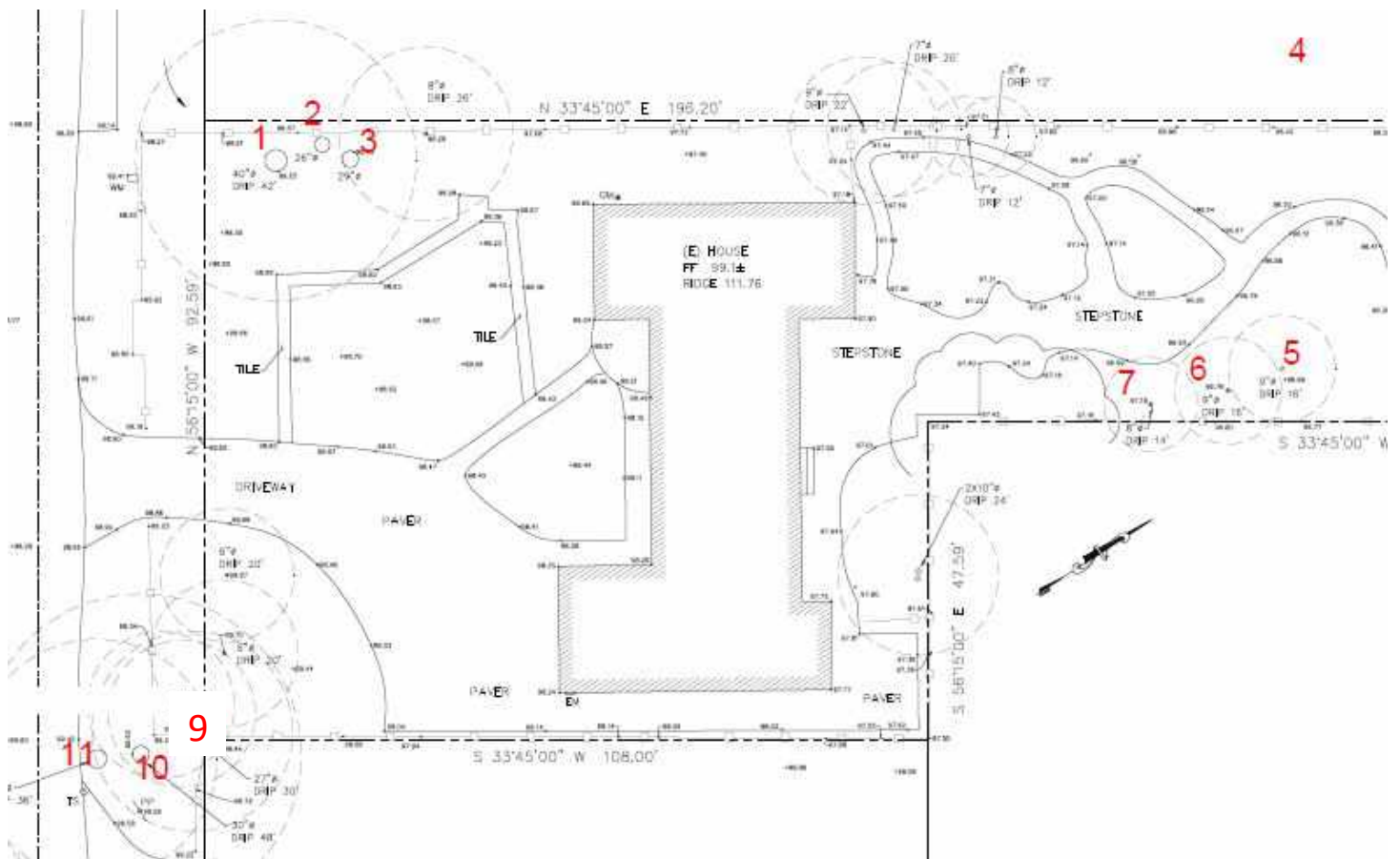
## Purpose, Use, and Limitations

This report is to be used to guide the property owner in protection of trees throughout the construction process. The information in this report is limited to the tree and site conditions during my inspection on August 1, 2021 (5:30 PM) and review of the project documents listed above.

### Tree Map

The image below shows the locations and ID numbers of all trees discussed in this report (Image 1).

Image 1. Tree ID #'s and Locations (not-to-scale)



### Tree Inventory

The table below lists the pertinent attributes of all trees discussed in this report (Table 1).

**Table 1. Tree Inventory**

Tree #	Species	Trunk Dia. (in.)	Overall Condition	Protected in Menlo Park?	Comments
1	Douglas fir <i>Pseudotsuga menziesii</i>	36	Fair	YES	
2	Coast redwood <i>Sequoia sempervirens</i>	27	Fair	YES	
3	Coast redwood <i>Sequoia sempervirens</i>	30	Fair	YES	
4	Coast live oak <i>Quercus agrifolia</i>	30	Good	YES	Neighbor tree. DBH estimated.
5	Japanese camelia <i>Camelia japonica</i>	8	Good	NO	
6	Japanese camelia <i>Camelia japonica</i>	9	Good	NO	
7	White birch <i>Betula pendula</i>	9	Fair	NO	
9	Bay tree <i>Umbellularia californica</i>	20	Fair	YES	
10	Coast live oak <i>Quercus agrifolia</i>	15	Fair	YES	
11	Silk oak <i>Grevillea robusta</i>	13, 16	Fair	YES	2-stem tree

### **Tree Observations**

Please refer to Tree Inventory Table (Table 1) above.

Ten (10) trees are mentioned in this report, including all “protected” trees on the project site or in the vicinity of improvements.

Seven (7) trees are “Heritage” per City of Menlo Park Ordinance.

### **Plan Observations**

The existing home will be demolished. A new home, swimming pool, and several patios will be constructed.





### **Impact Level from Construction**

Impact level defines how a tree may be affected by construction activity and proximity to the tree, and is described as low, moderate, or high. The following scale defines the impact rating:

- Low = The construction activity will have little influence on the tree.
- Moderate = The construction may cause future health or structural problems, and steps must be taken to protect the tree to reduce future problems.
- High = Tree structure and health will be compromised and removal is recommended, or other actions must be taken for the tree to remain. The tree is located in the building envelope.

If the recommendations in this report and the Tree Protection Guidelines (Appendix A) are dutifully followed, the impact level for all trees to be preserved is expected to be Low.

### **Conclusion**

The existing residence will be demolished and replaced with a new home, a pool, and several patios. No “protected” trees are proposed for removal. The impact level for all trees to be preserved is expected to be Low.



## Recommendations

1. Place tree protection fence according to specifications in Tree Protection Guidelines (Appendix A) to exclude personnel, materials, and equipment from accessing the area.
2. Refer to Appendix A for tree protection guidelines including recommendations for arborist assistance while working under trees, trenching, or excavation within a tree's drip line.
3. Provide a copy of this report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect. It is the responsibility of the owner to ensure all parties are familiar with this document.
4. Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.
5. Clearance pruning does NOT at this time appear necessary, BUT should it become necessary shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations



# Appendix A: Tree Protection Guidelines

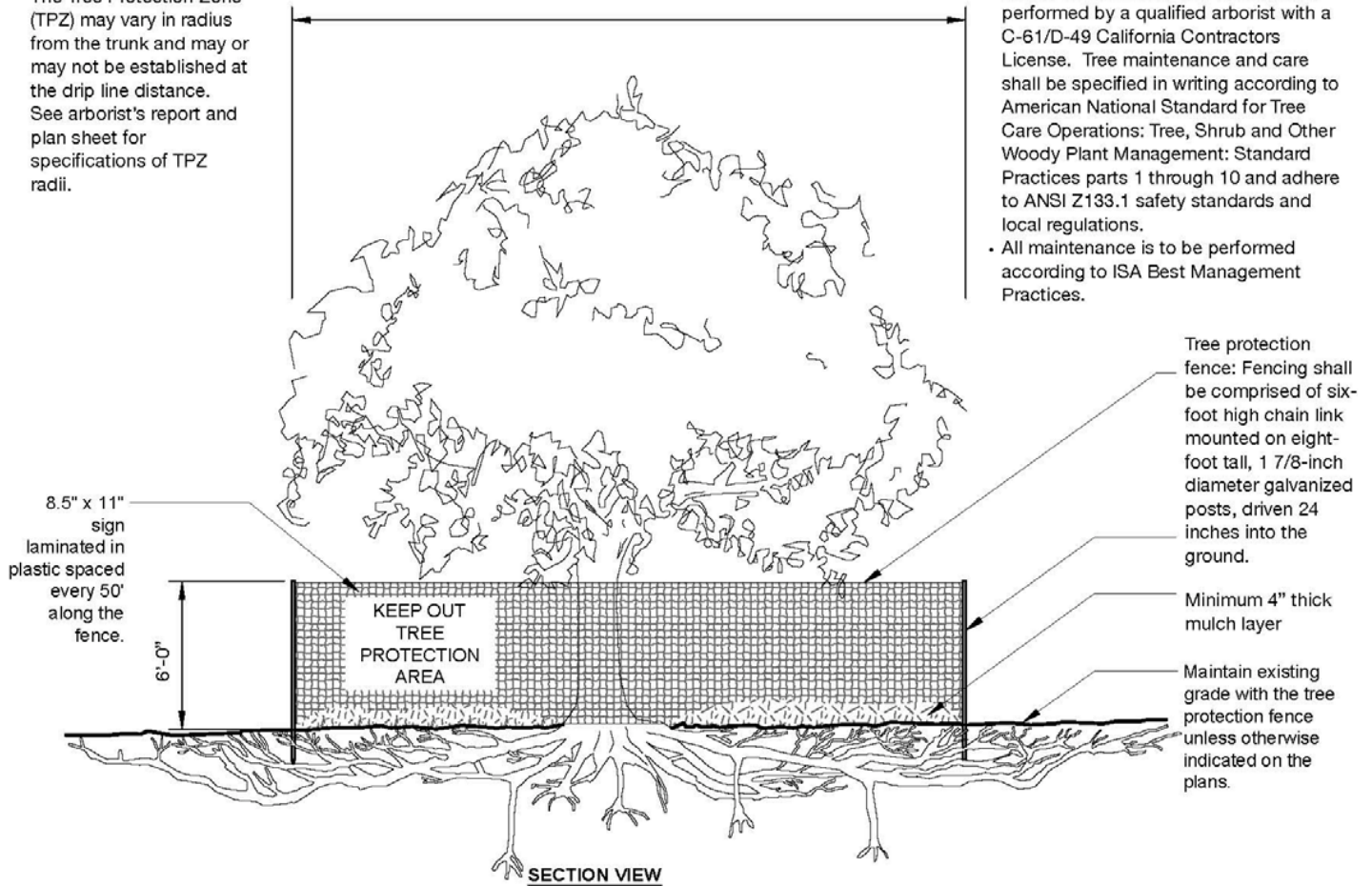
## Type 1 Tree Protection Fence

Notes:  
 The Tree Protection Zone (TPZ) may vary in radius from the trunk and may or may not be established at the drip line distance. See arborist's report and plan sheet for specifications of TPZ radii.

Crown diameter drip line distance equal to the outer most limit of foliage.

Notes:

- All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: Tree, Shrub and Other Woody Plant Management: Standard Practices parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations.
- All maintenance is to be performed according to ISA Best Management Practices.



TREE PROTECTION

URBAN TREE FOUNDATION © 2014  
 OPEN SOURCE FREE TO USE  
 Modified by Monarch Consulting Arborists LLC, 2019



## Pre-Construction Meeting with the Project Arborist

Tree protection locations should be marked before any fencing contractor arrives.

## Tree Protection Zones and Fence Specifications

Tree protection fence should be established prior to the arrival of construction equipment or materials on site. Fence should be comprised of six-foot high chain link fence mounted on eight-foot tall, 1 7/8-inch diameter galvanized posts, driven 24 inches into the ground and spaced no more than 10 feet apart. Once established, the fence must remain undisturbed and be maintained throughout the construction process until final inspection.

The fence should be maintained throughout the site during the construction period and should be inspected periodically for damage and proper functions. Fence should be repaired, as necessary, to provide a physical barrier from construction activities.

## Monitoring

Any trenching, construction or demolition that is expected to damage or encounter tree roots should be monitored by the project arborist or a qualified ISA Certified Arborist and should be documented.

The site should be evaluated by the project arborist or a qualified ISA Certified Arborist after construction is complete, and any necessary remedial work that needs to be performed should be noted.

## Restrictions Within the Tree Protection Zone

No storage of construction materials, debris, or excess soil will be allowed within the Tree Protection Zone. Spoils from the trenching shall not be placed within the tree protection zone either temporarily or permanently. Construction personnel and equipment shall be routed outside the tree protection zones.

## Root Pruning

When roots over two inches in diameter are encountered they should be pruned by hand with loppers, handsaw, reciprocating saw, or chain saw rather than left crushed or torn. When completed, exposed roots should be kept moist with burlap or backfilled within one hour.



### **Boring or Tunneling**

Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dug or excavated with an Air Spade® or similar air or water excavation tool. Bore holes should be adjacent to the trunk and never go directly under the main stem to avoid oblique (heart) roots. Bore holes should be a minimum of three feet deep.

### **Timing**

If the construction is to occur during the summer months supplemental watering and treatments should be applied to help ensure survival during and after construction.

### **Tree Pruning and Removal Operations**

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree pruning should be specified in writing according to ANSI A-300A pruning standards and limitations and adhere to ANSI Z133.1 safety standards. Trees that need to be removed or pruned should be identified in the pre-construction walk through.

### **Tree Protection Signs**

All sections of fencing should be clearly marked with signs stating that all areas within the fencing are Tree Protection Zones and that disturbance is prohibited. Text on the signs should be in both English and Spanish (Appendix B).



**APPENDIX B: SAMPLE TREE PROTECTION SIGN**



Laminated warning signs, minimum size 8.5” x 11”, stating that all areas within the fencing are Tree Protection Zones and that disturbance is prohibited, are to be attached to TPZ fencing.

Signs should be spaced no more than 10 feet apart.

**Text on the signs should be in both English and Spanish.**



## QUALIFICATIONS, ASSUMPTIONS, & LIMITING CONDITIONS

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

Sketches, drawings, and photographs in this report are intended for use as visual aids, are not necessarily to scale, and should not be construed as engineering or architectural reports or surveys. The reproduction of information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is only for coordination and ease of reference. Inclusion of said information with any drawings or other documents does not constitute a representation as to the sufficiency or accuracy of said information.

Unless otherwise expressed: a) this report covers only examined items and their condition at the time of inspection; and b) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that structural problems or deficiencies of plants or property may not arise in the future.



## CERTIFICATION OF PERFORMANCE

I, Matthew Fried, certify:

- That I have personally inspected the tree(s) and/or the property referred to in this report and have stated my findings accurately. The extent of the evaluation and appraisal is stated in the attached report and the Terms of Assignment;
- That I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions, and conclusions stated herein are my own;
- That my analysis, opinions, and conclusions were developed, and this report has been prepared according to commonly accepted arboricultural practices;
- That no one provided significant professional assistance to the consultant, except as indicated within the report;
- That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I further certify that I am Registered Consulting Arborist® #651 with the American Society of Consulting Arborists, and acknowledge, accept, and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Certified Arborist and have been involved in the practice of arboriculture and the study of trees for over twelve years.

*Matthew Fried*

Matthew Fried  
ASCA Registered Consulting Arborist® # 651  
ISA Certified Arborist® MA-4851A  
ISA Tree Risk Assessor Qualified



*asca* | RCA  
Registered Consulting Arborist®



HEARTWOOD CONSULTING ARBORISTS  
650.542.8733 – matthew@heartwoodarborists.com



## STAFF REPORT

**City Council**  
**Meeting Date:** 6/26/2023  
**Staff Report Number:** 23-43-PC

**Public Hearing:** Consider and adopt resolutions approving use permits and architectural control plans for the Office Campus buildings, Meeting and Collaboration Space buildings, Town Square open space and buildings, and Parcel 2 mixed-use building 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 for the Office Campus buildings; and,
  - b. **Approve the use permits** to modify design standards of the O (Office) zoning district, not previously included in the Conditional Development Permit (CDP);
2. **Adopt a resolution (Attachment B) to:**
  - a. **Approve the architectural control permit** for the design for the Meeting and Collaboration Space (MCS) buildings; and,
  - b. **Approve the use permits** to modify design standards of the O (Office) zoning district, not previously included in the CDP;
3. **Adopt a resolution (Attachment C) to:**
  - a. **Approve the architectural control permit** for the design for the Town Square open space and building; and,
  - b. **Approve the use permits** to modify design standards of the O (Office) zoning district, not previously included in the CDP;
4. **Adopt a resolution (Attachment D) to:**
  - a. **Approve the architectural control permit** for the design for the Parcel 2 mixed-use building; and,
  - b. **Approve the use permits** to modify design standards of the R-MU (Residential Mixed-Use) zoning district, not previously included in the CDP.

### 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, signage, construction hours and BMR housing) enumerated in the CDP, and the deviations from the Below Market Rate Housing Guidelines. In adopting the land use entitlements and certifying the environmental impact report 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 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, however the CDP mandates 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, development agreement, and certified environmental impact report 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 E.

### ***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 and infrastructure. For more comprehensive information on the proposed project, please review the October 24, 2022 Planning Commission staff report (Attachment F) and the December 6, and December 13, 2022 City Council staff reports (Attachments G and H, respectively).

### **Site location**

The approximately 59-acre main project site is generally located along Willow Road between Hamilton Avenue and Ivy Drive, previously referred to as the ProLogis Menlo Science and Technology Park. 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 I. 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.

At full build out, the masterplan would result in a net increase of approximately 800,000 square feet of nonresidential uses (office, retail, personal services, etc.) for a total of approximately 1.8 million square feet. The masterplan also includes multifamily housing units, a hotel, and publicly accessible open space (e.g. elevated linear park, town square, dog park, and 3.5 acre publicly accessible park). 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

\*Office square footage includes a maximum of 1.25M s.f. of office use with the balance of 350,000 s.f. for meeting and collaboration space use (if office square footage is maximized at 1.25M sf) 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.

\*\*The total units would include a minimum of 15 percent of the residential units as below market rate (BMR) units to satisfy the City’s inclusionary requirements. Additional BMR units would be incorporated to comply with the commercial linkage requirement.

**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 J and a hyperlink to the approved masterplan project plans is included in Attachment K. The conceptual district plan for the main project site is shown on Masterplan Sheet G3.01 and in Attachment J. 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;
- Hotel and associated retail/dining will be proximate to the 1.5-acre publicly accessible town square;
- 3.5-acre publicly accessible park (proximate to Willow Road at Park Street), a dog park (in the southeastern portion of the main project site) and additional public open space;
- 2-acre publicly accessible elevated park extending 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 connecting the project with the 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 to 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 development agreement (DA) includes minimum phasing requirements. The DA is included in Attachment L. For reference the CDP is included in Attachment M.

### ***Current status and project milestones***

This review focuses on four of the ACPs: the Office Campus, the Meeting and Collaboration Space (MCS), Town Square, and Parcel 2. The Office Campus, MCS, and Town Square include office, accessory, and commercial uses and Parcel 2 includes a mixed-use building with approximately 328 dwelling units above the grocery store. The City is currently reviewing the remaining ACPs and anticipates bringing the standalone senior below market rate building on Parcel 7 (RS7) and residential building on Parcel 6 (RS6) to the Planning Commission for review and action in July or August 2023. The City and the applicant are endeavoring to bring all of the ACPs to the Planning Commission by the fall of 2023.

The applicant and staff have been discussing the Willow Road improvements, the on-site improvements (backbone infrastructure), and the final map approach. The City anticipates a submittal from the applicant for the on-site improvements and final map 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. The Office Campus, the MCS, and Town Square are located on Parcel 1. The mixed-use residential and grocery store building is located on a separate parcel (Parcel 2).

### ***Compliance tracking***

As a masterplan project, development regulations (e.g. average height, floor area ratio, gross floor area, 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. gross floor area, open space, etc.). The applicant prepared a tracking matrix (Attachment N) that staff will use to track preliminary compliance during the ACP review and confirm compliance prior to issuance of each building permit, since minor adjustments to the project plans may occur prior to building permit issuance.

### ***Office Campus ACP***

#### Site layout

The office campus consists of six office buildings, two parking structures, and a security building (Security Pavilion 1). The south parking structure (South Garage) would be located at the southern tip of the campus district. Four of the six office buildings would front Main Street (Buildings 1-4 moving clockwise from the

South Garage). Building 1 would be four stories and would have an entrance to the campus located on the first floor. Buildings 2, 3, and 4 would each be five stories with ground floor retail fronting Main Street and the Town Square. The area between Main Street and the office buildings would be publicly accessible and include outdoor seating areas, landscaping, a bike/ped pathway, and short term bicycle parking.

The northern parking structure (North Garage) would be located in the northeast corner of the project site, fronting North Loop Road and East Loop Road. Buildings 5 and 6 would be located directly south of the North Garage, and would also front East Loop Road. Buildings 5 and 6 would both be five stories and consist of office space with no publicly accessible spaces. Illustrative and architectural site plans of the Office Campus are included in Office Campus ACP plan set (Attachment O) and the Office Campus location is highlighted on Sheet A0.01.

Gross floor area (GFA) and floor area ratio (FAR)

The proposed ACP identifies a total proposed office GFA of approximately 1.13 million square feet, which complies with the CDP cap on traditional office GFA. The ACP also includes approximately 30,041 square feet of retail uses along Main Street. The Office Campus ACP documents preliminary compliance with the maximum GFA.

Height

The maximum and average heights for the office campus are summarized in Table 2.

Table 2 – Office Campus height summary		
Building	Maximum height (feet)*	Average height (feet)*
Building 1	67.5	59.3
Building 2	83.4	81.1
Building 3	83.1	79.6
Building 4	82.3	67.6
Building 5	83.2	81.4
Building 6	82.3	74.4
North Garage	92.6	81.6
South Garage	83.3	73.5
Security Building	25.9	25.9
<b>Total</b>	<b>92.6</b>	<b>75.2</b>

\*Height is measured from average natural grade of the project site.

The applicant has submitted a preliminary height analysis in the masterplan plan set. Since height is calculated across all portions of the site zoned O (Office), staff will determine preliminary compliance upon completion of its review of the Office Campus, MCS, Town Square, and Hotel ACPs. At this time staff has confirmed the Office Campus, MCS, and Town Square ACPs would comply with the average height requirements. The Hotel ACP will be incorporated later into this analysis.

Office site circulation, vehicle parking, and bicycle parking

Vehicle parking for the office building (and the meeting and collaboration space) would be accommodated in two main parking structures and a small below grade parking level below the meeting and collaboration space building. Each garage includes a transit center for Meta shuttles and trams. Garage access was identified in the masterplan plan set and the ACPs are consistent with the masterplan.

The required parking in Table 3 below is based on the full build out of the 1.6 million square feet of office/accessory space. The table does not include the shared parking in the Town Square and Residential/Mixed-use districts, a portion of which is intended for visitors to the Office Campus.

Project component	Development maximum	Minimum parking ratio	Minimum parking spaces	Maximum parking ratio	Maximum parking spaces
Office/accessory space	1,600,000 sf	2.0/1,000 sf	3,200	2.3/1,000 sf	3,700

The total proposed 3,304 parking spaces within the two parking garages would be within the permitted range from the CDP. With the below grade parking under the meeting and collaboration space building, the total office/accessory space parking would be 3,315 spaces. The retail uses in the Office Campus would be served by the shared parking within the project site.

For the Office Campus, bicycle parking would be located along Main Street in publicly accessible spaces that would be proximate to main entrances to the retail spaces and the office lobby entrances. Additional bicycle parking for the office buildings would be located on the ground level of the two campus garages. Table 4 below outlines the required and proposed bicycle parking for the office buildings, including the retail components.

Project component	Proposed gross floor area	Required bicycle parking spaces	Proposed bicycle parking spaces	Proposed short term spaces	Proposed long term spaces
Office	1,125,765 sf	226	680	550	130
Retail/non-office commercial	30,041 sf	6	74	68	6*
<b>Total</b>		<b>232</b>	<b>754</b>	<b>618</b>	<b>136</b>

\*The long term commercial bicycle parking spaces accommodate the office campus retail and the meeting and collaboration space retail.

The total proposed bicycle parking for the office building and office campus retail significantly exceed the total required parking spaces and the locations comply with the Zoning Ordinance. Staff believes the locations of the short term retail spaces are located in desirable and usable locations along Main Street, would be visible from retail entrances, and would be accessible from the Main Street bicycle and pedestrian promenade/paseo. The bicycle parking spaces would also be in well-lit locations that should reduce potential bicycle theft. The bicycle parking within the office campus would be in secure and accessible

garages and also adjacent to the main entrances. 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

The Office Campus includes general open space within the secure campus, balconies and terraces within the office buildings for use by office campus workers, and publicly accessible and quasi-publicly accessible (retail seating) open space along Main Street. Table 5 outlines the required open space set by the CDP for the entire masterplan for both general and publicly accessible open space.

Table 5: Masterplan open space and landscaping requirements				
Land use	Zoning requirement (total open space) (sf)	Zoning requirement (publicly accessible*) (sf)	CDP minimum open space (sf)	CDP minimum publicly accessible open space (sf)
R-MU-B	189,045 (25%)	47,262 (25%)	370,000	160,000
O-B	477,418 (30%)	238,709 (50%)	487,000	200,000
Total	-	-	857,000	360,000

Table 6 identifies the open space incorporated into the Office Campus ACP and the minimum required for the project site. Open space is aggregated between both zoning districts and compliance is documented across the entire project site and staff will update the compliance matrix as the ACPs are reviewed and approved and confirm compliance and update the matrix before each building permit issuance.

Table 6: Office Campus ACP open space			
Land use	CDP requirement for project site(sf)	Proposed open space in Office Campus ACP (sf)	Remaining required open space (sf)
Open Space – general non-publicly accessible	497,000	245,916	247,084
Publicly accessible open space	360,000	0	360,000
Total	857,000	245,916	607,084

*Publicly accessible open space*

The Office Campus ACP includes open space between the Main Street paseo (pedestrian and bicycle promenade) and the secure campus/retail spaces. The open space includes potentially publicly accessible seating areas, landscaping, bicycle parking, and quasi-public seating areas for the retail tenants. Since the retail tenant seating areas are not defined at this time, the areas along Main Street have not been included in the calculation of publicly accessible open space to allow for flexibility in programming the spaces adjacent to the retail/commercial spaces. The portion of Main Street devoted to a bicycle and pedestrian paseo is also not included as publicly accessible open space or general open space, since that is considered an enhanced streetscape/frontage improvement that would typically be required on street frontages. While the Office Campus does not include publicly accessible open space, the masterplan would comply with the required publicly accessible open space through the elevated park, town square plaza, publicly accessible park, dog park, and other smaller open spaces throughout the project site.



### Trees and landscaping

The Office Campus ACP includes a preliminary landscape plan. The preliminary plan identifies a mixture of linden, London plane, street spire oak, southern live oak, Atlantic pistachio, Brisbane box, Hungarian oak, emerald sunshine elm, liquidambar, and Japanese elm trees. The ground cover and other ornamental plantings would be predominately comprised of California native species. Bio-retention planters would also include a majority of California native species. The City Arborist has reviewed the preliminary planting palette and confirmed these proposed trees would qualify as heritage tree replacements.

Along Main Street, the tree species would include mainly Japanese elm trees. The plantings between the office buildings along Main Street would include a mix of species including street fire oak trees, Atlantic pistachio trees, and smaller ground cover and ornamental landscape features. Adjacent to the main campus entry (between office buildings 3 and 4, near the Town Square), the plantings would include southern live oaks, street spire oak, and Atlantic pistachio trees. Brisbane box trees would be planted between the parking garages and the East and North Loop Roads.

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 value across the project site. The Office Campus ACP documents preliminary compliance and Attachment N documents heritage tree replacement values associated with the Office Campus ACP.

### *Build-to area requirement and frontage landscaping*

The office buildings and parking structures would comply with the build-to area requirement, where applicable (See Attachment O Sheets A9.15.1- A9.15.3). The majority of the building setbacks along Main Street would be devoted to active uses and would be exempt from the frontage landscaping requirement. For the portions of Main Street that would not be exempt, the proposal would comply with the frontage landscaping requirement. The portions of the Office Campus adjacent to the O'Brien Drive roundabout and East Loop Road would significantly exceed with the frontage landscaping requirement (See Attachment O Sheets A9.16.1- A9.16.3).

### Design standards

#### *Architectural style and building design*

The office buildings would be designed in a contemporary style using heavy timber construction with predominately glass facades. The heavy timber structure would be exposed on the facades. Additionally, the facades would include wood soffits, black and grey metal panels (framing the glass facades), and exposed painted steel (to match the metal panels). Terraces would include painted metal railings. Trellis elements at the campus entry building would complement the exposed heavy timber framing. The two parking structures would be constructed with cast-in-place concrete. The parking structures would be partially clad in fiber cement boards and open railings. The railings would be painted metal consistent with the office buildings. See Attachment O (Sheets A7.00 and A7.01) for the color and materials boards.

The Office Campus would be secured through an approximately 9.5-foot-tall metal panel fence (consistent with the painted metal panels and metal railings). The height of the fence is designed to align with the mullion heights on the first floor of the building facades. The fence locations would be set back from the front facades of the buildings for most of the building facades, minimizing the impact of the security fence. The setbacks would allow for most of the areas between the fence and the streets and public spaces to be generously landscaped. The security fence detail and location plan is included in Attachment O (see Sheet



A7.16). Staff believes the security fence location and design is consistent with the architectural style and design of the office campus buildings, would meet the applicant's security needs while balancing the potential impact of the secure fence through the location and landscaping, and would align with the mullion height of the ground floor of the buildings creating a cohesive design.

The Office Campus 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, subject to the approval of the additional use permit requests outlined in the next section.

#### Use permit

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

- Modify the required setback of building SP-1;
- Decrease the required setback of the South Garage and modify modulation requirements for both garages;
- Modify modulation requirements of the TS3 (also referred to as Office Building 4) building along the town square frontage;
- Increase the width of the garage entrances along East Loop Road; and
- Modify stepback requirements on office buildings.

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

The applicant is requesting to increase the setback from a maximum of 25 feet to 28 feet for the campus entry building (SP-1). The building is the secure campus entry and the applicant states that increasing the setback would allow for greater emphasis on the adjacent Town Square and ground level retail within Office Building 4. The greater setback would also occur at the bend in Main Street that frames the edge of the Town Square, helping to create an active space between the office buildings and the Town Square. The project plans have not changed since the City Council's approval of the CDP and masterplan. 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.

The South Garage ACP requires a use permit to modify the setback requirement. The applicant is requesting to locate the angled southern corner of the South Garage as close as six inches to the access easement. Given the angle of the garage façade and layout of the roundabout the City's Transportation Division has determined that the requested modification would not result in safety issues to bicyclists or pedestrians in the vicinity. 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.

The approved CDP modified the stepback requirement for the office buildings to increase the base height to 70 feet and require a stepback for 30 percent of the facades. The current design includes a trellis element, integrated into the building roof, over the terrace level. The terrace component generally meets the stepback; however, the trellis above the terrace and the required safety railing would not comply with the stepback requirement. The applicant proposes to allow the heavy timber trellis and the railing to encroach into the stepback. The trellis 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. The railing request was not previously contemplated, but staff believes given the design is an open

guardrail, the request would not substantially add to the mass and scale of the building and is supportable.

The applicant has submitted a request to remove the modulation requirement for the façade of TS3 Building (Office Building 4) along the Town Square frontage to enable the retail space on the ground floor to have a viable design. The stair and elevator to the elevated park, and the meeting and collaboration space buildings are located to the north of the retail space in Office Building 4, providing a visual break that functions similar to a modulation. 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.

The parking garages include a modulation that projects outward from the facades of the garage and includes a green screen (vine plantings). The Zoning Ordinance defines a modulation as a break in the building plane from the ground upward. The applicant's proposed modulation design would begin at the third parking level and extend upward to the base of the seventh parking level. The garage entrances are located at the base of some of the modulations, meaning that if some of the modulations extend from the base of the garage structure upwards but not all of them, there would not be consistency with the modulation treatment. The applicant states the use permit is necessary to maintain the integrity of the design of the garage, emphasize the clear base of the garage, and reduce the large volume both vertically and horizontally. 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.

Additionally, the applicant is requesting a use permit to increase the width of the garage entrances beyond the 24-foot maximum width. The largest garage entrances would be 46 feet (at East Loop Road) and 68 feet (entrance from Main Street/Park Street beyond Office Building 1), but each would include a security booth within the entrance, reducing the scale of the open entrance. The entrance from Park Street would be setback substantially from the intersection at Park Street and Main Street and would be beyond the loading dock for the Office Campus (at Office Building 1). This entrance would generally not be visible from the publicly accessible areas of the proposed project. The other entrances are between 28 feet and 38 feet. The increase is necessary to accommodate the regional shuttle buses and meet ventilation requirements. Staff believes the use permit requests for modifications to the modulation requirements and the increased width of the garage entrances are supportable given the design of the garages, entrance locations, and need to accommodate regional shuttle buses in the campus transit centers. 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.

### ***Meeting and Collaboration Space (MCS)***

#### Site layout

The MCS is located on the northern portion of the project site. The MCS consists of two office/meeting space buildings, visitor center, and pre-function kitchen space enclosed within a large glass atrium. The MCS also includes a separate event hall building accessed from the Office Campus with interior access from the atrium. The elevated park is included in the MCS package and would be nestled into the exterior of the atrium fronting the Town Square and bisect the MCS/Office buildings with an above grade publicly accessible parkway. The elevated park would extend from the northeastern corner of the project site near North Loop Road through the MCS buildings, along the northern edge of the Town Square and north of the hotel to Willow Road. A portion of the elevated park would extend over Willow Road, providing access to the project site from the Belle Haven Shopping Center. The MCS ACP project plans are included in Attachment Q and the MCS location within the project site is included on Sheet A0.01.

Gross floor area (GFA) and floor area ratio (FAR)

As noted above, the maximum gross floor area for the Office Campus, including accessory uses such as the MCS, is 1,600,000 square feet. The MCS would be a total of approximately 448,807 square feet of GFA. Table 7 below illustrates the overall GFA for the Office Campus and MCS and their compliance with the CDP as currently proposed.

Table 7: Proposed Office Campus and MCS gross floor area	
Office Campus	1,125,765 sf
MCS	448,807 sf
<i>Total proposed</i>	<i>1,574,572 sf</i>
<b>Total permitted</b>	<b>1,600,000 sf*</b>

\* The total includes a maximum of 1.25 million sf of traditional office uses with the balance for accessory space

Height

The atrium building of the MCS would be the tallest structure in the project site with a maximum height of approximately 118 feet, which is below the maximum permitted height of 120 feet. The curved nature of the structure’s roof would alleviate some of the perceived mass as it slopes down towards the structure’s eastern and western edges. Table 8 below summarizes the height of the MCS structures.

Table 8: MCS height summary		
Building	Maximum height (feet)	Average height (feet)
Atrium	118	76.9
Event Space	52	45.3
Elevated Park	35.7	35.7
<b>Total</b>	<b>118</b>	<b>59.8</b>

The MCS would comply with the maximum and average height. As with the Office Campus, the average height would be tracked by City staff for compliance across the entire project site. The tracking matrix (Attachment N) would be updated at building permit issuance for each building to ensure compliance across the entire site.

Site circulation, vehicle parking, and bicycle parking

Vehicle parking for the MCS would largely be accommodated in the two parking garages explained in detail above and the 15 spaces located beneath the atrium structure which would be accessed from North Loop Road. Staff has determined the MCS and Office Campus ACPs would comply with the parking requirements set forth in the CDP.

Per the Zoning Ordinance, the MCS is required to provide a total of 90 bicycle parking spaces, 72 of which would be long term parking, and the remaining 18 would be short term parking spaces. The project includes 72 long term spaces located in the northeast corner of the Town Square, near the stairs leading to the elevated park. Twelve short term bicycle parking spaces would be located near the entrance of the visitor

center fronting the Town Square. An additional 200 short-term bicycle parking spaces would be located under the elevated park to the east of the atrium. The additional short-term spaces are in a location that would serve visitors to the MCS, Town Square, and elevated park.

Open space

Table 9 identifies the open space incorporated into the MCS ACP and the minimum required for the masterplan project site. Open space is aggregated between both zoning districts and compliance is documented across the entire project site. The open space associated with the MCS is primarily located in the elevated park and along North Loop Road.

Table 9: Proposed MCS ACP open space			
Land use	CDP requirement for project site(sf)	Proposed open space in MCS ACP (sf)	Remaining required open space (sf)*
Open Space – general non-publicly accessible	497,000	25,668	221,416
Publicly accessible open space	360,000	76,345	283,655
Total	857,000	102,013	509,071

\*This table does not include open space associated with the other ACPs.

*Publicly accessible open space*

The elevated park is included in the MCS, and would be the majority of the publicly accessible open space associated with the MCS. The elevated park would be constructed in a semi-circular design that would wrap around the MCS atrium fronting the Town Square, and would traverse Willow Road ending at the Belle Haven Shopping Center. The elevated park would also bisect the MCS buildings providing an elevated publicly accessible pathway from North Loop Road to the Town Square and ultimately across Willow Road. The park would be approximately 76,345 square feet (approximately 1.75 acres) and would be accessed from four separate stair towers. Sheet L1.09 of Attachment Q identifies the location and general landscape design of the elevated park. The elevated park would include overlook plazas at the western and eastern terminuses of the park. Within the park the landscape design includes a plaza overlooking the town square plaza, a picnic area, open grass areas and garden paths, and play areas. Sheet L5.02 of Attachment Q includes the materials palette and concepts for the elevated park.

Trees and landscaping

The MCS includes three main planting areas, including the open space to the rear of the atrium, the elevated park, and within the atrium itself, which would not be open to the public, generally, except for public events detailed in the DA. Plantings at the rear of the atrium would include ground shrubs such as Ceanothus concha and Ribes sanguineum (flowering currant). Trees would include sour gum, Persian ironwood, and London plane trees. The area near the bike parking would feature a variety of ground cover, including flowering currant, California wildrose, and western sword ferns.

The elevated park would be landscaped to feature several different “zones” of plant types. The zones would include a tall forest, chaparral garden, southern hemisphere garden, Mediterranean and pollinator garden, and a desert garden. Each zone would include a variety of species commonly found in each of the habitats. The park would also include a mixture of Engelmann oak and netleaf oak trees planted along the entire southern edge of the park.

The atrium would also feature several gardens with unique characteristics. A coniferous forest would be

planted in the southern portion of the atrium which would feature a variety of exotic pine trees with an understory of a variety of shrubs. The northern portion of the atrium would include a variety of palm species with an understory of plants typical of more tropical or semi-tropical climates.

#### ***Build-to area requirement and frontage landscaping***

The MCS would comply with the build-to area requirement, as the CDP states that there is no required setback or stepback along North Loop Road for the MCS building. The majority of the building along the Town Square would be devoted to active uses and would not be subject to the frontage landscaping requirement. For the portions of the building along North Loop Road, the proposal would comply with the frontage landscaping requirement.

#### **Design standards**

##### ***Architectural style and building design***

The MCS would be designed in a contemporary style using a steel grid to form the frame of the atrium, which would be covered in glass paneling. The event space would be constructed with metal paneling on the sides fronting the interior of the Office Campus, and concrete paneling in the rear fronting North Loop Road. The roof would be a curved steel grid with glass panels to complement the curvature and style of the atrium. The elevated park would also include metal panel siding along the underside of the park, and would be supported by concrete pillars.

The MCS 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 (which includes a number of approved modifications due to the unique design of the MCS atrium), subject to approval of the additional use permit requests outlined in the next section.

#### **Use permit**

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

- Modify modulation requirements.

The applicant's modification request and justification is included in Attachment R.

The CDP approved a modification that allowed for no modulations along North Loop Road. However, per the Zoning Ordinance, the atrium fronting the Town Square is required to provide a building modulation. The atrium includes a semi-circular entry to the visitor center portion of the building. The projection meets the size requirement of the modulation requirement, however, it terminates at the first story, below the elevated park. The applicant proposes to modify the modulation requirement to allow the modulation to terminate prior to reaching the underside of the elevated park. Staff understands that this is a clarification of the design that was reviewed during the review of the masterplan and is supportive of the request.

#### ***Town Square***

##### **Site layout**

The Town Square is bounded by Main Street to the south, West Street to the west, the MCS atrium to the north, and the Office Campus to the east. The Town Square is comprised of primarily publicly accessible open space, with a single building with restaurant and retail uses along the southern edge of the space, fronting Main Street. An underground parking structure, containing shared parking for the commercial uses, MCS, and office visitors, would be located under the Town Square. The Town Square ACP plan set is

included in Attachment S and Sheet A0.01 shows the location of the Town Square within the masterplan project.

#### Gross floor area (GFA) and floor area ratio (FAR)

The Town Square includes one retail/restaurant building and one stair tower to access the underground parking structure and the elevated park. Although located within the Town Square, the stair tower is included in the MCS GFA. The total square footage of the retail building is approximately 4,778 square feet. The square footage counts towards the allowed 200,000 square feet of non-office commercial square footage. Attachment N includes this GFA in the retail tracking category.

#### Height

The retail building would have a flat roof with an awning structure that curls upward slightly towards the interior of the Town Square. The majority of the building would have a height of approximately 34 feet, and a maximum height of approximately 35.3 feet at the tip of the curled awning. The average height of the structure would be approximately 34.5 feet.

#### Town Square site circulation, vehicle parking, and bicycle parking

An underground parking structure below the Town Square would accommodate parking for the hotel (to be reviewed at a future Planning Commission meeting), the retail commercial and office/MCS visitor parking, and the Town Square retail. The underground parking structure would be accessed from Willow Road via a ramp. The Town Square parking structure also connects to the underground parking structure of the mixed-use building on Parcel 3 (to be reviewed at a later Planning Commission meeting) via an underground tunnel.

The Town Square parking garage would include a total of 267 parking spaces. The minimum and maximum parking required to accommodate the small amount of retail on site would be between 13 and 17 spaces. However, the masterplan (Sheet G4.01) contemplated shared parking between the Town Square, Parcel 2 and Parcel 3 mixed use buildings, with a minimum of 1,052 parking spaces and a maximum of 1,080 parking spaces. The parking structure would help accommodate the parking need for these three parcels, which include a mix of residential, retail, and hotel uses, and would count towards the minimum and maximum shared parking spaces approved in the masterplan. Compliance with the minimum and maximum parking requirements would be confirmed via the tracking matrix (Attachment N) at the time of individual building permit issuance.

The required bicycle parking is only one short term space for the retail building in the Town Square. However, as mentioned above, approximately 200 short term bicycle parking spaces will be provided in the northwest corner of the Town Square to accommodate the needs of both the Town Square and the MCS. Additional short term bicycle parking spaces would be located closer to the retail building as a more convenient location for patrons of the retail businesses and in compliance with the distance from main entrance requirement (50 feet) for bicycle parking.

#### Open space

Table 10 identifies the open space incorporated into the Town Square ACP and the minimum required for the project site. Open space is aggregated between both zoning districts and compliance is documented across the entire project site.



Table 10: Proposed Town Square ACP open space				
Land use	CDP requirement for project site(sf)	Proposed open space in Town Square ACP (sf)	Remaining required open space* (sf)	
Open Space – general non-publicly accessible	497,000	9,621	211,795	
Publicly accessible open space	360,000	52,408	231,247	
Total	857,000	62,029	447,042	

\*This number includes open space accounted for in the Office and MCS ACPs.

**Publicly accessible open space**

The majority of the Town Square would be publicly accessible open space meant to accommodate those visiting the retail and restaurant uses in the project site. The Town Square would be furnished with several nodes of shaded open seating throughout the plaza area, with concrete seating steps built in a large, semi-circular arrangement in the center of the space.

The open space includes additional potentially publicly accessible seating areas and quasi-public seating areas for the retail tenants in the town Square building and the retail component of Office Building 4, which fronts the Town Square. Since the retail tenant seating areas are not defined at this time, the areas surrounding the retail building and retail components of the Office buildings have not been included in the calculation of publicly accessible open space to allow for flexibility in programming the spaces adjacent to the retail/commercial spaces.

**Trees and landscaping**

Trees would be planted throughout the Town Square, with focus on providing shade for the open seating areas described above. Several trees would be planted lining the semi-circular seating steps in the center of the Town Square, as well as along the front of the retail spaces in the Town square building and Office Building 4. Additional trees would be planted near the entrance to the MCS visitor center. Tree species would include crape myrtles, Hungarian oaks, Chinese pistache, London plane, and emerald sunshine elm trees. A variety of shrubs and ground cover would be planted at the perimeter of the Town Square and would act as a buffer from the sidewalk along West Street and Main Street.

**Design standards**

**Architectural style and building design**

The Town Square retail building would be constructed in a contemporary style. The building would be comprised of the main retail space and the stair leading to the underground parking structure. The structures would be arranged to create a slight curvature in the building form facing the interior of the Town Square. Both buildings would be constructed with glass fiber reinforced concrete (GFRC) paneling siding material, with metal paneling at the roof. The retail building would include large folding glass partition windows that would be operable in order to create an open air experience for patrons. The windows would include extruded aluminum cladding. The retail building and the stair/elevator building would be connected by a large engineered wooden trellis, creating a large breezeway for passage from Main Street to the interior of the Town Square. As previously mentioned, the trellis structure would include a slight upward curl towards the interior of the town Square to create additional architectural interest. The roof of the building would include additional planting strips that would allow for foliage to hang down from the trellis structure.

The Town Square 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, subject to the approval of the additional use permit requests outlined in the next section.

#### Use permit

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

- Modify frontage landscaping and modulation requirements for the pavilion.

The applicant's modification request and justification is included in Attachment T.

The retail building is subject to the building modulation requirement of one modulation per 200 feet of building façade fronting a publicly accessible street since the Main Street façade is slightly longer than 200 feet in length. Given that the retail building and the stair tower are connected by the trellis structure, creating a continuous façade, a modulation is required. The applicant has submitted a use permit request to remove the modulation requirement from the Town Square building. Staff is supportive of the request, given the breezeway creates a large opening in the façade, which reduces the perceived mass of the overall structure. Additionally, the footprint of the building has not changed since the masterplan was approved.

Frontage area is required to be landscaped with a minimum of 25 percent of ground vegetation. The applicant would meet this requirement along Main Street, however, the frontage area between the face of the building and West Street would only contain approximately 11 percent of vegetated landscaping. The applicant is requesting a use permit to modify the frontage landscaping requirement to allow reasonable public access from the corner of Main Street and West Street into the Town Square open space. While not an active retail façade of the building, the design of the open space between the pavilion building and West Street would be actively programmed and landscaping would be consistent with the broader design of the town square open space.

#### ***Parcel 2 – Mixed use residential***

Parcel 2 is within the R-MU (Residential Mixed Use) zoning district within the Willow Village project site. The ACP consists of one mixed-use building with approximately 328 dwelling units and the grocery store. The building would contain one floor of underground parking, and additional parking on the first and second floors. The grocery store is a key required community amenity of the masterplan.

#### Site layout

The proposed building would be constructed in an approximately north-south orientation along the Willow Road project frontage. The Parcel 2 ACP project plans are included in Attachment U and Sheet A0.01 identifies the ACP project site within the masterplan project.

The grocery store would be located in the northern portion of the building fronting Willow Road, Main Street and West Street. The main entrance to the grocery store would be located on the interior of the project site at the corner of Main Street and West Street.

The main lobby of the residential portion of the building would be located along Park Street on the southern frontage of the building. However, there would be additional residential entrances along Willow Road. Several units would also be located on the ground floor fronting Park Street, with entrances directly fronting the sidewalk.

Gross floor area (GFA), floor area ratio (FAR), and density

As mentioned earlier, the CDP approved up to 200,000 square feet of retail uses throughout the project site. The grocery store would be approximately 46,768 square feet. The calculation of the grocery store/retail GFA includes the circulation areas outside the grocery store that are bounded by columns greater than 12-inches in width (per MPMC Section 16.04.325(C)(4)). Table 11 details the running total of retail square footage when added to the retail components of the Office, MCS, and Town Square.

Office Campus	30,041 sf
Town Square	4,778 sf
Parcel 2	46,768 sf
<b>Total</b>	<b>81,587 sf</b>

The CDP approved a total of 1,730 housing units with a total of approximately 1.696 million square feet of gross floor area to be tracked across the entire project site. The proposed building would consist of 328 units with a total of approximately 320,584 square feet of gross floor area. The tracking matrix in Attachment N will be updated as the ACPs are reviewed and then further updated with each building permit to ensure compliance at full build out.

Below Market Rate housing units

The masterplan includes a site-wide below market rate (BMR) housing requirement of 312 BMR units at a range of affordability levels. The site-wide BMR agreement is included in Attachment V. The applicant is required to record parcel-specific BMR agreements prior to issuance of the first building permit associated with the ACP. Parcel 2 would include a total of 33 BMR units, approximately 10 percent of the Parcel 2 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. 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 U 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.

Height

The maximum height in the RMU district is 70 feet, and the average height is 52.2 feet, with an additional 10 feet of maximum and average height allowed for project sites located in the FEMA flood zone. The proposed building would have a maximum height of approximately 78 feet from average natural grade, and an average height of approximately 62.8 feet, which are compliant with the maximum height allowed by the CDP and average height allowed by the Zoning Ordinance. Height will be tracked through the compliance matrix in Attachment N.

Parcel 2 site circulation, vehicle parking, and bicycle parking

Parking on Parcel 2 would consist of one level of underground parking, with additional parking at grade and on the second story of the proposed building. The parking garage would be accessed by two entrances, one on Willow Road, and one on West Street. The Willow Road entrance would be a right-in-right-out entrance which would only be accessed from northbound Willow Road. The two entrances would be aligned within the building, creating a large drive aisle which would allow grocery delivery trucks and garbage trucks to access the grocery loading dock and main trash room from Willow Road, and exit onto West Street.

The garage would contain a total of 632 parking spaces. A large portion of the residential spaces would be accommodated through a system of parking puzzlers which would be able to stack cars in order to maximize space efficiency. The parking spaces allocated to the residential use would meet the minimum one parking space per unit. The ground floor and second floor of parking would consist of 300 parking spaces. This parking is included in the shared parking spaces for the Town Square, Parcel 2 and Parcel 3 to accommodate all visitors to the project site. The parking associated with this ACP will be aggregated with Parcel 3, and the Town Square to ensure compliance at the building permit stage.

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 per guest. This is a minimum of 492 long-term and 50 short-term bicycle parking spaces for residential component of Parcel 2. The proposed building would include 542 long-term bicycle parking spaces located in five large, secured, long-term bicycle parking rooms throughout the building. The project would include 50 short-term bicycle parking spaces near the main lobby entrance fronting Park Street.

The commercial component of the project would be required to provide a total of 10 bicycle parking spaces (2 long-term and 8 short-term). The project would include two long-term bicycle parking spaces on the north side of the building, and eight short-term bicycle parking spaces split between the grocery store entrances along Main Street and West Street, which meet the bicycle parking number and location requirements.

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. Table 12 below demonstrates that the open space requirements of the project will be met through a combination of private and common open space.

Table 12: Parcel 2 proposed open space		
	Required open space	Proposed open space
Minimum private open space*	26,240 sf	18,626 sf
Minimum common open space**	32,800 sf	32,635 sf
<b>Total required/proposed</b>	<b>34,385 sf</b>	<b>52,261 sf</b>

\*Minimum amount of private open space if no common if no common open space is provided

\*\*Minimum common open space if no private open space is provided

A majority of the open space would be provided in a large common courtyard on the third level of the building. The common open space would include three connected courtyards furnished for use by all residents. There would be an additional common terrace space on the sixth floor on the corner of West Street and Main Street. In addition to the common open space, many of the residences would include private balcony, terrace, and stoop private open spaces.

**Trees and landscaping**

The project site not occupied by the building would be landscaped with a mixture of ground cover and trees lining the surrounding streets. The ground cover would include drought-resistant species, including native California species such as purple three-awn, bee’s bliss sage, and maritime ceanothus. Street tree species would include magnolias, London plane, and Japanese zelkova trees. Additional landscaping would be included in the common courtyard on the third floor of the building. The courtyard landscaping would include a similar mixture of plant and tree species, but would also include olive, ironwood, and three different species of oak trees.

**Build-to area requirement and frontage landscaping**

The proposed building would comply with the build-to area requirement on all frontages. Landscaping is required in a minimum of 25 percent of the frontage area. Frontage areas adjacent to active uses, such as retail uses or lobbies, are exempt from the frontage landscaping requirements. Table 13 documents frontage landscaping compliance for Parcel 2.

Table 13: Parcel 2 proposed frontage landscaping (excluding exempt areas)				
	Willow Road	Park Street	West Street*	Main Street*
Frontage area	9,616 sf	2,763 sf	0	0
Frontage landscaping	5,093 sf	2,763 sf	0	0
<b>Percentage</b>	<b>53</b>	<b>44</b>	<b>n/a</b>	<b>n/a</b>

\*Exempt from frontage landscaping requirements due to frontage area fronting active uses.

**Design standards**

**Architectural style and building design**

The building would be constructed in a contemporary residential design reminiscent of modern apartment complex design. The building would be designed with two U-shaped residential towers, each four stories tall, above two stories of parking garage and grocery store. The towers would be oriented in different directions with one opening west to face Willow Road, and one opening south towards Park Street and the future park.

The building materials would primarily consist of a combination of glass fiber reinforced concrete (GFRC) panels of varying colors and smooth troweled stucco siding. Smooth stucco siding is 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 wood-tone metal panel accent materials at residential windows and metal panel screening along Willow Road. Large glass windows would be included at the ground floor retail and residential lobby spaces. Sheet A7.01 includes the colors and materials board (Attachment U).

The Parcel 2 ACP would comply with the minimum requirements for setbacks and setbacks, 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 exception of the additional use permit requests outlined in the next section.

### Use permit

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

- Modify building modulation, setback, and projections requirements;
- Modify roofline modulation requirements;
- Modify base height; and
- Modify building entrance spacing.

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

Along Main Street, the residential terrace on the sixth floor includes a glass guardrail which extends above the base height and is within the 10-foot setback area, and therefore the extent of the guardrail does not meet the setback requirement. This portion of the façade is slightly over the maximum 25 percent of the façade exempted from the setback requirement, with approximately 26 percent of the façade not meeting the setback requirement. The applicant is proposing to allow the additional façade area to be exempted from the setback requirement. This request clarifies a previously reviewed design for the sixth-floor terrace space.

Architectural projections, such as awnings, balconies, and bay windows are allowed to encroach into the setback area for a maximum of six feet. The applicant is requesting to allow awning projections to be allowed to encroach up to 10 feet, three inches into the setback areas along Main Street and West Street to align with the balconies below. The applicant states the projection would help create a visual cap at prominent corners of the building.

The Main Street and West Street facades include building recesses in the form of residential balconies. However, the guard rails and structural features at the corner of West Street and Main Street are flush with the main building façade, and therefore do not meet the definition for minor modulations. The applicant's use permit request would allow these balcony areas to be considered minor modulations in order to comply with the requirement. This request would permit previously shown design elements for the building.

Roof lines are required to vary along street-facing facades to create an interesting skyline. The Park Street elevation would not include a roof modulation, and the applicant has requested a use permit to allow a consistent roofline along this façade. The applicant states that the two portions of the Park Street elevation closest to the street include a height modulation of eight feet, eight inches. However, the portion of the tower that is set back from the street forms a consistent roofline with the portion of the building closest to the street and does not meet the roofline variation requirements.

The CDP approved a modification to the zoning ordinance to allow building entrances to be separated by up to 138 feet, where 100 feet is the standard requirement. The building would comply with the maximum 138-foot entrance separation distance with the exception of the two grocery store entrances along West Street. The applicant has requested use permit approval to allow an entrance separation of 160 feet. The applicant states that the separation is required to allow greater security within the grocery store, and would allow for an internal layout consistent with typical grocery stores. Staff believes the request would provide more flexibility for the grocery store operator.

### ***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 PCE, and the routine testing of diesel generators. It is anticipated that the grocery store operator will request an exception to use natural gas for its prepared food offerings. The applicant submitted a memo outlining preliminary compliance with the 100 percent renewable energy requirement and how the on-site energy generation would offset any use of natural gas, diesel fuel, and any opt-outs by tenants from Peninsula Clean Energy (Attachment X).

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 the Office Campus, MCS, and Parcel 2 (Attachment Y). The town square pavilion is less than 10,000 square feet in size and would not be certified.

The applicant has submitted memos from its biologist documenting compliance with the masterplan bird safe design assessment and CDP based on the specific designs of each building. The memorandums are included for each architectural control package in Attachment Z and the bird safe design assessment is included in Attachment AA. 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.

## **Conclusion**

The ACPs for the Office Campus, MCS, Town Square, and Parcel 2 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 four ACPs would provide a total of approximately 128,753 square feet (approximately 2.9 acres) of publicly accessible open space, which would contribute to the minimum 360,000 square feet of publicly accessible open space 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. Staff recommends that the Planning Commission adopt the resolutions in Attachments A, B, C, and D and approve the ACPs and use permits for the Office Campus, Meeting and Collaboration Space, Town Square, and Parcel 2.

## **Next steps**

The Planning Division continues to review the remaining ACPs and anticipates bringing Parcel 7 (senior standalone BMR building), Parcel 3 (mixed use residential and entertainment uses), and Parcel 6 (residential building) to the Planning Commission in summer 2023. Staff is working to bring all the remaining ACPs to the Planning Commission for review and action by the fall of 2023.

## **Correspondence**

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

## **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 the Office Campus  
Exhibits to Attachment A

- Exhibit A: Office Campus ACP Project Plans (Attachment O)
- Exhibit B: Use Permit Request Letter (Attachment P)
- Exhibit C: Conditions of Approval

B. Draft resolution approving architectural control package and use permits for the Meeting and  
Collaboration Space

Exhibits to Attachment B

- Exhibit A: Meeting and Collaboration Space ACP Project Plans (Attachment Q)
- Exhibit B: Use Permit Request Letter (Attachment R)
- Exhibit C: Conditions of Approval

C. Draft resolution approving the architectural control package and use permits for the Town Square  
Exhibits to Attachment C

- Exhibit A: Town Square ACP Project Plans (Attachment S)
- Exhibit B: Use Permit Request Letter (Attachment T)
- Exhibit C: Conditions of Approval

D. Draft resolution approving the architectural control package and use permits for Parcel 2  
Exhibits to Attachment D

- Exhibit A: Parcel 2 ACP Project Plans (Attachment U)
- Exhibit B: Use Permit Request Letter (Attachment W)
- Exhibit C: Conditions of Approval

E. Masterplan project meeting and milestones summary

F. Hyperlink: Planning Commission October 24, 2022 Staff Report -

<https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/planning-commission/2022-meetings/agendas/20221024-planning-commission-agenda-packet.pdf>

G. Hyperlink: City Council December 6, 2022 Staff Report –

<https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20221206-cc-agenda-packet-with-presentation.pdf>

H. Hyperlink: City Council December 13, 2022 Staff Report -

<https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20221213-city-council-agenda-packet-2.pdf>

I. Project location map

J. Approved masterplan site plan

K. 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>

L. 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>

M. 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>

N. Compliance tracking matrix

O. Hyperlink: Office Campus ACP plan set –

<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/architectural-control-plans/office-campus.pdf>

P. Office Campus use permit requests

Q. Hyperlink: Meeting and Collaboration Space ACP plan set –

- <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/architectural-control-plans/meeting-and-collaboration-space-and-elevated-park.pdf>
- R. Meeting and Collaboration Space use permit request
  - S. Hyperlink: Town Square ACP plan set –  
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/architectural-control-plans/town-square.pdf>
  - T. Town Square use permit requests
  - U. Hyperlink: Parcel 2 ACP plan set –  
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/architectural-control-plans/mixed-use-parcel-2.pdf>
  - V. 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>
  - W. Parcel 2 use permit requests
  - X. Renewable energy compliance memo (Office Campus, MCS, Town Square and Parcel 2 ACPs)
  - Y. LEED compliance memo (Office Campus, MCS, and Parcel 2 ACPs)
  - Z. Bird friendly design compliance memo (Office Campus, MCS, Town Square, and Parcel 2 ACPs)
  - AA. 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 PERMITS TO MODIFY DESIGN STANDARDS FOR THE WILLOW VILLAGE OFFICE CAMPUS**

**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 Office Campus, containing six office buildings with approximately 1,125,765 square feet of gross floor area, two parking structures containing 3,304 parking spaces, and associated private and public open space; 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 Office 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 requests for use permits to modify setback requirements of Building SP-1, modify setback requirements at the southeast corner of the South Garage, modify modulation requirements of TS-3 along the Town Square, modify the maximum garage entrance width requirement at the North and South Garages, modify stepback requirements for the office buildings, and modify modulations requirements for the garages; 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 June 26, 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 Office Campus 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 office designs, and in the general character of other commercial 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 modern

office campus suitable for a large company workforce. 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 Office zoning district and approved modifications to the Office 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 CDP designates the minimum and maximum number of parking spaces required for the Office Campus to be 3,200 parking spaces and 3,700 parking spaces, respectively. Two parking structures would be constructed containing approximately 3,319 parking spaces, meeting the minimum and maximum parking requirements of the CDP.
  - 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 (1) Modify setback requirements at Building SP-1; (2) Modify setback requirements at southeast corner of South Garage; (3) Modify modulation requirement of TS3 (Office Building 4) along Town Square; (4) Modify entrance width requirement at North and South Garages; (5) Modify stepback requirement at office buildings; (6) Modify modulation requirements at garages.* 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 Office 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. Building SP-1 would be set back 28 feet where 25 feet is the maximum setback. The increased setback would create more emphasis on the Town Square open space and help activate the public open space. 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. Given the angle of the South Garage façade and layout of the roundabout at the intersection of Main Street, East Loop road, and O'Brien Drive, the City's Transportation Division has determined that the requested modification to the setback requirement at the southeast corner of the South Garage would not result in safety issues to bicyclists or pedestrians in the vicinity. The proposed design is consistent with the approved Master Plan and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

- d. Removing the modulation requirement from the retail space in TS-3 (Office Building 4) fronting the Town Square would allow the space to have a viable design for use by a retail tenant. The proposed design is consistent with the approved Master Plan and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.
- e. Allowing the garage entrance to be wider than the maximum widths of 12 and 24 feet is necessary to accommodate regional shuttles and meet ventilation requirements. The entrance to the South Garage from Park Street would be set back substantially from the intersection at Park Street and Main Street and would generally not be visible from the publicly accessible areas of the proposed project. The proposed design is consistent with the approved Master Plan and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.
- f. Removing the setback requirement from the office buildings would allow trellis elements and safety railings to remain in the Project design. The trellises would provide visual interest from the street and allow for passive shading of terrace areas, while the railings would be required as life-safety measures. The proposed design is consistent with the illustrative building designs in the Master Plan and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.
- g. Allowing the modulations for the parking garages would maintain the integrity of the design of the garage, emphasize the clear base of the garage, and reduce the large volume both vertically and horizontally. The proposed design is consistent with the approved Master Plan 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, Corinna Sandmeier, Principal Planner and Planning Commission Liaison 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 June, 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 June, 2023.

Corinna Sandmeier  
Principal Planner  
City of Menlo Park

Exhibits

- A. Office Campus ACP Project Plans (see Attachment O of the June 26, 2023 staff report)
- B. Use Permit Request Letter (see Attachment P of the June 26, 2023 staff report)
- C. Conditions of Approval



<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
<b>PROJECT CONDITIONS:</b>			
1. The architectural control permit and use permit for the Office Campus associated with the Willow Village mixed-use masterplan shall be subject to the following <b>standard</b> conditions:			
<b>General Conditions</b>			
<ul style="list-style-type: none"> <li>a. Development of the Office Campus Architectural Control Package (hereinafter the “ACP” or “project”) shall be substantially in conformance with the project plans attached to the June 26, 2023 Planning Commission staff report as Attachment O, and consisting of 184 plan sheets, dated March 10, 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.</li> <li>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.</li> <li>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.</li> <li>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, 2023 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.</li> <li>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, 2023 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.</li> <li>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.</li> <li>g. Revisions to this ACP shall be processed by the City Community Development Department in accordance with Section 8 (Changes to conditional development permit) of the CDP.</li> <li>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.</li> <li>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</li> </ul>			

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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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 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.
- 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 16.44.130(6)(C) of the Zoning Ordinance.

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**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 16.44.130(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 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.

**Building Division Conditions**

- r. 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.
- s. 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.
- t. 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) regardless of whether an agency of jurisdiction over remediation work requires remediation.
- u. 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.
- v. 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.
- w. Each complete building permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2019 CBC or the current CBC in effect at the time of submittal of a complete building permit application.
- x. As part of each complete building permit application the project shall show that accessible routes comply with the requirements of 11B-402.

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

- y. 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 5.106.5.2 requirements.
- z. 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**

- aa. 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, 2023 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.
- bb. 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, 2023 by Resolution No. 6792, have sufficient capacity for the project.
- cc. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
- dd. 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)
- ee. 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, 2023 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.
- ff. 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

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**PROJECT CONDITIONS:**

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).

- gg. 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.
- hh. All Public Works fees are due prior to issuance of any building permit. Refer to City of Menlo Park Master Fee Schedule.
- ii. 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, 2023 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.
- jj. 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.
- kk. 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.
- ll. 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).
- mm. 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.
- nn. 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

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**PROJECT CONDITIONS:**

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.

- oo. Prior to final occupancy of any building, any frontage improvements which are damaged as a result of construction shall be required to be replaced.
- pp. 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 (July 12, 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) and 16.43.130(2)(A), per the requirements of CDP condition 13.15.
- e. No later than upon the submittal of a complete building permit application and issuance of the superstructure building permit, the Applicant shall submit 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 94 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.

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**PROJECT CONDITIONS:**

- f. 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 and restore the site to rough grade condition and 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 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.
- h. 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.
- i. Utility equipment shall meet the requirements of Chapter 16.44.120(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 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



<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
<b>PROJECT CONDITIONS:</b> <p>pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.</p>			

**DRAFT****PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_****DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL AND USE PERMITS TO MODIFY DESIGN STANDARDS FOR THE WILLOW VILLAGE MEETING AND COLLABORATION SPACE BUILDINGS**

**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 Meeting and Collaboration Space (MCS), containing two meeting space buildings within a large glass atrium and connected event space, totaling approximately 448,807 square feet of gross floor area, as well as an elevated park with approximately 76,305 square feet of publicly accessible open space; 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 Office 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 requests for a use permit to modify the modulation requirement along the southern façade; and

**WHEREAS**, the requested modification was 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 June 26, 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 Meeting and Collaboration Space 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 office development designs, and in the general character of the other buildings in the Campus District within 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 unique meeting space designed for a large office tenant, which would be open, on occasion, for use by entities not affiliated with the primary operator.

- 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 majority of the required parking would be provided in the two parking structures associated with the Office Campus ACP, and would include an additional 11 spaces beneath the proposed atrium.
  - 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 within the Willow Village Project Site and is compliant with the approved CDP and Master Plan.
2. *Use permit to Modify minor modulation requirements on the southern façade facing the Town Square.* 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 modification to the Office district design standards is intended to clarify previously-identified modifications from the Master Plan and preliminary ACP plan sets that was not incorporated into the approved design modifications in the CDP.
  - b. The curvature of the atrium structure creates a continuous gentle modulation along the façade of the building. Although it does not extend to the underside of the elevated park, the entry to the visitor center creates an additional modulation that meets the intent of the modulation requirement. The proposed design is consistent with the approved Master Plan 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, Corinna Sandmeier, Principal Planner and Planning Commission Liaison 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 June, 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 June, 2023.

Corinna Sandmeier  
Principal Planner  
City of Menlo Park

Exhibits

- A. Meeting and Collaboration Space ACP Project Plans (see Attachment Q of the June 26, 2023 staff report)
- B. Use Permit Request Letter (see Attachment R of the June 26, 2023 staff report)
- C. Conditions of Approval

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

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

**General Conditions**

- a. Development of the Meeting and Collaboration Space (MCS) Architectural Control Package (hereinafter the “ACP” or “project”) shall be substantially in conformance with the project plans attached to the June 26, 2023 Planning Commission staff report as Attachment Q, and consisting of 84 plan sheets, dated March 10, 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, 2023 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, 2023 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 (Changes to conditional development permit) of the CDP.
- 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

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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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 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.
- 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 16.44.130(6)(C) of the Zoning Ordinance.



<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**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 16.44.130(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 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.

**Building Division Conditions**

- r. 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.
- s. 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.
- t. 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) regardless of whether an agency of jurisdiction over remediation work requires remediation.
- u. 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.
- v. 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.
- w. Each complete building permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2019 CBC or the current CBC in effect at the time of submittal of a complete building permit application.
- x. As part of each complete building permit application the project shall show that accessible routes comply with the requirements of 11B-402.

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

- y. 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 5.106.5.2 requirements.
- z. 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**

- aa. 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, 2023 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.
- bb. 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, 2023 by Resolution No. 6792, have sufficient capacity for the project.
- cc. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
- dd. 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)
- ee. 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, 2023 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.
- ff. 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

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**PROJECT CONDITIONS:**

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).

- gg. 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.
- hh. All Public Works fees are due prior to issuance of any building permit. Refer to City of Menlo Park Master Fee Schedule.
- ii. 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, 2023 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.
- jj. 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.
- kk. 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.
- ll. 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).
- mm. 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.
- nn. 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

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**PROJECT CONDITIONS:**

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.

- oo. Prior to final occupancy of any building, any frontage improvements which are damaged as a result of construction shall be required to be replaced.
- pp. 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 (July 12, 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) and 16.43.130(2)(A), per the requirements of CDP condition 13.15.
- e. No later than upon the submittal of a complete building permit application and issuance of the superstructure building permit, the Applicant shall submit 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 94 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.

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

- f. 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 and restore the site to rough grade condition and 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 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.
- h. 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.
- i. Utility equipment shall meet the requirements of Chapter 16.44.120(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 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

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
<b>PROJECT CONDITIONS:</b> <p style="text-align: center;">pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.</p>			

**DRAFT****PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_****DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL AND USE PERMITS TO MODIFY DESIGN STANDARDS FOR THE WILLOW VILLAGE TOWN SQUARE**

**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 Town Square, containing approximately 52,408 square feet of public open space and one commercial building containing approximately 4,778 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 Office 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 requests for a use permit to modify the frontage landscaping requirement and modulation requirement for the retail building; 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 June 26, 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 Town Square 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 to provide a gathering place for nearby residents and patrons of businesses in the area. The open space would be appropriately furnished and provide shaded seating areas for visitors. The retail building is attractive and is designed in a modern architectural style to complement the open space and the general character of other commercial 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 large open space for use by the public and retail space to enliven the area. 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 Office zoning district and approved modifications to the Office 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 parking structure below the Town Square would provide approximately 267 parking space which would contribute to the minimum and maximum number of shared parking spaces between the Town Square, Parcel 2 and Parcel 3 approved by the CDP.
  - 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 (1) Modify frontage landscaping requirements; and (2) Modify modulation requirements for the retail building.* 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 Office 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. Reducing the required frontage landscaping along West Street would allow for better public access to the Town Square from the corner of West Street and Main Street. 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. The large breezeway between the retail building and the stair tower reduces the overall mass intended to be alleviated by a modulation. The proposed design is consistent with the approved Master Plan 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, Corinna Sandmeier, Principal Planner and Planning Commission Liaison 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 June, 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 June, 2023.

Corinna Sandmeier  
Principal Planner  
City of Menlo Park

Exhibits

- A. Town Square ACP Project Plans (see Attachment S of the June 26, 2023 staff report)
- B. Use Permit Request Letter (see Attachment T of the June 26, 2023 staff report)
- C. Conditions of Approval

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
<b>PROJECT CONDITIONS:</b>			
1. The architectural control permit and use permit for the Office Campus associated with the Willow Village mixed-use masterplan shall be subject to the following <b>standard</b> conditions:			
<b>General Conditions</b>			
<ul style="list-style-type: none"> <li>a. Development of the Office Campus Architectural Control Package (hereinafter the “ACP” or “project”) shall be substantially in conformance with the project plans attached to the June 26, 2023 Planning Commission staff report as Attachment S, and consisting of 46 plan sheets, dated March 10, 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.</li> <li>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.</li> <li>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.</li> <li>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, 2023 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.</li> <li>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, 2023 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.</li> <li>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.</li> <li>g. Revisions to this ACP shall be processed by the City Community Development Department in accordance with Section 8 (Changes to conditional development permit) of the CDP.</li> <li>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.</li> <li>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</li> </ul>			

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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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 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.
- 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 16.44.130(6)(C) of the Zoning Ordinance.

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**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 16.44.130(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 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.

**Building Division Conditions**

- r. 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.
- s. 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.
- t. 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) regardless of whether an agency of jurisdiction over remediation work requires remediation.
- u. 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.
- v. 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.
- w. Each complete building permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2019 CBC or the current CBC in effect at the time of submittal of a complete building permit application.
- x. As part of each complete building permit application the project shall show that accessible routes comply with the requirements of 11B-402.

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

- y. 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 5.106.5.2 requirements.
- z. 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**

- aa. 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, 2023 by Resolution No. 6792, meet the domestic and fire flow requirements of the project.
- bb. 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, 2023 by Resolution No. 6792, have sufficient capacity for the project.
- cc. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
- dd. 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)
- ee. 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, 2023 by Resolution No. 6792, subject to the satisfaction of the Engineering Division.
- ff. 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



<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

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).

- gg. 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.
- hh. All Public Works fees are due prior to issuance of any building permit. Refer to City of Menlo Park Master Fee Schedule.
- ii. 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, 2023 by Resolution No. 6792, are in conflict with required frontage improvements, the utilities must be relocated at the applicant's expense.
- jj. 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.
- kk. 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.
- ll. 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).
- mm. 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.
- nn. 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

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

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.

- oo. Prior to final occupancy of any building, any frontage improvements which are damaged as a result of construction shall be required to be replaced.
- pp. 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 (July 12, 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) and 16.43.130(2)(A), per the requirements of CDP condition 13.15.
- e. No later than upon the submittal of a complete building permit application and issuance of the superstructure building permit, the Applicant shall submit 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 94 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.

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

- f. 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 and restore the site to rough grade condition and 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 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.
- h. 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.
- i. Utility equipment shall meet the requirements of Chapter 16.44.120(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 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

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
<b>PROJECT CONDITIONS:</b> <p style="text-align: center;">pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.</p>			

*DRAFT*

## PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_

**DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL AND USE PERMITS TO MODIFY DESIGN STANDARDS FOR THE WILLOW VILLAGE PARCEL 2 (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 2, containing a mixed-use building which includes 328 housing units, approximately 46,768 square feet of retail space for a grocery store, and a partially underground parking structure with 332 parking spaces; 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 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 requests for use permits to increase the allowed projections in required stepbacks modify minor modulation requirements, increase the allowed spacing between building entrances, modify the base height on the Main Street and Park Street elevations, modify roofline modulation requirements on the Park Street elevation, and modify modulation requirements to allow modulations to begin at the first apartment level on the Main Street; 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 June 26, 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 2 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 mixed-use development designs, and in the general character of other residential and mixed-use 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 opportunity, including housing units offered at below market rates. The Project would also include a space for a full service grocery store to serve the existing and potential residents in the Bayfront and Belle Haven neighborhoods. 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 include a partially below grade parking structure containing approximately 332 parking spaces. The parking structure would include designated parking spaces for residences, and a portion would be open to the public to serve patrons of the grocery store and larger Willow Village Project Site.
  - 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 within the Willow Village Project Site and is compliant with the approved CDP and Master Plan.
2. *Use permit to (1) Increase the allowed projections in required setbacks; (2) Modify minor modulation requirements; (3) Increase the allowed spacing between building entrances; (4) Modify the setback requirements; (5) Modify roofline modulation requirements on the Park Street elevation; and (6) and modify modulation requirements to allow modulations to begin at the first apartment level on the Main Street elevation.* 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. Allowing awning elements to project further than the six feet allowed in the Zoning Ordinance would enable the awning along Main Street and West Street to align with the building façade below. The awning would provide a strong visual cap for a prominent corner opposite the Town Square. The proposed design is consistent with the approved Master Plan and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.
  - c. Minor modulations are intended to break the monotony of large unbroken building elevations. The project would include a variety of colors and materials that would create variation in the elevations and serve the same purpose of minor modulations. The proposed design is consistent with the approved Master Plan

and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.

- d. Allowing a longer distance between the grocery store entrances on West Street would increase security and allow for an interior arrangement more conducive to a full service grocery store. The proposed design is consistent with the approved Master Plan and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.
- e. Allowing for 26 percent of the Main Street façade to be exempt from the stepback requirements would allow for a wind screen to be placed at the rooftop terrace, making a more usable space for residents of Parcel 2.
- f. The roofline along Park Street would have a consistent roofline, however the portions of the building closest to the street, and most visible from the open space, would have a roofline that meets the intent of the roofline modulation requirement. The proposed design is consistent with the illustrative building designs in the Master Plan and reflects a clarification to the modifications to the Zoning Ordinance design standards that was not included in the CDP.
- g. The building would include major and minor modulations beginning at the first residential level above the grocery store below in the northern portion of the building. The grocery store is a unique feature of the Willow Village Project Site, and modulations in the grocery façade would create a hardship for the operation of a large grocery retailer. The modulations included in the upper floors would meet the intent of providing visual interest.

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, Corinna Sandmeier, Principal Planner and Planning Commission Liaison 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 June, 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 June, 2023.

Corinna Sandmeier  
Principal Planner  
City of Menlo Park

Exhibits

- A. Parcel 2 ACP Project Plans (see Attachment U of the June 26, 2023 staff report)
- B. Use Permit Request Letter (see Attachment W of the June 26, 2023 staff report)
- C. Conditions of Approval

1350 Willow Road – Parcel 2 Mixed Use Building ACP – Attachment D, Exhibit C – Conditions of Approval

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**PROJECT CONDITIONS:**

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

**General Conditions**

- a. Development of the Office Campus Architectural Control Package (hereinafter the “ACP” or “project”) shall be substantially in conformance with the project plans attached to the June 26, 2023 Planning Commission staff report as Attachment U, and consisting of 88 plan sheets, dated May 22, 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, 2023 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, 2023 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 (Changes to conditional development permit) of the CDP.
- 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

1350 Willow Road – Parcel 2 Mixed Use Building ACP – Attachment D, Exhibit C – Conditions of Approval

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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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 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.
- 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 16.44.130(6)(C) of the Zoning Ordinance.

1350 Willow Road – Parcel 2 Mixed Use Building ACP – Attachment D, Exhibit C – Conditions of Approval

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**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 16.44.130(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 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) regardless of whether an agency of jurisdiction over remediation work requires remediation.
- 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 2019 CBC

1350 Willow Road – Parcel 2 Mixed Use Building ACP – Attachment D, Exhibit C – Conditions of Approval

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
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**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 5.106.5.2 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, 2023 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, 2023 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

1350 Willow Road – Parcel 2 Mixed Use Building ACP – Attachment D, Exhibit C – Conditions of Approval

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**PROJECT CONDITIONS:**

December 6, 2023 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, 2023 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

1350 Willow Road – Parcel 2 Mixed Use Building ACP – Attachment D, Exhibit C – Conditions of Approval

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**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 (July 12, 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) and 16.43.130(2)(A), per the requirements of CDP condition 13.15.
- e. No later than upon the submittal of a complete building permit application and issuance of the superstructure building permit, the Applicant shall submit

1350 Willow Road – Parcel 2 Mixed Use Building ACP – Attachment D, Exhibit C – Conditions of Approval

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**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 94 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.

- f. 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 and restore the site to rough grade condition and 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 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.
- h. 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.
- i. Utility equipment shall meet the requirements of Chapter 16.44.120(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**

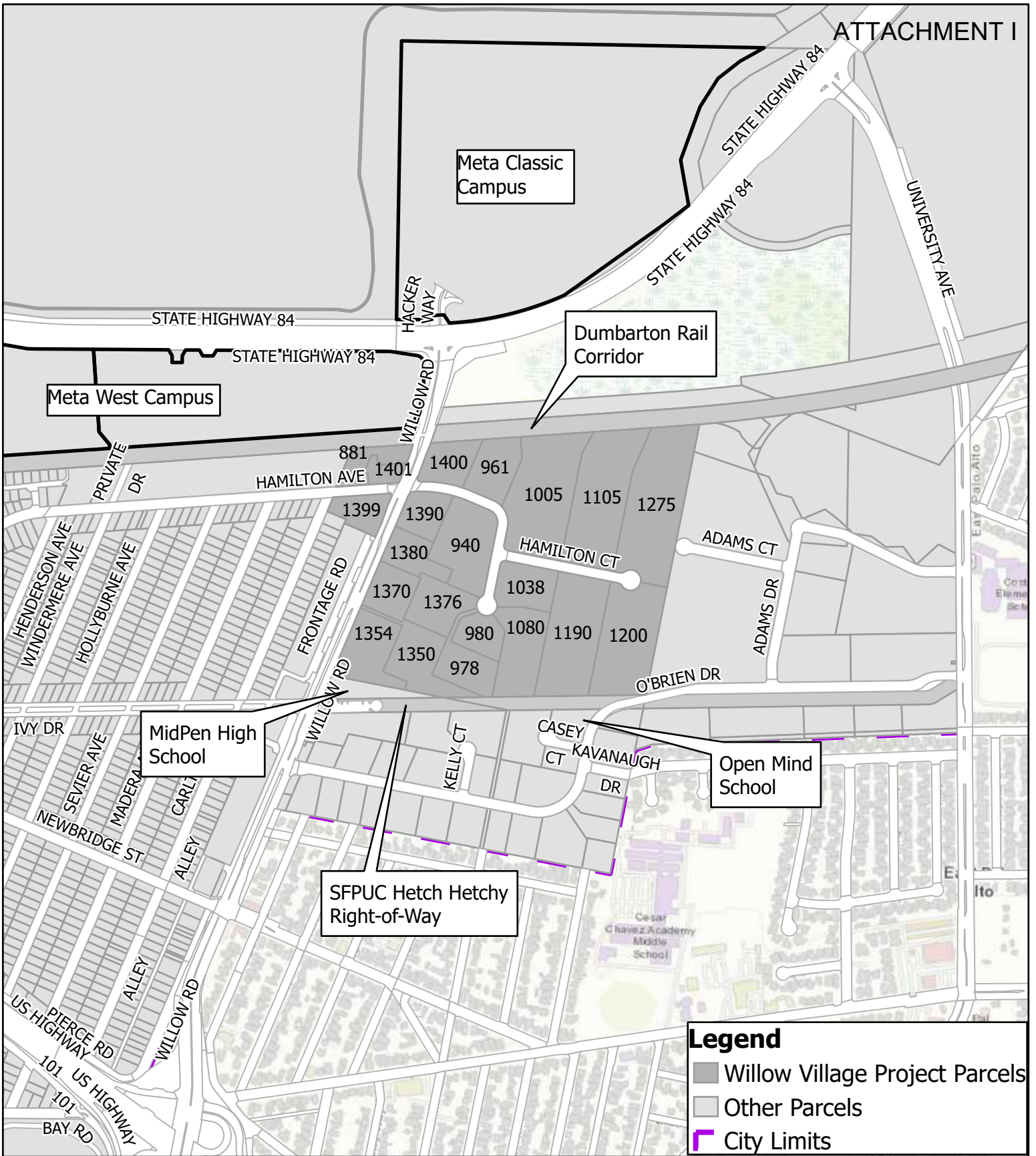
- k. All public right-of-way improvements, including frontage and intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy. Required intersection improvements shall be completed per the requirements of 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 and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the



1350 Willow Road – Parcel 2 Mixed Use Building ACP – Attachment D, Exhibit C – Conditions of Approval

<b>LOCATION:</b> 1350 Willow Road	<b>PROJECT NUMBER:</b> PLN2022-00061	<b>APPLICANT:</b> Peninsula Innovation partners, LLC	<b>OWNER:</b> Peninsula Innovation partners, LLC
<b>PROJECT CONDITIONS:</b> <p>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.</p>			

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



# CITY OF MENLO PARK

## LOCATION MAP

### WILLOW VILLAGE







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 N

6/22/2023

(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					
Public Realm																						\$1,579,000*					
R-MU Compliance																											
Units		GFA		Retail GFA		Avg Height (ft)		Parking		Shared Parking		Public Park/Off-street Parking		Minimum 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																											
Parcel 4																											
Parcel 5																											
Parcel 6																											
Parcel 7																											
Park Restroom	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	N/A	N/A	N/A				
Pump Station	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	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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A				
R-MU Subtotals	328			316,740		46,768		60.82		332		300				51,261		542,052		100,000		\$105,000					
Office Compliance																											
Units		GFA		Retail GFA		Avg Height (ft)		Parking		Shared Parking		Public Park/Off-street Parking		Minimum 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																											
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														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			1,575,439		34,819				3,315					128,753		281,205					3,400,000		\$3,447,200				

\*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 1 (Portion)**  
**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: Modify Setback Requirements at SP-1.**

The current design proposes a 28-foot setback where a 25-foot maximum setback is required. The requested use permit is necessary to emphasize the retail to the north and south of SP-1 and to promote an active public realm along Main Street.

**Use Permit #2: Modify Setback Requirements at SE corner of South Garage.**

The current design proposes the southeast corner of the garage is setback between approximately 6-inches and 5-feet where a 5-foot minimum setback is required. The requested use permit is in response to the public access easement; and necessary to maintain the design of the garage which is chamfered to accommodate the geometry of the roundabout and soften the edge of the mass at the intersection.

**Use Permit #3: Modify Modulation Requirement of TS3 along the Town Square**

The current design proposes no modulation along the approximately 147-foot Town Square facing façade of TS3. The requested use permit is necessary to maintain the integrity of the retail along Town Square. TS3 is held to approximately 147-feet in length to allow a relief between the building and the publicly accessible stairs to the north.

**Use Permit #4: Modify Entrance Width Requirement at North and South Garages.**

The current design proposes openings at the garage entrances wider than the 12-foot and 24-foot maximum widths. The requested use permit is necessary to maintain the integrity of the open design, the passive ventilation strategy, and to allow the width required to accommodate buses.

**Use Permit #5: Modify Stepback Requirement at Office Buildings.**

The current design proposes a trellis element at the office building terraces that is not permitted within a building stepback. The requested use permit is necessary to maintain the integrity of the design, allow for visual interest from the street, and passive shading.

**Use Permit #6: Modify Modulation Requirements at Garages.**

The current design proposes two horizontal expressions that connect the proposed façade modulations at the South and North Garages and interrupts the required break in the building plane from the ground level to the top of the building's base height. The requested use permit is necessary to maintain the integrity of the design which emphasizes a clear base, middle, and top expression and ultimately reduces a large building volume both vertically and horizontally.

**PARCEL 1 – MCS**  
**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: Modify Building Setback Requirements on N. Loop Road**

The building facade along North Loop Road consists of the atrium cover whose curvature in plan varies by 65'-0" along its 835'-0" length. The façade curves gently to create an active and attractive street edge. The requested use permit is necessary to allow the unique curved building structure.

**Use Permit #2: Modify Modulation Requirements on Town Square**

The building facade along Town Square consists of a curtainwall whose curvature varies with the Elevated Park. The façade curves gently to create an active and attractive street edge. The requested use permit is necessary to allow the unique curved building structure and connection to the Elevated Park.

**PARCEL 1 – TOWN SQUARE  
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: Modify Frontage Landscape Requirements on West Street.**

The current design proposes a 6-foot wide planting strip adjacent to the Bike and Pedestrian Easement along West Street providing 11.4% of Frontage Landscape where 25% is required. The requested use permit is necessary to allow reasonable public access from the Main St/West St corner to the large open space of the Town Square.

**Use Permit #2: Modify Build-to Area Requirement on West Street.**

The current design proposes the Town Square Pavilion to be setback beyond the 25’ maximum setback along West Street per Modification Request #3, and to have a minimal built presence along West Street resulting in a Build-To Area of 0% where 60% is required. The requested use permit is necessary to create the large publicly accessible open space that is the primary function of Town Square.

**Use Permit #3: Modify Build-to Area Requirement on Main Street.**

The current design proposes the Town Square Pavilion to be setback beyond the 25’ maximum setback for portions of Main Street per Modification Request #3, and to have large access-ways from Main Street to the Town Square beyond resulting in a Build-To Area of 43.4% where 60% is required. The requested use permit is necessary for 2 reasons:

- The successful functioning of the Retail tenant(s) by providing them with space for exterior customer seating.
- To allow reasonable public access from Main Street to the large open space that is the primary function of Town Square.

**Use Permit #4: No Modulation along the West Street Facade.**

The current design proposes an engineered wood trellis roof that cantilevers beyond the plane of the 40’ long West Street façade where a building modulation is required. The extended trellis provides shade and visual variety. The requested use permit is necessary to maintain usable plan space within the limited footprint for 2 retail tenants whereas a building modulation along West St façade would significantly impact the limited length of available retail space.



## PARCEL 2

### 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: Modify Maximum Allowed Projection in Required Stepback**

The current design proposes a 10'-2 ½" deep awning projection into the required stepback area at the corner of Main St. and West St. when the maximum allowed by 16.45.120(2) is 6 feet. The requested use permit is necessary to allow the awning to align with the edge of the balcony below, providing a strong visual cap for a very prominent corner that faces the square on the opposite corner of the intersection. Stepping the awning back at the top would weaken the corner and reduce the usability of the amenity area below.

#### **Use Permit #2: Allow Stacked Projections and Semi-Enclosed Recesses To Qualify as Minor Modulations**

The current design uses stacked projecting balconies and stacked semi-enclosed inset balconies along with 5' deep insets to provide modulation in a varied way to the long building facades. Strict adherence to the prescriptive insets described in the minor modulation requirement of 16.45.120(2) would result in a monotonous rhythm to the overall building. It has always been a design goal of the project to provide variety and diversity of architectural expression to visually break down the large scale of the block, and allowing a range of strategies for providing modulation is critical to that working.

#### **Use Permit #3: Modify Required Building Entrance Spacing on West St. Elevation.**

The current design proposes a 160' gap between entrances to the grocery store at the north end of the West St. frontage, greater than the 138' allowed by the approved modification in the CDP. The proposed spacing is the result of extensive discussions with prospective grocery tenants about what entrance arrangements would work well for them. More frequently spaced entrances would be a security liability for the grocery store operator and would interfere with their internal layouts.

#### **Use Permit #4: Modify Base Height Limits on Main St. Frontage**

The current design proposes a windscreen at the amenity patio overlooking the corner of Main St. and Park St. that raises the effective base height of that portion of the elevation to 73'-3" above natural grade, higher than the base height of 71'-0" allowed by Condition 4.6.1 from the CDP. Wind analysis of this project has shown that windscreens will be necessary for this amenity deck to be comfortable enough to be used. The screens will also be glass (bird-friendly glass), so will not increase the height at which the stepback visually appears to occur when viewed from the ground.

**Use Permit #5: Modify Roofline Modulation Requirement to Only Consider Rooflines Within 50' of the Roofline Closest to the Property Line**

The current design includes two primary rooflines along Park St. One is approximately 80'-6" above average natural grade and is set back approximately 20' from the Park St. property line. The other is approximately 71'-10" above natural grade, and is set back approximately 25' from the Park St. property line. The 8'-8" difference between these two rooflines fulfills the intent of the roofline modulation requirement. There is, however, a "stepped back" roofline behind the 71'-10" elevation which is at 80'-6" in height, matching the taller front roofline, but it is set back 169'-7 ½" from the Park St. property line. This stepped back roofline will only be visible from Park St. at an angle, appearing like an extension of the back wall of the courtyard. The step in massing this wall creates when viewed from that angle will fulfill the intent of the roofline modulation by providing variety in perceived building height for passer-by.

**Use Permit #6: Modify Minor and Major Modulation Requirements to Begin from the First Apartment Level**

The current design includes complying major and minor modulations on the Main St. frontage, but only at the second floor and above. The ground floor frontage on Main St. is entirely occupied by a proposed grocery store. The grocery store is a large, unique, major program element for the overall development. Functionally, it would not work well with the notches that would be required for it comply with the modulation requirements. Instead of modulation notches the project proposes to provide variety and an interesting pedestrian experience through a variety of other façade treatments. There is the glazed and covered market walk portion with V columns near the corner with West Street, a section with sculpturally profiled wood screening, and a section with traditional curtain wall glazing near the corner with Willow Rd. This will meet the intent of providing spatial variety along the length of the façade at the ground level.



**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
<b>TOTAL</b>	<b>2,440</b>	<b>3,907,500</b>	

*\*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
<b>TOTAL</b>	<b>60,000</b>	<b>21,500</b>	<b>629,952</b>

\*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
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
<b>Total</b>			<b>761,350</b>	<b>567,739</b>

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 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 Office Campus, Buildings 1-6 have been registered with the USGBC under the LEED v4 rating system. Stok has been contracted to perform LEED consulting services for this project and each project will achieve LEED Gold Certification. Please see my experience and LEED AP certificate attached.

Sincerely,



JARED RICKMAN, LEED AP BD+C, ILFI LFA



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

# 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<sup>®</sup> Building Design + Construction

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

10746535-AP-BD+C

CREDENTIAL ID

08 AUG 2012

ISSUED

06 AUG 2024

VALID THROUGH

Y3

A handwritten signature in black ink that reads "Peter Templeton".

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





# LEED NC v4 SCORECARD

## WILLOW VILLAGE OFFICE CAMPUS BLDGS 01-06

IP	YES	LIKELY	MAYBE	NO	Phase	Credit Name	Points Available
1						D Integrative Process - In design phases, achieve synergies between building, energy AND water related systems	1
1						<b>Totals</b>	<b>1</b>
LOCATION & TRANSPORTATION	16					D LEED for Neighborhood Development Location - Locate within LEED ND certified development site boundary	16
	1					D Sensitive Land Protection - Develop on previously developed land or follow criteria for non-sensitive	1
	2					D High Priority Site - Locate project on infill location in historic district, priority designation or brownfield	2
	4					D 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 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 Bicycle Facilities - Provide a bike network and storage areas	1
	1					D Reduced Parking Footprint - Don't exceed minimum local code requirements for parking capacity	1
	1					D 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					<b>Totals</b>	<b>16</b>
	SUSTAINABLE SITES	REQUIRED					C Construction Activity Pollution Prevention - Implement an erosion control plan, per the EPA CGP v2012
1						D Site Assessment - Complete site survey including: topography, hydrology, climate, vegetation, soils, human use, human health	1
2						D Site Development - Protect or Restore Habitat - On-site restoration OR financial support	2
1						D Open Space - Provide outdoor space greater than or equal to 30% of total site area, 25% of which is vegetated	1
1						D Rainwater Management - Manage runoff for at least the 85th percentile of local rainfall events	3
2						D Heat Island Reduction - Meet nonroof and roof criteria OR place a minimum of 75% parking spaces under cover	2
1						D Light Pollution Reduction - Backlight-uplight-glare method or calculation method, exterior luminaires and signage req's	1
8						<b>Totals</b>	<b>10</b>
WATER	REQUIRED					D Outdoor Water Use Reduction - Permanent non-irrigated landscape OR reduce water use 30% for peak water month	N/A
						D Indoor Water Use Reduction - Reduce aggregate water use by 20% for fixtures and fittings	N/A
						D Building-Level Water Metering - Install permanent water meters that measure potable water use, share data with USGBC	N/A
	2					D Outdoor Water Use Reduction - Reduce water use no irrigation or reduced irrigation 50% - 100%	2
	6					D Indoor Water Use Reduction - Reduce fixture and fitting water use by 25% - 50%	6
	2					D Cooling Tower Water Use - Conduct a one-time potable water analysis, measure control parameters in Table 1	2
	1					D Water Metering - Meters for 2 or more water subsystems: irrigation, indoor plumbing, hot water, boiler, reclaimed water, or other	1
11					<b>Totals</b>	<b>11</b>	
ENERGY & ATMOSPHERE	REQUIRED					C Fundamental Commissioning and Verification - Commissioning for ASHRAE 0-2005 and 1.1-2007	N/A
						D Minimum Energy Performance - Whole building energy simulation OR ASHRAE 50% Design Guide OR ABCPG	N/A
						D Building-Level Energy Metering - Use building-level energy meters or submeters that can aggregate building-level data	N/A
						D Fundamental Refrigerant Management - Do not use CFC-based refrigerants in HVAC&R systems, or have a phase out plan	N/A
	4					C Enhanced Commissioning - Implement systems commissioning or monitor-based commissioning	6
	10					D LEED v4.1: Optimize Energy Performance - Whole building energy simulation or follow ASHRAE Advanced Energy Design Guide	18
	1					D Advanced Energy Metering - Install advanced energy metering for whole building and individual energy sources	1
	1					C Demand Response - Participate in existing demand response program or provide infrastructure for demand response programs	2
	5					D 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 Enhanced Refrigerant Management - Refrigerants with ODP of 0 and GWP of less than 50 OR calculate refrigerant impact	1
20					<b>Totals</b>	<b>33</b>	

IP	YES	LIKELY	MAYBE	NO	Phase	Credit Name	Points Available
REQUIRED						D Storage and Collection of Recyclables - Dedicated areas for waste collection, collection and storage	N/A
						D Construction and Demolition Waste Management Planning - Establish C&D waste diversion goals	N/A
3						C Building Life-Cycle Impact Reduction - Historic building reuse, renovate blighted buildings OR whole building LCA	5
2						C LEED v4.1: Building Product Disclosure and Optimization - Environmental Product Declarations	2
2						C LEED v4.1: Building Product Disclosure and Optimization - Material Ingredients	2
1						C LEED v4.1: Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
2						C C&D Waste Management - Divert 50% (3 streams), 75% (4 streams) OR 2.5 lbs. waste per square foot	2
10						<b>Totals</b>	<b>13</b>
REQUIRED						D Minimum Indoor Air Quality Performance - Meet ASHRAE 62.1-2010	N/A
						D Environmental Tobacco Smoke Control - Prohibit smoking indoors, restrict outdoor smoking within 25 feet	N/A
1						D Enhanced Indoor Air Quality Strategies - Comply with enhanced IAQ strategies	2
3						C LEED v4.1: Low-Emitting Materials - Achieve level of compliance for product categories or use budget calculation method	3
1						C Construction IAQM Plan - Implement IAQMP & protect materials and equipment during construction	1
1						C Indoor Air Quality Assessment - Before and during occupancy flush-out OR conduct baseline IAQ testing	2
1						D Thermal Comfort - Meet requirements for ASHRAE 55-2010	1
1						D Interior Lighting - Lighting Controls for 90% plus individual occupant spaces & four lighting quality strategies	2
2						D Daylight - Install glare control devices, spatial daylight autonomy, illuminance calculations OR daylight floor area measurement	3
1						D Quality Views - Vision glazing for 75% of regularly occupied floor area, with at least two kinds of view types	1
1						D Acoustic Performance - Meet requirements for HVAC noise, sound isolation, reverberation time, & sound masking	1
11						<b>Totals</b>	<b>16</b>
1						D EBOM Starter Kit: Green Cleaning & IPM	1
1						D Integrative Analysis of Building Materials	1
1						D ID - Parksmart Measures	1
1						D Green Education	1
1						D TBD: Bird-Friendly Design; Resilience; Circular Product Selection, etc.	1
1						C LEED Accredited Professional	1
6						<b>Totals</b>	<b>6</b>
<i>*Innovation in Design includes Exemplary Performance credits</i>							
1						D Optimize Energy Performance	1
1						D Sourcing of Raw Materials	1
1						D Building Life-Cycle Impact Reduction	1
1						D Indoor Water Use Reduction	1
						D Access to Quality Transit	1
						D Rainwater Management	1
4						<b>Totals</b>	<b>4</b>
<i>**only 4 Regional Credits are Applicable</i>							

**Confirmed Certification Level:** GOLD  
 Confirmed + Likely Certification Level: GOLD  
 Confirmed + Likely + Maybe Certification Level: Gold

Confirmed Points: 78  
 Confirmed + Likely Points: 78  
 Confirmed + Likely + Maybe Points: 78

Date: March 7, 2023

To whom it may concern:

The Willow Village MCS 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,

A handwritten signature in black ink, appearing to read 'Jared Rickman'.

JARED RICKMAN, LEED AP BD+C, ILFI LFA



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

# Jared Rickman

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08 AUG 2012

ISSUED

06 AUG 2024

VALID THROUGH

A handwritten signature in black ink that reads 'Peter Templeton'.

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



Date: March 7, 2023

To whom it may concern:

The Willow Village Residential Parcel 2 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 each project will achieve LEED Gold Certification. Please see my experience and LEED AP certificate attached.

Sincerely,



JARED RICKMAN, LEED AP BD+C, ILFI LFA



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



# 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<sup>®</sup> Building Design + Construction

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

10746535-AP-BD+C

CREDENTIAL ID

08 AUG 2012

ISSUED

06 AUG 2024

VALID THROUGH

A handwritten signature in black ink that reads "Peter Templeton".

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





# LEED NC v4 SCORECARD

## WILLOW VILLAGE PARCEL 2

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

SUSTAINABLE SITES	REQUIRED	C	T24, MP	Prereq	Credit Name	Points Available
1					<b>Construction Activity Pollution Prevention</b> - Implement an erosion control plan, per the EPA CGP v2012	NA
					<b>Site Assessment</b> - Complete site survey including: topography, hydrology, climate, vegetation, soils, human use, human health	1
			2		<b>Site Development - Protect or Restore Habitat</b> - On-site restoration OR financial support	2
1					<b>Open Space</b> - Provide outdoor space greater than or equal to 30% of total site area, 25% of which is vegetated	1
			3		<b>Rainwater Management</b> - Manage runoff for at least the 85th percentile of local rainfall events	3
2					<b>Heat Island Reduction</b> - Meet nonroof and roof criteria OR place a minimum of 75% parking spaces under cover	2
1				T24	<b>Light Pollution Reduction</b> - Backlight-uplight-glare method or calculation method, exterior luminaires and signage req's	1
5	<b>Totals</b>					10

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

ENERGY & ATMOSPHERE	REQUIRED	C	T24	Prereq 1	Credit Name	Points Available
					<b>Fundamental Commissioning and Verification</b> - Commissioning for ASHRAE 0-2005 and 1.1-2007	N/A
					<b>Minimum Energy Performance</b> - Whole building energy simulation OR ASHRAE 50% Design Guide OR ABCPG	N/A
					<b>Building-Level Energy Metering</b> - Use building-level energy meters or submeters that can aggregate building-level data	N/A
					<b>Fundamental Refrigerant Management</b> - Do not use CFC-based refrigerants in HVAC&R systems, or have a phase out plan	N/A
3					<b>Enhanced Commissioning</b> - Implement systems commissioning or monitor-based commissioning	6
8				T24	<b>Optimize Energy Performance</b> - Whole building energy simulation or follow ASHRAE Advanced Energy Design Guide	18
1					<b>Advanced Energy Metering</b> - Install advanced energy metering for whole building and individual energy sources	1
				2	<b>Demand Response</b> - Participate in existing demand response program or provide infrastructure for demand response programs	2
1				4	<b>LEED v4.1 Renewable Energy</b> - Use on-site or offsite renewable energy to offset green house gas emissions for annual energy use	5
				1	<b>Enhanced Refrigerant Management</b> - Refrigerants with ODP of 0 and GWP of less than 50 OR calculate refrigerant impact	1
13	<b>Totals</b>					33

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

INDOOR ENVIRONMENTAL QUALITY	REQUIRED	D	T24	Prereq	Credit Name	Points Available
					<b>Minimum Indoor Air Quality Performance</b> - Meet ASHRAE 62.1-2010	N/A
					<b>Environmental Tobacco Smoke Control</b> - Prohibit smoking indoors, restrict outdoor smoking within 25 feet	N/A
2					<b>Enhanced Indoor Air Quality Strategies</b> - Comply with enhanced IAQ strategies	2
3					<b>LEED v4.1: Low-Emitting Materials</b> - Achieve level of compliance for product categories or use budget calculation method	3
1				T24	<b>Construction IAQM Plan</b> - Implement IAQMP & protect materials and equipment during construction	1
2					<b>Indoor Air Quality Assessment</b> - Before and during occupancy flush-out OR conduct baseline IAQ testing	2
1					<b>Thermal Comfort</b> - Meet requirements for ASHRAE 55-2010	1
1				1	<b>Interior Lighting</b> - Lighting Controls for 90% plus individual occupant spaces & four lighting quality strategies	2
				3	<b>Daylight</b> - Install glare control devices, spatial daylight autonomy, illuminance calculations OR daylight floor area measurement	3
1					<b>Quality Views</b> - Vision glazing for 75% of regularly occupied floor area, with at least two kinds of view types	1
1					<b>Acoustic Performance</b> - Meet requirements for HVAC noise, sound isolation, reverberation time, & sound masking	1
12	<b>Totals</b>					16

INNOVATION*	REQUIRED	D	Credit Name	Points Available
1			<b>ID - Parksmart Measures</b>	1
1			<b>Pilot - Integrative Analysis of Building Materials</b>	1
1			<b>ID - WELL Feature 87 Beauty and Design I</b>	1
1			<b>ID - Green Education</b>	1
1			<b>Bird Collision Deterrence or EP point</b>	1
1			<b>LEED Accredited Professional</b>	1
6	<b>Totals</b>			6

\*Innovation in Design includes Exemplary Performance credits

REGIONAL**	REQUIRED	D	Credit Name	Points Available
			<b>Optimize Energy Performance</b>	1
1			<b>Sourcing of Raw Materials</b>	1
1			<b>Building Life-Cycle Impact Reduction</b>	1
1			<b>Indoor Water Use Reduction</b>	1
			<b>Access to Quality Transit</b>	1
			<b>Rainwater Management</b>	1
3	<b>Totals</b>			4

\*\*only 4 Regional Credits are Applicable

<b>Confirmed Certification Level:</b>	<b>GOLD</b>
Confirmed + Likely Certification Level:	<b>GOLD</b>
Confirmed + Likely + Maybe Certification Level:	<b>Gold</b>
<hr/>	
Confirmed Points	65
Confirmed + Likely Points	65
Confirmed + Likely + Maybe Points	65



June 20, 2023

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

**Subject:** Willow Village Office Campus – 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 Office Campus 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 (February 24, 2022). The Office Campus is part of the larger Willow Village Master Plan and will consist of six new office buildings (Office Buildings 01, 02, 03, 04, 05 and 06), two pavilions, and two parking garages (the North Garage and South Garage). The Office Campus is located in the eastern portion of the Master Plan area, and will be bounded by future mixed-use buildings to the west, the future atrium and event building to the north, and existing commercial and residential development to the east and south.

We previously assessed project implementation of bird-safe design requirements for the Office Campus 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 Office Campus 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 the lighting design principles in Section 6.2.1; Mitigation Measures 6–9 in Section 6.3.1.2, specific to the North Garage, pavilions, and Office Building 04; Mitigation Measure 6 in Section 6.3.1.2 and 13 in Section 6.3.4.2, specific to Office Buildings 01, 02, 03, 06 and 06, as well as the South Garage; 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 Office Campus lighting to less-than-significant levels under CEQA. Per ACP page A9.40, 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 Office Campus 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 the Office Campus with these requirements.

## Assessment of Compliance with City Bird-Safe Design Requirements

The City requires the Office Campus 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 Office Campus will comply with the City bird-safe design requirements as described in Section 5.3.2.1 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 Office Campus Compliance with City Bird-Safe Design Requirements or Waiver Requests**

City Bird-Safe Design Requirement	Does the Office Campus ACP Design Comply with the Requirement?	ACP Documentation
A. No more than 10% of facade surface area shall have non-bird-friendly glazing	Yes	4.9–8.5% of the façade surface area of each office building, 0–3.2% of the façade area of each pavilion, and 0–1.1% of the facades of the garages shall have non-bird-friendly glazing on each building (see ACP pages A9.41–49B).
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	<p>Bird-friendly glazing shall have the following specifications (see ACP page A7.00):</p> <p>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;</p> <p>OR</p> <p>b. Bird-safe glazing shall have a Threat Factor<sup>1</sup> less than or equal to 30.</p>

		In addition, the project glazing will have visible reflectance of 15% or lower (see ACP page A7.00).
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.	Yes	Occupancy sensors will be used to comply with this requirement for all buildings (see ACP page A9.40).
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 Office Campus buildings 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	No free-standing glass walls or handrails are included in the project design. Transparent glass corners are included in the project design (see ACP pages A4.04.1–8, A4.05.1–4, and A6.01–04).
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 Office Campus buildings and at roof terraces with landscape vegetation (see ACP pages A4.04.1–8, A4.05.1–4, and A6.01–04).
G. Use of rodenticides shall not be allowed.	Yes	It is our understanding that rodenticides shall not be used.

<sup>1</sup>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>.

The project is requesting waivers for requirements E and F for the Office Campus, 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 Sections 5.3.2.2 and 5.4.2.2 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 is provided in Table 2.

**Table 2. Documentation of Office Campus Compliance with Alternative City Measures**

Alternative City Measure	Does the Office Campus ACP Design Comply with the Measure?	ACP Documentation
<p>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).</p>	<p>Yes</p>	<p>No free-standing glass railings are included in the project designs.             Transparent glass corners are included in the project design on all buildings. These corners will be 100% treated with a bird-safe glazing treatment (see ACP pages A9.41–A9.49B).</p>
<p>All glazing above Level 1 of Office Buildings 01, 02, 03, 04, 05, and 06 (i.e., all glazing adjacent to roof terraces with landscape vegetation) will be 100% treated with a bird-safe glazing treatment.</p>	<p>Yes</p>	<p>All glazing above Level 1 of Office Buildings 01, 02, 03, 04, 05, and 06 will be 100% treated with a bird-safe glazing treatment (see ACP pages A9.41–A9.49B).</p>
<p>Any glazing of Office Building 04 and the pavilions that creates see-through conditions where vegetation will be visible from one side of the building to the other shall be 100% treated.</p>	<p>Yes</p>	<p>No see-through conditions were identified on Office Building 04. See-through conditions are present on the two pavilions. All glazing on the pavilions shall be 100% treated with a bird-safe glazing treatment with the exception of the entrance of the North Garage pavilion (see ACP page A9.47). In our opinion, this proposed treatment complies with the requirement.</p>
<p>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</p>	<p>Yes</p>	<p>All transparent glazing above Level 1 of Office Buildings 01, 02, 03, 04, 05, and 06 will be 100% treated with a bird-safe glazing treatment (see ACP pages A9.41–A9.46A).             All transparent glazing along the rooflines of the pavilions will be 100% treated with a bird-safe glazing treatment (see ACP page A9.47).             No vegetated roof decks are proposed on the North Garage and South Garage (see ACP pages A2.07.7 and A2.08.8), and</p>

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be 100% treated with a bird-safe glazing treatment.

all transparent glass at the rooflines of the garages will be 100% treated with a bird-safe glazing treatment (see ACP pages A9.48A–B and A9.49A–B).

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In lieu of complying with City requirements E and F to the letter, 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 Office Campus buildings’ architecture that would reduce the frequency of avian collisions (referred to as *beneficial project features*), identified in Sections 5.3.1.1, 5.3.1.2, 5.4.1.2, and 5.4.1.4 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, 7, 8, 9, and 13 identified in Sections 5.3.3 and 5.4.3 (related to building architecture) and 6.3.1.2 and 6.3.4.2 (related to lighting) of the *Willow Village Master Plan Bird-Safe Design Assessment*. Compliance of the Office Campus buildings with other CEQA Mitigation Measures identified in the *Willow Village Master Plan Bird-Safe Design Assessment* (i.e., Mitigation Measures 1–5 and 10–12) is not required, as these measures are specific to other components of the Master Plan.

The Office Campus 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	Applicable Office Campus Buildings	Does the Office Campus ACP Design Comply with the Requirement?	Documentation
<b>Beneficial Project Features</b>			
Opaque panels	Office Buildings 01, 02, 03, 04, 05, and 06, and the pavilions	Yes	Opaque wall panels are shown on ACP pages A4.04.1–8 and A4.05.2.
Exterior vertical and horizontal solar shades	Office Buildings 01, 02, 03, 04, 05, and 06	Yes	Exterior vertical and horizontal solar shades are shown on ACP pages A4.04.1–6.
Overhangs	Office Buildings 01, 02, 03, 04, 05, and 06	Yes	Building overhangs are shown on ACP pages A4.04.1–6.
Mullions	Office Buildings 01, 02, 03, 04, 05, and 06, and the pavilions	Yes	Mullions are shown on ACP pages A4.04.1–8 and A4.05.2.
Porticos that are not vegetated or located immediately adjacent to vegetation	Office Buildings 01, 02, 03, 04, 05, and 06	Yes	Porticos without vegetation are shown on ACP pages A4.04.1–6.
Extensive opaque facades	North Garage and South Garage	Yes	The extensive opaque facades of the parking garages are shown on ACP pages A4.05.1–4.
<b>Lighting Design Principles</b>			
The list of project lighting design principles in Section 6.2.1 of the <i>Willow Village Master Plan Bird-Safe Design Assessment</i> .	All	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 <i>Willow Village Master Plan Bird-Safe Design Assessment</i> . Documentation of compliance will be provided with the project’s future permit submittal.
<b>CEQA Mitigation Measures</b>			
<b>Mitigation Measure 6.</b> 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	All	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 <i>Willow Village Master Plan Bird-Safe Design</i>

<p>shielded to block illumination from shining upward above the fixture.</p>			<p><i>Assessment.</i> Documentation of compliance will be provided with the project’s future permit submittal.</p>
<p>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.</p>			
<p><b>Mitigation Measure 7.</b> 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).</p>	<p>Office Building 04 and the North Garage</p>	<p>Yes – Documentation to be provided with permit submittal</p>	<p>The project’s lighting has not yet been designed, but will comply with Mitigation Measure 7 in the <i>Willow Village Master Plan Bird-Safe Design Assessment</i>. Documentation of compliance will be provided with the project’s future permit submittal.</p>
<p><b>Mitigation Measure 8.</b> 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<sup>1</sup>) from 10:00 p.m. until sunrise, except as needed for safety and City code compliance.</p>	<p>Office Building 04 and the North Garage</p>	<p>Yes – Documentation to be provided with permit submittal</p>	<p>The project’s lighting has not yet been designed, but will comply with Mitigation Measure 8 in the <i>Willow Village Master Plan Bird-Safe Design Assessment</i>. Documentation of compliance will be provided with the project’s future permit submittal.</p>
<p><b>Mitigation Measure 9.</b> 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.</p>	<p>Office Building 04 and the North Garage</p>	<p>Yes – Documentation to be provided with permit submittal</p>	<p>The project’s lighting has not yet been designed, but will comply with Mitigation Measure 9 in the <i>Willow Village Master Plan Bird-Safe Design Assessment</i>. Documentation of compliance will be provided with the project’s future permit submittal.</p>

<sup>1</sup> International Dark-Sky Association. 2011. Model Lighting Ordinance with User’s Guide. Available: [https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16\\_MLO\\_FINAL\\_JUNE2011.PDF](https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF). Accessed August 2022.



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<b>Mitigation Measure 13.</b> 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 [see footnote 1 above]) from midnight until sunrise, except as needed for safety and City code compliance.	Office Buildings 01, 02, 03, 05, 06, and the South Garage	Yes – Documentation to be provided with permit submittal	The project’s lighting has not yet been designed, but will comply with Mitigation Measure 13 in the <i>Willow Village Master Plan Bird-Safe Design Assessment</i> . Documentation of compliance will be provided with the project’s future permit submittal.
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## Summary

The Office Campus will comply with the City's bird-safe design requirements by implementing requirements A, B, C, D, and G and requesting waivers for requirements 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 identified for the Office Campus buildings 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 A, B, C, D, and G and requested waivers for requirements 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, 7, 8, 9, and 13, it is our professional opinion that impacts of the Office Campus due to bird collisions are less than significant under CEQA, and the requested waivers for requirements E and F are appropriate.

Please feel free to contact me at (408) 677-8737 or [rcarle@harveyecology.com](mailto: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



June 20, 2023

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

**Subject:** Willow Village Meeting and Collaboration Space – 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 meeting and collaboration space (MCS) 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 (February 24, 2022). The MCS is part of the larger Willow Village Master Plan and will consist of a 118-foot tall, 129,445 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; an adjacent 52-foot tall, 40,789 square-foot event building; five elevator towers; and a 76,345 square-foot (1.75-acre) elevated park. The proposed MCS is located in the northern portion of the Master Plan area, and will be bounded by the Joint Powers Board rail corridor to the north (with open marsh and scrub habitats, and the San Francisco Bay, even farther north); the future North Garage to the east; future office buildings, a Town Square, and a hotel to the south; and Willow Road to the west.

We previously assessed project implementation of bird-safe design requirements for the MCS 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 project's 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 the lighting design principles in Section 6.2.1, Mitigation Measures 6–9 in Section 6.3.1.2, Mitigation Measure 10 in Section 6.3.2.2, Mitigation Measures

11 and 12 in Section 6.3.3.2, 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 project lighting to less-than-significant levels under CEQA. Per ACP page LG2.01, 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 MCS 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 the MCS with these requirements.

## Assessment of Compliance with City Bird-Safe Design Requirements

The City requires the MCS 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 MCS will comply with the City bird-safe design requirements as described in Sections 5.4.2.1 (for the event building and stair/elevator towers) and 5.5.2.1 (for the atrium) 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 MCS Compliance with City Bird-Safe Design Requirements or Waiver Requests**

City Bird-Safe Design Requirement	Does the MCS ACP Design Comply with the Requirement?	ACP Documentation
A. No more than 10% of facade surface area shall have non-bird-friendly glazing	Yes	Approximately 6–7% of the façade surface area of the atrium, 0% of the façade surface area of the event building, and 0% of the façade surface areas of the stair/elevator towers shall have non-bird-friendly glazing (see ACP pages A10.03–06).  All portions of the atrium shall be treated with a bird-safe glazing treatment with the exception of the vertical façade below the elevated park (see ACP page A10.03).
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.	Yes	Bird-friendly glazing on the atrium shall incorporate a bird-safe frit consisting of ¼-inch dots spaced in a 2x2-inch grid, as well as a solar control frit consisting of 1/16-inch dots with variable spacing (5–45% coverage), and shall have a visible

Highly reflective glass is not permitted.

Event Building and Stair/Elevator Towers

Specifically, glazing used on the event building and elevator towers 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 (see footnote 1 above) less than or equal to 30.

Event Building, Stair/Elevator Towers, and Atrium

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, elevator towers, and atrium will have a visible reflectance of 15% or lower.

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.

Yes

Occupancy sensors will be used to comply with this requirement for all MCS buildings.

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 MCS buildings 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

No free-standing glass railings are included in the project design.  
 The atrium's facades are entirely glazed (see ACP pages A10.03–04). Due to the presence of vegetation (i.e., bird habitat areas) within the atrium, it is our opinion that the glass facades of the

		atrium are free-standing glass walls. A transparent glass corner is present at the Visitor Center entrance, located at the southwest corner of the atrium on Level 1 (see ACP pages A2.01, A3.10, and A10.03).
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 MCS (see ACP pages A10.03–04).
G. Use of rodenticides shall not be allowed.	Yes	It is our understanding that rodenticides will not be used.

<sup>1</sup>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>.

The project is requesting waivers for requirements E and F for the MCS, 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 Sections 5.4.2.2 and 5.5.2.2 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 is provided in Table 2.

**Table 2. Documentation of MCS Compliance with Alternative City Measures**

Alternative City Measure	Do the MCS Designs Comply with the Measure?	ACP Documentation
<b>Atrium</b>		
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.	Yes	The transparent glass corner at the Visitor Center entrance on Level 1 at the atrium’s southwest corner will be 100% treated with a bird-safe glazing treatment (see ACP page A10.03).

<p>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.</p> <p>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.</p>	<p>Yes</p>	<p>No free-standing glass railings are included in the project design in exterior areas.</p>
<p>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.</p>	<p>Yes</p>	<p>All transparent glass at the rooflines of the atrium adjacent to the elevated park will be 100% treated with a bird-safe glazing treatment (see ACP page A10.03). The only untreated glazing on the atrium will be located on the vertical façade beneath the elevated park (see ACP page A10.03).</p>

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**Event Building and Stair/Elevator Towers**

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<p>All glazed features of the event building 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).</p>	<p>Yes</p>	<p>All glazing on the event building and elevator towers will be 100% treated with a bird-safe glazing treatment (see ACP pages A10.05–06).</p>
<p>Any glazing of the event building 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</p>		<p>All glazing on the event building and elevator towers will be 100% treated with a bird-safe glazing treatment (see ACP pages A10.05–06).</p>

facades of pavilions SP1 and SP2.

If free-standing glass railings are included on the event building, 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 and elevator towers shall have a Threat Factor (see footnote 1 above) less than or equal to 15.

No free-standing glass railings are included in the event building or stair/elevator tower project design.

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In lieu of complying with City requirements E and F to the letter, 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 architecture of the atrium, event building, and stair/elevator towers that would reduce the frequency of avian collisions (referred to as *beneficial project features*), identified in Sections 5.4.1.1, 5.4.1.5, and 5.5.1 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*.
- The CEQA mitigation measures identified in Sections 5.4.3 and 5.5.3 (related to building architecture) and 6.3.1.2, 6.3.2.2, and 6.3.3.2 (related to lighting) of the *Willow Village Master Plan Bird-Safe Design Assessment*.

The MCS 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	Applicable MCS Buildings	Does the ACP Design Comply with the Requirement?	Documentation
<b>Beneficial Project Features</b>			
Articulated structure	Atrium	Yes	The articulated structure of the atrium facades are shown on ACP pages A4.01-02, A9.12-13, A10.01, and A10.03. The atrium's glass and steel grid shell is shown on page A7.01.
Fin-like mullions	Atrium	Yes	The atrium's metal fins are shown on page A10.01, and specifications for the fins are provided on ACP page A7.01.
Interior operable, suspended solar shades along a large portion of the atrium's south façade	Atrium	Yes	Interior solar shades are shown along the atrium's south facade on ACP page A10.02.
Extensive opaque facades	Event building	Yes	The event building's extensive opaque facades are shown on ACP page A10.05.
<b>Lighting Design Principles</b>			
The list of project lighting design principles in Section 6.2.1 of the <i>Willow Village Master Plan Bird-Safe Design Assessment</i> .	Atrium, event building, and elevator towers	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 <i>Willow Village Master Plan Bird-Safe Design Assessment</i> . Documentation of compliance will be provided with the project's future permit submittal.
<b>CEQA Mitigation Measures</b>			
<b>Mitigation Measure 1.</b> 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	Atrium	Yes	100% of glazing on the 'dome-shaped' portions of the atrium will be treated with a bird-safe glazing treatment (see ACP page A10.03). The glazing shall have a Threat Factor of 15 or lower (see ACP page A7.01)

<p>of collisions. This glazing shall have a Threat Factor (see footnote 1 above) of 15 or lower.</p>			<p>and Section 5.5.3 of the <i>Willow Village Master Plan Bird-Safe Design Assessment</i>).</p>
<p><b>Mitigation Measure 2.</b> 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 of 15 or lower.</p>	<p>Atrium</p>	<p>Yes</p>	<p>100% of glazing on the atrium’s east and west facades will be treated with a bird-safe glazing treatment (see ACP page A10.04).  The glazing shall have a Threat Factor of 15 or lower (see ACP page A7.01 and Section 5.5.3 of the <i>Willow Village Master Plan Bird-Safe Design Assessment</i>).</p>
<p><b>Mitigation Measure 3.</b> 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. 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.</p>	<p>Atrium</p>	<p>Yes</p>	<p>Interior trees and woody shrubs will be set back from the atrium’s east and west facades by 50 feet and from the vertical portion of the south façade by at least 50 feet (see ACP page L6.01).</p>
<p><b>Mitigation Measure 4.</b> 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.</p>	<p>Atrium</p>	<p>Yes</p>	<p>H. T. Harvey &amp; Associates has reviewed representative physical samples of the glazing to be used on the atrium, with the bird-safe frit. We confirm that the bird-safe frit treatment with the color “RAL 7047” will be sufficiently visible to birds in various lighting conditions, and is expected to be effective.</p>
<p><b>Mitigation Measure 5.</b> 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</p>	<p>Atrium</p>	<p>Yes – Documentation to be provided with permit submittal</p>	<p>A monitoring plan will be developed by Meta and included with the project’s permit submittal.</p>

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 hotspot 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 through 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.

**Mitigation Measure 6.** To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in

Atrium, event building, and elevator towers

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*

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.

*Village Master Plan Bird-Safe Design Assessment.* Documentation of compliance will be provided with the project's future permit submittal.

**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).

Atrium, event building, and elevator towers

Yes – Documentation to be provided with permit submittal

The project's lighting has not yet been designed, but will comply with Mitigation Measure 7 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 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.

Atrium, event building, and elevator towers

Yes – Documentation to be provided with permit submittal

The project's lighting has not yet been designed, but will comply with Mitigation Measure 8 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 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.

Atrium, event building, and elevator towers

Yes – Documentation to be provided with permit submittal

The project's lighting has not yet been designed, but will comply with Mitigation Measure 9 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 10.** Lights shall be shielded and directed so that lighting does not spill outwards from the elevator/stair towers into adjacent areas.

Elevator towers

Yes – Documentation to be provided with permit submittal

The project's lighting has not yet been designed, but will comply with Mitigation Measure 10 in the *Willow Village Master Plan Bird-Safe Design*

<p><b>Mitigation Measure 11.</b> 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.</p>	<p>Buildings within the atrium</p>	<p>Yes – Documentation to be provided with permit submittal</p>	<p><i>Assessment.</i> Documentation of compliance will be provided with the project’s future permit submittal.</p>
<p><b>Mitigation Measure 12.</b> 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.</p>	<p>Atrium</p>	<p>Yes – Documentation to be provided with permit submittal</p>	<p>The project’s lighting has not yet been designed, but will comply with Mitigation Measure 11 in the <i>Willow Village Master Plan Bird-Safe Design Assessment</i>. Documentation of compliance will be provided with the project’s future permit submittal.</p> <p>The project’s lighting has not yet been designed, but will comply with Mitigation Measure 12 in the <i>Willow Village Master Plan Bird-Safe Design Assessment</i>. Documentation of compliance will be provided with the project’s future permit submittal.</p>

## Summary

The MCS will comply with the City's bird-safe design requirements by implementing requirements A, B, C, D, and G and requesting waivers for requirements 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 identified for the MCS 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 A, B, C, D, and G and requested waivers for requirements 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 1–12, it is our professional opinion that impacts of the MCS due to bird collisions are less than significant under CEQA, and the requested waivers for requirements E and F are appropriate.

Please feel free to contact me at (408) 677-8737 or [rcarle@harveyecology.com](mailto: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,

A handwritten signature in blue ink that reads "Robin Carle".

Robin Carle, M.S.

Senior Associate Wildlife Ecologist/Project Manager





June 20, 2023

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

**Subject:** Willow Village Town Square – 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 Town Square 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 (February 24, 2022). The Town Square will consist of a retail pavilion and 1.2 acres of public open space, and is part of the larger Willow Village Master Plan. The Town Square is located in the north-central portion of the Master Plan area and will be bounded by the future development on all sides: the meeting and collaboration space to the north, an office building to the east, mixed-use development to the south, and a hotel to the west.

We previously assessed project implementation of bird-safe design requirements for the Town Square 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 Town Square 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 the lighting design principles in Section 6.2.1, Mitigation Measures 6–9 in Section 6.3.1.2, 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 project lighting to less-than-significant 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 Town Square 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 the Town Square with these requirements.

## Assessment of Compliance with City Bird-Safe Design Requirements

The City requires the Town Square 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 Town Square will comply with the City bird-safe design requirements as described in Section 5.4.2.1 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 Town Square Compliance with City Bird-Safe Design Requirements or Waiver Requests**

City Bird-Safe Design Requirement	Does the Town Square ACP Design Comply with the Requirement?	ACP Documentation
A. No more than 10% of facade surface area shall have non-bird-friendly glazing	Yes	0% of the façade surface area of the retail pavilion shall have non-bird-friendly glazing (see ACP page A9.15).
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	<p>Bird-friendly glazing on the Town Square retail pavilion shall have the following specifications (see ACP page A9.15):</p> <ul style="list-style-type: none"> <li>Vertical elements of the window patterns will 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 2 inches;</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Bird-safe glazing shall have a Threat Factor<sup>1</sup> less than or equal to 30.</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>Visible reflectance less than or equal to 15%.</li> </ul>
C. Occupancy sensors or other switch control devices with an astronomic time clock shall be	Yes	Occupancy sensors will be used to comply with this requirement for all buildings.

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.	Yes	In our professional opinion, the placement of the Town Square retail pavilion 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	No free-standing glass walls or handrails are included in the project design. Transparent glass corners are included in the project design (see ACP pages A4.01, A5.01 and A6.01).
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 Town Square buildings in conjunction with rooftop landscape vegetation (see ACP pages see ACP pages A4.01, A5.01 and A6.01).
G. Use of rodenticides shall not be allowed.	Yes	It is our understanding that rodenticides shall not be used.

<sup>1</sup>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>.

The project is requesting waivers for requirements E and F for the Town Square, 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 5.4.2.2 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 is provided in Table 2.

**Table 2. Documentation of Town Square Compliance with Alternative City Measures**

Alternative City Measure	Does the Town Square ACP Design Comply with the Measure?	ACP Documentation
All glazed features of the Town Square retail pavilion with clear	Yes	100% of glazing on the Town Square retail pavilion, including

<p>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 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).</p>		<p>glazing creating clear sight lines through the building and transparent glass corners, shall be treated with a bird-safe glazing treatment (see ACP page A9.15).</p>
<p>Any glazing of the Town Square retail pavilion that creates see-through conditions where vegetation will be visible from one side of the building to the other shall be 100% treated.</p>	<p>Yes</p>	<p>100% of glazing on the Town Square retail pavilion, including glazing creating see-through conditions, shall be treated with a bird-safe glazing treatment (see ACP page A9.15).</p>
<p>If free-standing glass railings are included on the Town Square retail pavilion, 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 Town Square retail pavilion 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.</p>	<p>Yes</p>	<p>No free-standing glass railings are included in the project design.</p>

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.

## 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 Town Square retail pavilion’s architecture that would reduce the frequency of avian collisions (referred to as *beneficial project features*), identified in Section 5.4.1.3 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, 7, 8, and 9 identified in Sections 5.4.3 (related to building architecture) and 6.3.1.2 (related to lighting) of the *Willow Village Master Plan Bird-Safe Design Assessment*. Compliance of the Town Square with other CEQA Mitigation Measures identified in the *Willow Village Master Plan Bird-Safe Design Assessment* (i.e., Mitigation Measures 1–5 and 10–13) is not required, as these measures are specific to other components of the Master Plan.

The Town Square 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 Town Square ACP Design Comply with the Requirement?	Documentation
<b>Beneficial Project Features</b>		
Opaque panels	Yes	Opaque wall panels are shown on ACP pages A4.01, A5.01 and A6.01.
Mullions	Yes	Mullions are shown on ACP pages A4.01, A5.01 and A6.01.
<b>Lighting Design Principles</b>		
The list of project lighting design principles in Section 6.2.1 of the <i>Willow Village Master Plan Bird-Safe Design Assessment</i> .	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 <i>Willow Village Master Plan Bird-Safe Design Assessment</i> . Documentation of compliance will be provided with the project’s future permit submittal.
<b>CEQA Mitigation Measures</b>		
<b>Mitigation Measure 6.</b> 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	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 <i>Willow Village Master Plan Bird-Safe Design Assessment</i> . Documentation of compliance will be provided with the project’s future permit submittal.

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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).

Yes –  
Documentation to be provided with permit submittal

The project's lighting has not yet been designed, but will comply with Mitigation Measure 7 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 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<sup>1</sup>) from 10:00 p.m. until sunrise, except as needed for safety and City code compliance.

Yes –  
Documentation to be provided with permit submittal

The project's lighting has not yet been designed, but will comply with Mitigation Measure 8 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 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.

Yes –  
Documentation to be provided with permit submittal

The project's lighting has not yet been designed, but will comply with Mitigation Measure 9 in the *Willow Village Master Plan Bird-Safe Design Assessment*. Documentation of compliance will be provided with the project's future permit submittal.

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## Summary

The Town Square development will comply with the City's bird-safe design requirements by implementing requirements A, B, C, D, and G and requesting waivers for requirements 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 identified for the Town Square buildings 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 A, B, C, D, and G and requested waivers for requirements E and F (including implementation of the identified alternative City measures); implementation of the applicable

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<sup>1</sup> International Dark-Sky Association. 2011. Model Lighting Ordinance with User's Guide. Available: [https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16\\_MLO\\_FINAL\\_JUNE2011.PDF](https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF). Accessed August 2022.

beneficial project features and lighting design principles; and compliance with CEQA Mitigation Measures 6, 7, 8, and 9, it is our professional opinion that impacts of the Town Square due to bird collisions are less than significant under CEQA, and the requested waivers for requirements E and F are appropriate.

Please feel free to contact me at (408) 677-8737 or [rcarle@harveyecology.com](mailto: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,

A handwritten signature in blue ink that reads "Robin Carle". The signature is written in a cursive, flowing style.

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



June 20, 2023

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

**Subject:** Willow Village Parcel 2 – 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 2 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 (February 24, 2022). The Parcel 2 development will consist of a six-story, 613,105 square-foot mixed-use building with 332 residential units, and is part of the larger Willow Village Master Plan. Parcel 2 is located along the western boundary of the Master Plan area and will be surrounded by Willow Road to the west, Main Street and a future hotel to the north, West Street and future mixed-use development to the east, and Park Street and a future park to the south.

We previously assessed project implementation of bird-safe design requirements for Parcel 2 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 2 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



levels under CEQA. Per ACP pages 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 2 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 2 with these requirements.

## Assessment of Compliance with City Bird-Safe Design Requirements

The City requires the Parcel 2 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 2 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 2 Compliance with City Bird-Safe Design Requirements or Waiver Requests**

City Bird-Safe Design Requirement	Does the Parcel 2 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 30% of the façade surface area shall have non-bird-friendly glazing (see ACP page A9.15).
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	<p>Bird-friendly glazing shall have the following specifications (see page A9.15):</p> <p>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;</p> <p>OR</p> <p>b. Bird-safe glazing shall have a Threat Factor<sup>1</sup> less than or equal to 30.</p> <p>OR</p> <p>c. A screen shall be placed in front of the treated window such that the combination of the window treatment and</p>

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		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 2 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 A2.03–05, L1.00, and L1.30–33 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 2 building and at roof terraces with landscape vegetation (see pages A4.01–06 of the ACP).
G. Use of rodenticides shall not be allowed.	Yes	It is our understanding that rodenticides shall not be used.

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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 2 building.

The project is requesting waivers for requirements A, C, E, and F for the Parcel 2 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 2 Compliance with Alternative City Measures**

Alternative City Measure	Does the Parcel 2 ACP Design Comply with the Measure?	ACP Documentation
<p>The Parcel 2 building 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) and Town Square (i.e., the north and south façades of the Parcel 2 building), 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.</p>	Yes	<p>H. T. Harvey &amp; Associates reviewed the ACP design and identified focal façade areas to be treated.</p> <p>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 page A9.15.</p>
<p>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<sup>1</sup> less than or equal to 15.</p>	Yes	<p>Documentation that free-standing glass railings will be 100% treated with a bird-safe glazing treatment that has a Threat Factor<sup>1</sup> less than or equal to 15 is provided in the ACP on page A9.15.</p>
<p>All glazed features of the Parcel 2 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 be treated as far from the corner as it is</p>	Yes	<p>H. T. Harvey &amp; Associates reviewed the ACP design and identified transparent glass corners at the northeast, northwest, southeast, and southwest corners within the focal treatment areas on the ground level of the Parcel 2 building.</p> <p>Documentation that these areas will be 100% treated with a bird-safe glazing treatment is provided in the ACP on page A9.15.</p>

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possible to see through to the other side of the corner.

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<sup>1</sup>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 2) 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 2 building. In our opinion, this measure (or an alternative measure) is not necessary to reduce bird collisions with the Parcel 2 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 2 building are discussed below.

In lieu of complying with City requirements A, C, E, and F to the letter, 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 2 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 2 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 2 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**

<b>CEQA Bird-Safe Design Requirement</b>	<b>Does the Parcel 2 ACP Design Comply with the Requirement?</b>	<b>Documentation</b>
<b>Beneficial Project Features</b>		
Opaque panels	Yes	Opaque wall panels are shown on ACP pages A4.01-06.
Overhangs	Yes	Building overhangs are shown on ACP pages A4.01-06.
Mullions	Yes	Mullions are shown on ACP pages A4.01-06.
Porticos that are not vegetated or located immediately adjacent to vegetation	Yes	Porticos without vegetation are shown on ACP pages A4.01-04.
<b>Lighting Design Principles</b>		
The list of project lighting design principles in Section 6.2.1 of the <i>Willow Village Master Plan Bird-Safe Design Assessment</i> .	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 <i>Willow Village Master Plan Bird-Safe Design Assessment</i> . Documentation of compliance will be provided with the project’s future permit submittal.
<b>CEQA Mitigation Measures</b>		
<b>Mitigation Measure 6.</b> 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	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 <i>Willow Village Master Plan Bird-Safe Design Assessment</i> . Documentation of compliance will be provided with the project’s future permit submittal.

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effects on migrating birds are anticipated.

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**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.

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.

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## Summary

The Parcel 2 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 2 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 2 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](mailto: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



**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

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## 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

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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

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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

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### 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).

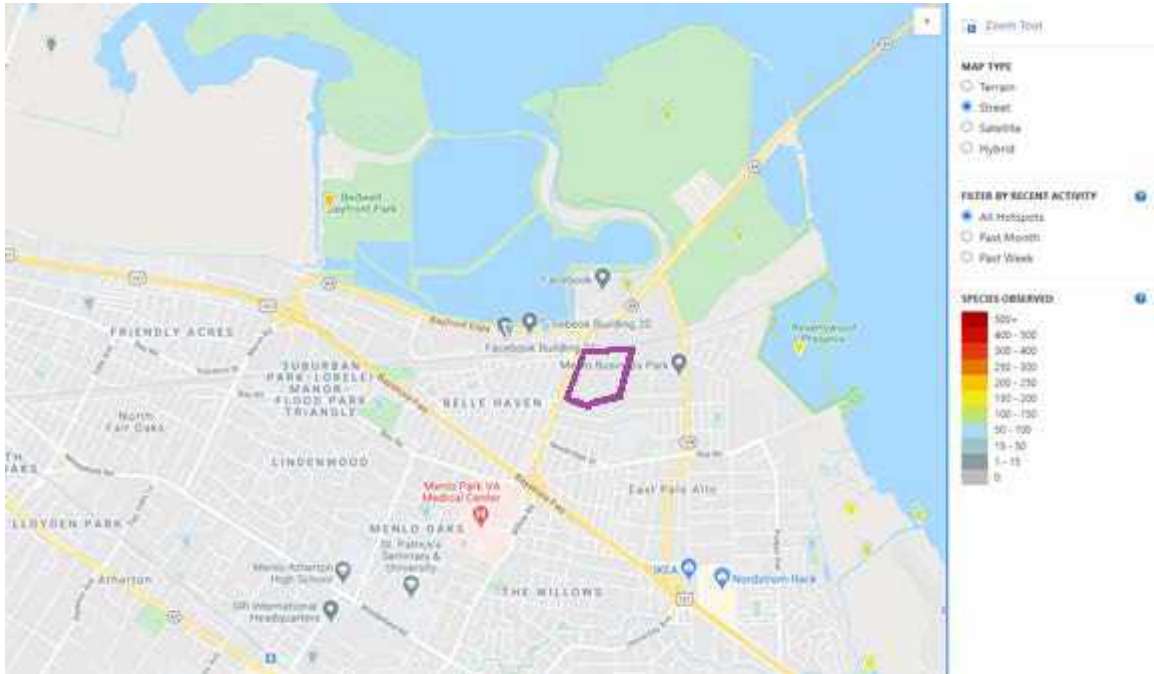


Figure 2. Map of eBird hotspots in the site vicinity. The project site is outlined in purple.

## 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 europaea*), 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

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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

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### 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.
  - o 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<sup>1</sup> less than or equal to 30.
  - o 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.

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<sup>1</sup> 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 be 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<sup>2</sup>, 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**

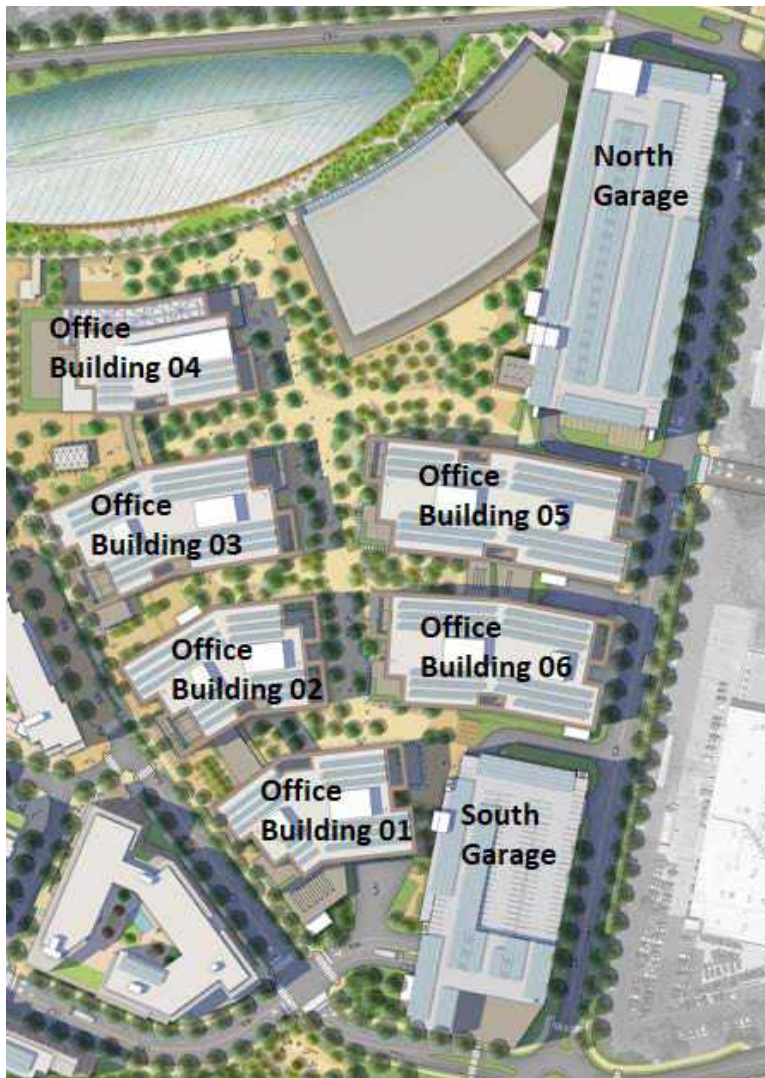
##### **5.3.1.1 Office Buildings 01, 02, 03, 05, and 06**

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

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<sup>2</sup> 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 façades 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.
  - o 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.
  - o 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.
  - o 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.

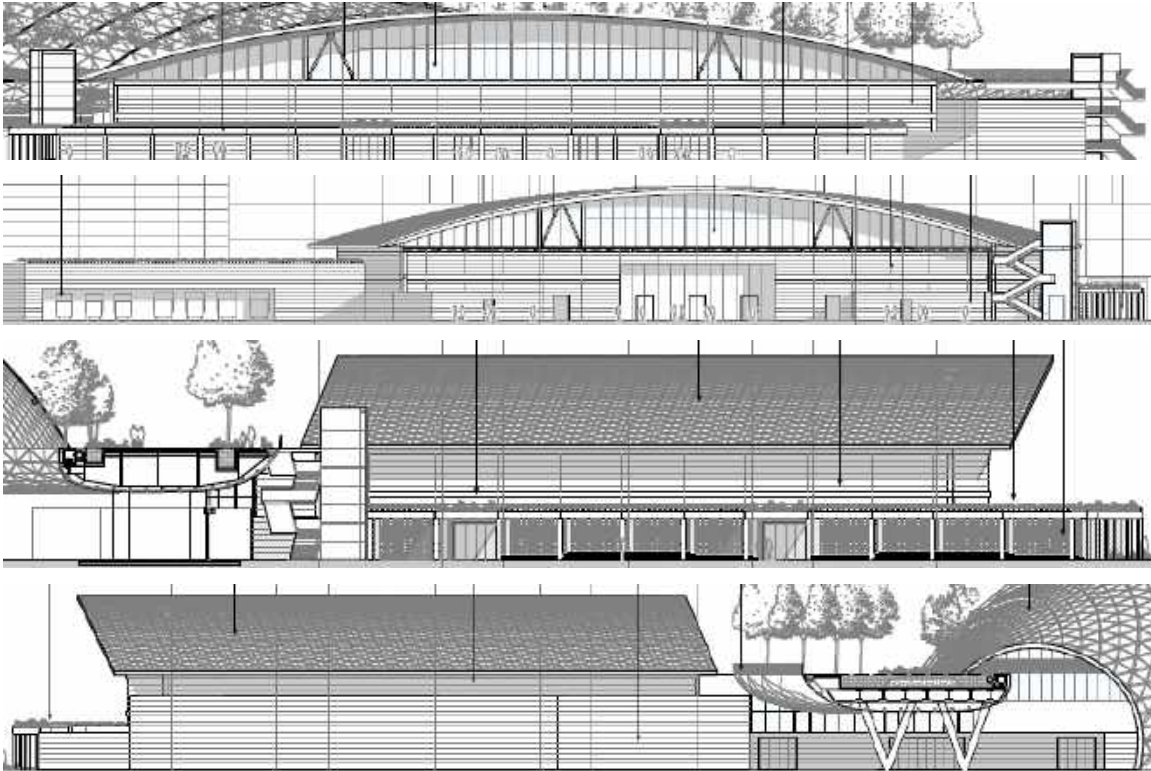
## **5.4 Event Building and Nearby Buildings**

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.



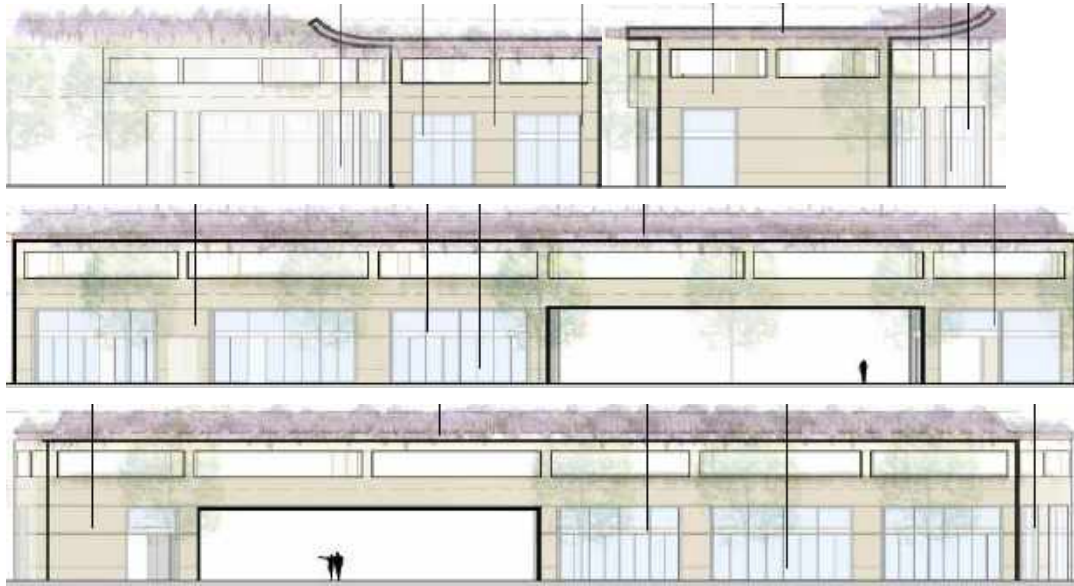
**Figure 13. Conceptual Office Building 04 elevations: west (top left), east (top right), north (middle), and south (bottom).**

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







**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).

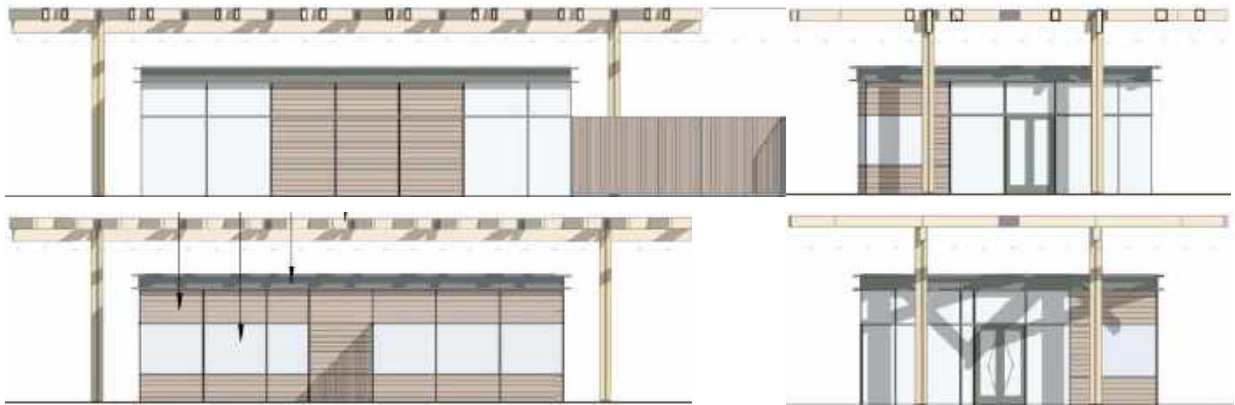
Beneficial project features of the Town Square retail pavilion that would reduce the frequency of avian collisions include opaque panels and mullions (Figure 15). Nevertheless, because (1) the façades of the retail pavilion are extensively glazed and (2) this glazing faces landscape vegetation, bird 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.
  - o 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.
  - o 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

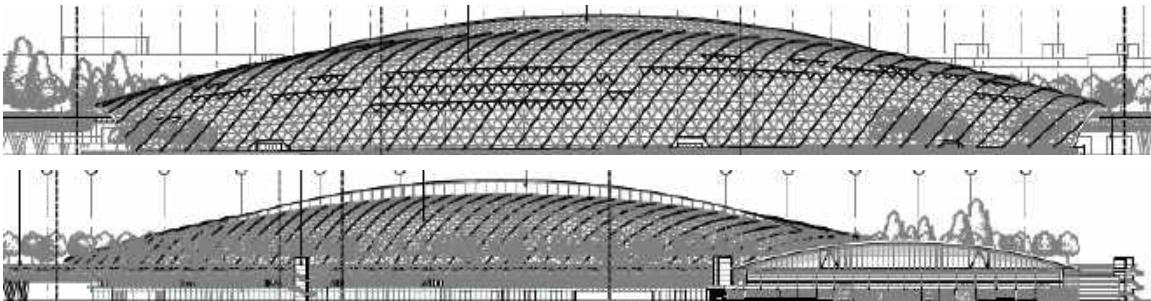
The structure located north of the elevated park is proposed to be covered by an approximately 117-foot tall, 129,000 square-foot glass atrium (hereafter referred to as the *atrium*) with four interior levels of office and accessory space and approximately 3.7 acres of interior open space that will include 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<sup>3</sup> 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

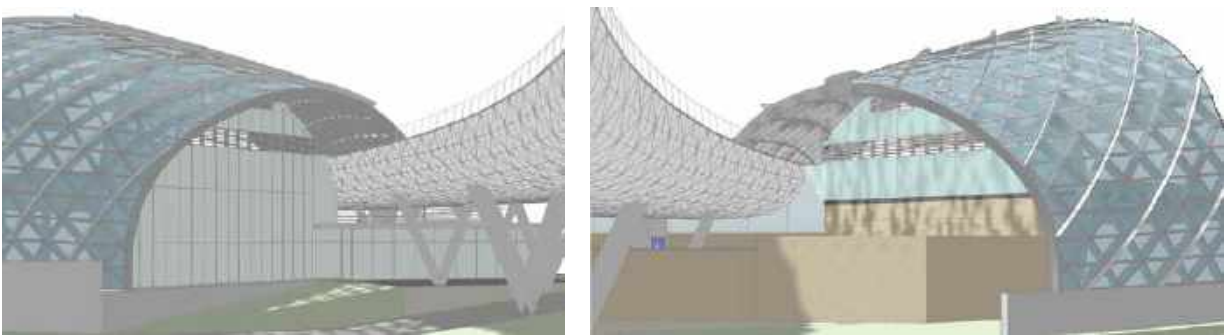
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<sup>3</sup> The vertical façade beneath the elevated park consists of 12.5-foot tall contiguous untreated glazing below a solid roof, and a 4.5-foot tall zone of framed glass louvers in between the roof and the elevated park. The total height of the 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).



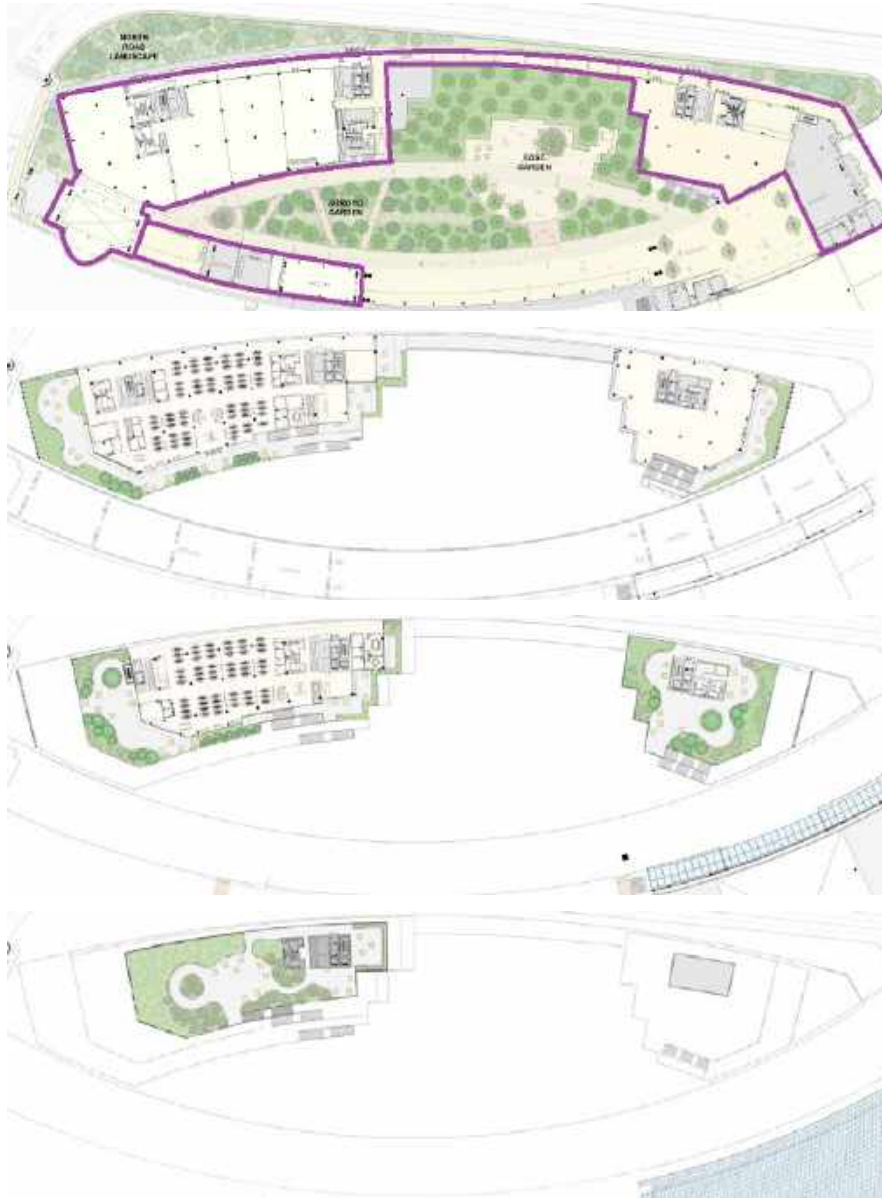
**Figure 17.** Conceptual drawings of the north façade (top) and south façade (bottom) of the atrium. Trees to be planted along the north façade are not shown.



**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 façade; 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



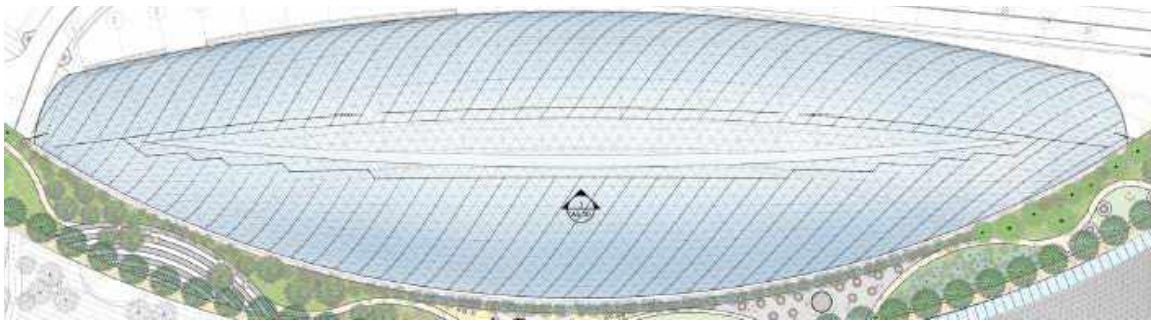
vegetation and trees north of the atrium will have limited line-of-sight views to interior trees at grade level and no line-of-sight views to trees on rooftops. This reduces the potential for bird collisions with the atrium's north façade by blocking direct "flight paths" for birds between interior and 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.**

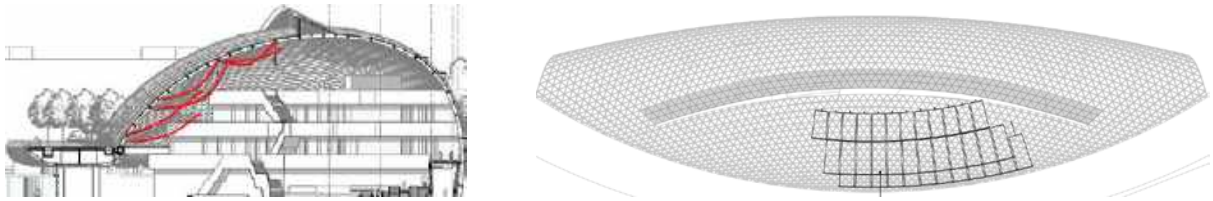
### 5.5.1.3 South Façade

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.

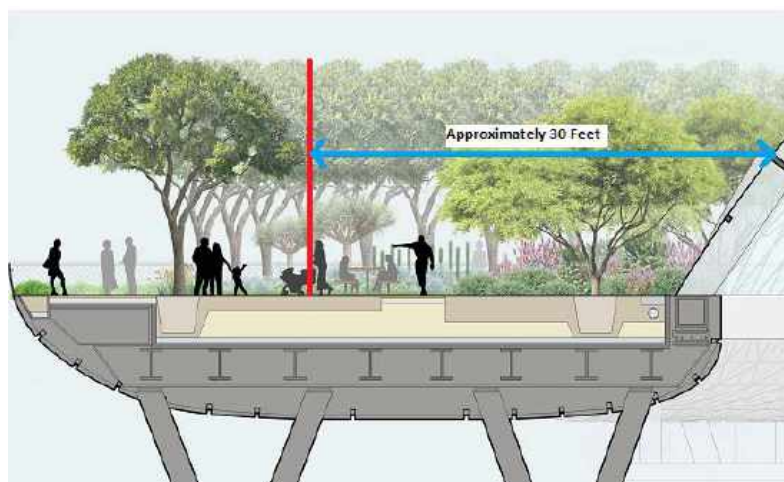
Interior operable, suspended solar shades along a large portion of the south façade are a beneficial project feature that will block views of interior vegetation to birds located south of the atrium (Figure 22). As a result, birds using exterior vegetation and trees or flying in certain areas south of 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.
  - o 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.
  - o 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<sup>1</sup> 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 hotspot 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 through 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 1/4-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 1/4-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

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### 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 non-emergency 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 be able to see roosting opportunities behind glazed façades, and potentially collide with the glass.
- Due to 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.

## Section 7. References

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- Anderson, B. W., A. E. Higgins, and R. D. Ohmart. 1977. Avian use of saltcedar communities in the lower Colorado River valley. Pages 128–136 in R. R. Johnson and D. A. Jones (eds.), Importance, preservation, and management of riparian habitats. USDA For. Serv. Gen. Tech. Rep. RM-43.
- Beier, P. 2006. Effects of artificial night lighting on mammals in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 19–42.
- Bolshakov, C.V., V.N. Bulyuk, A.Y. Sinelschikova, and M.V. Vorotkov. 2013. Influence of the vertical light beam on numbers and flight trajectories of night-migrating songbirds. *Avian Ecology and Behavior* 24: 35–49.
- Borden, W.C., Lockhart, O.M., Jones, A.W. and Lyons, M.S., 2010. Seasonal, taxonomic, and local habitat components of bird-window collisions on an urban university campus in Cleveland, OH.
- Cornell Lab of Ornithology. 2021. eBird. <http://www.ebird.org/>. Accessed through March 2021.
- Cusa, M., Jackson, D.A. and Measure, M., 2015. Window collisions by migratory bird species: urban geographical patterns and habitat associations. *Urban Ecosystems*, 18(4): 1427–1446.
- de Molenaar, J. G., M. E. Sanders and D. A. Jonkers. 2006. Road Lighting and Grassland Birds: Local Influence of Road Lighting on a Black-tailed Godwit Population in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 114–136.
- DeCandido R. and D. Allen. 2006. Nocturnal hunting by peregrine falcons at the Empire State Building, New York City. *Wilson J. Ornithol.* 118(1): 53–58.
- Gauthreaux, S. A. and C. G. Belser. 2006. Effects of Artificial Night Lighting on Migrating Birds in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 67–93.
- Gelb, Y. and Delacretaz, N., 2009. Windows and vegetation: primary factors in Manhattan bird collisions. *Northeastern Naturalist*, 16(3): 455–470.
- Gerstenberg, R. H. and S. W. Harris. 1976. Trapping and Marking of Shorebirds at Humboldt Bay, California. *Bird Banding* 47(1): 1–7.
- Haupt, H. and U. Schillemeit, 2011. Skybeamer und Gebäudeanstrahlungen bringen Zugvögel vom Kurs ab: Neue Untersuchungen und eine rechtliche Bewertung dieser Lichtanlagen. *NuL* 43 (6), 2011, 165–170.
- Herbert, A. D. 1970. Spatial Disorientation in Birds. *Wilson Bull.* 82(4): 400–419.

- Imber, M. J. 1975. Behavior of Petrels in Relation to the Moon and Artificial Lights. *Notornis* 22: 302–306.
- International Dark-Sky Association. 2011. Model Lighting Ordinance with User’s Guide. Available: [https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16\\_MLO\\_FINAL\\_JUNE2011.PDF](https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF). Accessed May 2021.
- International Dark-Sky Association. 2021a. Outdoor Lighting Basics. Available: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Accessed March 2021.
- International Dark-Sky Association. 2021b. Fixture Seal of Approval. Available: <https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/>. Accessed March 2021.
- Kerlinger, P. 1995. How Birds Migrate. Stackpoll Books, Mechanicsburg, PA. 228 pp.
- Klem, D. 1990. Collisions between birds and windows: mortality and prevention (Colisiones de pájaros con ventanas: mortalidad y prevención). *Journal of Field Ornithology* 61(1): 120–128.
- Klem, D. 2008. Avian mortality at windows: the second largest human source of bird mortality on Earth. Tundra to tropics: connecting birds, habitats and people. *Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics*, pp. 244–251.
- Kummer, J. and Bayne, E., 2015. Bird feeders and their effects on bird-window collisions at residential houses. *Avian Conservation and Ecology* 10(2):6.
- Longcore, T. and C. Rich. 2004. Ecological Light Pollution. *Front. Ecol. Environ.* 2(4): 191–198.
- Miller, M. W. 2006. Apparent Effects of Light Pollution on Singing Behavior of American Robins. *Condor* 108(1): 130–139.
- Montevecchi, W. A. 2006. Influences of Artificial Light on Marine Birds in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 95–113.
- Mills, G. S., J. B. Dunning, Jr., and J. M. Bates. 1989. Effects of urbanization on breeding bird community structure in southwestern desert habitats. *Condor* 91: 416–429.
- Negro, J. J., J. Bustamante, C. Melguizo, J. L. Ruiz, and J. M. Grande. 2000. Nocturnal activity of lesser kestrels under artificial lighting conditions in Seville, Spain. *J. Raptor Res.* 34(4): 327–329.
- New York City Audubon Society, Inc. 2007. Bird-Safe Building Guidelines. New York, NY. May 2007.
- Newton, I. 2008. *The Migration Ecology of Birds*. Academic Press, London, UK. 976 pp.
- Owens, A.C., Cochard, P., Durrant, J., Farnworth, B., Perkin, E.K. and Seymoure, B., 2020. Light pollution is a driver of insect declines. *Biological Conservation* 241 (2020) 108259.

- Poot, H., Ens, B.J., de Vries, H., Donners, M.A., Wernand, M.R. and Marquenie, J.M., 2008. Green light for nocturnally migrating birds. *Ecology and Society* 13(2): 47.
- Potts, W. K. and T. A. Sordahl. 1979. The Gong Method for Capturing Shorebirds and Other Ground-roosting Species. *North Amer. Bird Band.* 4(3): 106–107.
- Reed, J. R., J. L. Sincock, and J. P. Hailman. 1985. Light Attraction in Endangered Procellariiform Birds: Reduction by Shielding Upward Radiation. *Auk* 102(2): 377–383.
- Riding, C.S., O’Connell, T.J. and Loss, S.R. 2020. Building façade-level correlates of bird–window collisions in a small urban area. *The Condor* 122(1): 1–14.
- Ringer, R. K. 1972. Effect of light and behavior on nutrition. *J. Anim. Sci.* 35: 642–647.
- Rogers, D. I., T. Piersma, and C. J. Hassell. 2006. Roost availability may constrain shorebird distribution: Exploring the energetic costs of roosting and disturbance around a tropical bay. *Biol. Conserv.* 33(4): 225–235.
- San Francisco Planning Department. 2011. Standards for Bird-Safe Buildings. Planning Department. July 14, 2011.
- Sheppard, C. 2017. Telephone conversation with Robin Carle of H. T. Harvey & Associates regarding the potential for different types and intensities of up-lighting to affect migrating birds. October 26, 2017.
- Sheppard, C. 2021. Email correspondence to H. T. Harvey & Associates senior wildlife ecologist Robin Carle regarding the appropriate Threat Factor Rating for a custom glazing product with both bird-safe frit and solar frit.
- Sheppard, C. and G. Phillips. *Bird-Friendly Building Design*, 2nd Ed. The Plains, VA: American Bird Conservancy, 2015.
- U.S. Green Building Council. 2021. LEED Pilot Credit 55: Bird Collision Deterrence. Available: <https://www.usgbc.org/credits/core-shell-existing-buildings-healthcare-new-construction-retail-nc-schools/v2009/pc55>. Accessed March 2021.
- Van Doren, B.M., K.G. Horton, A.M. Dokter, H. Klinck, S.B. Elbin, and A. Farnsworth. 2017. High-intensity urban light installation dramatically alters nocturnal bird migration. *Proceedings of the National Academy of Sciences of the United States of America*: 114 (42): 11175–11180.
- Zhao, X., Zhang, M., Che, X. and Zou, F., 2020. Blue light attracts nocturnally migrating birds. *The Condor*, 122(2), p.duaa002.

## Appendix A. Additional Supporting Design Detail

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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.



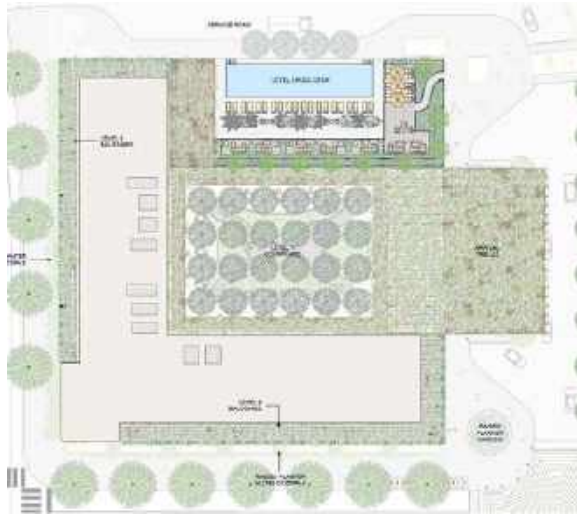


Figure 4. The conceptual hotel plan includes a central courtyard on Level 1, a pool deck on Level 3, and vegetated balconies on Level 6.



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

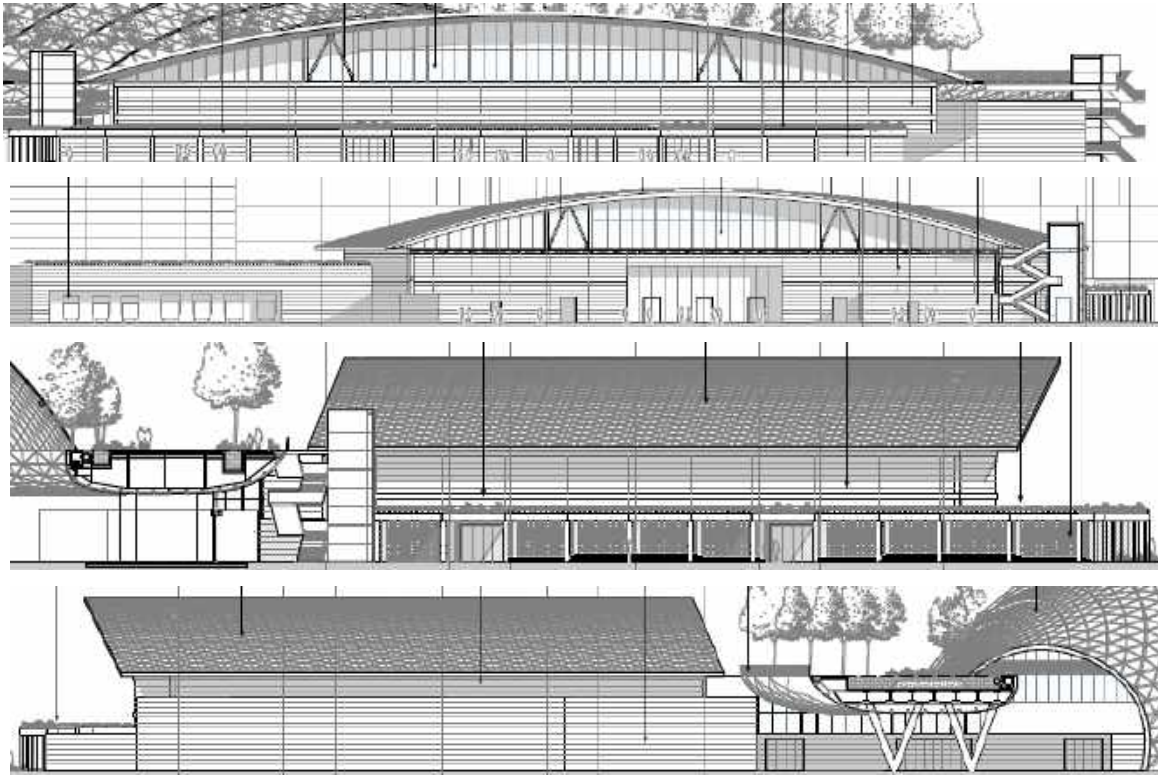


Figure 13. Illustration of the event building façades. Top to bottom: the southeast, northwest, northeast, and southwest facades.



# 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.

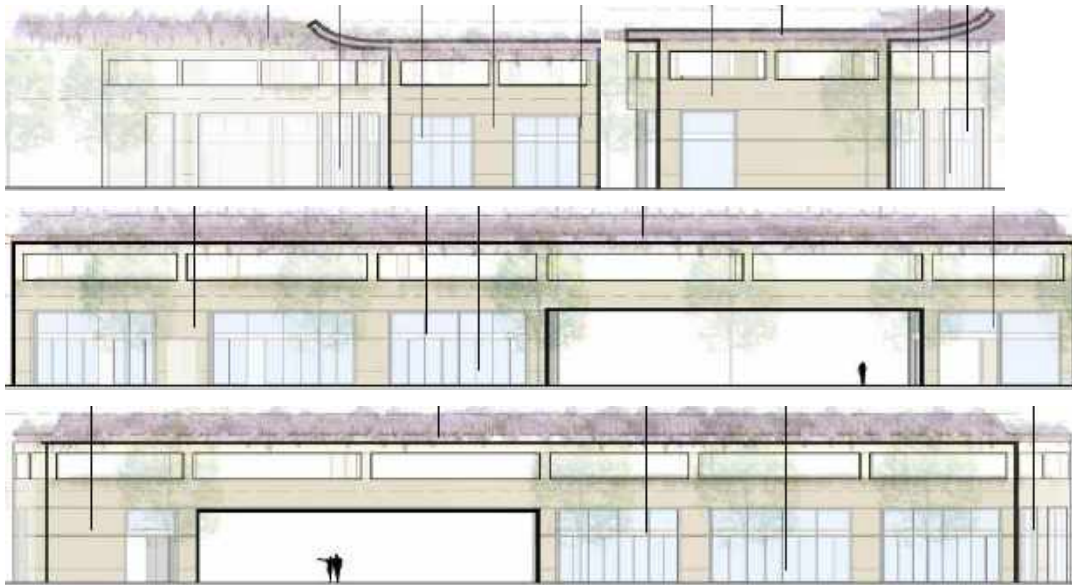


Figure 15. The conceptual west (top left), east (top right), south (middle), and north (bottom) facades of the Town Square retail pavilion.

## Security Pavilions

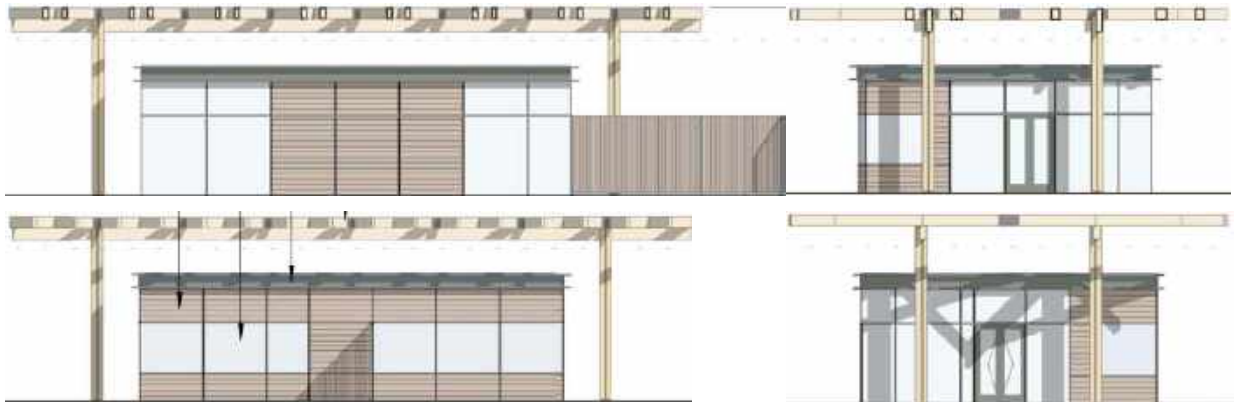


Figure 16. The conceptual south (top left), west (top right), north (bottom left), and east (bottom right) facades of buildings SP1 and SP2.

## Atrium

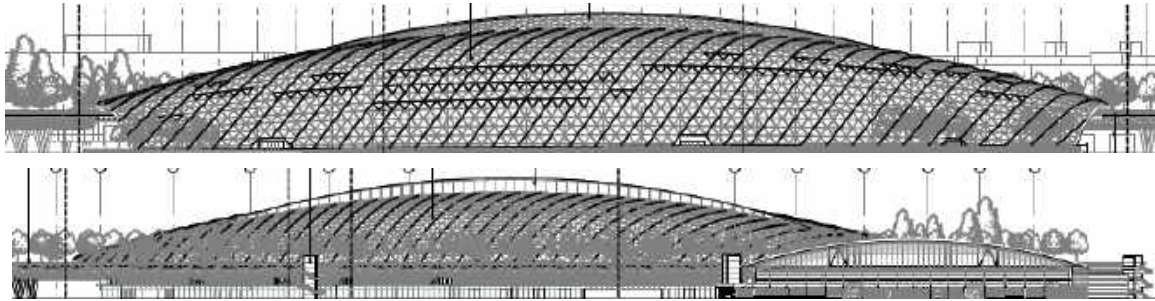


Figure 17. Conceptual drawings of the north façade (top) and south façade (bottom) of the atrium. Trees to be planted along the north façade are not shown.

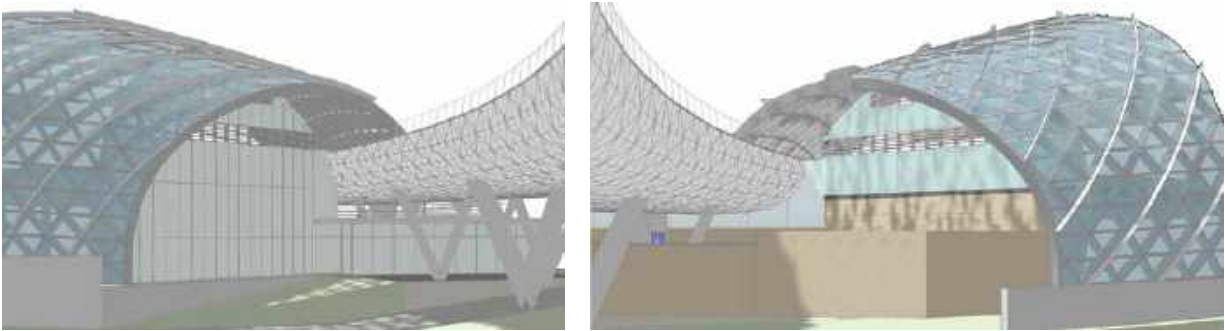


Figure 18. An illustration of the appearance of the vertical glass facades at the western (left) and eastern (right) ends of the atrium.

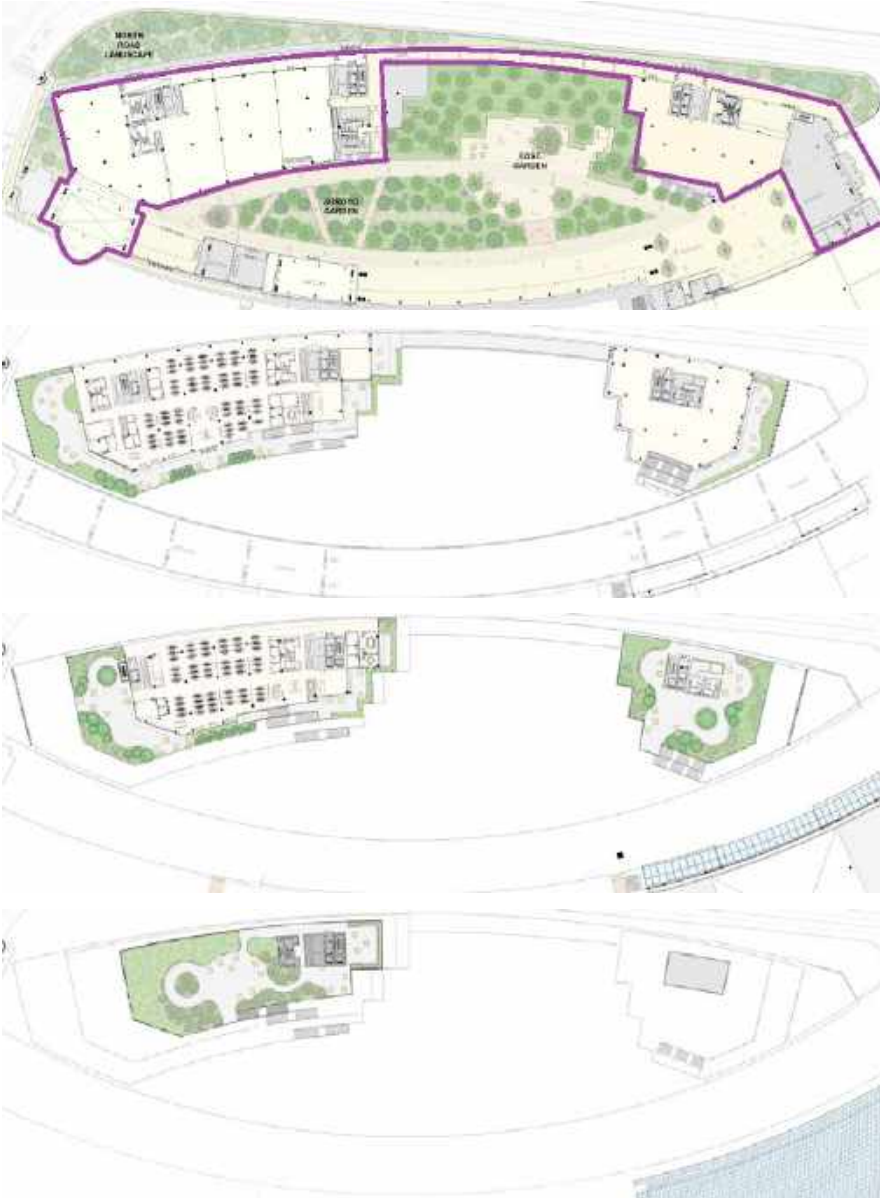


Figure 19. From top to bottom, illustrative views of landscape vegetation on Levels 1, 2, 3, and 4 of the atrium's interior. The interior building footprints and the connection between them are outlined in purple on the top image.



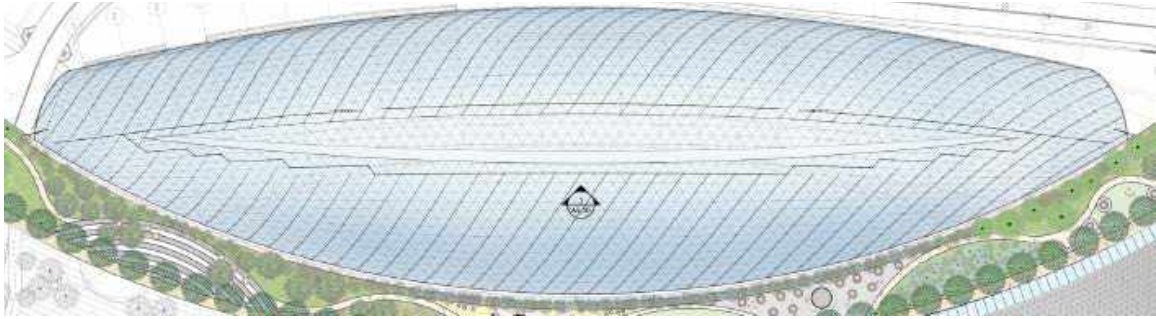


Figure 21. Fin-like mullions on the exterior surface of the conceptual north and south facades of the atrium will break up the smooth surface and increase the visibility of the facades to birds, especially from a distance.

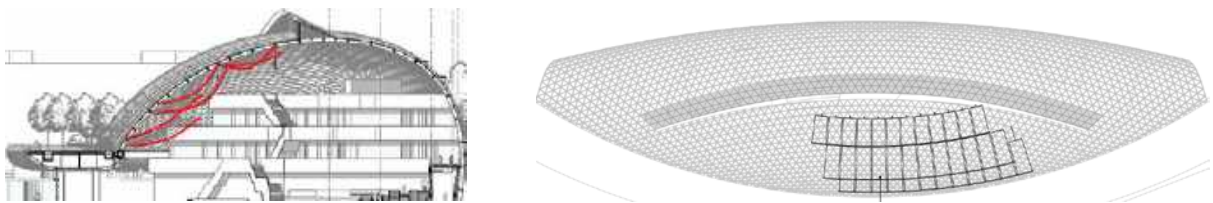


Figure 22. Interior sail shades, shown in red on the left cross-section image, are located along portions of the south façade of the atrium and will block views of interior vegetation to birds located at the elevated park or flying overhead. The approximate extent of the sail shades is shown in dark gray on the right (overhead) image.

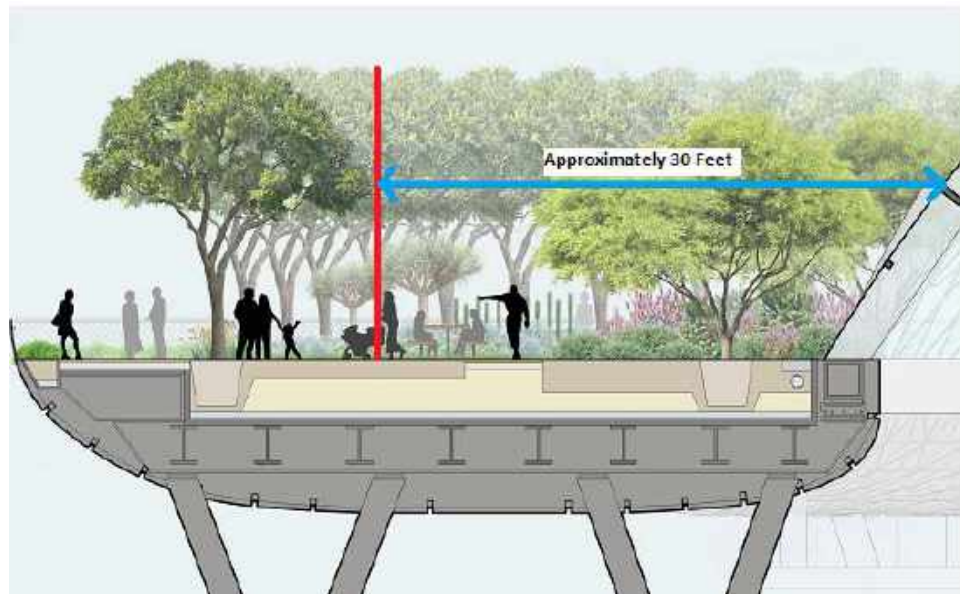


Figure 23. To the extent feasible, vegetation at the elevated park south of the site will be planted such that trees are set back from the glass façade, and dense shrubs and plants are located immediately adjacent to glass facades.

## 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

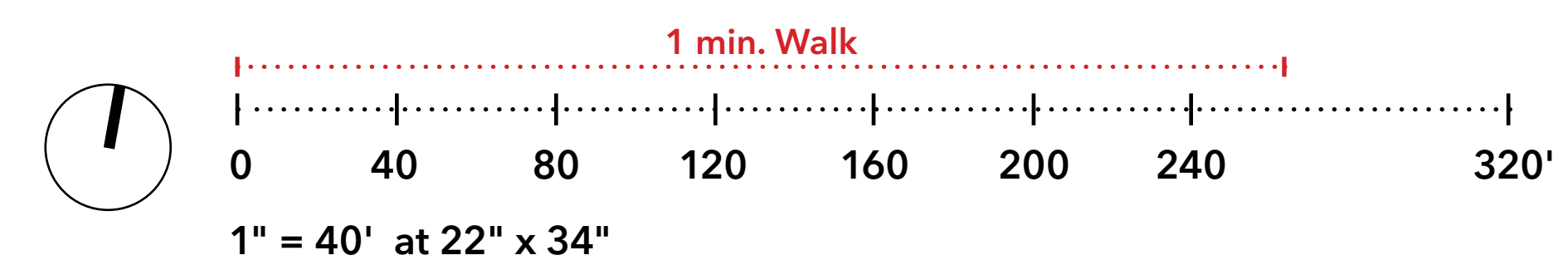
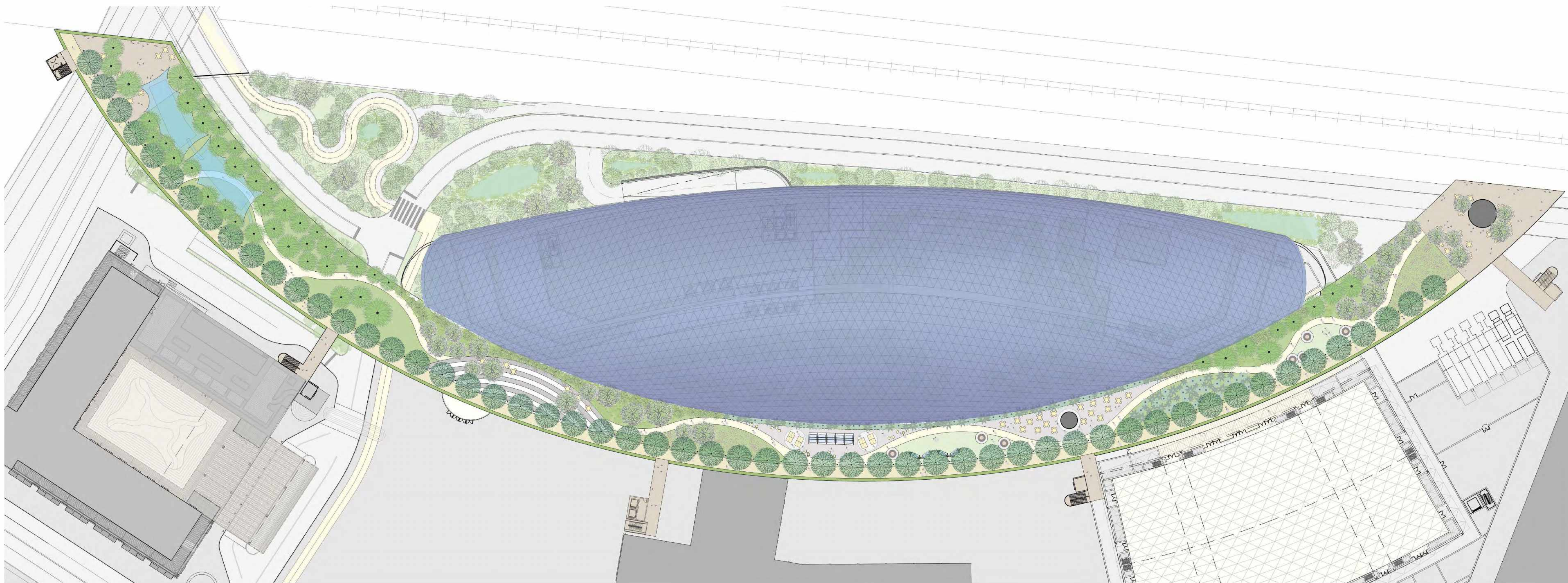
- The extensive opaque panels on the exterior facades of the hotel (Figure 5)
- Opaque panels, overhangs, mullions, and porticos that are not vegetated or located immediately adjacent to vegetation on the residential/mixed-use buildings (Figure 8)
- The extensive opaque facades on the North Garage and 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

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**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**  
*Brachychiton 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 Fuchsia**  
*Epilobium canum*



**Red Buckwheat Erigonum**  
*Erigonum grande 'Rubescens'*



**California Fescue**  
*Festuca californica*



**Lavender**  
*Lavandula angustifolia*



**Blue Chalk Sticks**  
*Senecio mandraliscae*



**Blue Lyme Grass**  
*Leymus spp.*



**Silver Bush Lupine**  
*Lupinus albus*



**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*



# LEVEL 1

## TREES



**Kauri Pine**  
*Agathis robusta*



**Red Alder**  
*Alnus rubra*



**Norfolk Island Pine**  
*Auracaria heterophylla*



**Black Olive**  
*Bucida buceras*



**Karak**  
*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**  
*Hymenocallis speciosa*



**Shell Ginger**  
*Alpinia zerumbet*



**Mint Geranium**  
*Pelargonium tomentosum*



**Asparagus Fern**  
*Asparagus densiflorus 'Sprengeri'*

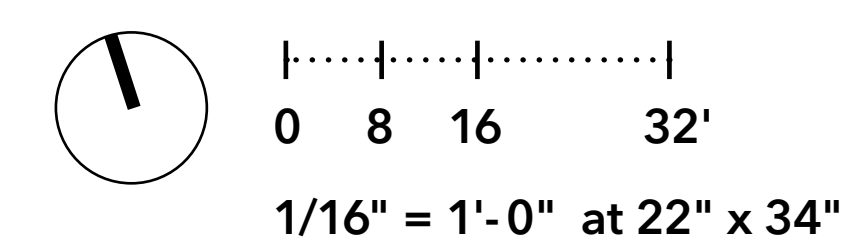
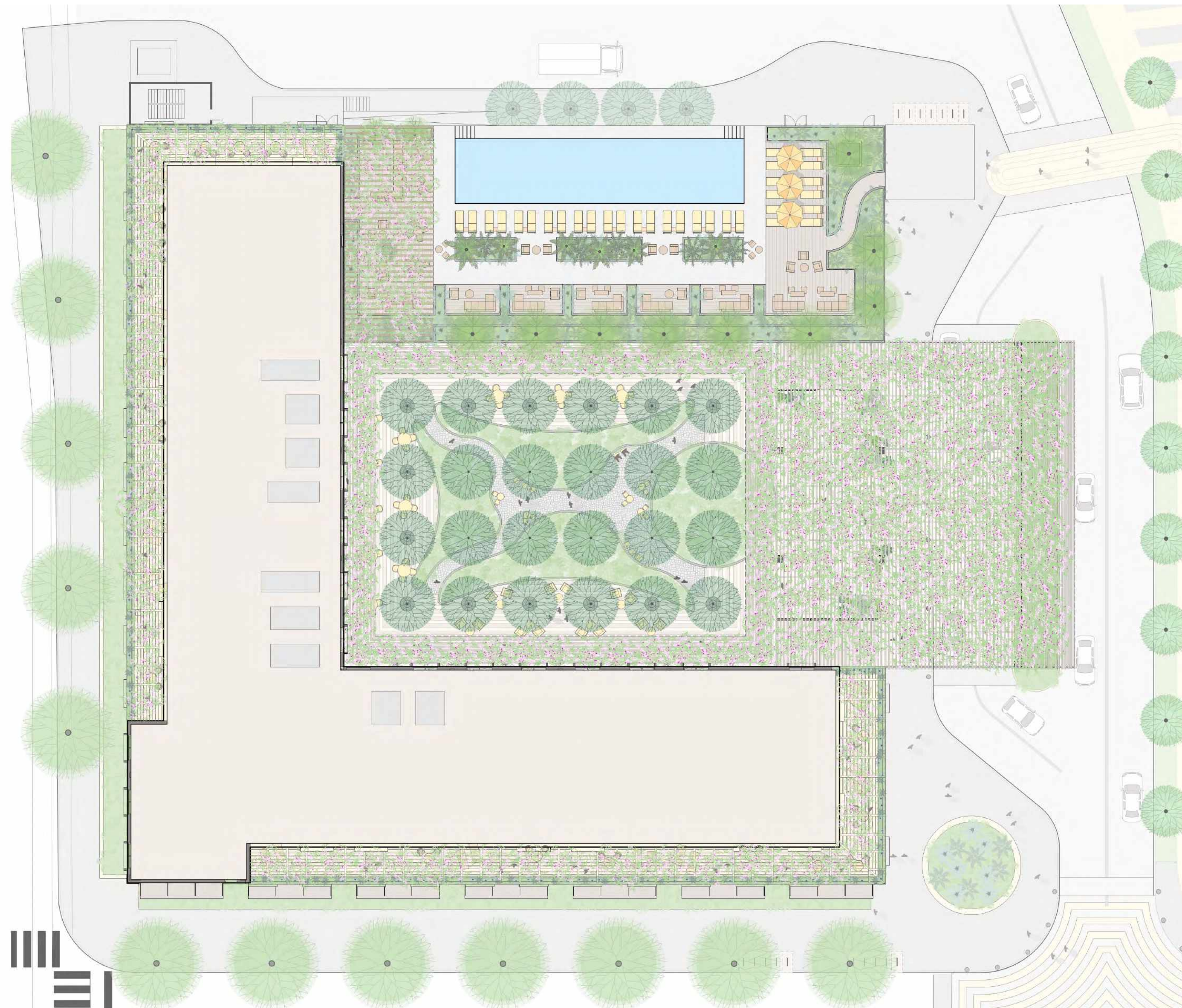


**Rattlesnake Plant**  
*Calathea lancifolia*



**Dwarf Umbrella Tree**  
*Schefflera arboricola*







# 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*

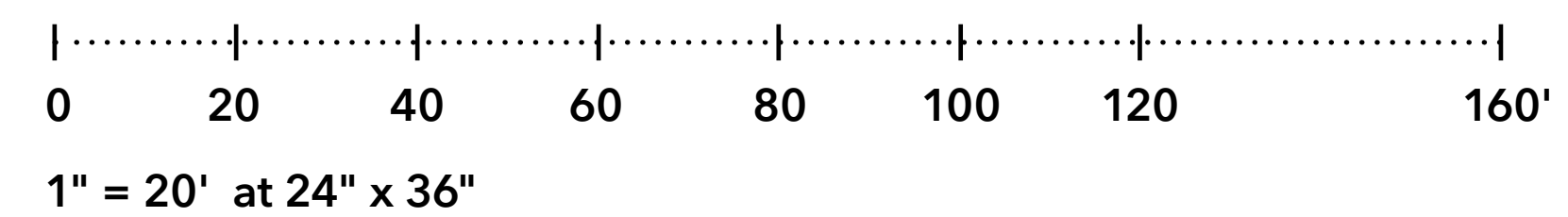


**Japanese Wisteria**  
*Wisteria floribunda*



**Bougainvillea**  
*Bougainvillea spp.*









**Peppermint Tree**  
*Agonis flexuosa*



**London Plane Tree\***  
*Platanus 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.

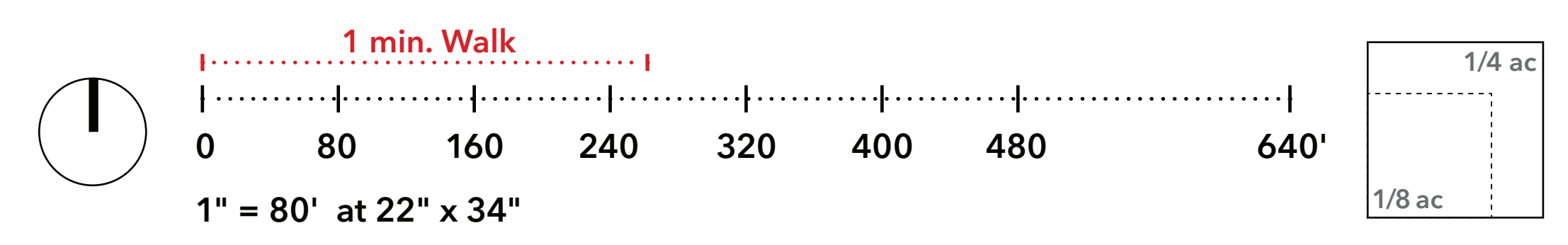


**Deer Grass**  
*Muhlenburgia rigens*



**Sage**  
*Salvia* spp.









PC

CHINESE PISTACHE

*Pistacia chinensis*



PC

CHINESE PISTACHE

*Pistacia chinensis multi-trunk*



PR

CALIFORNIA SYCAMORE

*Platanus racemosa*



PR

CALIFORNIA SYCAMORE

*Platanus racemosa multi-stem*



QS

SHUMARD OAK

*Quercus shumardii*



SS

COASTAL REDWOOD

*Sequoia sempervirens 'Aptos Blue'*



UA

ELM

*Ulmus 'Accolade'*



UP

CHINESE ELM

*Ulmus parviflora 'True Green'*



OE

OLIVE TREE

*Olea europaea 'Mission'*



MYC

MYRICA CALIFORNICA

*Pacific Wax Myrtle*





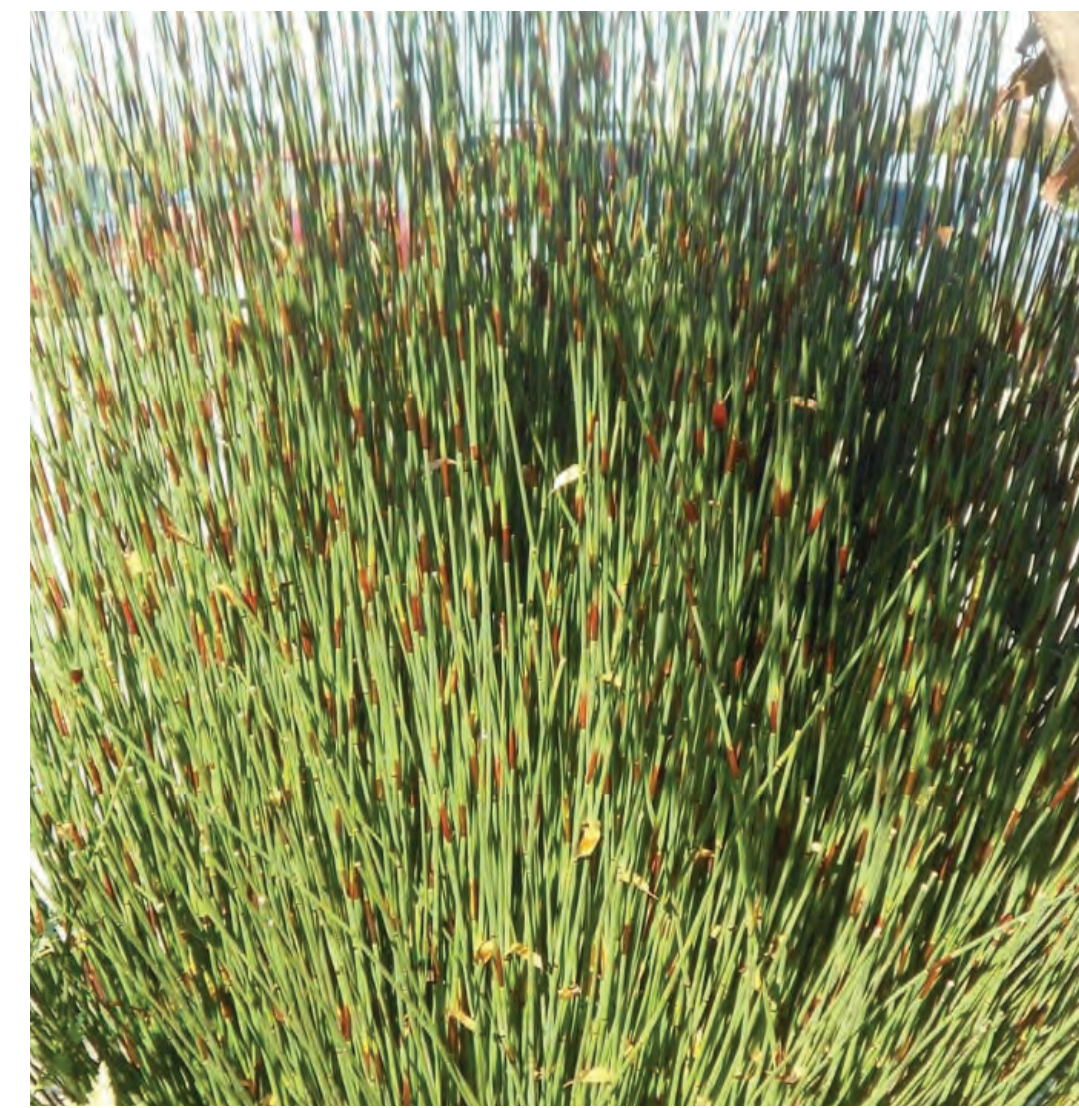
BLONDE AMBITION BLUE GRAMA

*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

*Coreopsis grandiflora*



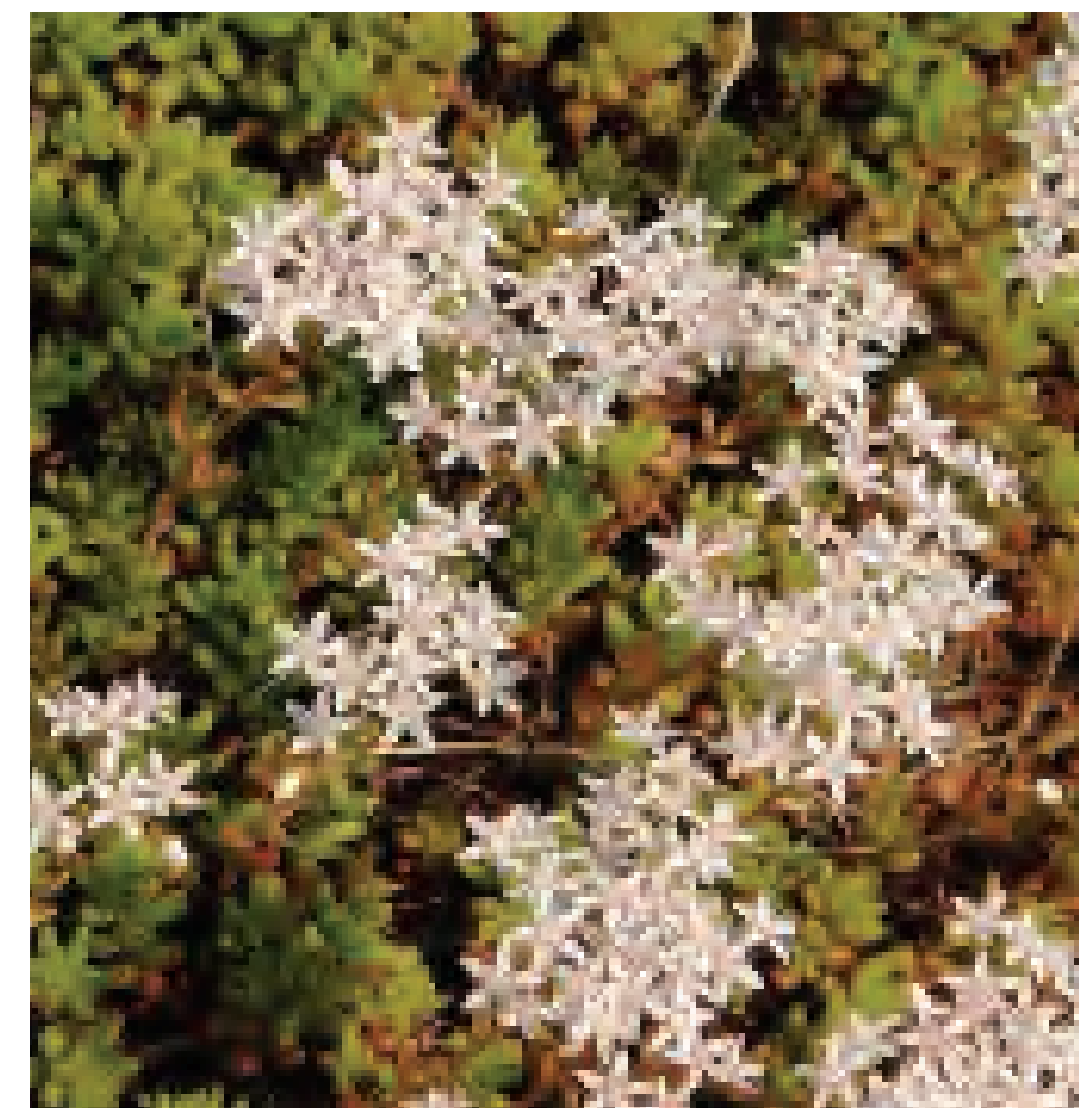
COYOTE MINT

*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'*





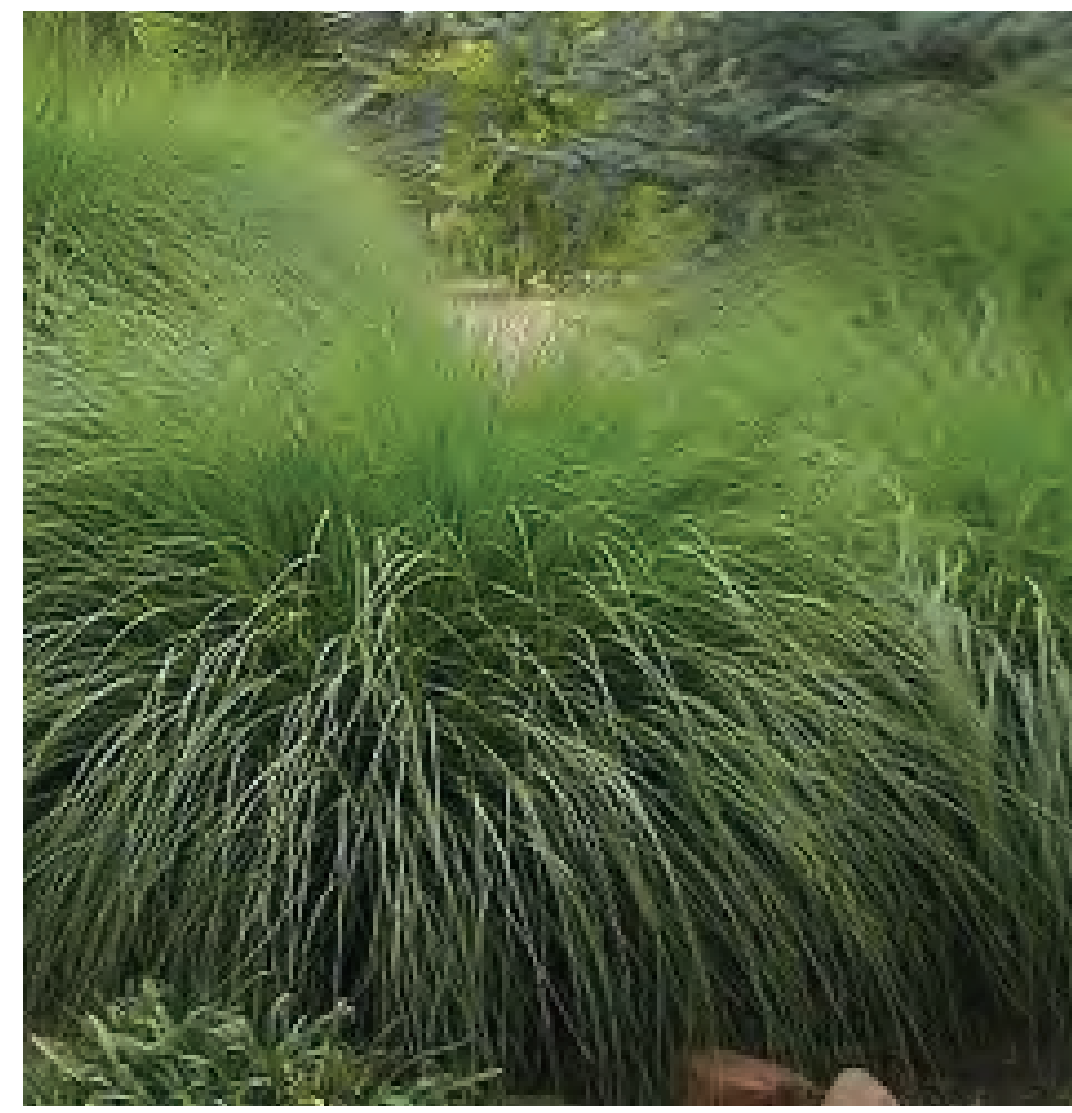
STICKY MONKEY

*Mimulus aurantiacus*



RED-FLOWERED BUCKWHEAT

*Eriogonum grande var. rubescens*



DEER GRASS

*Muhlenbergia rigens*



COMMON COYOTE MINT

*Monardella villosa*



CENTENNIAL CEANOOTHUS

*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'*



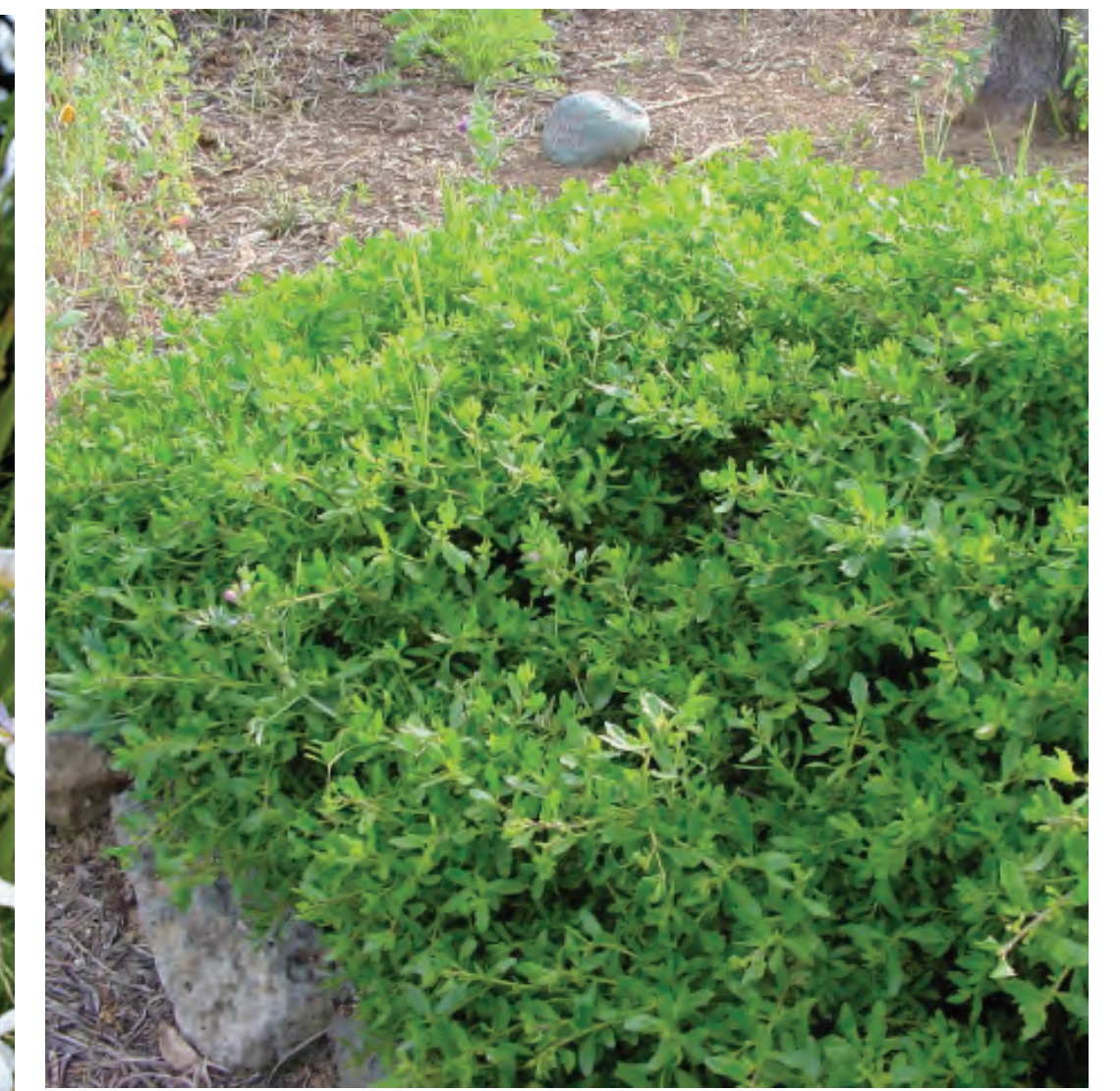
COMMON YARROW

*Achillea millefolium*



FORTNIGHT LILY

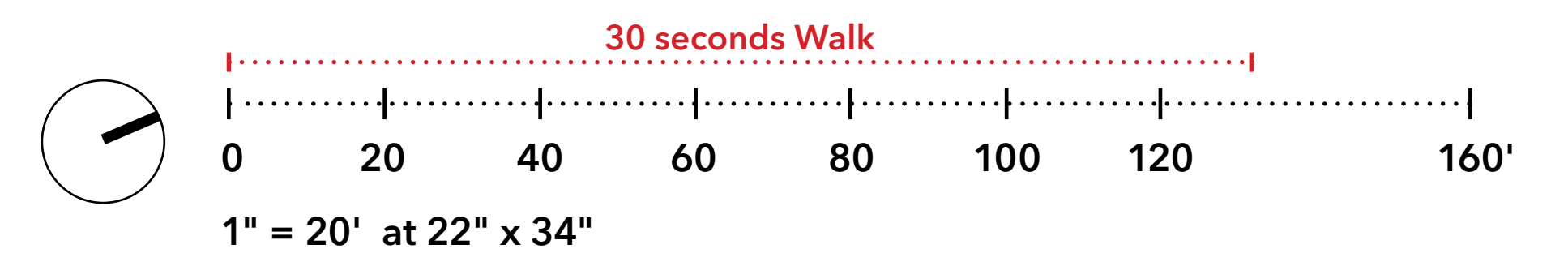
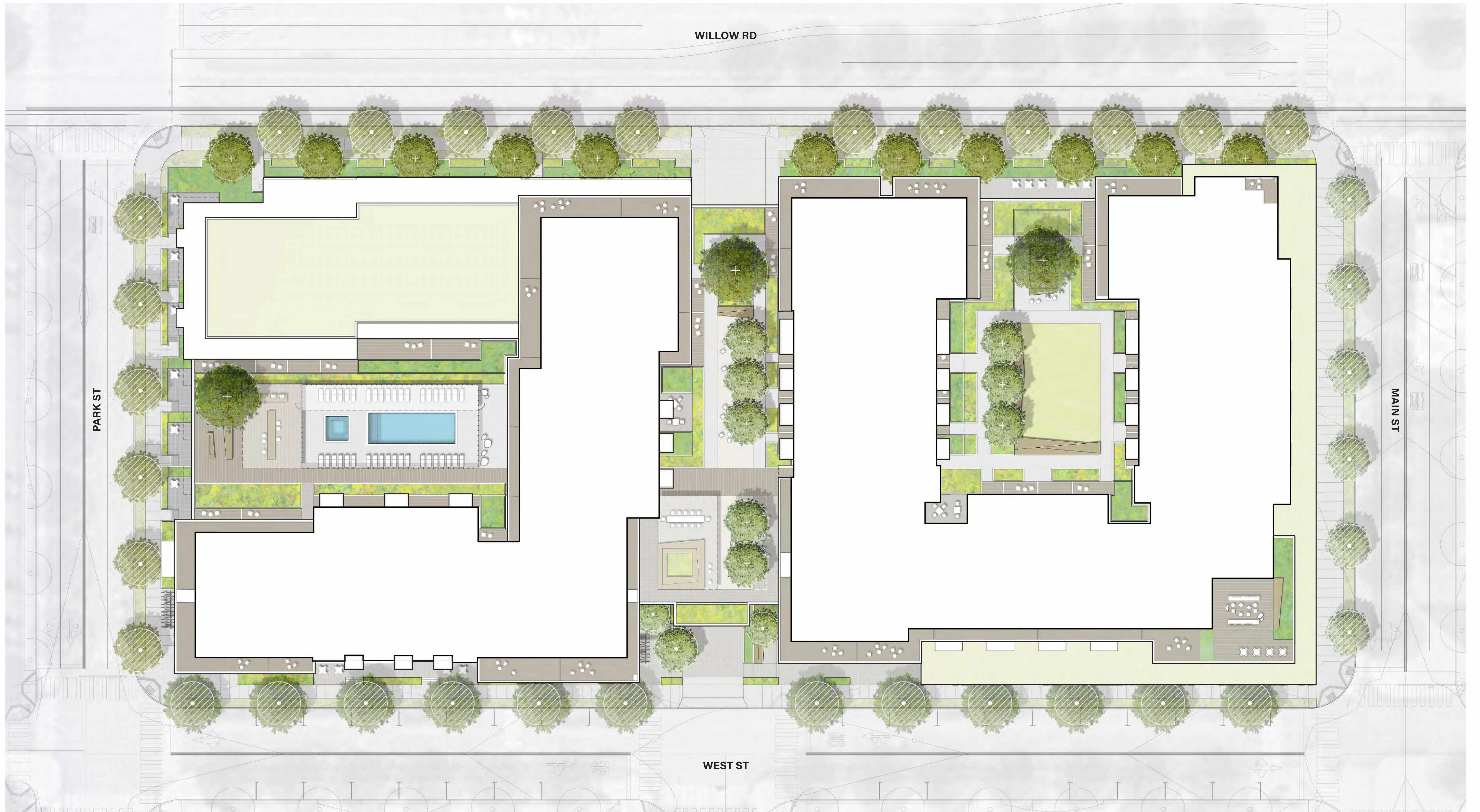
*Dietes iridioides*



DWARF COYOTE BRUSH

*Baccharis pilularis 'Twin Peaks'*







TREE PALETTE



**Platanus x acerifolia**  
London Plane



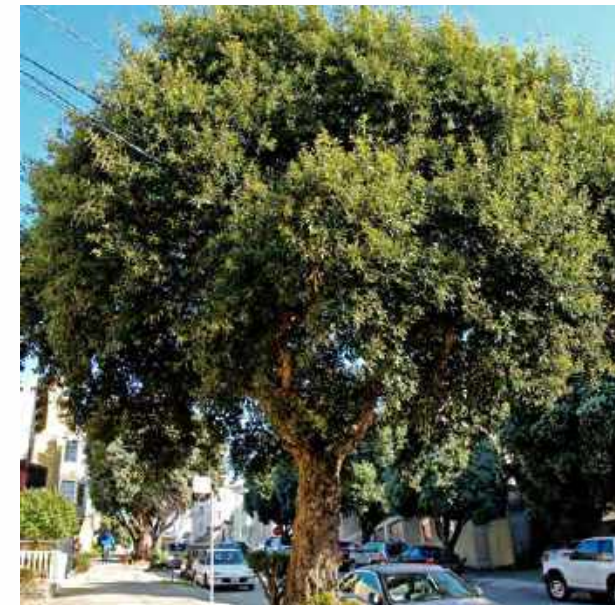
**Magnolia grandiflora**  
Magnolia Tree



**Zelkova serrata**  
Japanese Zelkova



**Platanus x 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

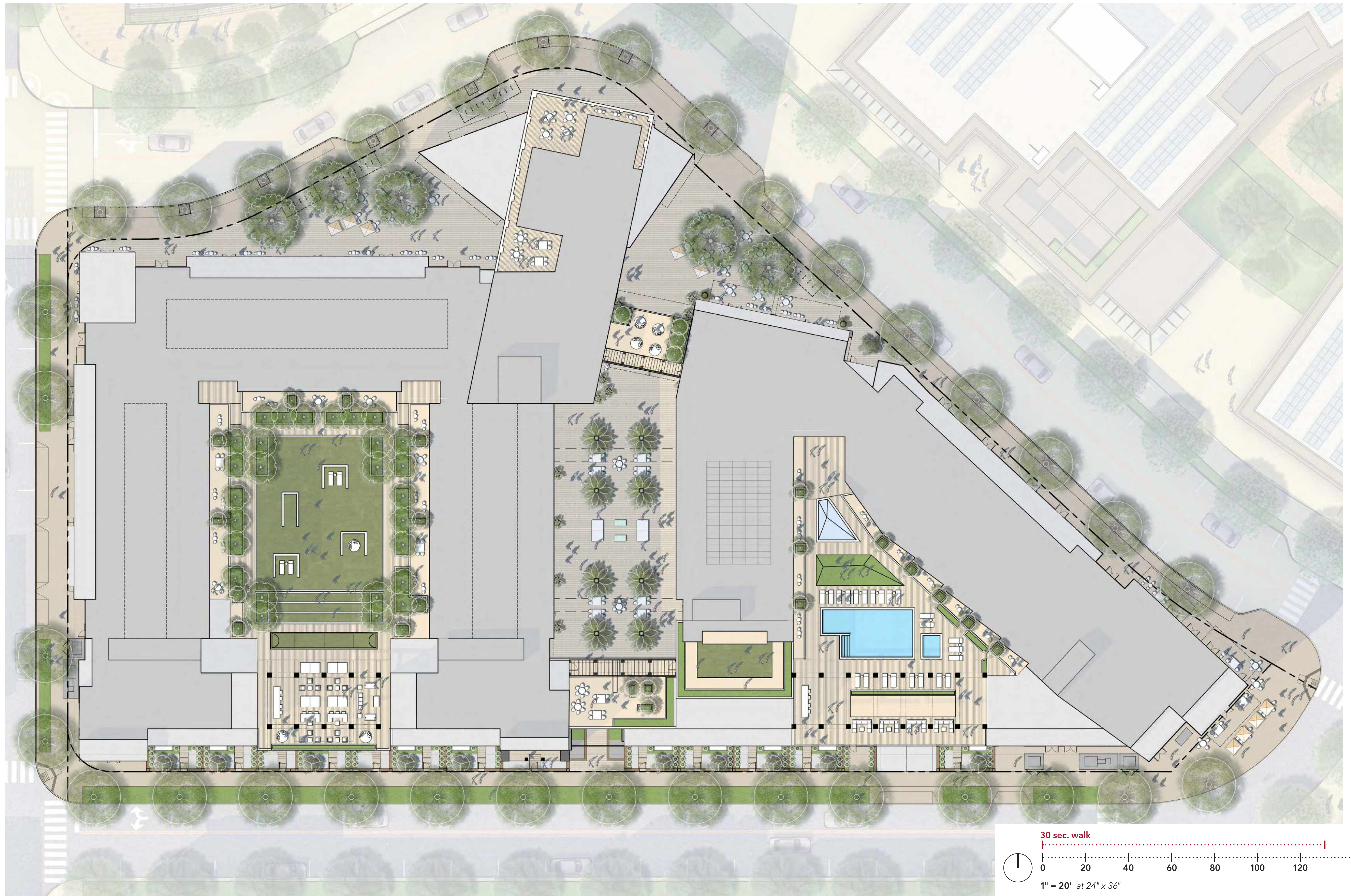


**Salvia rosmarinus**  
Rosemary



**Salvia sonomensis Bee's Bliss**  
Bee's Bliss Sage







## 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 apiculata*



**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.



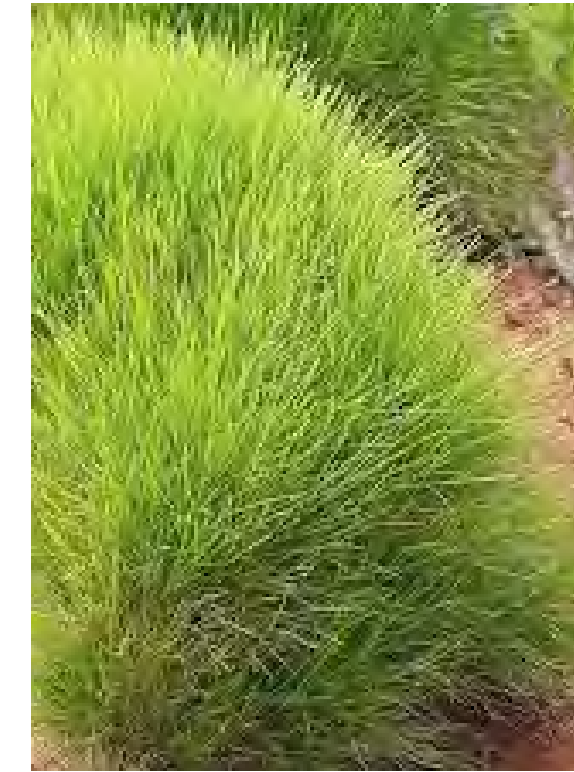
**Baby Bliss Flax Lily**  
*Dianella revoluta* 'Baby Bliss'



**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*

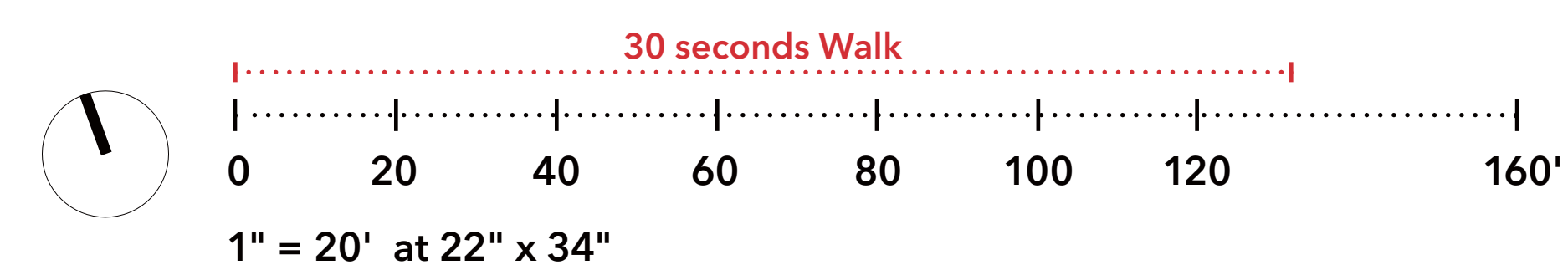
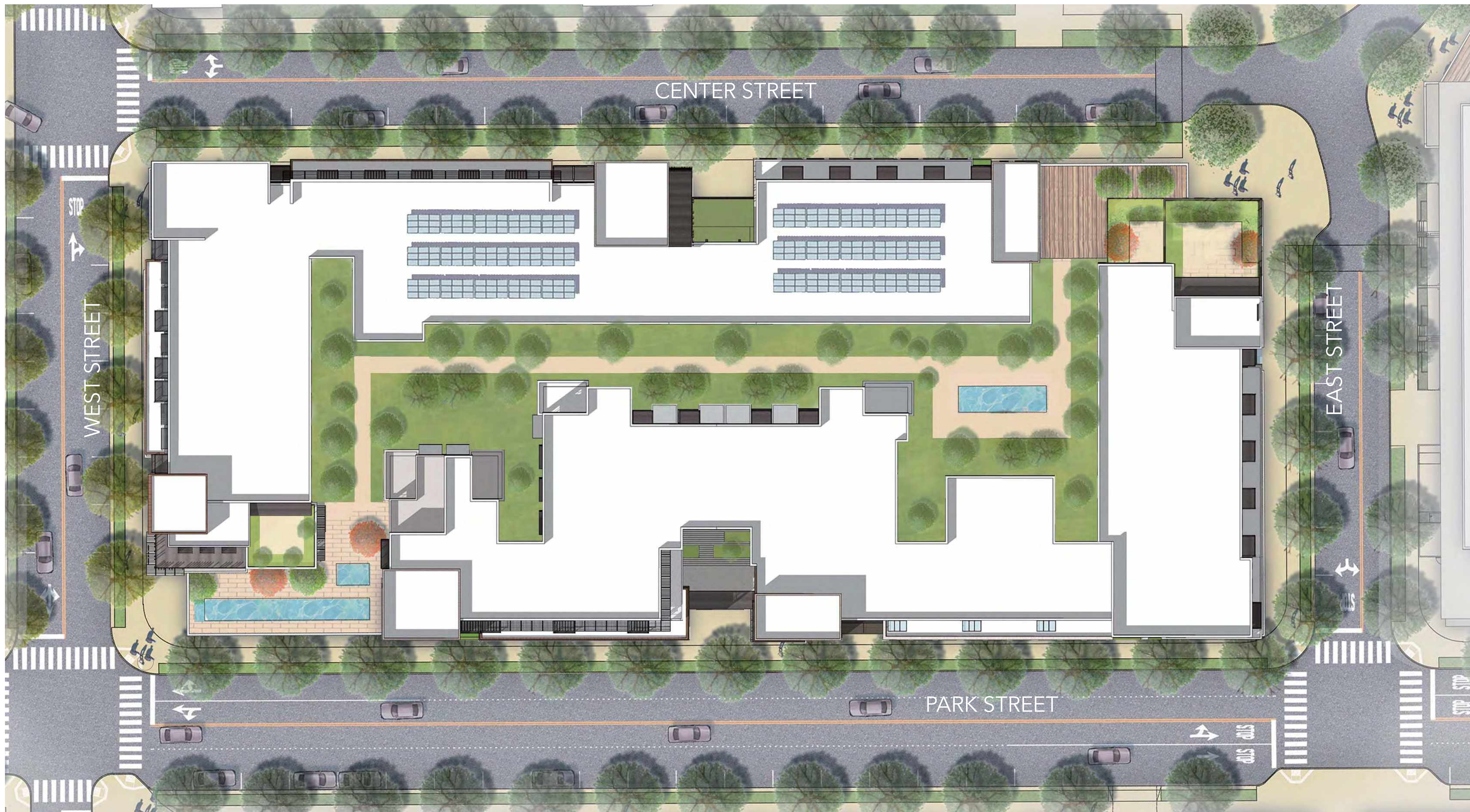


**Blue Oat Grass**  
*Helictotrichon sempervirens*



**Mexican Feather Grass**  
*Stipa tenuissima*







## TREE PALETTE



**Platanus x acerifolia**  
London Plane



**Magnolia grandiflora**  
Magnolia Tree



**Zelkova serrata**  
Japanese Zelkova



**Platanus x 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



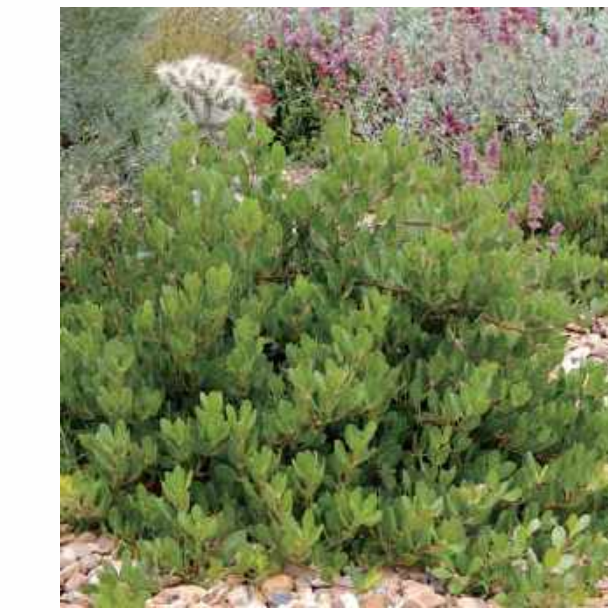
**Verbena lilacina**  
Purple Cedros Island Verbena



**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

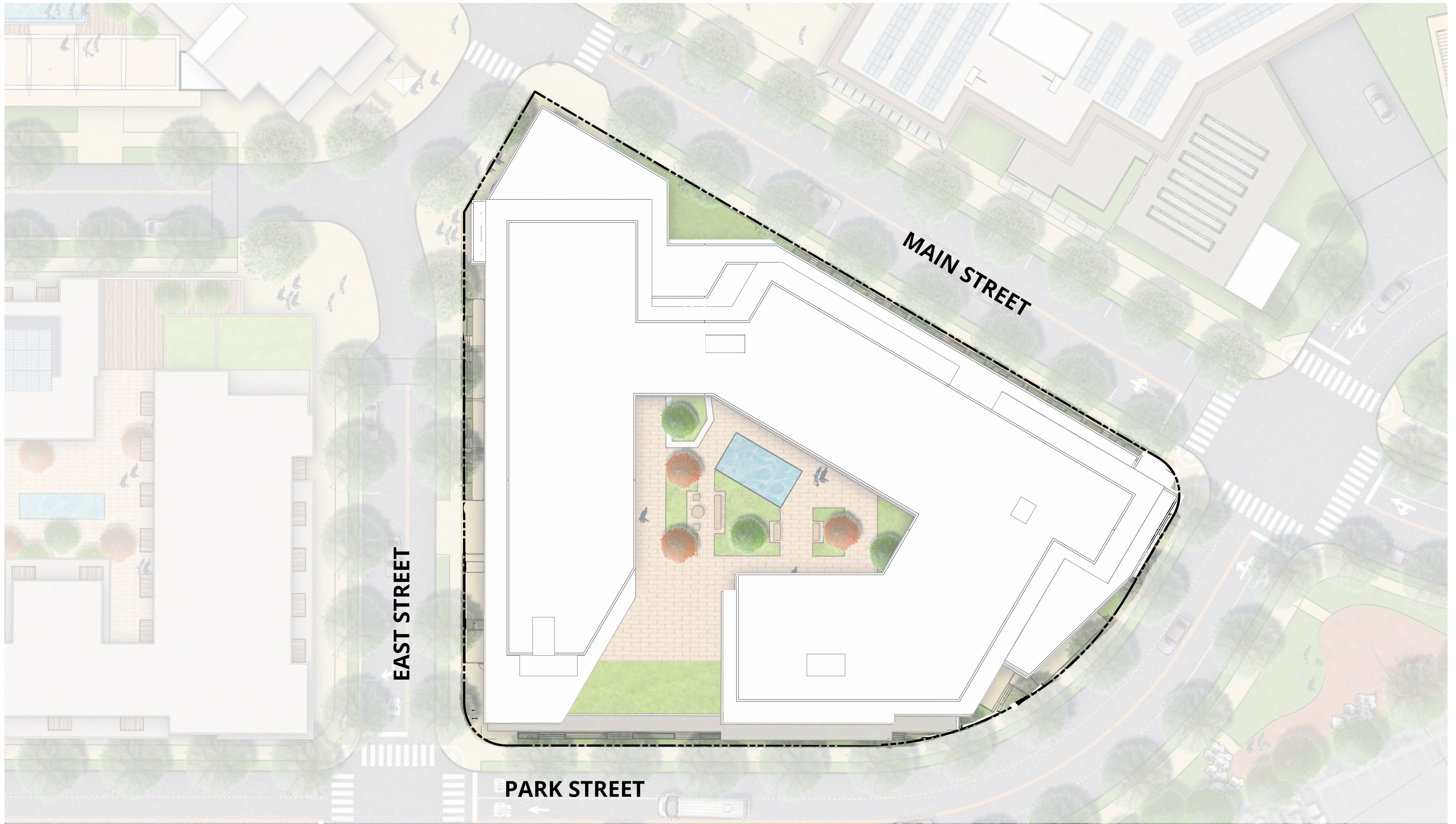


**Salvia rosmarinus**  
Rosemary



**Salvia sonomensis Bee's Bliss**  
Bee's Bliss Sage







TREE PALETTE



**Platanus x acerifolia**  
London Plane



**Magnolia grandiflora**  
Magnolia Tree



**Zelkova serrata**  
Japanese Zelkova



**Platanus x 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



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Dwarf Olive



**Sporobolus airoides**  
Sporobolus airoides



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**Myrica californica**  
Pacific Wax myrtle



**Calycanthus occidentalis**  
Spice Bush

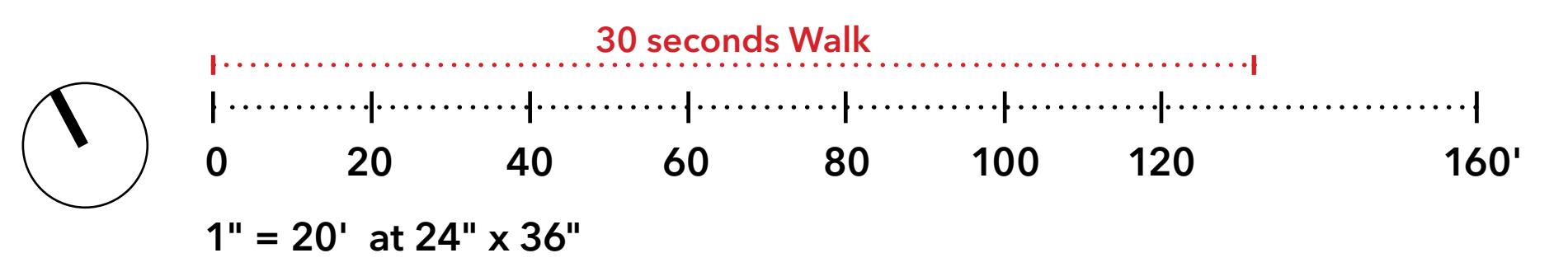


**Salvia rosmarinus**  
Rosemary



**Salvia sonomensis Bee's Bliss**  
Bee's Bliss Sage









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



Ginkgo 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

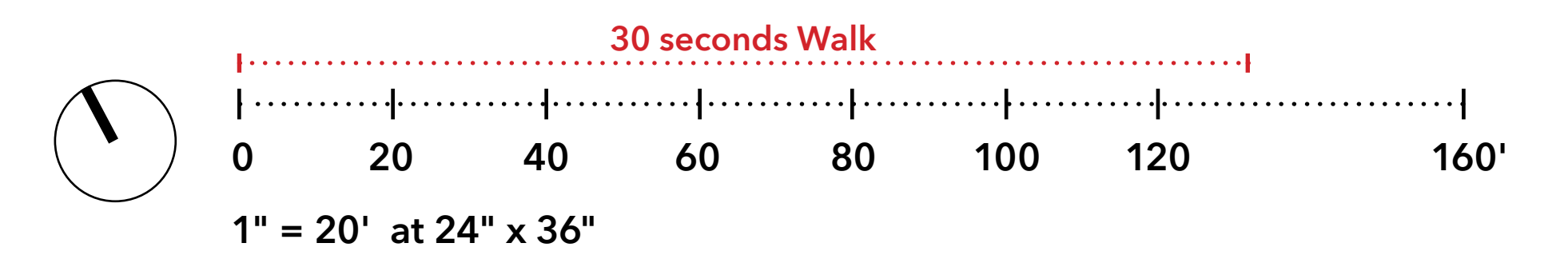
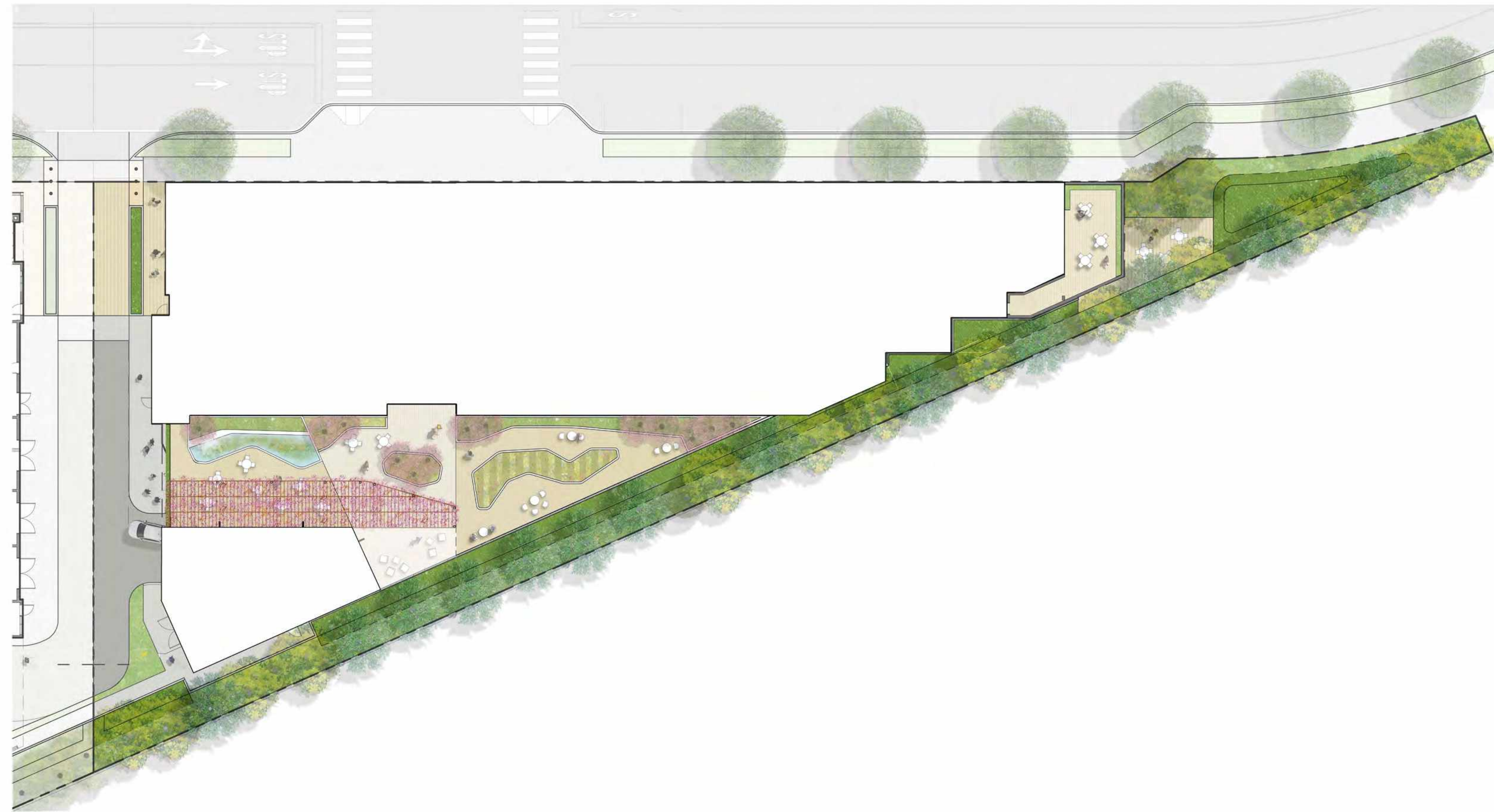


Euphorbia rigida  
Gopher Spurge



Washingtonia Robusta  
Mexican Fan Palm









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



Ginkgo 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 <i>Pinus canariensis</i> (Canary Island Pine)	23	-	-
●	<i>Alnus rhombifolia</i> (White Alder)	10	48" box	High
●	<i>Arbutus 'Marina'</i> (Marina Arbutus)	13	48" box	Low
●	<i>Magnolia grandiflora</i> (Southern Magnolia)	21	48" box	Medium
●	<i>Pinus canariensis</i> (Canary Island Pine)	33	48" box	Low
●	<i>Pistacia chinensis</i> (Chinese Pistache)	2	48" box	Low
●	<i>Platanus x acerifolia</i> 'Morton Circle' (Exclamation London Plane Tree)	118	48" box	Medium
●	<i>Platanus racemosa</i> (California Sycamore)	53	48" box	Medium
●	<i>Ulmus parvifolia</i> cv. (Chinese Elm)	38	48" box	Low
●	<i>Zelkova serrata</i> 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.

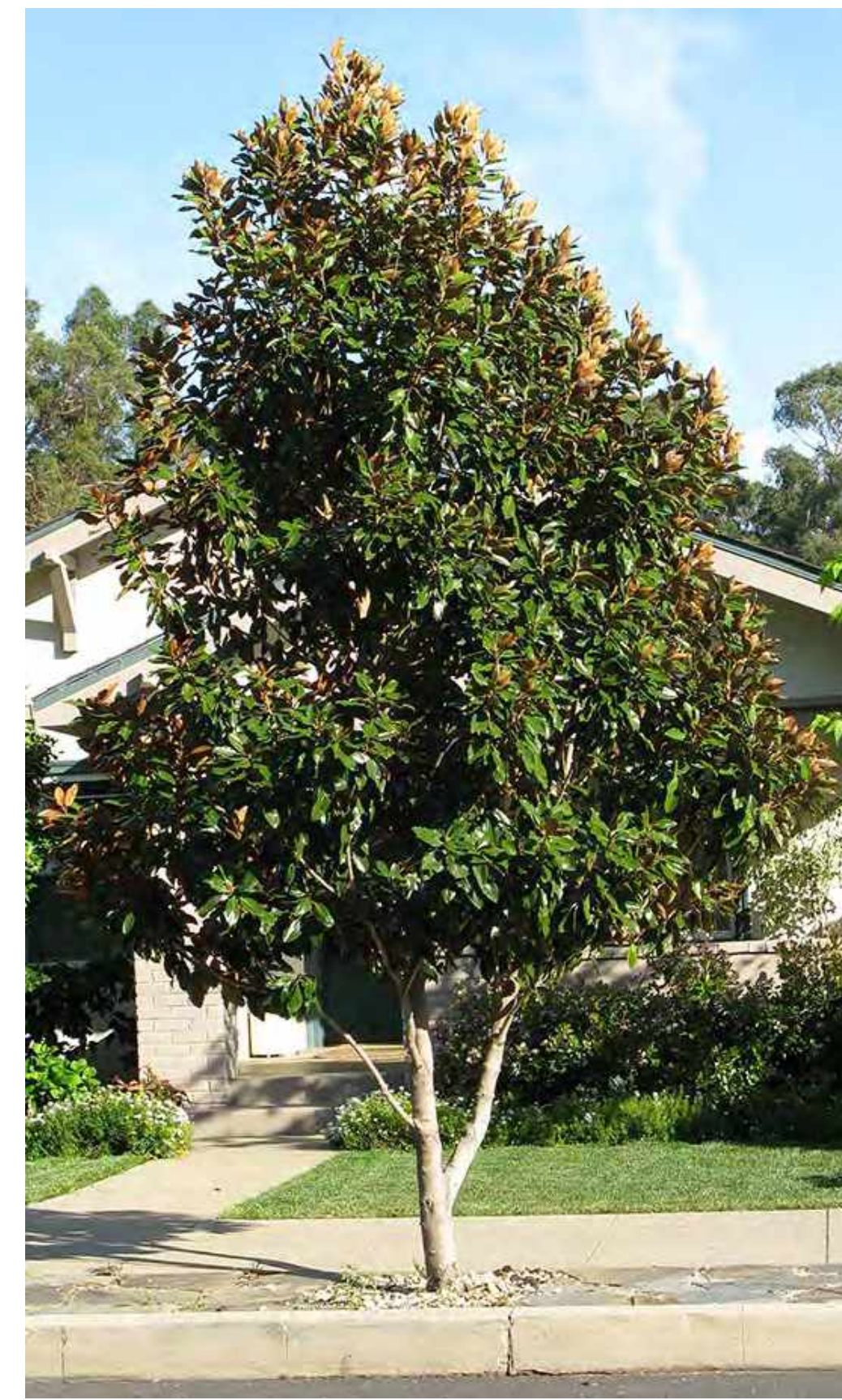




● White Alder  
*Alnus rhombifolia*



● 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	Per. Allow.	Nearest City to project with published ET data
ETO	AS 1	
DATE		

REGULAR LANDSCAPE AREAS													Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	ETWU (GALLONS PER YEAR)	PERCENTAGE OF LANDSCAPE
STATION/HYDROZONE	DRP	AREA (sq. ft.) (sq. ft.)	WATER USE TYPE (LW-HIGH, MW-MED, HW-LOW)	PLANT TYPE	IRRIGATION TYPE	PLANT FACTOR (PF)	IRRIGATION EFFICIENCY (IE)	PRECIP. RATE/ APPLICATION RATE (IN/HR)	ETAP (GPI)	CYCLES PER DAY	DAYS PER WEEK	MONTHLY ETO														
Tree-Low	0	21337	LW	SHRUBS	DRP-LINE 3"	0.3	0.81	0.0	0.4	2	2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	213,132	100%	
Tree-Mid	0	4000	MW	SHRUBS	DRP-LINE 3"	0.3	0.81	0.0	0.6	2	2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	25,200	12%	
Tree-High	0	1000	HW	SHRUBS	DRP-LINE 3"	0.3	0.81	0.0	1.0	2	2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10,800	5%	
Grass	0	1000	LW	SHRUBS	DRP-LINE 3"	0.3	0.81	0.0	0.4	2	2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10,800	5%	
<b>TOTAL</b>		<b>18,337</b>																						<b>254,732</b>	<b>80%</b>	

SPECIAL LANDSCAPE AREAS			
HYDROZONE #	HYDROZONE NAME	AREA (sq. ft.) (sq. ft.)	Percentage of Landscape
ALL		118,871	100%

MAWA		
GALLONS/YR	ACRE FEET/YR	HCF/YR
5,188,464	9.72	4,238.30

ETWU		
GALLONS/YR	ACRE FEET/YR	HCF/YR
1,074,726	3.19	1,362.39

SITE IRRIGATION EFFICIENCY		
SITE PLANT FACTOR	MAWA COMPLIANT	YES
48.4%	0.25	YES

REGULAR LANDSCAPE AREAS		
ETAF Calculations	TOTAL ETAF x AREA	AVG. ETAF
	38,721	18.37%
	118,871	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 REFLECT THE 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 = (ETWU/0.8) x (1.45 + (0.55 x (L/A)))

**ETWU FORMULA**

ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU = (ET x A) x (1.45 + (0.55 x (L/A)))

ET = REFERENCE EVAPOTRANSPIRATION  
 A = ADJUSTMENT FACTOR  
 L = LANDSCAPED AREA (SQUARE FEET)  
 A = HYDROZONE AREA (SQ. FT.)  
 C = CONVERSION FACTOR (GALLONS/SQ. FT./YR)





**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.



## Appendix C. Résumés

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## Robin J. Carle, MS

### Wildlife Ecology

rcarle@harveyecology.com  
408.458.3241



#### 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  
56 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).





## STAFF REPORT

### Planning Commission

Meeting Date: 6/26/2023

Staff Report Number: 23-44-PC

### Public Hearing and Study Session:

Public hearing for the environmental impact report (EIR) scoping session and study session for the proposed research and development (R&D) project at 985-1005 O'Brien Drive and 1320 Willow Road

## Recommendation

Staff recommends that the Planning Commission conduct the following items for the proposed research and development (R&D) project located at 985-1005 O'Brien Drive and 1320 Willow Road, referred to as the 1005 O'Brien Drive project:

- EIR scoping session to receive public testimony and provide comments on the scope and content of a focused EIR for the proposed project; and
- Study session to receive public comments and provide feedback on the proposed project, including the applicant's project refinements since the previous Planning Commission study session on February 14, 2022.

The June 26<sup>th</sup> meeting will not include any project actions. The proposal will be subject to additional review at a future Planning Commission meeting and ultimately review and recommendation by the Planning Commission for final action by the City Council on a proposed development agreement. Staff recommends the following meeting procedure to allow the public and the Planning Commission to focus comments on the specific project components.

### ***EIR scoping session***

- Introduction by staff
- Presentation by applicant on project proposal
- Presentation by City's EIR consultant
- Commissioner questions on EIR scope
- Public comments on EIR scope
- Commissioner comments on EIR scope
- Close of public hearing

### ***Project proposal study session***

- Introduction by staff
- Commissioner questions on project proposal
- Public comments on project proposal
- Commissioner comments on project proposal

Staff recommends that the applicant present their project proposal during the EIR scoping session to allow the Planning Commission and members of the public to benefit from considering the presentation as part of the EIR scoping session. Accordingly, staff recommends that the Planning Commission allow the applicant to present the overall project, followed by a presentation from the City's EIR consultant (Dudek) outlining the California Environmental Quality Act (CEQA) process and the key findings from the Initial Study regarding the proposed project.

## Policy Issues

Scoping sessions on the EIR provide an opportunity early in the environmental review process for Planning Commissioners and the public to comment on specific topics that they believe should be addressed in the environmental analysis. Study sessions provide an opportunity for Planning Commissioners and the public to provide more general feedback on a proposed project, with comments used to inform future review and consideration of the proposal. The EIR scoping session public hearing and study session should be considered as separate items, as part of the same hearing.

The proposed project is anticipated to require the following entitlements and/or City permits and actions:

1. **Environmental Review** to analyze potential environmental impacts of the project through a focused EIR, pursuant to CEQA;
2. **Development Agreement** to allow a phased development of the project site over approximately 10 years;
3. **Use Permit** for bonus-level development and the provision of community amenities, modifications to design standards, and the use and storage of hazardous materials for an emergency diesel generator for each building;
4. **Architectural Control** to review the design of the new buildings and associated site improvements;
5. **Exemption from City reach code natural gas prohibition** to use natural gas for space heating and cooling for laboratory spaces;
6. **Heritage Tree Removal Permits** to remove heritage trees to enable the proposed project and plant heritage tree replacements per the City's municipal code requirements;
7. **Below Market Rate (BMR) Housing in-lieu fee payment** in accordance with the City's BMR Ordinance;
8. **Lot Line Adjustment and/or Lot Merger** to modify the existing parcels on the site and between the project site and an adjacent site;

Additional actions and entitlements may be required as the project plans are refined. In addition, a Fiscal Impact Analysis (FIA) and Housing Needs Assessment (HNA) will be prepared as well as an appraisal to identify the necessary value of the community amenity. The type and value of the proposed community amenity will be evaluated through the process and is subject to final approval by the final decision-making body.

## Background

### *Site location*

The project site consists of three parcels with a total lot area of 4.2 acres. The two parcels along O'Brien Drive would be merged as part of an administrative lot merger application. Lot lines between the 1320 Willow Road parcel and the newly-created parcel would be adjusted to allow for the retention of a portion of the 1320 Willow Road building and construction of the parking structure. Additionally, the property line



between the new 1005 O'Brien parcel and the neighboring property to the right (1025 O'Brien Drive), which is also controlled by the applicant, would be adjusted to create a property line that is perpendicular to O'Brien Drive. The site contains three one-story R&D and warehouse buildings with six tenant spaces addressed 985-1015 O'Brien Drive and 1320 Willow Road. For purposes of this staff report, O'Brien Drive is considered to have an east-west orientation, Willow Road is considered to have a north-south orientation, and all compass directions referenced will use this orientation. The site is located on the northern side of O'Brien Drive between Willow Road and Kelly Court, and on the eastern side of Willow Road between O'Brien Drive and Ivy Drive.

Surrounding properties to the north, east, and west are also in the LS-B zoning district. Properties across O'Brien Drive to the south are in the LS zoning district. Immediately north of the project site is the Hetch Hetchy right-of-way owned by the San Francisco Public Utilities Commission (SFPUC), a portion of which is leased to Mid-Peninsula High School for their parking lot and athletic fields. The properties to the east and south are developed with existing R&D and warehouse buildings. The property to the west is occupied by an existing church. The Menlo Science and Technology Park, the project site of the Willow Village mixed-use masterplan, is located to the north of the Mid-Peninsula High School campus and is a multi-building office park owned and partially occupied by Meta. The Willow Village project site is zoned R-MU-B (Residential Mixed Use-Bonus) and O-B (Office-Bonus), currently contains general office, R&D, manufacturing, and warehousing uses. In December 2022 the City Council approved the Willow Village mixed-use masterplan project and the City is currently reviewing the detailed design plans for each building. The closest residential properties are located to the south along Albern Street in East Palo Alto (see Attachment A).

### ***Planning Commission study session considerations***

This report highlights a variety of topic areas and discussion items for consideration during the study session. As the Planning Commission reviews the report, staff recommends that the Commission consider the following topics and use these as a guide to provide feedback:

- Architectural design and materials
- Site access and layout
- Phased development approach
- Publicly accessible open space
- Public-serving commercial space
- Community amenity
- Building height

### ***Project overview***

The applicant is proposing to demolish three existing buildings and construct two new R&D buildings and a parking structure. The project would be completed in two phases with the first phase beginning immediately after entitlement. The applicant states that they would like to begin phase two immediately after phase one, however existing lease agreements may require the second phase to begin approximately 10 years after completion of phase one. Use permits typically expire one year after approval, but may be extended administratively by one year. Due to the length of time anticipated between the two phases, the applicant is proposing to enter into a development agreement to extend the timeline for vested development rights.

The first phase of the project would consist of demolition of the two buildings along O'Brien Drive and a portion of the 1320 Willow Road building, and construction of the new 154,381-square-foot building (Building 1) located at 1005 O'Brien Drive, and partial construction of the parking structure. The second phase would consist of demolition of the remainder of the 1320 Willow Road building, construction of the

new 73,617-square-foot building (Building 2) located at 1320 Willow Road, and construction of two additional stories on the parking structure. The applicant’s project description letter is included as Attachment B, and a hyperlink to the project plans is included as Attachment C. Sheet A3.3 of the project plans (site plan) is excerpted in Attachment D for reference. The proposed project when fully built out would construct approximately 228,081 square feet for life sciences/R&D uses. The proposed life sciences/R&D use is permitted in the Life Sciences (LS) zoning district and is consistent with the project site land use designation from the general plan. The applicant is proposing to develop the building utilizing the bonus level provisions permitted by Menlo Park Municipal Code (MPMC) Chapter 16.44 (which permits developments to obtain an increase in FAR and/or height in the LS-B zoning district subject to obtaining a use permit or conditional development permit and providing one or more community amenities.) Table 1 below summarizes the proposed project data.

Table 1: Proposed project floor area ratio				
	Existing	Proposed project	Zoning Ordinance bonus level standards (maximums)	Zoning Ordinance base level standards (maximums)
R&D square footage	90,600	228,081	229,520	100,998
R&D floor area ratio	.49	1.24	1.25	.55

Site layout

The proposed R&D buildings and parking structure would all be constructed in an east-west orientation. The broader side of Building 1 would face O’Brien Drive and would be connected to the street by a landscaped entry plaza. The Willow Road frontage is the narrower of the two street frontages. Due to the east-west orientation of Building 2, this building would have a narrower profile at the Willow Road frontage. The main entrance for this building would be located along Willow Road and would have a similar entrance plaza to Building 1. The parking structure would be located behind the buildings, to the north of Building 1 and to the east of Building 2.

During phase one, an enclosure would be constructed to house trash receptacles, the generator enclosure, and chemical storage enclosures. The enclosure would be located along O’Brien Drive to the west of Building 1, adjacent to the existing church at 965 O’Brien Drive. The enclosure would be separated from the street by a landscaped strip approximately 29 feet in depth, and would be set back approximately 10 feet from the property line of the adjacent church property. For context, the adjacent church building is located on the property line between its property and the subject property. During phase two, the applicant would expand the enclosure to accommodate the trash receptacles and chemical storage for Building 2. A separate generator enclosure for Building 2 would be constructed on the south wall of the building. The chemical storage units are proposed as part of the project even though a specific tenant has not been identified and hazardous materials needs on the site are currently unknown. Types and quantities of specific hazardous materials would be reviewed administratively when a tenant or tenants are identified after completion of the project.

Height

The two proposed buildings and the parking structure would vary in height. In the LS-B district there is a maximum height of 120 feet for any one building on a site, and a maximum average height of 77.5 feet when calculated across multiple buildings, which includes an additional 10 feet of allowed maximum and



average height for properties located within the Federal Emergency Management Agency (FEMA) flood zone to account for sea level rise. Building 1 has a proposed height of 101 feet, Building 2 and the parking structure have a proposed height of 74 feet. Overall, the proposed project would have an average height of approximately 74.1 feet.

Table 2: Proposed building height		
	Proposed	Zoning Ordinance standards
Height (Maximum)**	101 feet	120 feet*
Height (Average)**	74.1 feet	77.5 feet*

\* The height limits include the 10-foot height increase allowed for properties within the FEMA flood zone.

\*\* Maximum height and average height do not include roof-mounted equipment, utilities and, parapets used to screen mechanical equipment.

Emergency generator and potential future use of hazardous materials

The applicant has indicated that the proposed project would include two back-up diesel generators, one located in the utility enclosure west of the 1005 O’Brien Drive building and one on the south side of the 1320 Willow Road building. As part of the review process, a generator testing schedule would be identified and staff would ensure that the proposed generator would comply with the noise ordinance limitations of the MPMC. The use and storage of hazardous materials, including diesel for emergency generators, requires an administrative permit, which is typically reviewed and acted on by the Community Development Director or their designee, but is included in the project as a use permit for concurrent review by the Planning Commission and City Council. The use and storage of diesel fuel associated with the emergency generators would be subject to review by the Menlo Park Fire Protection District, the San Mateo County Environmental Health Division, West Bay Sanitary District, the Menlo Park Building Division, and the Menlo Park Planning Division. The agency and division reviews are anticipated to be completed concurrently with the Draft EIR for review by the Planning Commission and City Council as part of the City actions on the overall project entitlements. Future tenants within the proposed life sciences buildings may utilize hazardous materials so long as they are in compliance with the standards and requirements of the City’s Zoning Ordinance. Any future use and storage of hazardous materials would be required to obtain an administrative permit through the City’s Planning Division.

**CEQA review**

After a robust community outreach process, commonly referred to as ConnectMenlo, in November 2016, the City Council certified a program EIR and approved an update to the Land Use and Circulation Elements of the General Plan and related zoning changes. Because the City’s General Plan is a long-range planning document, an EIR analyzing ConnectMenlo was prepared as a program level EIR, pursuant to CEQA Guidelines Section 15168. Based on CEQA Guidelines Section 15152(d), if an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or are subject to substantial reduction or avoidance through project revisions. In January 2023, a subsequent EIR (SEIR) was prepared for the 6<sup>th</sup> cycle Housing Element update. The SEIR expands and clarifies aspects of the ConnectMenlo EIR as they relate to the Housing Element update, and the project would also be subject to any mitigation measures relevant to a life science project. However, since the SEIR primarily focused on development of additional housing units, many of the new SEIR mitigation measures would not apply. However, mitigation measures from the ConnectMenlo EIR would still apply.

In accordance with CEQA Guidelines Section 15168(c), an initial study was prepared to evaluate the potential environmental impacts of the project and determine what level of additional environmental review would be appropriate for the project EIR. The initial study discloses relevant impacts and mitigation measures covered in the ConnectMenlo program EIR and Housing Element SEIR and discusses whether the proposed project is within the parameters of these EIRs. Relevant mitigation measures from the program EIR certified on November 29, 2016 and SEIR certified on January 31, 2023 will be applied to the proposed project.

The initial study concludes that for a number of CEQA impact topics the proposed project is consistent with the program level EIR and do not have effects that were not adequately analyzed in the ConnectMenlo EIR, and thus do not warrant further analysis (such topics are referred to as “scoped-out”). The scoped out topic areas are geology and soils, aesthetics, hydrology/water quality, recreation, utilities/service systems, agriculture and forestry, land use/planning, energy, mineral resources, public services, biological resources, hazards and hazardous materials, cultural and tribal cultural resources, and wildfire. Therefore, the City will prepare a focused EIR for the proposed project, meaning that the project-level EIR will be focused on only those CEQA topic areas that require additional study – which the initial study identifies as being transportation, air quality, greenhouse gases (GHG), noise, and population/housing. The draft focused EIR will be prepared and processed in accordance with CEQA and the State CEQA Guidelines.

Upon completion of the initial study (IS), the City released a NOP (via hyperlink in Attachment E) for the project on June 2, 2023, beginning a 30-day review and comment period that ends on July 5, 2023 to account for the Independence Day holiday. A NOP signals the City plans to prepare an EIR for the proposed project and begins the EIR process. The NOP is designed to seek guidance from potentially interested parties and members of the public on the scope and content of the EIR. The EIR is an informational document the purpose of which is to provide decision makers and the public with detailed information about the effects that the proposed project is likely to have on the environment, list ways in which the significant effects of the proposed project might be minimized, and identify alternatives to the proposed project. The members of the Planning Commission were provided an electronic copy of the NOP and IS (via email notification on June 2, 2023). Copies of the IS/NOP are also available on the City’s website at <https://menlopark.gov/1005OBrien>. Hard copies are also available for review at the Menlo Park Main Library and Belle Haven Branch Library. Interested persons should inquire at the library reference desk. A hyperlink to the initial study is included as Attachment F.

The June 26, 2023 Planning Commission meeting falls within the 30-day NOP comment period, and serves as a scoping session for the EIR to be prepared for the proposed project. The scoping session provides an opportunity early in the environmental review process for the Planning Commission and public to comment on the content in the focused EIR as well as the IS. Comments can be made on the scope, content, and focus of the analyses in any of the CEQA topic areas (outlined below), including the topics proposed to be scoped out of the focused EIR through the analysis and findings in the IS. Examples of topics for consideration are inclusion of specific study intersections (non-CEQA analysis but required by the City’s transportation impact analysis guidelines), suggested mitigation measures, alternatives that should be studied (e.g. increase or decrease in commercial square footage, etc.), and cumulative impacts. These topics are only examples to help provide context to the Commission and members of the public on the types of comments that could be provided on the EIR scope and are not intended to limit the scope of comments.

Oral comments received during the scoping session and written comments received during the NOP comment period on the scope of the environmental review will be considered while preparing the draft focused EIR. NOP comments will not be responded to individually; however, all written comments on the NOP will be reviewed and considered, and a summary of all comments received (both written and verbal)



on the NOP will be included in the body of the draft focused EIR.

## Analysis

### *EIR scoping session*

Based on the conclusions in the initial study, the following topics will not be discussed in the focused EIR because the initial study found that the proposed project is not anticipated to result in new or more severe impacts beyond those examined in the program level EIR prepared for ConnectMenlo or Housing Element SEIR:

**Table 3: Topics with less than significant impacts**

Topic	Summary of analysis and findings in initial study
Aesthetics	The site is in a fully-developed area surrounded by existing commercial and industrial buildings in the immediate vicinity. The project site does not provide public views of the San Francisco Bay, nor is it located within the viewshed of a state scenic highway. The City’s architectural control process and General Plan policies would ensure that the proposed project complies with existing design standards and does not generate excessive light levels, which would reduce the potential for light and glare spillover. The proposed project would not result in new or more severe impacts to the aesthetics of the site and its surroundings beyond those examined in the ConnectMenlo EIR.
Agriculture and Forestry Resources	The site is currently developed with buildings, ornamental landscaping, and surface parking and is not zoned for nor utilized as an agricultural site, nor would it result in the conversion of forest land.
Biological Resources	A biological resources assessment was prepared for the site, which concluded that the site is developed with existing industrial buildings and mostly covered in asphalt for on-site parking. Therefore, there are no existing habitats for species of special concern, and the project would not have an adverse effect on protected wetlands. The project would not be in conflict with any local policies protecting biological resources because the project would be required to comply with development standards such as the Heritage Tree Ordinance and bird-safe design standards in the Zoning Ordinance. Implementation of mitigation measures would ensure that a bird survey would be conducted by a qualified biologist if demolition and construction begin during the nesting season, and would require buffers around trees to be established if active nests are found onsite or adjacent.
Cultural Resources	There are no recognized historic properties within the Bayfront Area, where the project is located. A Built Environment Inventory and Evaluation Report prepared for the project site determined that the existing buildings do not appear eligible for listing on the national or California registers of historical places and resources.
Energy	The proposed project would comply with specific green building requirements for LEED certification, provide EV charging, provide on-site renewable energy generation, enroll in the USEPA’s Energy Star Building Portfolio Manager, use new modern appliances and equipment, comply with current CALGreen standards, and meet the City’s recently-adopted reach codes requiring new buildings to be all-electric with an allowed exception for use of natural gas for heating and cooling of laboratory spaces, which would help to reduce energy consumption. Because California’s energy conservation planning actions are conducted at a regional level, and because the proposed project’s total impact to regional energy supplies would be minor, the proposed project would not conflict with energy conservation plans.
Geology and Soils	There are no mapped faults going through or adjacent to the project site, and the project site is not located within an Earthquake Fault Zone. The design and construction of the

	<p>proposed project is required to conform with, or exceed, current best standards for earthquake resistant construction in accordance with the most current California Building Code and with the generally accepted standards of geotechnical practice for seismic design in Northern California. No known fossils or unique paleontological resources or unique geologic features are present within the study area, but in the event that any were discovered during ground disturbing activities, a qualified paleontologist would assess the discovery and develop an excavation plan consistent with ConnectMenlo Final EIR mitigation measure CULT-3.</p>
Hazards and Hazardous Materials	<p>The potential routine transport, use, and disposal of hazardous wastes would have less than significant impacts with mitigation because the proposed project would be required to comply with existing regulations to minimize impacts. Impacts associated with potential exposure to hazardous soil vapor and groundwater conditions during project construction and operation would be reduced to a less-than-significant level based on compliance with project-specific mitigation measure HAZ-A recommended in the IS, which requires an Environmental Site Management Plan to be prepared and implemented as part of the proposed project. Biosafety hazards are addressed in the initial study, which recognizes the local, state and federal regulations that govern their use and the protective measures that will be required to prevent impacts depending on future tenant activities and laboratory levels.</p>
Hydrology and Water Quality	<p>The proposed project would have less than significant impacts on water quality because of compliance with existing regional and City regulations and design standards.</p>
Land Use	<p>The proposed project would not physically divide an established community with any new roadways or barriers, and it would be designed to be consistent with ConnectMenlo, the LS-B zoning regulations, and other City goals and policies.</p>
Mineral Resources	<p>There are no known mineral resources in the vicinity of the project site, and the project site has not been identified as a locally important mineral recovery site.</p>
Public Services	<p>Physical conditions in relation to fire protection, police protection, schools, parks and recreation, and other public facilities have not changed substantially in the ConnectMenlo EIR study area since the preparation of the ConnectMenlo EIR; therefore, impacts would be less than significant.</p>
Recreation	<p>See "Public Services" above.</p>
Tribal Cultural Resources	<p>During preparation of the initial study the City sent a letter to a list of tribes, provided by the Native American Heritage Commission, eligible to consult with the City regarding tribal resources. The letter provided the tribes an opportunity for consultation regarding the project pursuant to Assembly Bill 52 (AB 52). The City previously developed project-specific mitigation measures, at the request of concerned tribes, for other recent projects in the vicinity, which would require training for construction workers regarding protocols in the event that human remains or other potentially culturally relevant artifacts are found during construction. These mitigation measures would be incorporated into the project mitigation measures, in addition to compliance with ConnectMenlo mitigation measures, reducing the impacts to less than significant with mitigation incorporated. (No tribe responded to the consultation letter; however, one tribe responded to the June 2<sup>nd</sup> IS/NOP notice requesting consultation, and City staff will be arranging consultation shortly.)</p>
Utilities	<p>The proposed project would be consistent with the type and intensity of development and population projections assumed for the project site in ConnectMenlo. The proposed project would connect to existing water delivery, sanitary sewer, and electrical power systems within the vicinity of the project site. The 10-inch water main along O'Brien Drive will be upsized to 12 inches to accommodate additional fire flow needed to service the project site and other projects in the vicinity. The water line was studied and will be constructed as part of the 1350 Adams Court Project and will be complete prior to occupancy of that project.</p>
Wildfire	<p>The ConnectMenlo Final EIR determined that the Bayfront Area, which includes the project site, does not contain areas of moderate, high, or very high Fire Hazard Severity for the Local Responsibility area, nor does it contain any areas of moderate, high, or very high</p>



Fire Hazard Severity for the State Responsibility Area (SRA). In addition, the proposed project would not impair the implementation of, or physically interfere with, an adopted emergency response plan.

A more detailed analysis of the proposed project’s impacts in the areas above is provided in the initial study. The focused EIR will analyze whether the project would have a significant environmental impact in the remaining topic areas:

**Table 4: Topics to be included in the focused EIR**

Topic	Reasons for inclusion in EIR
Air Quality	The ConnectMenlo EIR includes mitigation measures requiring additional technical analysis to be performed, which could identify impacts not previously disclosed. The focused EIR will demonstrate compliance with the following ConnectMenlo mitigation measures: preparation of a technical assessment evaluating potential operational impacts related to traffic, compliance with the air district’s basic control measures for reducing construction-related emissions, preparation of a technical assessment evaluating construction-related impacts, and preparation of a health risk assessment for a project within 1,000 feet of a sensitive land use. However, the project would not obstruct implementation of the applicable air quality control plan (Spare the Air: Cool the Climate – Final 2017 Clean Air Plan adopted by BAAQMD), and would not result in odors or other emissions adversely affecting a substantial amount of people. Therefore, these sections will not be discussed further in the EIR.
Greenhouse Gas (GHG) Emissions	Potential impacts from greenhouse gas emissions will be studied based on project-level vehicle trips identified for the proposed project and from potential use of natural gas.
Noise	The proposed project noise impacts from the construction, proposed mechanical equipment and rooftop decks require further study in the EIR. The proposed project also could result in increased traffic noise at specific locations, which will be evaluated based on the project-level vehicle trips identified for the proposed project. However, the project is not located in the vicinity of a public airport or public use airport and is not included in any airport land use plans and the project will not expose people residing or working in the vicinity to excessive noise levels.
Population and Housing	As a result of the 2017 settlement agreement between the City of East Palo Alto and the City of Menlo Park, a housing needs assessment will be prepared for the project and an analysis of population and housing will be provided in the project-level EIR.
Transportation	The transportation mitigation measures for the ConnectMenlo EIR anticipated that any project would be required to contribute fair share contributions to the City’s updated Transportation Impact Fee (TIF) program (adopted in December 2019) to guarantee funding for identified roadway and infrastructure improvements. Further, the settlement agreement between the City of East Palo Alto and the City of Menlo Park requires a project-specific Transportation Impact Analysis (TIA). The TIA would include an analysis of potential impacts at 12 study intersections and two roadway segments identified in the Initial Study.

Alternatives

If there are significant impacts, the alternatives analysis will focus on those alternatives that would reduce identified impacts. If the impacts are less than significant with mitigation, the alternatives analysis is anticipated to focus on those alternatives that would further reduce those impacts or provide policy focused alternatives considering allowable development under the Zoning Ordinance. Section 15126.6(e) of the

State CEQA Guidelines requires the evaluation of a No Project Alternative. Other alternatives may be considered during preparation of the EIR and will comply with the State CEQA Guidelines, which call for a “range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The City is currently considering analysis of the following alternatives, and is seeking input on these alternatives and any other alternative that should be evaluated as part of the EIR:

- CEQA-Required No Project Alternative (maintaining the existing buildings with no new construction); and
- Project Alternative that would reduce any environmental impacts (e.g. base-level development).

**Study Session**

On February 14, 2022, the Planning Commission held a study session to review the proposed project. The Commission members individually expressed general support for the proposed project in concept, including the design and materials, location and extent of the proposed public open space, and the request to modify the building modulation requirement. The main item of Commission feedback from the first study session was a request to reduce the parking ratio, which was proposed at approximately 2.3 spaces per 1,000 square feet of gross floor area. Additionally, during the initial review staff identified that the proposed 9,000-square-foot meeting space at the rear of the parking structure did not meet the definition of “additional commercial” space, as defined in Section 16.44.050 of the zoning ordinance, which allows an additional 10 percent FAR for community-serving uses such as restaurant or personal service uses in order to promote the live-work-play objective of ConnectMenlo. The additional GFA would have rendered the project out of compliance with the maximum FAR for the project site. The applicant has removed the meeting space from the project scope, and replaced it with additional publicly accessible open space, including a sports court. The applicant has maintained the proposed parking ratio, currently proposed at approximately 2.3 parking spaces per 1,000 square feet of gross floor area, as detailed below.

Vehicle parking and circulation

A proposed seven-story parking structure would be located in the rear of the proposed development, and would also be constructed in two phases. Four stories of the structure would be constructed during phase one and would contain 316 parking stalls. The final three stories would be constructed during phase two and would provide an additional 188 parking spaces. There would be an additional 23 surface parking spaces across the two parcels, with the surface parking primarily located along the eastern side of Building 1 and included during phase one. The existing surface parking associated with the existing 1320 Willow Road building would remain during phase one, but would be removed as part of phase two. With a final total of 527 parking spaces, the parking ratio for the site would be approximately 2.3 spaces per 1,000 square feet of gross floor area. The proposed project would comply with the parking requirements of the LS zoning district. Table 5 summarizes parking requirements for the proposed project.

Table 5: Parking requirements and proposed parking spaces	
Zoning Ordinance standards	
R&D parking ratio (spaces/1,000 s.f of GFA)	min. 1.5 and max. of 2.5 spaces per 1,000 square feet
R&D parking spaces (for 229,520 s.f. of GFA)	min. 343 and max. 570
<b>Total parking provided</b>	<b>527 spaces</b>



There would be three vehicular access points into the project site which would be located in the same general locations as existing driveways. Two of the access points would be along O'Brien Drive. Each entrance would be a two-way driveway that would lead to the parking structure in the rear of the building. The third entrance would be along Willow Road in the same location as the existing driveway. The driveway would be a right-in/right-out only which would enter from and exit onto northbound Willow Road. Movements of fire, garbage, and passenger vehicles are demonstrated on Sheets C1.1 through C1.4 in the plan set (Attachment C).

As required by the LS-B zoning regulations, the project would be required to submit a Transportation Demand Management (TDM) plan demonstrating that the project would reduce associated vehicle trips by at least 20 percent below standard generation rates for uses on the site. The TDM plan and associated trip reduction could reduce parking demand for the proposed project. The efficacy of the TDM plan will be analyzed through the environmental review process.

#### Bicycle parking and pedestrian circulation

New improvements in the public right-of-way, such as new sidewalks, would be required as part of the project. There would be a total of 48 long-term bicycle parking spaces at the site. The majority of the long-term bicycle spaces would be located on the first level of the parking garage. There would be a limited number of additional long-term bicycle parking spaces located on the first floor of each of the proposed buildings. Short-term bicycle parking racks would be located near the main entrances of each of the buildings, as well as near the sports court in the rear of the parking structure.

Pedestrians would be able to access the site from the Willow Road and O'Brien Drive frontages, which would connect directly to the main entry plazas of both proposed buildings.

#### Open space

The proposed project would be required to provide open space equivalent to 20 percent of the project site area and would be further required to provide 50 percent of the required open space (or 10 percent of the site area) as publicly accessible open space. According to the Zoning Ordinance (Chapter 16.44.120(4)(A)), publicly accessible open space is defined as:

Publicly accessible open space consists of areas unobstructed by fully enclosed structures with a mixture of landscaping and hardscape that provides seating and places to rest, places for gathering, passive and/or active recreation, pedestrian circulation, or other similar use as determined by the planning commission. Publicly accessible open space types include, but are not limited to, paseos, plazas, forecourts and entryways, and outdoor dining areas. Publicly accessible open space must:

- (i) Contain site furnishings, art, or landscaping;
- (ii) Be on the ground floor or podium level;
- (iii) Be at least partially visible from a public right-of-way such as a street or paseo;
- (iv) Have a direct, accessible pedestrian connection to a public right-of-way or easement.

The applicant is proposing to utilize two main areas as publicly accessible open space. The first area would be along the O'Brien Drive frontage where the applicant has proposed a landscaped area in front of Building 1 as publicly accessible space for passive use. The majority of the public open space would be located along the northern edge of the project site in the rear of the parking structure, which would serve as more active and semi-active space, and would include a sports court for more active recreation. During Phase 1, the area in the rear of the parking structure would be accessed either directly from the parking structure or

from a sidewalk on the eastern side of Building 1 connecting the space to O'Brien Drive. During Phase 2, additional publicly accessible open space would be provided north of Building 2, connecting the sports court to Willow Road. The applicant has identified a range of furnishings for the open space, including benches, picnic chairs and tables, ping pong tables, and a basketball court.

The applicant is requesting the removal of 13 trees in the existing planting areas, parking lots, and City trees in the public right-of-way. Ten of these trees are heritage in size and would require heritage tree removal permits. If all removals are approved by the City Arborist, the applicant would be required to replace the value of the existing trees and comply with replacement standards for City trees.

### Design standards

In the LS zoning district, all new construction and building additions of 10,000 square feet of GFA or more must meet design standards subject to architectural control review. The design standards regulate the siting and placement of buildings, landscaping, parking, and other features in relation to the street; building mass, bulk, size, and vertical building planes; ground floor exterior facades of buildings; open space, including publicly accessible open space; development of paseos to enhance pedestrian and bicycle connections between parcels and public streets in the vicinity; building design, materials, screening, and rooflines; and site access and parking. Modifications to design standards may be requested through a use permit.

### *Architectural style and building design*

The design of the proposed life sciences buildings would have a contemporary architectural style, utilizing low-e blue tinted bird friendly glass, along with glass fiber reinforced concrete (GFRC) panels for the majority of the building facades. The glass portions of the facades would have aluminum mullions. The GFRC panels would be white and the vertical accent panels would be gray.

Both buildings would generally be rectangular in shape with east-west orientations. The main façade for Building 1 would run along O'Brien Drive and would feature a decorative, V-shaped structure on the eastern facade creating an awning above the main entrance. Building 2 would have a more slender façade along Willow Road with a grey GFRC tower creating the main entrance. Each building would have a rooftop deck for employee use. A portion of each rooftop deck would be covered with a metal panel trellis. Rooftop mechanical equipment would be screened with corrugated aluminum paneling.

The parking structure would be primarily constructed of concrete. Two different colors of flexible metal mesh would be used to screen vehicles and provide variety on the elevations.

### *Major and minor modulations*

The design standards for the LS-B zoning district require modulations on facades facing publicly accessible spaces. A building must have a minimum of one recess of 15 feet wide by 10 feet deep per every 200 feet of facade length. Building 1 would include a modulation along O'Brien Drive. The zoning ordinance states that the modulation must reach the base height (at least 45 feet) at a minimum. The applicant is requesting a use permit to modify the building modulation requirement on Building 1 to allow for the building modulation to only extend to 34 feet in height. The applicant states that the podium height of each floor is proposed to be 17 feet in height and that requiring the modulation to reach 45 feet would place the top of the modulation between floors. The alternative would be to modulate the building to the top of the third floor, reaching a height of 51 feet, which would comply with the modulation requirement. The Planning Commission previously reviewed the modification to the modulation and was generally supportive of the modification to the Zoning Ordinance requirement.

Building 2 would only require modulations along the north elevation where the building faces the publicly



accessible open space. The applicant has proposed a modulation 10 feet in depth and 32 feet in width, which complies with the modulation requirement. The front elevation facing Willow Road does not require a modulation since it is less than 200 feet in width. However, the applicant has proposed two modulations to provide visual interest to the façade.

#### *Ground floor exterior*

Ground floors fronting publicly accessible spaces are required to have a minimum transparency (e.g. clear glass windows) of 40 percent along mixed use collector streets and boulevards. The applicant has provided diagrams calculating the ground floor transparency, and staff has determined that the proposed buildings are generally compliant with transparency requirements. Additionally, the proposed buildings are generally compliant with the minimum ground floor height requirement of 15 feet, and entrance requirements of one entrance per public street frontage.

#### Summary

With regard to the application of basic LS district design standards and zoning ordinance requirements, staff believes that the application would generally be in compliance based on staff analysis. However, a use permit would be required to modify the building modulation requirements for Building 1.

#### ***Green and sustainable building***

In the LS-B zoning district, projects are required to meet green and sustainable building regulations. Accordingly, the proposed building would:

- 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 Building 1 and LEED Silver BD+C for Building 2;
- Comply with the electric vehicle (EV) charger requirements adopted by the City Council in November 2022;
- Meet water use efficiency requirements;
- Locate the proposed building 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.

In addition, the 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 ordinance approved in September 2022. The applicant has requested an exception for scientific laboratory uses for non-electric space conditioning, which is subject to review and action by the Building Official. The reach codes initially went into effect beginning January 1, 2020, and were reinstated with the Building Code update that went into effect January 1, 2023. Further details regarding how the proposed building would meet the green and sustainable building requirements will be provided as the project plans and materials are further developed.

#### ***Community amenities***

The LS-B zoning district permits bonus level development, subject to providing one or more community amenities. As part of the ConnectMenlo process, a list of community amenities was generated based on

public input and adopted through a resolution of the City Council. Community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. Improvements already required of the project pursuant to existing laws and regulations (such as the publicly-accessible open space, and street improvements determined by the Public Works Director) do not qualify as community amenities. The current community amenities list is included in Attachment G.

The value of the community amenity to be provided in exchange for the bonus level development potential must equal 50 percent of the fair market value of the additional GFA of the bonus level development. The applicant must provide an appraisal performed by a licensed appraisal firm that sets a fair market value of the GFA of the bonus level of development. If an on-site amenity is not proposed, applicants have the option to pay an in-lieu payment equal to 110 percent of the required amenity value. The applicant has indicated that they intend to pay the in-lieu payment to satisfy the community amenity requirement.

The method for determining the required value of the community amenities begins with an appraisal. The applicant provides, at their expense, an appraisal performed by a licensed appraisal firm consistent with the City's current appraisal instructions. The Zoning Ordinance requires the form and content of the appraisal to be approved by the community development director. To provide the community development director with sufficient information to determine if the form and content is adequate, the city's current practice is to engage its own consulting appraiser to review the form and content of the applicant's appraisal.

The City Council is in the process of updating the community amenities list and amenities ordinance. The proposed list and ordinance amendments were reviewed by the Planning Commission at the June 5, 2023 meeting. The City Council is tentatively scheduled to review the Planning Commission's recommendation on the amendments to the Zoning Ordinance and the community amenity list update at its meeting on July 11, 2023. If adopted by the City Council, the project would be required to comply with the updated community amenities requirements and community amenities list.

### ***Planning Commission considerations***

The following topic areas are suggested by staff to guide the Commission's discussion, although Commissioners should feel free to explore other topics of interest.

- Architectural Design and Materials.
  - Architectural design of the proposed buildings and their context within the Life Science district and Bayfront area.
  - Revisions from previous study session review.
  - Proposed colors and materials.
- Site Access and Layout.
- Phased Development Approach.
  - Possible 10 year term.
- Public Open Space.
  - Proposed location.
  - Furnishings.
  - Accessibility from public rights-of-way.
- Community Amenity.
  - Suitability of an in-lieu fee payment.
- Building Height.
  - Average and maximum height limits.



### **Next steps**

Following close of the comment period on the scope and content of the EIR, City staff and its consultant will consider all comments in development of the draft focused EIR. The draft EIR is tentatively planned to be released in Fall 2023 with a minimum 45-day public review and comment period. During the 45-day review and comment period, the Planning Commission will hold a public hearing to discuss the draft EIR at which interested persons will be able to provide comments. Once the draft EIR comment period is completed, the environmental consultant will review and respond to all comments received in what is referred to as a "Response to Comments" document or final EIR. Staff will also continue to review the entitlements, including the community amenity appraisal, and will develop a fiscal impact analysis (FIA) to inform decision makers and the public of the potential fiscal impacts of the proposed project.

### **Correspondence**

As of the writing of this report, staff has received four items of correspondence on the proposed project (Attachment H). These comment letters include a letter from the Native American Heritage Commission regarding the requirements of Assembly Bill 52 and procedures for Native American notification and consultation, a letter from the Tamien Nation Native American tribe requesting formal consultation on the project, a letter generally raising concerns on biosafety levels and water demand, and a letter identifying concerns with additional large commercial development without expanding transportation options.

### **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 proposed project. The project sponsor 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**

As discussed in this report, a focused EIR tiering from the ConnectMenlo program EIR will be prepared for the proposed project. On April 12, 2022, the City Council authorized the City Manager to enter into a contract with environmental consultant Dudek to complete the environmental review and prepare an initial study and focused EIR for the proposed project. A focused EIR will be prepared only on the topics that require further analysis, including a transportation and housing analysis and other topics as described in the CEQA Review section earlier in this report, unless comments received during the current IS/NOP review period lead to adding topics to the EIR.

### **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 quarter mile radius of the subject property.

### **Attachments**

- A. Location Map
- B. Project Description Letter
- C. Hyperlink: Project Plans - <https://menlopark.gov/files/sharedassets/public/community->

[development/documents/projects/under-review/1005-o%E2%80%99brien-drive-and-1320-willow-road/feb.-2023-plans.pdf](#)

- D. Proposed Site Plan (Sheet A3.3 of project plans)
- E. Hyperlink: Notice of Preparation - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/1005-o%E2%80%99brien-drive-and-1320-willow-road/nop-final.pdf>
- F. Hyperlink: Initial Study - [https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/1005-o%E2%80%99brien-drive-and-1320-willow-road/1005-obrien-initial-study\\_june-2023.pdf](https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/1005-o%E2%80%99brien-drive-and-1320-willow-road/1005-obrien-initial-study_june-2023.pdf)
- G. Hyperlink: Community Amenities List - <https://www.menlopark.org/DocumentCenter/View/15009/6360---Community-Amenities?bidId>
- H. Correspondence

### **Disclaimer**

Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, 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:  
Corinna Sandmeier, Principal Planner  
Kyle Perata, Planning Manager





# CITY OF MENLO PARK

## LOCATION MAP

985-1005 O'BRIEN DRIVE AND 1320 WILLOW ROAD



CITY OF  
MENLO PARK  
A1

Scale: 1:5,000

Drawn By: CRT

Checked By: CDS

Date: 6/26/2023



## CUP PROJECT DESCRIPTION ■

### Project Background:

Tarlton Properties proposes a phased project to replace three existing single-story buildings with one 5-story new research and development (R&D) building, one 4-story new R&D building, and a parking garage. An outdoor sports court and extensive public open spaces will surround the new buildings. The three existing building addresses are 985 and 1001 O'Brien drive, and 1320 Willow Road. The existing buildings are located on three parcels. A lot line adjustment is requested to adjust lot lines between 1001 O'Brien and the neighboring 1035 O'Brien property, to create perpendicular lots to the right of way, as well as to merge lots on the project site. This project will be phased; the applicant intends to move quickly from completion of Phase 1 to the commencement of Phase 2, however up to ten years may be required between Phase I and Phase 2 to honor existing lease agreements. Therefore, a development agreement is requested to extend the life of the use permit and Architectural Control for Phase 2 of the development. The anticipated tenants are R&D/life science.

### Existing buildings

- Building use is storage, office, R&D
- Total 90,600 sq. ft. (0.49 FAR)
- 114 uncovered stalls on the surface parking lots
- Minimal landscaping at the front entry of 1320 Willow; no sensitive habitat

### Proposed buildings

- One 4-story and one 5-story R&D building
- Total 227,998 sq. ft. (1.24 FAR) of R&D
- 527 Parking stalls
- All buildings to be elevated 24" above BFE (12.8')
- New entry lobbies facing O'Brien Drive and Willow Road
- High performance bird friendly glazing with aluminum mullions.
- Mechanical equipment located within roof screen.
- Environmentally sensitive and pedestrian friendly landscaping along three sides of property, including facing the public right of way and Peninsula High School.

### Site, Utilities:

Public open space is provided in multiple locations for Phase 1 and 2 of the project. In Phase 1, 30% of the publicly accessible open space is located along O'Brien Drive adjacent to the street/ sidewalk. 70% of the publicly accessible open space is located adjacent to existing open space and proximate to proposed publicly accessible open spaces on three neighboring and nearby properties: playing fields for the Mid-Peninsula High School, Greenspace at 20 Kelly Court, Willow Village public park and Community space. The publicly accessible open space will also provide community access to the sports court and pedestrian proximity to the Belle Haven neighborhood on the west.



The Applicant has designed the publicly accessible open space for this project in response to community comments that asked for public open space to be aggregated with other proposed and existing open space, and to provide connections with that space from public rights of way. It is anticipated that these contiguous open spaces could eventually be linked to more publicly accessible spaces proposed along the Hetch Hetchy corridor. Additionally, publicly accessible open space leads from public rights of way to the sports court. Since this court will be used by the surrounding community, it is anticipated that the publicly accessible open space will work in conjunction with this outdoor space. In Phase 1 and 2 combined, 30% of the publicly accessible open space on the project directly fronts either Willow Road or O'Brien Drive, with the remaining open space directly accessible from those public rights of way and connecting to other existing and proposed publicly accessible open spaces. Phase 2 connection to the Public open space along the Hetch Hetchy corridor is directly connected to and visible from Willow Road as well as to O'Brien Drive via a pathway that is accessible to the public but is not counted towards project totals. Directional signage for phase 1 could be added if required to clarify that areas are open to the public.

The existing site is served by all required utilities and public services including a 4" water line for fire sprinklers. Proposed project will provide:

- New fire department connection (FDC) and backflow preventer.
- All new electrical connected underground from existing service on O'Brien Drive.
- Two new sprinkler risers for each of the building and parking garage.

### **Allocation of Uses:**

The two R&D buildings are designed to accommodate life science tenants with anticipated ratios ranging from 30-45% office and 55-70% lab areas. Tarlton Properties has supported a variety of tenants over the last 36 years. In the last 15 years the tenants have predominantly been R&D type facilities. These have included companies that design medical devices and services, develop clean technology products, and engineer environmentally sustainable foods. All tenants require lab-related, clean manufacturing environments. The open office areas adjacent to the labs provide technical working areas for scientists, lab technicians and researchers. The open office areas also provide working space for sales, marketing and office support staff. Since these companies are in the development stages of their products, their R&D staff is proportionately larger than their support staff.

Phase 1 of this project is anticipated to be initiated immediately after entitlement. During Phase 1 it is anticipated that the Wine Bank (or tenant) in the western side of 1320 Willow will remain operational. Phase 2 will follow in or before 2035.

### **Project Phasing:**

#### Phase I

- Removal of 985 and 1001 O'Brien Drive buildings as well as east half of 1320 Willow building.
- New 5 story building on O'Brien Drive
- New 5 story parking garage (4 active floors, 1 floor inactive for Phase 1)

#### Phase II

- Removal of west half of 1320 Willow building.
- New 4 story building on Willow Road
- Addition of 1.5 stories to parking garage

### **Parking and EV to Support Uses:**

#### Required:

- R&D: 343 – 573 spaces (1.5 -2.5 / 1000 SF)

#### Provided:

- R&D: 527 (2.4 / 1000 SF)

#### From parking provided:

- 23 are surface parking spaces and 504 are garage parking spaces.
- Accessible spaces are located near the building front door and on the ground floor of the garage.
- Additional stalls will be designated for EV charging stations including EV accessible parking stalls

The applicant owns and operates numerous life science facilities in Menlo Park and is continually monitoring parking needs for life science users in Menlo Park. The proposed parking is based on the applicant's assessment of needs at the time the project will be operational, and considers a TDM program that includes carpool, vanpool, and participation in carshare, bike share, and a district wide shuttle program that is timed for common commute lines on BART and CalTrain. The project TDM is designed to reduce project trips by at least 20%.

Garage Phase 1 will be built as a 5-level structure in order to provide staging space for Phase 2 and eliminate the need of reshoring of Level 3 and Level 4. During Phase 1, parking will be only available from Level 1 to Level 4. Vehicular access to Level 5 will be blocked by bollards that could be removed for fire department access only. During Phase 2 construction, Level 6 and Level 7 will be completed. Staging will be on the existing Level 5.

**Flood Elevation:** This site has a B.F.E. of 12.5 and 12.8 per the FEMA map indicated on the topo. The Public Works Department has advised to use 12.8 for the overall site. The building slab will be elevated 24" above BFE.



**Landscaping and Project Site Amenities:** Proposed site amenities and plants complement fourteen other Tarlton buildings along O'Brien Drive.

**Community Amenities:** Community amenities will be met through payment of the in-lieu fee, consistent with Section 16.44.070 (4)(B).

**Base Height Modulation Standard – Modification**

The applicant is requesting to modify the 45ft height modulation required by LS zoning to support a typical R&D office/laboratory building. The 45ft height modulation is designed to work with typical office heights.

Labs typically require 17ft floors to accommodate the increased ventilation and process pipping to support these technology heavy spaces.

We propose a building height modulation at 34ft to incorporate two 17ft stories.

This design was presented to the Planning Commission on 02/24/2022. Staff expressed favorable comments regarding this modulation.

**Hazardous Materials – Generator**

The project will include a new generator for each building to be provided at the corresponding project Phase. At Phase 1 for 1005 O'Brien Bldg and at Phase 2 for the 1320 Willow Bldg.

The Generators to be in stand-by only – 24 hrs and used for life-safety and continuous operation in the event of a power outage.

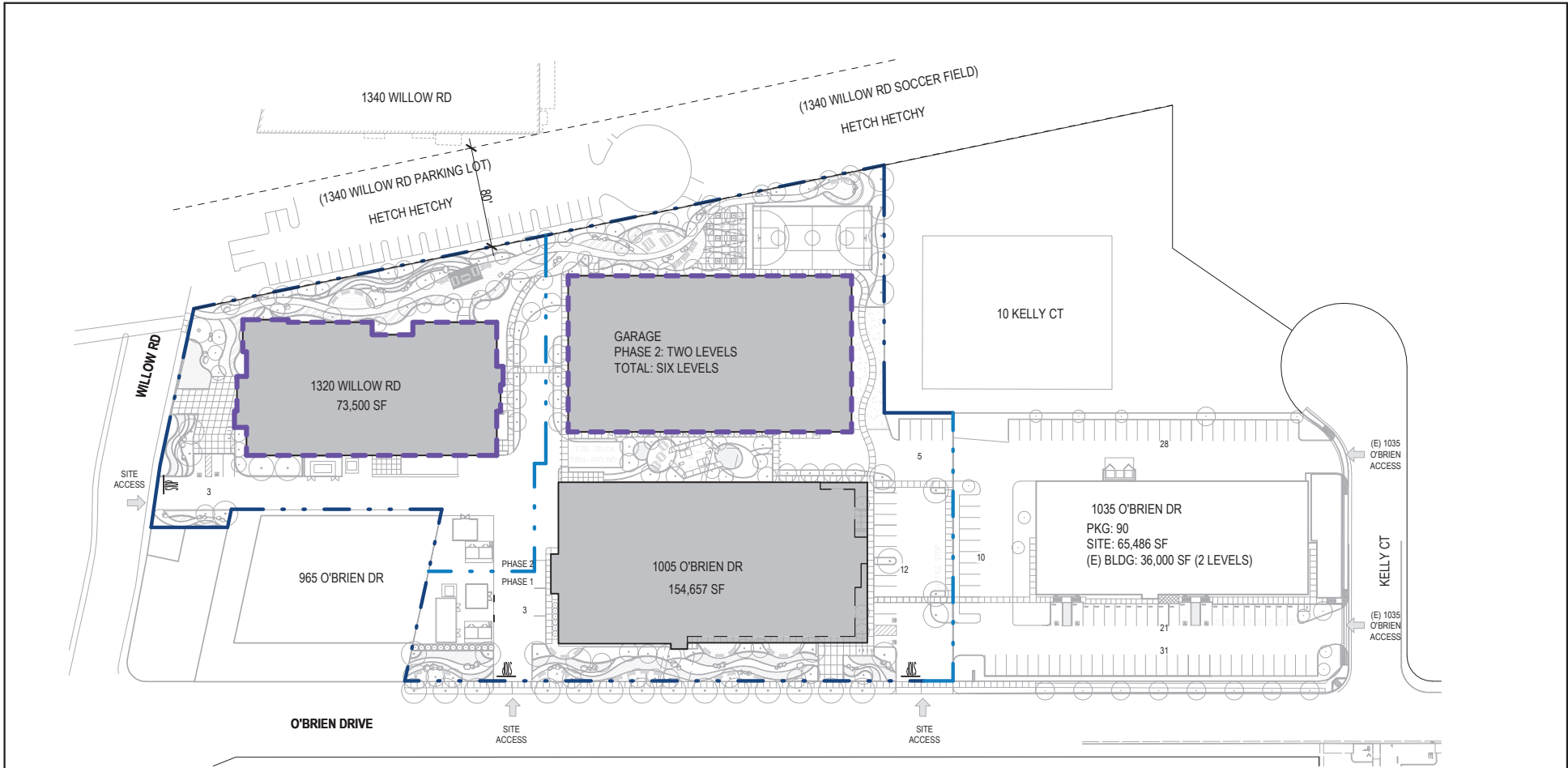
Generators to be in an enclosure which finishes match the adjacent building and hidden from street view with landscaping such as hedges and trees.

Monthly testing, monitoring and alarms are to be included. The diesel fuel tank has a Power Armor Plust textured epoxy-based rubberized coating. Both the inner and the outer tanks have UL-listed emergency relief vents. The containment tank's construction protects against fuel leaks or ruptures. The inner (primary) tank is sealed inside the outer (secondary) tank. The outer tank contains the fuel if the inner tank leaks or ruptures.

Any hazardous waste removed from the site to be manifested and transported to a licensed hazardous waste disposal site or a licensed treatment, storage, and disposal facility (TSDF) by a licensed hazardous waste transporter, subject to all applicable government regulations.

Employee training is required for all employees and/or contractors handling hazardous materials and/or hazardous wastes during normal and/or emergency operations.

Site Specific Training Plan Provided.



**1 PHASE 2**  
1" = 80'-0"

PHASE 2 SITE: 59,878 SF

- - - - - EXISTING PROPERTY LINES
- . . . . . LOT LINE ADJUSTMENT DURING PHASE 1
- - - - - PHASE 2 BUILDINGS



BM 3657/Tarlton - MenloParkLabs/1002502\_A\_1035OBD\_SHELL\_2020\_Central.rvt



985 & 1001 O'BRIEN DR  
1320 WILLOW RD  
MENLO PARK, CA 94025

10-28-2021 C.U.P. RESPONSE 1  
06-22-2022 C.U.P. RESPONSE 2  
10-28-2022 C.U.P. RESPONSE 3  
02-17-2023 C.U.P. RESPONSE 4

PHASING PLAN - PHASE 2

A3.3



© 2020



**Turner, Christopher R**

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**From:** Peter Altman <peteraaltman@gmail.com>  
**Sent:** Saturday, June 3, 2023 9:05 AM  
**To:** Turner, Christopher R  
**Subject:** 1320 Willow

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Hi Chris,  
Reading about yet another large building going up at 1320 Willow Road.

I don't see how we can continue to expand population density without adding lanes to roads and more mass transit. The brand new willow 101 over cross is packed at rush hour and cars already back up onto 101 in the evening and all the way down willow road. Far better pedestrian and cycling options are also needed to reduce the vehicle traffic. There has to be some sort of model for what each additional car costs in terms of time to cross the bridge and when you multiply that increased time by all of the people who have to bear that extra time in their lives it gets pretty expensive. A six story parking garage is likely 300 to 600 additional cars and may still not be enough for all the people who will be going into these new buildings. If I as an MP citizen were allowed to vote on increased density in this area, I would vote no. The long term costs to our society of this increased density are going to be significant and hit us every day with reduced quality of life.

There is a lot we could do that would help us improve our already high density and congested City of Menlo Park and East Palo Alto. Do we have any new park developments as opposed to refurbishments? Efforts to protect green spaces? Efforts to enhance the Bay Trail for commuters? Efforts to enhance crossing the Dumbarton for cyclists? Efforts to create walking malls as opposed to strip malls? Efforts to enhance access to CalTrans?

While these are not the projects before us – any new developments should at minimum be putting serious tax dollars on the table every year to fund such work in the years ahead – as it is only going to get worse.

Regards,  
Peter

Peter Altman  
2056 Menalto Avenue  
650-255-4532 cell

June 20, 2023

Chris Turner  
Associate Planner  
Community Development, City of Menlo Park  
701 Laurel Street, Menlo Park, CA 94025  
Via email: [crturmer@menlopark.gov](mailto:crturmer@menlopark.gov)

Subject: Comment on NOP for 1005 O'Brien and 1320 Willow Road Project

Mr. Turner,

The Initial Study and the Notice of Preparation of an EIR for this project fail to address the human health and environmental risks from siting this Life Sciences project in an area with moderate liquefaction susceptibility and in a FEMA flood zone, adjacent to residences, schools, and workplaces. This is a shortcoming of the CEQA process: an EIR is required to assess the impacts of a project on construction workers, residents, and the environment; it is not required to address the potential future impact of the environment (i.e., earthquakes, flooding, future sea level rise) on the risks after completion. Thus, those risks are classified as “no significant impact” even though such natural events are entirely predictable. This letter outlines my concerns and recommends steps to ensure public safety.

The rapid proliferation of millions of square feet of biotech labs in heavily populated areas is an issue of nationwide concern<sup>1</sup> due to the inherent risks of research involving potentially lethal pathogens. 1005 O'Brien and 1320 Willow Road is proposed as a life sciences laboratory/research and development facility. The future tenants of the buildings are unknown – this is a speculative development. There is no indication in the Initial Study of the types of research that will be conducted or of the Biosafety Levels (BSL)<sup>2,3</sup> that the buildings will accommodate.

- BSL-1 facilities work only with biological agents that do not cause disease in humans.
- BSL-2 facilities work with agents that pose a moderate risk to human health, such influenza and salmonella.

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<sup>1</sup> The National Institutes of Health (NIH) have formed an advisory committee, the National Science Advisory Board for Biosecurity (NSABB). The NSABB has held meetings in 2022 and 2023 on Biosafety, with specific focus on Potential Pandemic Pathogen Care and Oversight (PC3O) and Dual Use Research of Concern (DURC). In a transcript of a NSABB Sept 2022 meeting, a board member notes: “*We have to deal with the problem of domestic research that’s not funded by the US government. That’s a big chunk right now, especially out here in the west with Silicon Valley.*”

<sup>2</sup> CDC and NIH—Biosafety in Microbiological and Biomedical Laboratories—6th Edition  
<https://www.selectagents.gov/>

<sup>3</sup> *Understanding biosafety levels* Sierra Club webinar: <https://youtu.be/gHZIDwLk5Ak>



- BSL-3 facilities work with agents that may cause serious or lethal disease via inhalation, such as SARS-CoV2, and West Nile virus, but for which medical interventions are available.
- BSL-4 facilities work with lethal, easily transmitted agents such as Ebola and Marburg Fever and are under strict federal control. There are currently no BSL-4 labs in California.<sup>4</sup>

Menlo Park does not have any processes in place to protect residents living near BSL-3 or -4 facilities, nor are there any other agencies with responsibility for ensuring public safety or for incident response if a hazardous release of a biological agent occurs.

- There is no mention of biohazards, biosafety, or biosecurity in the Menlo Park Draft Safety Element<sup>5</sup>, in Connect Menlo<sup>6</sup>, or in the zoning ordinance that established the Life Sciences District. The Fire Department does not have training or expertise to respond to releases of biological agents. The City is completely unprepared for a biohazard release incident.
- San Mateo County Environmental Health staff report<sup>7</sup> that they have no authority or responsibility for biohazard incidents, except for the Coronavirus pandemic. The State hazardous materials databases, which the fire department and emergency responders depend upon, include chemical and radiological hazards but do not include biological hazards.
- Other than licensing companies to work with select hazardous organisms, the federal government does not regulate private biotech labs. A Tarleton Properties representative implied in a study session for the 1025 O'Brien project that the federal licensing process ensures community safety<sup>8</sup>. It does not. Those federal regulations apply only to a short list of livestock and plant toxins.<sup>9</sup> The National Institutes of Health guidelines for BSL levels 1-4 practices and building design are mandatory for federally financed labs but voluntary for private labs.

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<sup>4</sup> <https://www.globalbiolabs.org/map> Accessed 6/19/23.

<sup>5</sup> <https://menlopark.gov/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/Housing-Element/2023-2031-Housing-Element-Update/Safety-Element>

<sup>6</sup> <https://menlopark.gov/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/ConnectMenlo>

<sup>7</sup> In a meeting between the San Mateo County Office of Environmental Health and the Sierra Club Biosafety working group.

<sup>8</sup> Video of April 10, 2023 Menlo Park Planning Commission Meeting. <https://youtu.be/1KbK-l4zesq>

<sup>9</sup> 42 CFR 73, 7 CFR Part 331, and 9 CFR 121

With respect to the 1005 O'Brien and 1320 Willow Road NOP, which does not address the concerns expressed in this letter, I have the following request for topics to be added to the EIR:

1. Evaluate risks associated with the BSL levels proposed for the project in the case of an accidental release of hazardous bioagents.

- Since future tenants are unknown, the EIR should evaluate the potential impacts on human health and the environment of an accidental release of the full spectrum of biological agents that the building infrastructure will be designed to accommodate. For example, if the HVAC system is sized to support negative air pressure and airflow requirements required by BSL-3 laboratory guidelines, the EIR should evaluate the consequences of a failure of that system, consequent release of BSL-3 infectious agents, and the resulting impact on nearby residents, including children at schools located within 1000 feet of the buildings.
- Identify the public agencies that will respond to a release of a hazardous, contagious biological agent and list the specific training, equipment and supplies that will be required to support that response.
- Provide details on how the buildings, systems and backup power will be designed to avoid release of biological agents after large earthquakes, liquefaction, or flooding. Assume that grid power will be unavailable for more than 48 hours after the event, as occurred during storms in 2023. If backup power will rely on diesel generators, evaluate how much fuel storage will be required and assess the health risks to nearby residents (including school children) from inhalation of diesel soot.
- Describe whether the facilities will be designed to accommodate live animal testing, and if so, what types of test organisms is it designed to support.

2. Describe the potable water needs of the facilities

Biosafety facilities use large amounts of potable water by nature of their operations. High-containment labs may be unable to significantly minimize water use due to clean water requirements for lab operations and sterilization procedures. One recently approved 410,000 square foot Life Science development in San Carlos will use 27 million gallons of water per year.<sup>10</sup> The City of Menlo Park needs this information to determine whether the

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<sup>10</sup> 642 Quarry Road Life Science Project City of San Carlos Response to Comments April 2023, p.59 [https://www.cityofsancarlos.org/642%20Quarry%20Road\\_Response-To-Comments\\_202304011\\_Final\\_no%20attachments.pdf](https://www.cityofsancarlos.org/642%20Quarry%20Road_Response-To-Comments_202304011_Final_no%20attachments.pdf)



cumulative build-out of the Life Sciences District will strain water allocations or lead to rate increases for residents.

The CEQA process is insufficient to protect public health and safety from potential hazards of life sciences developments. Biosafety for private biotech labs and R&D facilities should properly be addressed at the federal, state or, at a minimum, the county level. However, Menlo Park cannot wait for that to happen – there are currently six proposed biotech developments in the Life Sciences District, each of which is a potential hazard to the community. I recommend that the City Council consider a temporary ban on BSL-3 and -4 research and development within city limits until an ordinance is developed. The ordinance should include auditing and record-keeping requirements to verify that tenants are complying. The city staff will need to evaluate whether expertise is available in house or would require a consultant.

Thank you for considering my comments.

Naomi Goodman, MSPH



Menlo Park, CA  
[nlgoodman@hotmail.com](mailto:nlgoodman@hotmail.com)  
650-322-2124

Cc: Menlo Park Planning Commission



## NATIVE AMERICAN HERITAGE COMMISSION

June 2, 2023

Christopher Turner  
City of Menlo Park  
701 Laurel St.  
Menlo Park, CA 94025

**Re: 2023060072, 1005 O'Brien Drive and 1320 Willow Road, San Mateo County**

Dear Mr. Turner:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

ACTING CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo; Yuki,  
Nomlaki

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**Vacant**

COMMISSIONER  
**Vacant**

COMMISSIONER  
**Vacant**

EXECUTIVE SECRETARY  
**Raymond C.  
Hitchcock**  
Miwok, Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. **Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. **Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. **Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. **Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. **Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Cody.Campagne@nahc.ca.gov](mailto:Cody.Campagne@nahc.ca.gov)

Sincerely,

*Cody Campagne*

Cody Campagne  
Cultural Resources Analyst

cc: State Clearinghouse



## Turner, Christopher R

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**From:** Quirina Geary <qgeary@tamien.org>  
**Sent:** Monday, June 12, 2023 11:49 AM  
**To:** Turner, Christopher R  
**Cc:** Lillian Camarena; Johnathan Costillas  
**Subject:** Fwd: Notice of Preparation and Initial Study released for proposed 1005 O'Brien Drive and 1320 Willow Road project

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Dear Chris Turner,

Good afternoon. Thank you for the notification. On behalf of Tamien Nation, we thank you for your time and effort to contact us. We are requesting formal consultation on the 1005 O'Brien Drive and 1320 Willow Road Project. Please provide the requested documentation for our review at least 10 day prior to setting up a consultation meeting.

You can view our availability and schedule a meeting with us here: <https://calendly.com/tamien/ab-52sec106-consultation>

Thank you and we look forward to working with you.

Best regards,

**Quirina Luna Geary**

Chairwoman

Tamien Nation

[www.tamien.org](http://www.tamien.org)





## **Notice of Preparation and Initial Study released for proposed 1005 O’Brien Drive and 1320 Willow Road project**

On Friday, June 2, 2023, the City released the [Notice of Preparation \(NOP\)](#) and [Initial Study \(IS\)](#) for the proposed 1005 O’Brien Drive and 1320 Willow Road project. The release of the Initial Study begins the 30-day comment period required by the California Environmental Quality Act (CEQA) Guidelines Section 15082. The 30-day comment period is set from Friday, July 2, 2023, to Wednesday, July 5, 2023, at 5 p.m., and has been extended to 33 days to account for the Independence Day holiday.

The proposed project includes a new five-story research and development building (154,381 square feet), a new four-story research and development building (73,617 square feet), and a new parking structure. The project would be constructed in two phases, beginning with construction of the five-story building and four stories of the parking structure in Phase 1, and the four-story building and the remaining three stories of the parking structure in Phase 2. More details on the proposed project are available on the [1005 O’Brien Drive and 1320 Willow Road project page](#).

In accordance with CEQA, the certified program-level ConnectMenlo EIR will serve as the first-tier environmental analysis. Further, the Draft EIR will be 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 will be prepared to address potential physical environmental effects of the proposed project in the following areas: population and housing, transportation, air quality, greenhouse gas emissions and noise (operation – traffic noise, construction noise and vibration). The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code.

The City is requesting comments on the Initial Study with the comment period starting Friday, June 2, 2023, and ending at 5 p.m. Wednesday, July 5, 2023.



Copies of the Initial Study and NOP are available on the City's website at <https://menlopark.gov/1005OBrien>. This email is meant to notify you of the NOP of an EIR for the proposed 1005 O'Brien Drive and 1320 Willow Road project as you or your agency may be interested in reviewing and commenting on the scope of environmental review for the proposed project. This email is not intended to confer responsible agency status to you or your agency.

Written comments should be submitted by email to [Associate Planner Chris Turner](#) or by letter to Chris Turner, Community Development, 701 Laurel St., Menlo Park, CA 94025. Email correspondence is preferred.

The Planning Commission is scheduled to hold a hybrid public hearing on the scope of the EIR and a study session on the project in the City Council Chambers and via Zoom, on Monday, June 26, 2023, at 7 p.m. or as near as possible thereafter. During the meeting, staff will request comments on the Initial Study and scope of the EIR from members of the public and the Planning Commission.

Following the close of the Initial Study public review period on July 5, 2023, staff will prepare an EIR to determine the environmental impacts of the proposed project.



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TAMIEN NATION  
P.O. Box 8053, San Jose, California 95155  
(707) 295-4011 tamien@tamien.org

Sent Via Email:

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b),(d) and (e),

Project:

Dear

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Tamien Nation requested formal notice and information for all projects within your agency's geographical jurisdiction on (find copy of the letter attached) and received project notification on

Tamien Nation requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

Tamien Nation also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2(, subd. (a):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies standards used by you agency or to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources

Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:



- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
  - a. Protecting the cultural character and integrity of the resource;
  - b. Protection the traditional use of the resource; and
  - c. Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Additionally, Tamien Nation would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System(CHRIS), including, but not limited to:
  - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
  - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
  - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
  - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at [http://www.nahc.ca.gov/slf\\_request.html](http://www.nahc.ca.gov/slf_request.html). USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that “feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts.” *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter. Please contact Tamien Nation lead contacts:

Quirina Geary,  
Chairwoman  
PO Box 8053  
San Jose, CA 95155  
(707) 295-4011  
[qgeary@tamien.org](mailto:qgeary@tamien.org)

Johnathan Costillas  
Tamien Nation, THPO  
PO Box 866  
Clearlake Oaks, CA 95423  
(925) 336-5359  
[jcostillas@tamien.org](mailto:jcostillas@tamien.org)

Please refer to identification number \_\_\_\_\_ in any correspondence concerning this project. Thank you for providing us with this notice and the opportunity to comment.

Sincerely,



Quirina Geary  
Chairwoman

cc: Native American Heritage Commission





**TAMIEN NATION**  
OF THE GREATER SANTA CLARA COUNTY  
P.O. BOX 8053, SAN JOSE, CALIFORNIA 95155  
(707) 295-4011 TAMIEN@TAMIEN.ORG

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November 22, 2021

City of Menlo Park  
Deanna Chow, Assistant Community Development Director  
(650) 330-6702  
planning@menlopark.org

Re: California Environmental Quality Act Public Resources Code section 21080.3, subd. (b) Request for Formal Notification of Proposed Projects Within the Tamien Nation's Geographic Area of Traditional and Cultural Affiliation

Dear Ms. Chow:

As of the date of this letter, in accordance with Public Resources Code Section 21080.3.1, subd. (b), the Tamien Nation which is traditionally and culturally affiliated with a geographic area within your agency's geographic area of jurisdiction, requests formal notice of and information on proposed projects for which your agency will serve as a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

Please send all notices of proposed projects from your agency to the following tribal representatives:

Johnathan Costillas, Tribal Cultural Resource Officer  
PO Box 866  
Clearlake Oaks, CA 95423  
(916) 336-5359, Email: jcostillas@tamien.org

Tamien Nation, Chairwoman Quirina Luna Geary  
PO Box 8053  
San Jose, CA 95155  
(707) 295-4011, Email: qgeary@tamien.org

We request that all notices be sent via email and certified U.S. Mail with return receipt. Following receipt and review of the information your agency provides, within the 30-day period proscribed by Public Resources Code section 21080.3.1, subd. (d), the Tamien Nation may request consultation, as defined by Public Resources Code section 21080.3.1, subd. (b), pursuant to Public Resources Code section 21080.3.2 to mitigate any project impacts a specific project may cause to tribal cultural resources.

We thank you for your time and look forward to working with your agency. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Quirina Luna Geary'.

Quirina Luna Geary  
Tribal Chairwoman