



REGULAR MEETING AGENDA

Date: 8/28/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

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

How to participate in the meeting

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

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

Subject to change: The format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the city website menlopark.gov. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.gov/agendas).

Regular Meeting

A. Call To Order

B. Roll Call

C. Reports and Announcements

D. Public Comment

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

E. Consent Calendar

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

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

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

F. Public Hearing

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

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

F3. Use Permit/Chris Kummerer/1350 Delfino Way:

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

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

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

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

- A new multi-family residential apartment building with 316 units (48 BMR units);
- An approximately 2,000 square foot commercial space on the ground floor of the residential apartment building;
- 116 for-sale townhome condominium units in 22 buildings, including 18 BMR townhome units; and
- A total of approximately 475,171 square feet of residential gross floor area, with a total floor area ratio of 134 percent.

The proposed project is located in the R-MU-B (Residential Mixed Use Bonus) zoning district at 119, 123-125 and 127 Independence Drive, and 1205 Chrysler Drive and 130 Constitution Drive. The proposal includes a request for an increase in floor are ratio (FAR), height, and density under the bonus level development allowance in exchange for community amenities. The proposed project includes 48 rental units and 18 for-sale townhome units (15 percent of the total units) affordable to low-income households pursuant to the City's BMR Housing Program and Guidelines. The applicant is proposing to provide eight additional rental BMR units affordable to low-income households as the community amenity in exchange for bonus level development, which would result in a total of 74 BMR units (56 rental units and 18 for-sale townhome units). The

applicant is requesting concessions and waivers pursuant to the State Density Bonus Law to allow for the development of for-sale affordable housing units as proposed. Additionally, pursuant to Section 13 of the City's BMR Housing Guidelines, the applicant is requesting modifications to several guidelines. The proposal also includes a vesting tentative map for a major subdivision for parcel management and to create the 316 for-sale townhome units. The City Arborist conditionally approved the removal of 29 heritage trees.

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

G. Informational Items

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

- Regular Meeting: September 11, 2023
- Regular Meeting: September 18, 2023

H. Adjournment

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

At every special meeting of the Planning Commission, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during

consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

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

Any writing that is distributed to a majority of the Planning Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.gov. Persons with disabilities, who require auxiliary aids or services in attending or participating in Planning Commission meetings, may call the City Clerk's Office at 650-330-6620.

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 and can receive email notifications of agenda postings by subscribing at menlopark.gov/subscribe. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 8/23/2023)



REGULAR MEETING DRAFT MINUTES

Date: 7/10/2023
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 7:04 p.m.

B. Roll Call

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

Absent: Andrew Barnes, Katie Ferrick

Staff: Calvin Chan, Senior Planner; Rambod Hakhamaneshi, Senior Civil Engineer; Fahteen Khan, Associate Planner; Matt Pruter, Associate Planner; Corinna Sandmeier, Principal Planner; Chris Turner, Associate Planner

C. Reports and Announcements

Principal Planner Corinna Sandmeier reported the City Council at its July 11, 2023 meeting would consider an item to clarify the process for determining the appraisal value for bonus level development projects and an updated community amenities list for Bayfront projects as well as hold a study session on the preferred concept for the Middle Avenue Caltrain crossing.

D. Public Comment

None

E. Consent Calendar

None

F. Public Hearing

- F1. Use Permit/Salar Safaei/1380 Cotton Street:
Consider and adopt a resolution to approve a use permit for excavation within the required side setbacks (east and west) for two basement lightwells associated with a new two-story residence on a standard lot 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 also includes an attached accessory dwelling unit (ADU), which is a permitted use, and not subject to discretionary review. ([Staff Report #23-045-PC](#))



Senior Planner Calvin Chan introduced the item.

Mehdi Maghsoudnia, property owner, spoke on behalf of the project.

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

ACTION: Motion and second (Ehrich/Schinder) to adopt a resolution to approve a use permit for excavation within the required side setbacks (east and west) for two basement lightwells associated with a new two-story residence on a standard lot in the R-1-S (Single Family Suburban Residential) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures; passes 5-0 with Commissioners Barnes and Ferrick absent.

F2. Use Permit/Jensen Smith/1055 San Mateo Drive:

Consider and adopt a resolution to approve a use permit to construct first-story additions and interior alterations to an existing nonconforming one-story, single-family residence located in the R-1-S (Single Family Suburban Residential) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities. The proposed work would exceed 75 percent of the replacement value of the existing nonconforming structure in a 12-month period. ([Staff Report #23-046-PC](#))

Associate Planner Matt Pruter reported an additional email public comment was received in support of the project.

Justin Pirzadeh, property owner, spoke on behalf of the project.

Chair Harris opened the public hearing.

Public Comment:

- Sally Cole, Complete Streets Commission, said she was speaking as an individual. She said her property had proximity to the subject property and expressed concerns about the nonconforming setback and privacy and noise impacts. She requested that a landscape plan be resubmitted with more noise mitigation plantings if the project was approved and that the noticing be changed to provide plans to neighbors three business days in advance.

Chair Harris closed the public hearing.

Staff upon request clarified the public notice process for use permit applications.

Gary McClure, project manager, upon request, clarified the pool equipment would be relocated and enclosed in a sound enclosure, an insulated fence structure. He said three heritage Sequoia trees on the property reduced the viable planting area.

Commission discussion noted a use permit runs with the land and not the owner, the additions met setback requirements, past actions to allow projects to maintain nonconforming features were consistent, and the challenges of planting near Sequoia trees.

ACTION: Motion and second (Do/Schindler) to adopt a resolution to approve a use permit to

construct first-story additions and interior alterations to an existing nonconforming one-story, single-family residence located in the R-1-S (Single Family Suburban Residential) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities; passes 5-0 with Commissioners Barnes and Ferrick absent.

- F3. Architectural Control/Jonathan Hitchcock/1467 Chilco Street:
Consider and adopt a resolution to approve an architectural control permit for exterior and interior modifications to an existing public facility (Fire Station Number 77). The proposal includes additions for a new fitness room, expansion of the existing mechanic shop, and construction of a new carport. This proposal also includes interior remodeling to the fire station and the addition of an accessible parking stall, in the P-F (Public Facilities) zoning district. Determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities ([Staff Report #23-047-PC](#))

Associate Planner Fahteen Khan commented that there were no updates to the written report.

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

Jon Hitchcock, Menlo Park Fire Protection District, spoke on behalf of the project and described the neighborhood outreach.

Staff shared visuals of the project plans.

ACTION: Motion and second (Schindler/Ehrich) to adopt a resolution to approve an architectural control permit for exterior and interior modifications to an existing public facility (Fire Station Number 77) and determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities; passes 5-0 with Commissioners Barnes and Ferrick absent.

- F4. Easement abandonment for 1585 Bay Laurel Drive:
Adopt a resolution determining that the vacation of a storm drain easement lying within 1585 Bay Laurel Drive is consistent with the General Plan and recommending that the City Council approve the requested abandonment; determine this action is categorically exempt under CEQA Guidelines Section 15305's Class 5 exemption for minor alternations in land use limitations. ([Staff Report #23-048-PC](#))

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

Senior Civil Engineer Rambod Hakhamaneshi noted a typographical error on page A2 of the resolution and that the correct address was 1585 Bay Laurel Drive and not 1701.

Commissioner Ehrich clarified stormwater need with staff and that only 30 foot of a 60 foot storm drain easement was being requested for vacation.

ACTION; Motion and second (Riggs/Schindler) to adopt a resolution with the correction as noted by staff on page A2 determining that the vacation of a storm drain easement lying within 1585 Bay Laurel Drive is consistent with the General Plan and recommending that the City Council approve the requested abandonment and determine this action is categorically exempt under CEQA Guidelines Section 15305's Class 5 exemption for minor alternations in land use limitations; passes 5-0 with Commissioners Barnes and Ferrick absent.

G. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: July 24, 2023

Planner Sandmeier said the agenda for July 24 would have an item on General Plan and Specific Plan amendments for street closures downtown, an information item on the environmental justice and safety elements, and Willow Village architectural control permits for parcels 6 and 7.

- Regular Meeting: August 14, 2023

I. Adjournment

Chair Harris adjourned the meeting at 8:00 p.m.

Staff Liaison: Corinna Sandmeier, Principal Planner

Recording Secretary: Brenda Bennett



REGULAR MEETING DRAFT MINUTES

Date: 7/24/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

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

B. Roll Call

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

Absent: Cynthia Harris (Chair)

Staff: Calvin Chan, Senior Planner; Kyle Perata, Planning Manager; Vanh Malathong, Community Development Technician; Chris Turner; Associate Planner

C. Reports and Announcements

Planning Manager Kyle Perata reported that the City Council at its July 11, 2023 meeting had adopted an updated community amenities list and introduced the community amenities ordinance amendments with a second reading tentatively scheduled for its August 14, 2023 meeting.

D. Public Comment

None

E. Consent Calendar

None

F. Public Hearing

- F1. Architectural Control and Use Permits/Peninsula Innovation Partners, LLC/1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court:
Consider and adopt resolutions to approve architectural control review for buildings and site improvements for the Hotel, a residential building (Parcel 6), and the standalone senior below market rate (BMR) housing building (Parcel 7), associated with the approved Willow Village masterplan development project. The masterplan, including the general plan amendment, rezoning and zoning map amendment, vesting tentative maps, conditional development permit, development agreement, and BMR housing agreements were approved by the City Council on December 6 and 13, 2022 and authorize up to 1.6 million square feet of office and accessory uses (with a maximum of 1.25 million square feet for office uses and the balance for accessory uses), up to 1,730 dwelling



units (including 312 BMR units), up to 200,000 square feet of retail and restaurant uses, and an up to 193 room hotel. The architectural control reviews by the Planning Commission check for conformance with the approved masterplan, conditional development permit, development agreement, mitigation monitoring and reporting program (MMRP) for the certified environmental impact report, the R-MU (residential mixed use) and O (Office) zoning districts, and other applicable requirements from the masterplan governing documents. The requested actions implement the Willow Village masterplan project and are consistent with the MMRP for the environmental impact report prepared for the proposed project and certified by the City Council on December 6, 2022. Therefore nothing further is required under the California Environmental Quality Act. (Staff Report #23-049-PC)

The Planning Commission is scheduled to review three separate architectural control packages and use permit requests for the Hotel, the residential building on Parcel 6, and the standalone senior BMR housing building (Parcel 7). The Hotel would include up to 193 rooms and total approximately 162,000 square feet in size, including approximately 23,000 square feet of ground floor retail and restaurant uses. The residential building on Parcel 6 would include up to approximately 178 dwelling units, including 20 BMR units. The residential building on Parcel 7 would include 119 senior BMR units and one manager's unit. Additional architectural control packages will be considered at future meetings. The proposals include associated use permit requests for modifications to design standards anticipated by the masterplan but not included in the conditional development permit. The use permit requests are generally summarized below:

Hotel

- Decrease the required interior setback; and
- Modify the projection allowances for awnings, signs, and canopies, including an allowance to encroach into the public access easement (West Street).

Parcel 6

- Modify modulation requirements along the building façade fronting the publicly accessible park.

Associate Planner Chris Turner presented an introduction to the item and a review of the Master Plan Conditional Development Permit (CDP) and Development Agreement (DA).

Paul Nieto, Signature Development Group, Jaron Lubin, Safdie Architects, and Marcial Chao, Pyatok, spoke on behalf of the project.

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

Mr. Nieto upon request provided information on the project's transportation demand management (TDM) program including a community shuttle associated with the grocery store to include Belle Haven and Bayfront area past Marsh Road and an extensive bicycle program. He noted that onstreet parking had been eliminated in structures with shared parking. He said nothing had gelled for establishing better connection to the East Bay, but dialogue would continue.

Commission comments included support for the hotel, bird safety design, and senior housing but also concern about the project's traffic impacts.

Commissioner Ferrick moved to approve the Hotel as recommended in the staff report.

Additional Commission comments praised the architectural design and support for the modifications to the design standards for all the structures with a request to vote separately on the hotel, parcel 6 and parcel 7. Also continued interest in solving connectivity issues was expressed.

ACTION: Motion and second (Ferrick/Schindler) to adopt a resolution as recommended in the staff report as Attachment A to approve use permit and architectural control review for buildings and site improvements for the Hotel associated with the approved Willow Village masterplan development project; passes 5-1 with Commissioner Riggs opposed and Commissioner Harris absent.

ACTION: Motion and second (Schindler/Ehrich) to adopt a resolution as recommended in the staff report as Attachment B to approve use permit and architectural control review for buildings and site improvements for a residential building (Parcel 6), associated with the approved Willow Village masterplan development project; passes 5-1 with Commissioner Riggs opposed and Commissioner Harris absent.

ACTION: Motion and second (Riggs/Ferrick) to adopt a resolution as recommended in the staff report as Attachment C to approve architectural control review for buildings and site improvements for the standalone senior BMR housing building (Parcel 7); passes 6-0 with Commissioner Harris absent.

F2. General Plan Circulation Element and El Camino Real/Downtown Specific Plan Amendments/City of Menlo Park.

Consider amendments to the City of Menlo Park General Plan Circulation Element and El Camino Real/Downtown Specific Plan to allow for the City Council to consider closing a portion of Santa Cruz Avenue and public alleys (e.g. Ryans Lane) to vehicle traffic. The proposed amendments would modify the street classifications in the General Plan Circulation Element to incorporate an Alley designation within the Local Access Street classification, and allow for the City Council to consider street closures within the Main Street (e.g., Santa Cruz Avenue) and Local Access Alley classifications, and allow for the City Council to consider additional street closures on Santa Cruz Avenue in additional locations to the Central Plaza identified in the Specific Plan. Additional clarifying text amendments would be required in both the El Camino Real/Downtown Specific Plan and General Plan Circulation Element for internal consistency and consistency between each plan. The proposed amendments would be limited to minor circulation changes and modifications to public space and would not increase the development potential of the General Plan or El Camino Real/Downtown Specific Plan. The Planning Commission is a recommending body to the City Council on the proposed amendments. If the City Council approves the proposed amendments, the City Council may consider actions to close the street segment and alley as a separate action. The City Council certified a program level environmental impact report (EIR) as part of approving the General Plan Update on November 29, 2016, and certified a subsequent EIR to the General Plan Program EIR as part of adopting the Housing Element Update on January 31, 2023; the City Council certified a different program level EIR as part of approving the El Camino Real/Downtown Specific Plan on June 5, 2012. Each proposed amendment has been evaluated regarding the impacts identified in its respective certified EIR, and that analysis found that the proposed amendments would not result in new impacts or an increase in severity of previously identified impacts, or otherwise require additional environmental review or processing under the California Environmental Quality Act (CEQA). An Addendum to each certified EIR has been prepared as authorized under CEQA to describe the proposed amendment and its relationship to the original approval and its already-recognized environmental impacts; Determine that the proposed General Plan and Downtown Specific Plan Amendments, as outlined in each Addendum, are consistent with the

respective certified EIR and that no further environmental review is required under CEQA Guidelines sections 15162 and 15164. (Staff Report #23-050-PC)

Planning Manager Perata said staff and the commission received an item of correspondence prior to this evening relaying concerns about the potential for more permanent or long term street closures.

Replying to Commissioner Riggs, Mr. Perata will follow up later with data as to outreach to retailers on Santa Cruz Avenue regarding the proposed amendments.

Vice Chair Do opened the public hearing.

Public Comment:

- Randy Avalos said the use of the commons favored one type of business over another and that should be considered as a policy issue. He said that for some people driving was a necessity to get to work.

Vice Chair Do closed the public hearing.

Commissioner Barnes said he would like more discussion on connecting people east of El Camino Real to the downtown.

Commissioner Riggs said he could not support giving the City Council flexibility to close westbound Santa Cruz Avenue.

Replying to Commissioner Schindler, Mr. Perata said it would be inconsistent with the current circulation element to close Santa Cruz Avenue to vehicular traffic. He said a longer-term closure beyond the temporary closure put into place during the pandemic would need the amendments to the general plan as discussed in the staff report.

Commissioner Riggs moved to adopt the resolution, Attachment A, and resolution, Attachment B, in the staff report with the modification to allow alley closures but only allow the closure of one side of El Camino Real as it was currently used and that need, desire and financial backing were demonstrated on the eastbound side of Santa Cruz Avenue (600 block) for street closure. He said if later there was interest in closing an entire block of Santa Cruz Avenue for a pedestrian mall that there would be an appropriate process, including a Planning Commission public hearing.

Mr. Perata said the motion as he heard it was to recommend approval to the City Council for the proposed circulation element amendments in Attachment A with the modification that the Main Street designations would only allow for one way street closures and only within the 600 block of Santa Cruz Avenue. He said staff rather than using addresses bounded by the two streets would look at other language to achieve the same intent. He said Attachment B might also need to be modified. Vice Chair Do said the proposed amendments as described in the staff report would not create more street closures but would give City Council policy flexibility. She said as such she could support the proposed but heard Commissioner Riggs' caution based on experience.

Commissioner Ferrick noted the proposed amendments would provide the City Council flexibility and she said she would not want to limit the proposed general plan amendment on the current location of a couple of restaurants.

Commissioner Riggs said he would like to reword his modification to the proposed amendments such that the intent was to maintain a level of traffic flow but was responsive to investments of restauranteurs and not tied to a specific block.

Commissioner Barnes said the proposed amendments allowed for the development of a best practice for what the community wanted for this particular area. He said if the motion on the table failed that he would move to approve as recommended in the staff report.

Vice Chair Do confirmed that Commissioner Riggs' motion was to recommend approval of the proposed amendments to the general plan and specific plan with the modification to ensure at least one directional traffic flow was maintained as opposed to full closure of a block.

Replying to Commissioner Ferrick, Mr. Perata said with a proposed street closure that the City Council would evaluate the circulation at large as well as any other uses within that closed street that might either conflict with or enhance the circulation through a public review process.

Commissioner Riggs' motion died for lack of a second.

ACTION: Motion and second (Barnes/Schindler) to adopt the resolution shown as Attachment A to the staff report recommending the City Council amend the Circulation Element of the General Plan and the resolution shown as Attachment B to the staff report recommending the City Council amend the El Camino Real/Downtown Specific Plan; passes 5-1 with Commissioner Riggs opposed and Commissioner Harris absent.

G. Informational Items

- G1. Summary of Environmental Justice and Safety Elements feedback from June 20 joint Planning Commission/City Council study session and next steps. (Staff Report #23-051-PC)

Replying to Commissioner Schindler, Senior Planner Calvin Chan said staff and the consultants were looking at ways to streamline and reduce the quantity of the policies and programs and still maintain the overall community feedback. He said they wanted to provide an action framework that was prioritized and also manageable in terms of implementation.

Replying to Commissioner Barnes, Planner Chan said at the June 20 joint study session some discussion ensued about potential funding sources and community amenities were raised. He said as part of the next study session on this with the Planning Commission, staff was looking at ways to identify different funding sources to help action items including community amenities.

- G2. Future Planning Commission Meeting Schedule

Mr. Perata said for the August meeting dates that the Commission might potentially see the 123 Independence Drive project, the 1125 O'Brien Drive project, and amendments to the zoning ordinance to facilitate electrification of existing buildings. He said a study session for the housing element zoning ordinance updates was likely to be on the August 14, 2023 agenda.

Commissioner Barnes expressed interest in changing the Planning Commission meeting start time to 6 p.m. Mr. Perata indicated staff could poll the Commission about a preferred start time.

H. Adjournment

Vice Chair Do adjourned the meeting at 9:48 p.m.

Staff Liaison: Kyle Perata, Planning Manager

Recording Secretary: Brenda Bennett



STAFF REPORT

Planning Commission

Meeting Date:

8/28/2023

Staff Report Number:

23-053-PC

Consent Calendar:

Consider and adopt a resolution to approve architectural control for exterior modifications to an existing three-story office building at 750 Menlo Avenue

Recommendation

Staff recommends that the Planning Commission approve the architectural control request to modify the exterior of an existing three-story office building in the SP-ECR-D (El Camino Real/Downtown Specific Plan) zoning district, at 750 Menlo Avenue. The proposed exterior changes would include replacing the existing tile facade with fiber cement and aluminum composite panels and modifications to provide rooftop access. The draft resolution, including the recommended actions and conditions of approval, is included as Attachment A.

Policy Issues

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

Background

Site location

The subject property is an approximately 9,300-square-foot lot located at 750 Menlo Avenue. The property is zoned SP-ECR/D (El Camino Real/Downtown Specific Plan). Within the Specific Plan, the property is in the Downtown (D) sub-district and the Downtown/Station Area Retail/Mixed Use (DSARMU) land use designation. The site is currently developed with a three-story office building, which was built in 1983. A location map is included as Attachment B.

The surrounding lots are all part of the SP-ECR/D zoning district, within the D sub-district and within the DSARMU land use designation. Using Menlo Avenue in the east-west orientation, the subject property is located at the northern side of the street, between Chestnut and Crane Street. Surrounding properties near the subject property include a mixture of commercial uses (retail, restaurant, and art gallery), a public parking plaza and residential.

Analysis

Project description

The applicant is requesting to make comprehensive exterior modifications to all three public façades, in addition to interior renovations to the existing three-story office building. The interior modifications would provide a larger trash/recycling bin storage area, bike storage, additional American Disability Act (ADA) compliant bathrooms on each level, and roof top access for a new roof deck. The existing non-medical office building consists of 20,409 square feet of gross floor area (GFA). To accommodate these changes a former indoor trash/recycling bin storage area would be relocated and enlarged within the building, portions of the first floor that are existing office space would be converted to bike storage and a fitness area with a changing area, and the existing stairs and elevator are proposed to extend to allow for access to the new roof deck. However, no increase in GFA is proposed. The project plans and the applicant's project description letter are included as Attachment A, Exhibit A and B, respectively.

The existing building is non-conforming with regard to the maximum allowable floor area ratio (FAR). The maximum permitted FAR base for the D district is 2.0, but for office uses in the DSARMU land use designation, the development is limited to no greater than one half the base FAR, or 1.0. With a lot size of 9,270 square feet, an FAR of 2.0 would allow a maximum development of 18,540 square feet, and an FAR of 1.0 would allow a maximum office square footage of 9,270 square feet. The existing three-story office building was constructed in 1983, prior to adoption of the Specific Plan, with a GFA of 20,409 square feet. With the proposed reconfiguration of the building to accommodate a larger trash/recycling bin storage area, a new bike storage, and access to the roof, there would be no net increase in GFA.

Pursuant to Menlo Park Municipal Code Section 16.80.120, existing buildings approved prior to the adoption of the El Camino Real/Downtown Specific Plan are exempt from the development standards of the Specific Plan and may undergo interior and/or exterior improvements to the existing building if there is no increase in the GFA. The proposed reconfiguration of GFA by enlarging the trash/recycling bin storage area and creating a bicycle storage area, which area both exempt from GFA, and adding stair and elevator access to the roof, which is included in the calculation of GFA, is permitted since there would be no net increase in GFA.

Proposed roof deck

The proposed roof deck would be located on the roof of the existing building for use by tenants, primarily during business hours. Roof top access would be provided by extending the existing staircases and elevator as part of the project. The roof deck would include seating areas and limited lighting. Currently, as shown on Sheet A2.04-LT, there are two downward facing wall sconces proposed; one sconce at each proposed stairwell. Any future addition of permanent or temporary lighting would be required to comply with mitigation measure BOI-3a and BIO-3b to limit uplighting and minimize visual impact of exterior lighting. The roof patio area, which would be surrounded by cable guardrails, would encompass approximately forty percent (2,321 square feet) of the roof area and would be mostly centered on the roof. It would be set back 17 feet, five inches from the façade facing Menlo Avenue, about 25 feet, seven inches back from the façade facing Chestnut Street, and 19 feet, three inches from the façade facing the parking plaza.

Rooftop elements such as the elevator and staircase overrun would be visible from the street and parking plaza. Rooftop elements are allowed to exceed the maximum building height of 38 feet due to their function, such as stair and elevator towers, and shall not exceed 14 feet beyond the maximum building height, which would be 52 feet. The proposed elevator overrun is at 48 feet, exceeding the maximum building height by ten feet; the stair case extends to a height of 41 feet, four inches, which would exceed the building height by three feet, four inches, both within the 14 feet exceedance limit. The proposal also includes new roof mounted equipment and associated screening. The roof mounted equipment would be screened by a metal perforated screen.

Design and materials

The Specific Plan includes a detailed set of design standards and guidelines. Compliance with the standards and guidelines is evaluated in the Standards and Guidelines Project Compliance Worksheet (Attachment A, Exhibit D). The guidelines are intended to provide for a pleasant pedestrian experience with visual interest and continuity for storefronts. Staff believes the proposed modifications to the existing architectural style of the project would be consistent with the diverse aesthetic of the surrounding neighborhood.

The project would retain the building footprint; demolition would include exterior façade materials including vertical structural elements (columns and interior side walls), and rooftop mechanical equipment. Exterior modifications would include all three public façades, including changing the existing red brick tile to fiber cement and aluminum composite panels. The underside of the first floor would be STK wood panels. The existing framing and sheathing are proposed to remain. The existing cover finishes on the columns are proposed to be upgraded with metal panel. Proposed exterior building materials, finishes, and colors are shown on Sheet G3.01 of the plan set, with supplemental information, which include updated notes and manufacturer information and photographs. Façades would retain the height of the existing structure with the new material. The existing window glazing is proposed to remain.

Panels, proposed on all three exterior facades, would create a three dimensional look, with some panels extending beyond the façade, creating visual interest. The project has an area on the second floor where the new paneling would extend beyond the exterior wall but remain under the roof, this area could be considered as GFA. However, this area can be exempt from the calculation of the total GFA pursuant to municipal code 16.04.3255(C)(1), which allows areas of a building which are designed as nonuseable or nonoccupiable space with unfinished walls, floors and ceilings, not to exceed three percent of the maximum allowed GFA of the lot, to be exempt from the total GFA. (The proposed nonuseable or nonoccupiable space would be approximately 13 square feet which would be approximately 0.07 percent of the maximum allowed GFA.) The siding would have a linear wood texture with small horizontal reveals as suggested on Sheet G3.01. The chosen materials generally appear to be suitable for the building.

The proposal also includes a living green wall, along a portion of the front façade facing Chestnut Street, which would extend to the second story. Overall, the façades would have a strong modern appeal and supportive use of materials and detailing. The scale would stand out somewhat on the street relative to nearby structures given the wide façade facing Menlo Avenue and the three-story height. The architectural character would be cleanly composed and well within the realm of modern architecture.

Roof access structures would extend beyond the existing height of the building to provide rooftop access. Interior modifications would include tenant improvements to convert existing office area to a larger trash/recycling bin storage area, a new bike storage area, and a few fitness area with a changing room on the first floor. The new trash/recycling bin area would open to a ramp that would connect onto Chestnut Street for easy access to the street. Second floor interior modifications include demolition of interior walls to create a more open concept office. Third floor interior modifications include removal of lobby walls, adding two new ADA bathrooms, and a new electrical room.

Site access, circulation, and parking

Access to the building would continue to be located through two driveways, from Menlo Avenue and parking plaza #6, and pedestrian access would be through a renovated accessible ramp along Chestnut Street, and existing walkways along Menlo Avenue. The project would not alter existing sidewalk or landscape conditions at either frontage.

Parking in the Specific Plan area is currently provided on private lots, on the street and in downtown public parking plazas. The subject property has 15 parking spaces on-site, proposed to remain. Since there are no changes to the existing land use, the existing number of parking spaces can remain, and the parking is not considered to be non-conforming. As part of the project, a new enclosed bicycle storage room is proposed that would accommodate up to four bicycles.

Trees and landscaping

The applicant has submitted an arborist report (Attachment C) detailing the species, size, and conditions of the heritage and non-heritage trees on site. The report discusses the impacts of the proposed improvements, including temporary construction impacts, and provides recommendations for tree maintenance and the protection of some trees, based on their health. As part of the project review process, the arborist report was reviewed by the City Arborist. All recommendations identified in the arborist report would be implemented and ensured as part of condition 1g.

Correspondence

The applicant states in their project description letter that a letter was sent to a number of properties along Menlo Avenue with a project description, plans and renderings, and received no comments or feedback. Staff has not received any correspondence.

Conclusion

Staff believes that the scale, materials, and proposed design would be generally compatible with the surrounding buildings in the downtown. The proposed design elements, specifically the use of fiber cement and aluminum composite panels, would update the building's façades and overall design, and the placement of the panels would create a three dimensional look adding visual interest. The proposal was evaluated for compliance with the City's Specific Plan design standards and guidelines and would comply where applicable. The proposed design elements would provide an update to the building's existing design while maintaining the earlier appearance of the building. The proposed project would provide a roof deck as an employee amenity for future tenants of the building. 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 Specific Plan process included detailed review of projected environmental impacts through a program-level Environmental Impact Report (EIR), as required by the California Environmental Quality Act (CEQA). In compliance with CEQA requirements, the Draft EIR was released in April 2011, with a public comment period that closed in June 2011. The Final EIR, incorporating responses to Draft EIR comments, as well as text changes to parts of the Draft EIR itself, was released in April 2012, and certified along with the final Plan approvals in June 2012.

The proposed project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines, and as such, no additional environmental analysis is required above and beyond the Specific Plan EIR. However, relevant mitigation measures from this EIR have been applied and would be adopted as part of the Mitigation, Monitoring, and Reporting Program (MMRP), which is included as Attachment A Exhibit E. Mitigation measures include construction-related best practices regarding air quality, biological resources, noise, and the handling of any hazardous materials. Due to the age of the structure being less than 50 years, a historic resource evaluation was not required. Therefore, the proposed project would not result in any significant impacts to historic resources.

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 Architectural Control, and Use Permit including project Conditions of Approval
Exhibits to Attachment A
 - A. Project Plans
 - B. Project Description Letter
 - C. Conditions of Approval
 - D. Specific Plan Standards and Guidelines Compliance Worksheet

- E. Mitigation, Monitoring, and Reporting Program
- B. Location Map
- C. Arborist Report

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.

Exhibits to Be Provided at Meeting

None

Report prepared by:
Fahteen Khan, Associate Planner

Report reviewed by:
Corinna Sandmeier, Principal Planner

PLANNING COMMISSION RESOLUTION NO. 2023-XX**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING ARCHITECTURAL CONTROL REVIEW FOR EXTERIOR MODIFICATIONS, INCLUDING A NEW ROOF TOP DECK AREA, TO AN EXISTING THREE-STORY OFFICE BUILDING AT 750 MENLO AVENUE.**

WHEREAS, the City of Menlo Park (“City”) received an application requesting architectural control review for exterior modifications to an existing three-story office building. The proposal also includes a new rooftop deck in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district (collectively, the “Project”) from Kevin Deng (“Applicant”), on behalf of the property owner 750 Menlo Avenue, LLC (“Owner”), located at 750 Menlo Avenue (APN 071-283-150) (“Property”). The Architectural Control depicted in and subject to the development plans and project description letter which are attached hereto as Exhibit A and B incorporated herein by this reference; and

WHEREAS, the Property is located in the El Camino Real/Downtown Specific Plan (SP-ECR/D) zoning district, and in the Downtown (D) sub-district, which supports a variety of uses including restaurants, retail, residential, and business and professional offices; and

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

WHEREAS, the proposal would reorganize gross floor area (GFA) to allow for a larger trash/recycling storage area and provide access to a new roof deck, the proposed changes would not result in any changes to the GFA; and

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

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

WHEREAS, the project is required to comply with the City’s specific plan where applicable, pursuant to Menlo Park Municipal Code Section 16.80.120 existing buildings approved in the El Camino Real/Downtown specific plan area prior to the adoption of the El Camino Real/Downtown specific plan, can be exempt from the development standards; and

WHEREAS, the project is required to comply with the mitigation monitoring and reporting program (MMRP), attached as Exhibit E; and

WHEREAS, the Applicant submitted an arborist report prepared by Trees, Bugs, Dirt Landscape Consulting & Training., 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 exempt under Class 1 (Section 15301, “Existing Facilities”) of the current California Environmental Quality Act (CEQA) Guidelines; and

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

WHEREAS, at a duly and properly noticed public hearing held on August 28, 2023, the Planning Commission fully reviewed, considered, and evaluated the whole of the record including all public and written comments, pertinent information, documents and plans, prior to taking action regarding the architectural control permit, and use permit.

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

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

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

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

1. That the general appearance of the structure is in keeping with the character of the neighborhood; in that, the project is designed in an modern architectural style

consistent with the diverse aesthetic of the surrounding neighborhood. There would be no increase in Gross Floor Area (GFA) as part of the project.

2. That the development will not be detrimental to the harmonious and orderly growth of the city; in that the project which is a remodel project fits within the various architectural styles seen in the area. The proposed project is designed in a manner that is consistent with all applicable requirements of the City of Menlo Park Municipal Code and the Specific Plan, and the Project land uses would represent a balanced project.
3. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the Project consists of exterior and interior modifications consistent with the Municipal Code. The proposed materials and colors used for the front façade will be compatible with the appearance of the existing neighboring buildings. Therefore, the Project would not impair the desirability of investment or occupation in the neighborhood.
4. The development provides 15 on-site parking spaces and the proposal would not be changing the existing land use nor make any changes to the GFA, therefore the existing parking is not considered non-conforming. Parking in the Specific Plan area is currently provided on private lots, on the street and in downtown public parking plazas.
5. That the project has been evaluated for compliance with the City's Specific Plan design standards and guidelines, in that, pursuant to Menlo Park Municipal Code Section 16.80.120, existing buildings approved in the El Camino Real/Downtown specific plan area prior to the adoption of the El Camino Real/Downtown specific plan, on June 12, 2012, shall be exempt from the development standards of El Camino Real/Downtown specific plan, and may undergo interior and/or exterior improvements to the existing building if there is no increase in the gross floor area. The proposal includes removing GFA from the first floor office area to create a larger trash collecting room and a bicycle storage area, and provide roof top access which is permitted as this would reconfigure but not increase the GFA of the existing building. However, where applicable the project complies with the standard regulations and guidelines.

Section 3. Architectural Control Permit. The Planning Commission hereby approves the Architectural Control Permit PLN2022-00044, depicted in and subject to the development plans and project description letter, which are attached hereto and incorporated herein by this reference as Exhibit A and Exhibit B, respectively. The Architectural Control is conditioned in conformance with the conditions attached hereto and incorporated herein by this reference as Exhibit C.

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

- A. The Project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current California Environmental Quality Act (CEQA) Guidelines.
- B. The project falls under the City’s Specific Plan’s projected environmental impacts through a program-level Environmental Impact Report (EIR) and as such, no additional environmental analysis is required above and beyond the Specific Plan EIR.

Section 6. SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

I, 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 August 28, 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 August, 2023

PC Liaison Signature

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

Exhibits

- A. Project Plans
- B. Project Description Letter
- C. Conditions of Approval
- D. Specific Plan Standards and Guidelines Worksheet
- E. Mitigation, Monitoring, and Reporting Program



750 MENLO AVENUE OFFICE RENOVATION

PLANNING RESUBMITTAL 2 | 23.04.26

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△	date	revision description
	2023.04.26	PLANNING RESUBMITTAL 2
	2022.12.14	PLANNING RESUBMITTAL 1
#	2022.08.05	PLANNING SUBMITTAL 1
#	date	issue description



750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK CA 94025

project number: 21_S41
 date: 2023.04.26

COVER

A0.00

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PROJECT DATA	REFERENCE
ADDRESS: 750 MENLO AVENUE, MENLO PARK CA 94025	
APN: 071-283-150	CIVIL SURVEY
ZONING: D	SP-ECRD,
LAND USE: DOWNTOWN / STATION AREA RETAIL / MIXED-USE	FIG E2
OCCUPANCY GROUP: B-COMMERCIAL OFFICE	SP-ECRD,
CONSTRUCTION TYPE: TYPE V-B	FIG E1
FULLY SPRINKLERED: YES	CBC
BUILDING AREA (LEVEL A): 3,494.4 SF	
LEVEL B): 7,138.9 SF	
LEVEL C): 8,176.3 SF	
ROOF DECK: 606.8 SF	
BUILDING AREA TOTAL: 20,409.5 SF	

The project is a facade renovation, interior building upgrade, and new roofdeck for an existing three-level, roughly 20,410 square foot, office building over an open ground-level parking lot. The site is located at the intersection of Menlo Park Avenue and Chestnut Street, in the Downtown District of the El Camino Real / Downtown Specific Plan. The existing program of office space is to remain, along with the main structure and window openings. The detailed scope of design includes:

- New exterior finishes to replace existing red tile. Existing structure, framing and sheathing to remain.
- New exterior accessible ground-level entry access ramp, a living green wall, and landscape improvements.
- Demolition of interior partition walls, furniture, fixtures and finishes on all floors.
- New additional ADA restrooms on each floor.
- New 1,000 SF interior office lobby, amenity space, bicycle storage and change room at Level 1
- New 2,300 SF wood roof deck with new stair and elevators to serve this amenity
- New mechanical system

ZONING	REQUIRED	PROVIDED	REFERENCE
BUILDING HEIGHT MAX.	38'-0"	30'-0" (EXCL. MECH. OVERRUNS)	SP-ECRD, FIG E3
FACADE HEIGHT MAX.	30'-0" (ALL FACADES EXCEPT INT.-SIDE)	30'-0" EXISTING / PROPOSED	
GROUND FLOOR HT. MIN.	11'-0" (COMMERCIAL GROUND FLR.)	11'-0" EXISTING	SP-ECRD,
FRONT SETBACK	0'-0" MIN./MAX.	0'-0" EXISTING	FIG E.3.5(1)
REAR SETBACK	0'-0" MIN./MAX.	0'-0" EXISTING	SP-ECRD, FIG.E7
SIDE SETBACK	0'-0" MIN./MAX.	0'-0" EXISTING	

DEVELOPMENT AREA	REQUIRED	PROVIDED	REFERENCE
LOT AREA:	9,270 SF (0.21 ACRES)		CIVIL SURVEY
F.A.R. MAX. TOTAL:	2.0 BASE MAX. OR + 11,540 SF	2.2 EXISTING	SP-ECRD,
	2.5 PUBLIC BENEFIT BONUS MAX. = 23,115 SF	2.2 PROPOSED	CH E.3.1
F.A.R. MAXIMUM OFFICE:	BASE MAX. SF / 2 = 1.0 MAX. OR 11,540 SF	2.2 EXISTING	TABLE E.2
	PUBLIC BENEFIT MAX. SF / 2 = 1.25 MAX. OR 11,540 SF	2.2 PROPOSED	TABLE E.1

OPEN SPACE	REQUIRED	PROVIDED	REFERENCE
ALL DEVELOPMENTS:	N/A	N/A	SP-ECRD, TABLE E.11

2 PROJECT INFORMATION

REQUIRED	PROVIDED	REFERENCE
EV STALLS FOR AREA 10,000 - 25,000 SQ. FT.	ALL EXISTING 14 PARKING STALLS, ON-STREET PARKING AND PARKING LAYOUT TO REMAIN (NO NEW STALLS)	SP-ECRD, TABLE F2
NUMBER OF REQUIRED LEVEL 2 EV CAPABLE SPACES:		12-18.070 - ADDITION OF SECTION 5.106.5.5.1 - ADDITIONS AND ALTERATIONS.
5% PROPOSED STALLS =		
1 EV CAPABLE STALL		
1 EV CAPABLE STALL PROVIDED		
NUMBER OF REQUIRED EVSE THAT ARE LEVEL 2 EV READY =		
1 EVSE		
1 EVSE STALL PROVIDED		

1 PARKING DATA

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2023.04.26		PLANNING RESUBMITTAL 2
2022.12.14		PLANNING RESUBMITTAL 1
2022.08.05		PLANNING SUBMITTAL



750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK CA 94025

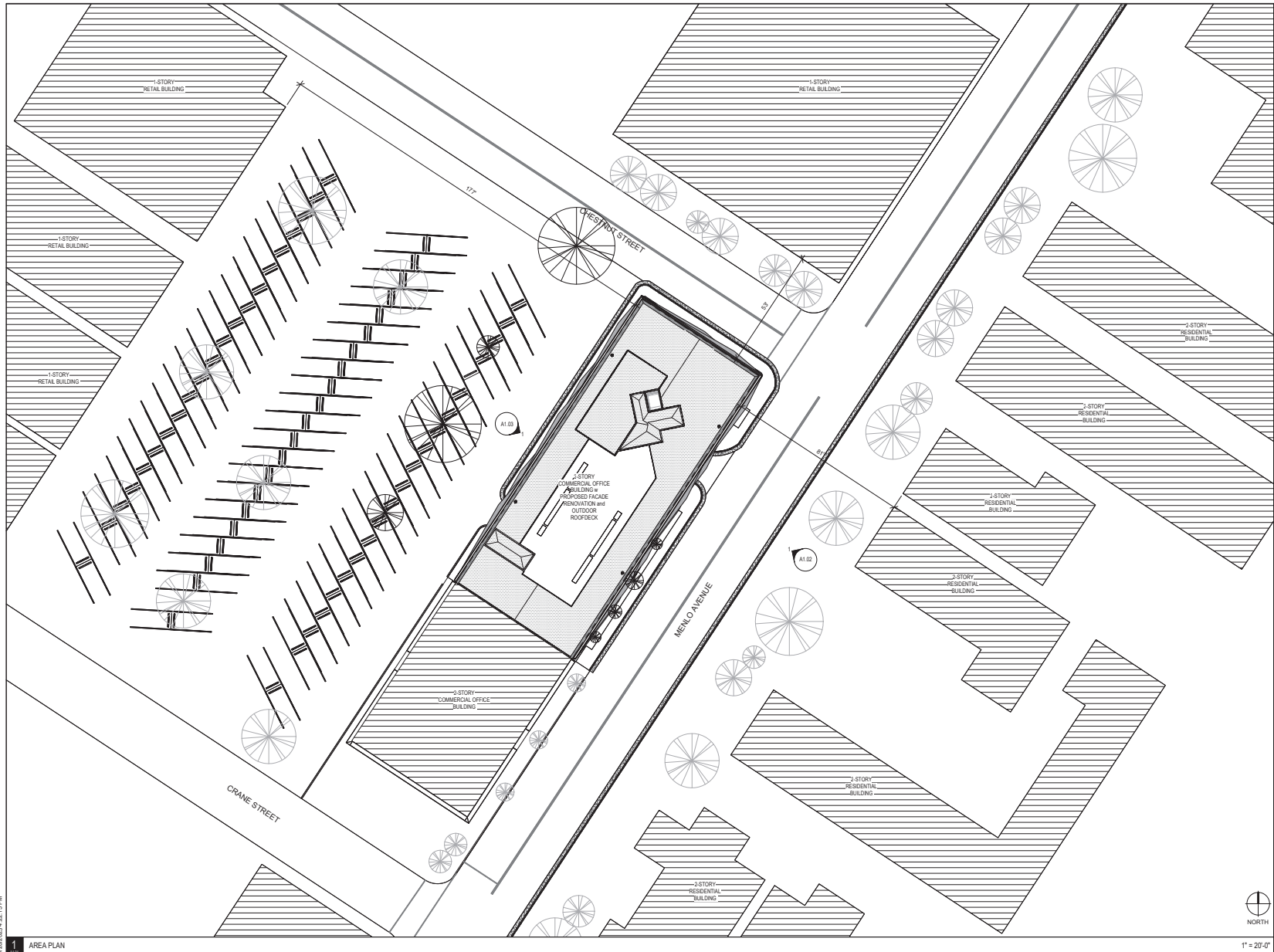
project number: 21-341
 date: 2023.04.26

PROJECT DATA and DESCRIPTION

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AREA PLAN

1" = 20'-0"

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2023.04.26	PLANNING RESUBMITTAL 2
2022.12.14	PLANNING RESUBMITTAL 1
# 2022.08.05	PLANNING SUBMITTAL 1
#	date issue description



750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK, CA 94025

project number: 21_341

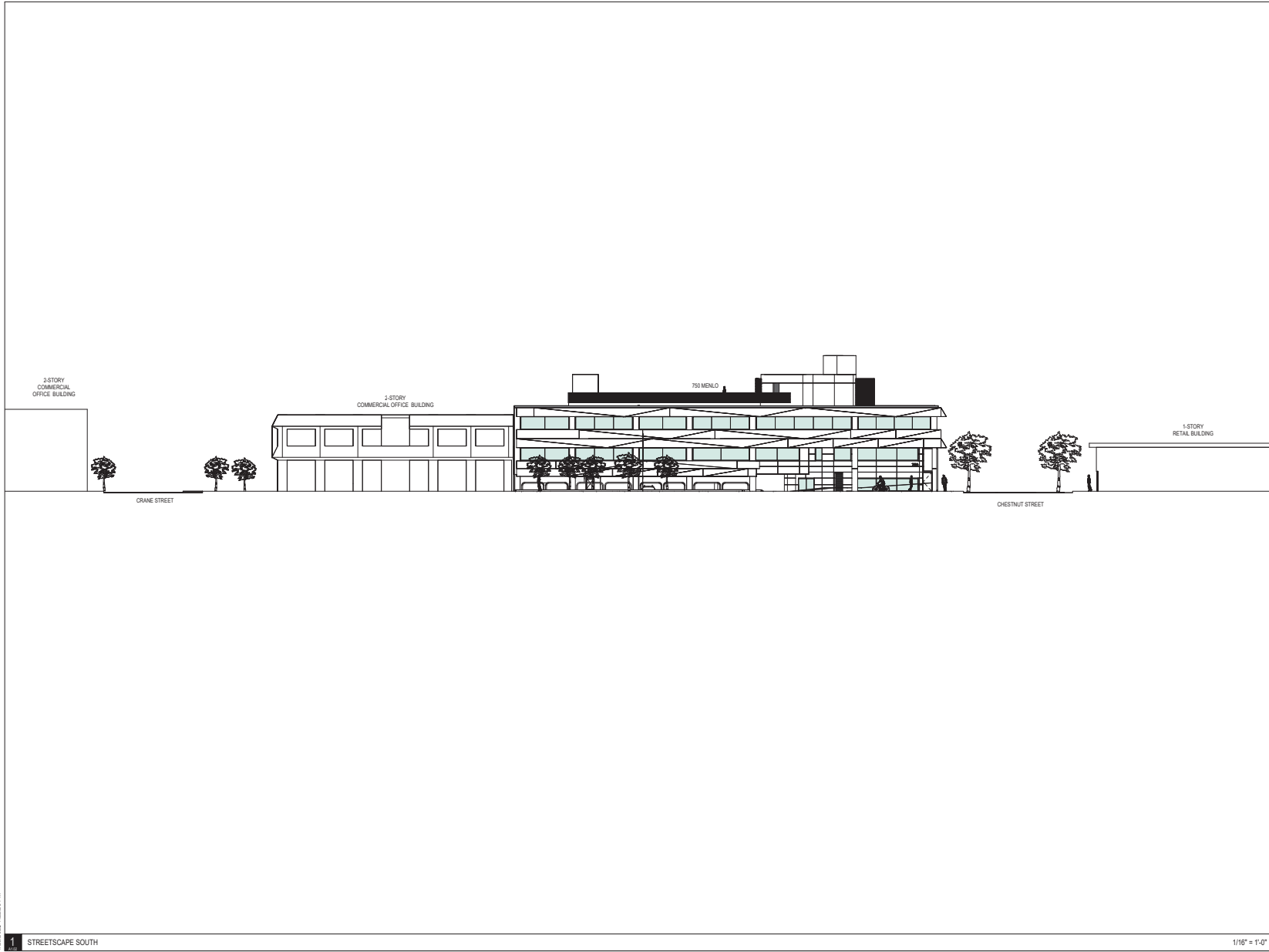
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AREA PLAN

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2022.12.14	PLANNING RESUBMITTAL 1
# 2022.08.05	PLANNING SUBMITTAL 1
#	date issue description



750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK CA 94025

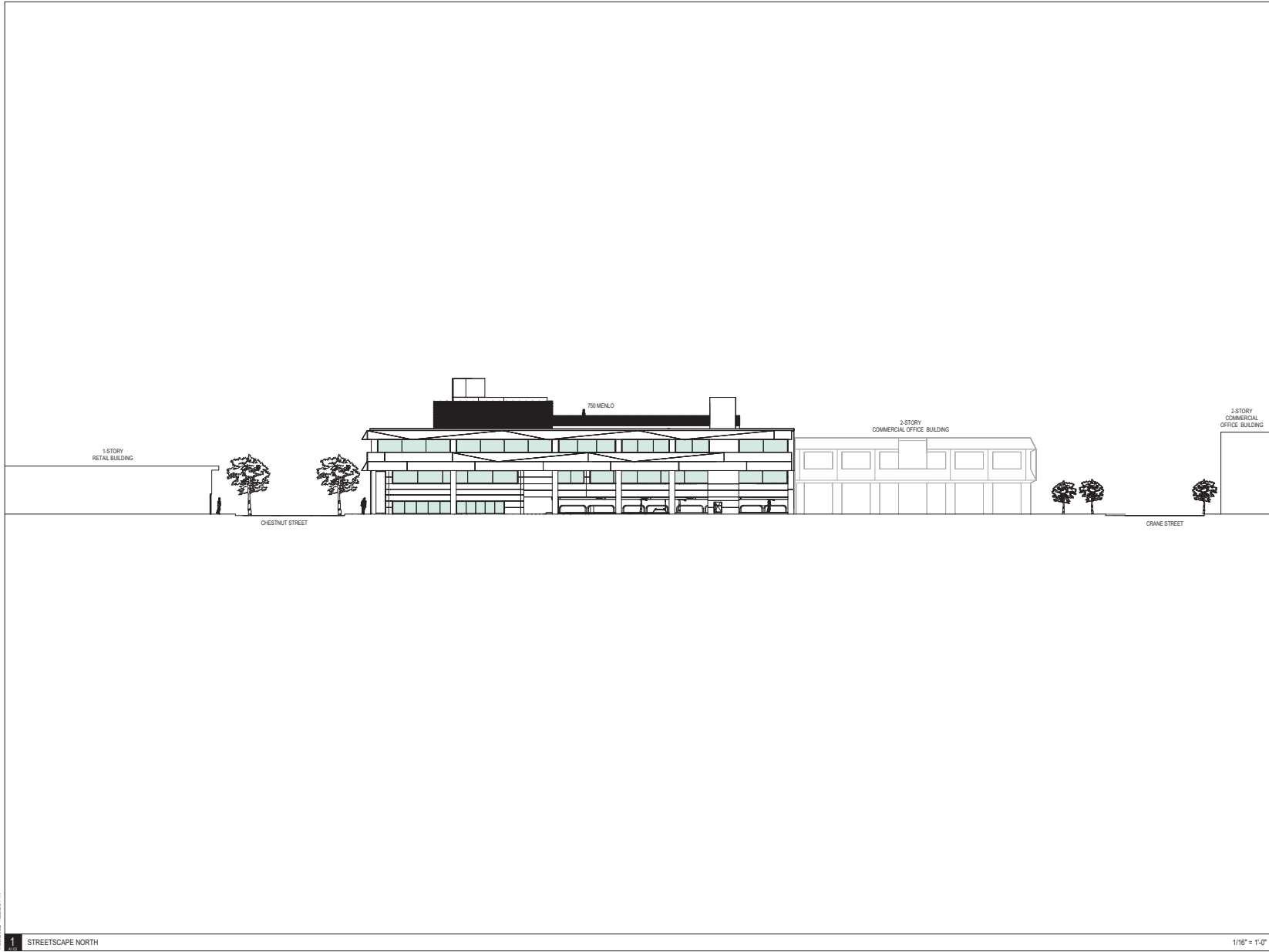
project number: 21.S41
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STREETSCAPE SOUTH

1/16" = 1'-0"

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2023.04.26	PLANNING RESUBMITTAL 2
2022.12.14	PLANNING RESUBMITTAL 1
# 2022.08.05	PLANNING SUBMITTAL 1

date issue description



750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK CA 94025

project number: 21341

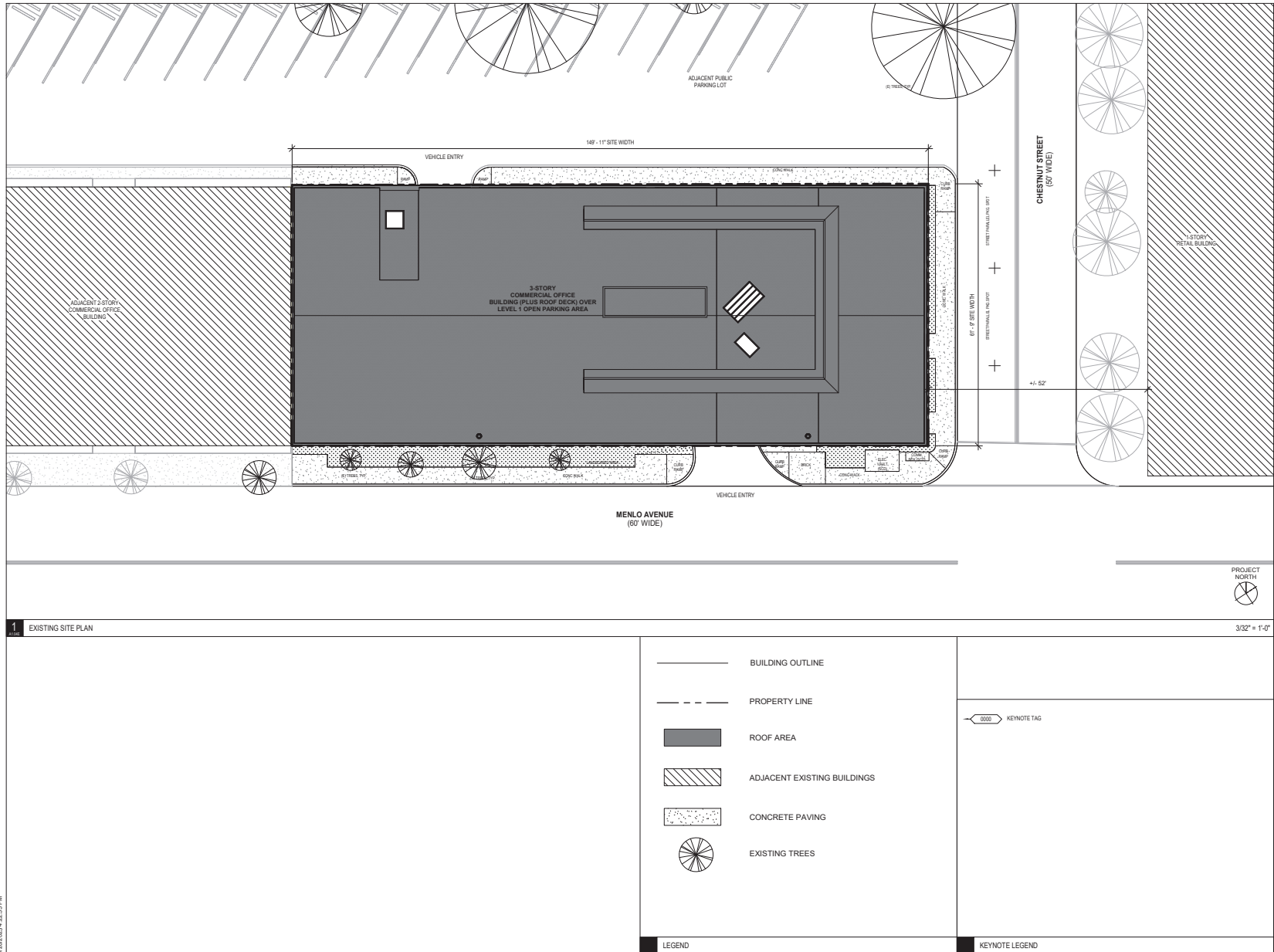
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STREETSCAPE NORTH

1/16" = 1'-0"

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△ date revision description

2023.04.26	PLANNING RESUBMITTAL 2
2022.12.14	PLANNING RESUBMITTAL 1
# 2022.08.05	PLANNING SUBMITTAL
#	date issue description

750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK, CA 94025

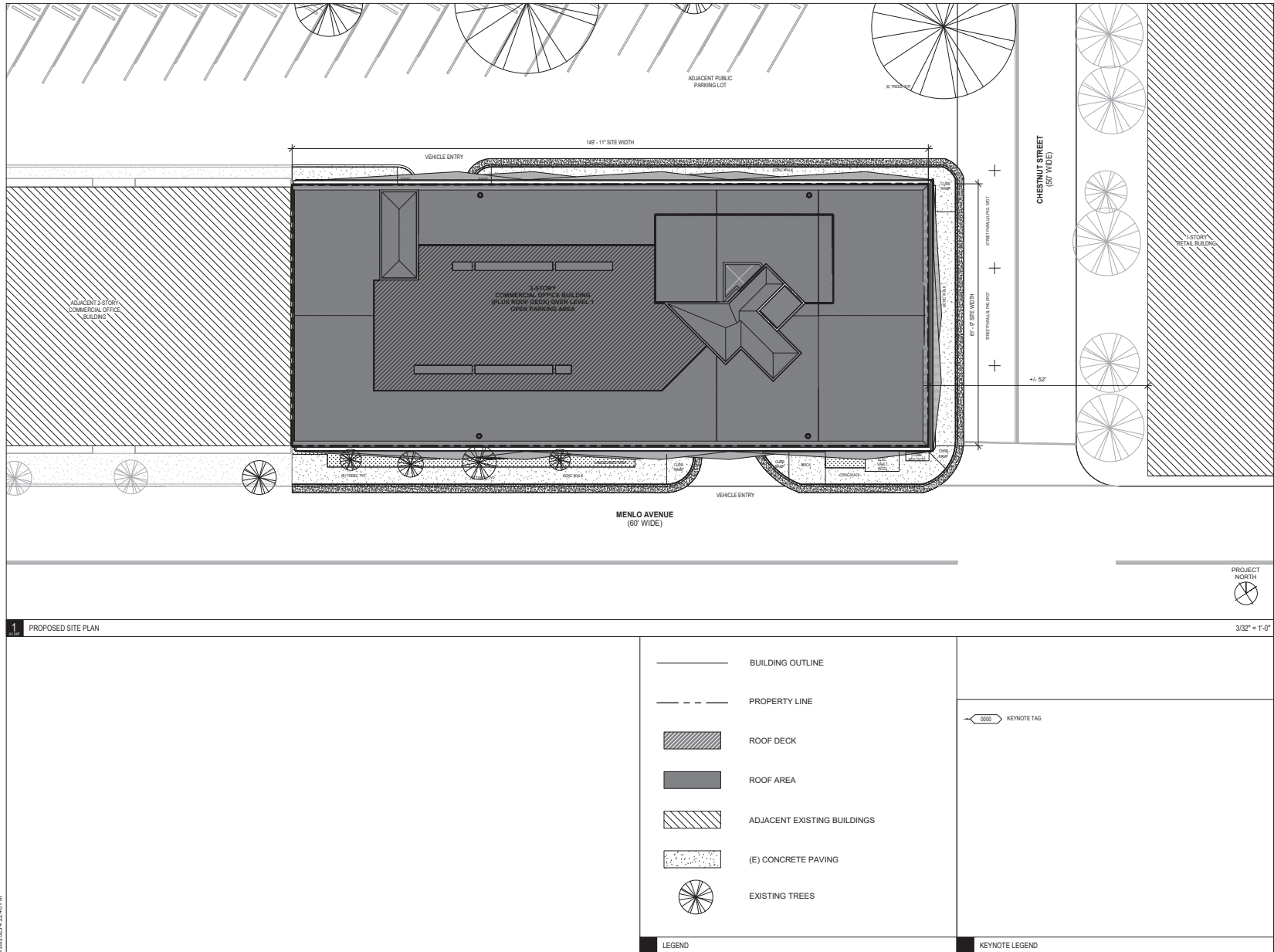
project number: 21_S41
 date: 2023.04.26

EXISTING SITE PLAN

A1.04E

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1 PROPOSED SITE PLAN



3/32" = 1'-0"

	BUILDING OUTLINE
	PROPERTY LINE
	ROOF DECK
	ROOF AREA
	ADJACENT EXISTING BUILDINGS
	(E) CONCRETE PAVING
	EXISTING TREES

LEGEND

	KEYNOTE TAG
--	-------------

KEYNOTE LEGEND

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2022.12.14	2022.12.14	PLANNING RESUBMITTAL 1
2022.08.05	2022.08.05	PLANNING SUBMITTAL 1
#	date	issue description



750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK, CA 94025

project number: 21_S41

date: 2023.04.26

PROPOSED SITE PLAN

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 2022.12.14 PLANNING RESUBMITTAL 1
 # 2022.08.05 PLANNING SUBMITTAL
 # date issue description

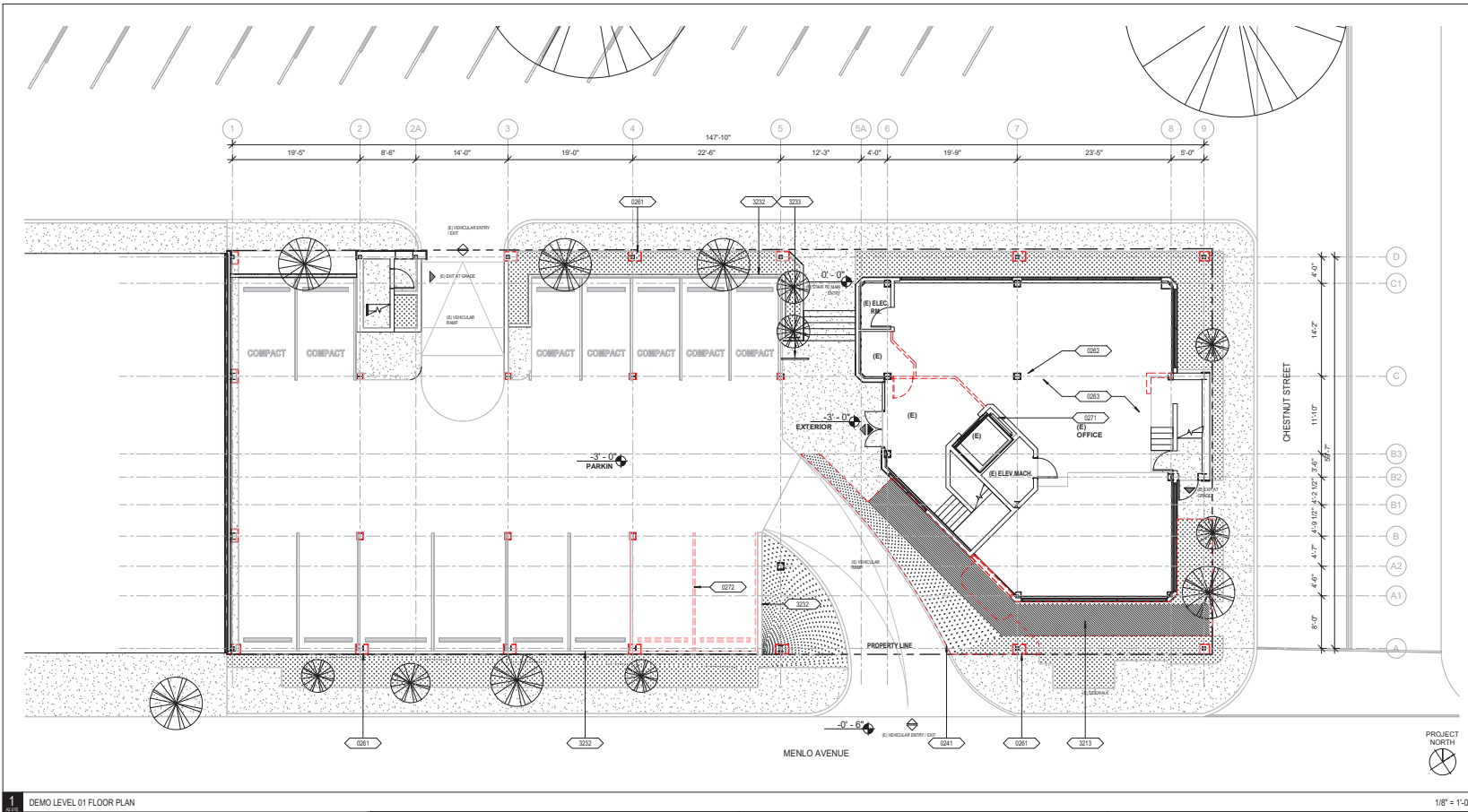


750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK CA 94025

project number: 21.341
 date: 2023.04.26

**EXISTING/DEMO
 LEVEL 1 FLOOR PLAN
 / SITE PLAN**

A2.01E



1 DEMO LEVEL 01 FLOOR PLAN

1/8" = 1'-0"

- GENERAL FLOOR PLAN NOTES**
- SEE 0___ FOR PROJECT GENERAL NOTES.
 - SEE 0___ SERIES DRAWINGS FOR ACCESSIBILITY DETAILS & CODE SIGNAGE. REQUIREMENTS DESIGN FOR PROJECT SIGNAGE.
 - SEE 0___ SERIES FOR ACCESSIBLE PARKING STALL, EV STALLS, PARKING, AND SIGNAGE REQUIREMENTS.
 - SEE A___ SERIES DRAWINGS FOR SLAB PLANS.
 - SEE A___ SERIES DRAWINGS FOR FINISH PLANS.
 - SEE A___ SERIES DRAWINGS FOR REFLECTED CEILING PLANS.
 - SEE A___ SERIES DRAWINGS FOR PARTITION TYPES.
 - SEE A___ SERIES DRAWINGS FOR EXTERIOR ASSEMBLIES.
 - SEE A___ SERIES DRAWINGS FOR TYPICAL UL LISTED RATED ASSEMBLIES.
 - ALL OPEN JOISTS, PENETRATIONS AND OTHER OPENINGS IN THE BUILDING ENVELOPE SHALL BE SEALED, CAULKED, GASKETED AND WEATHER STRIPPED TO LIMIT AIR LEAKAGE AND MAINTAIN RATED ASSEMBLIES.
 - ALL CONCEALED WOOD BLOCKING SHALL BE FIRE RETARDANT TREATED, TYPICAL PER CODE SECTION ___.
 - PROVIDE THE REQUIRED BACKING, BRACING, AND BLOCKING FOR ATTACHMENT OF CASEWORK, RESTROOM ACCESSORIES, EQUIPMENT, AND OTHER.
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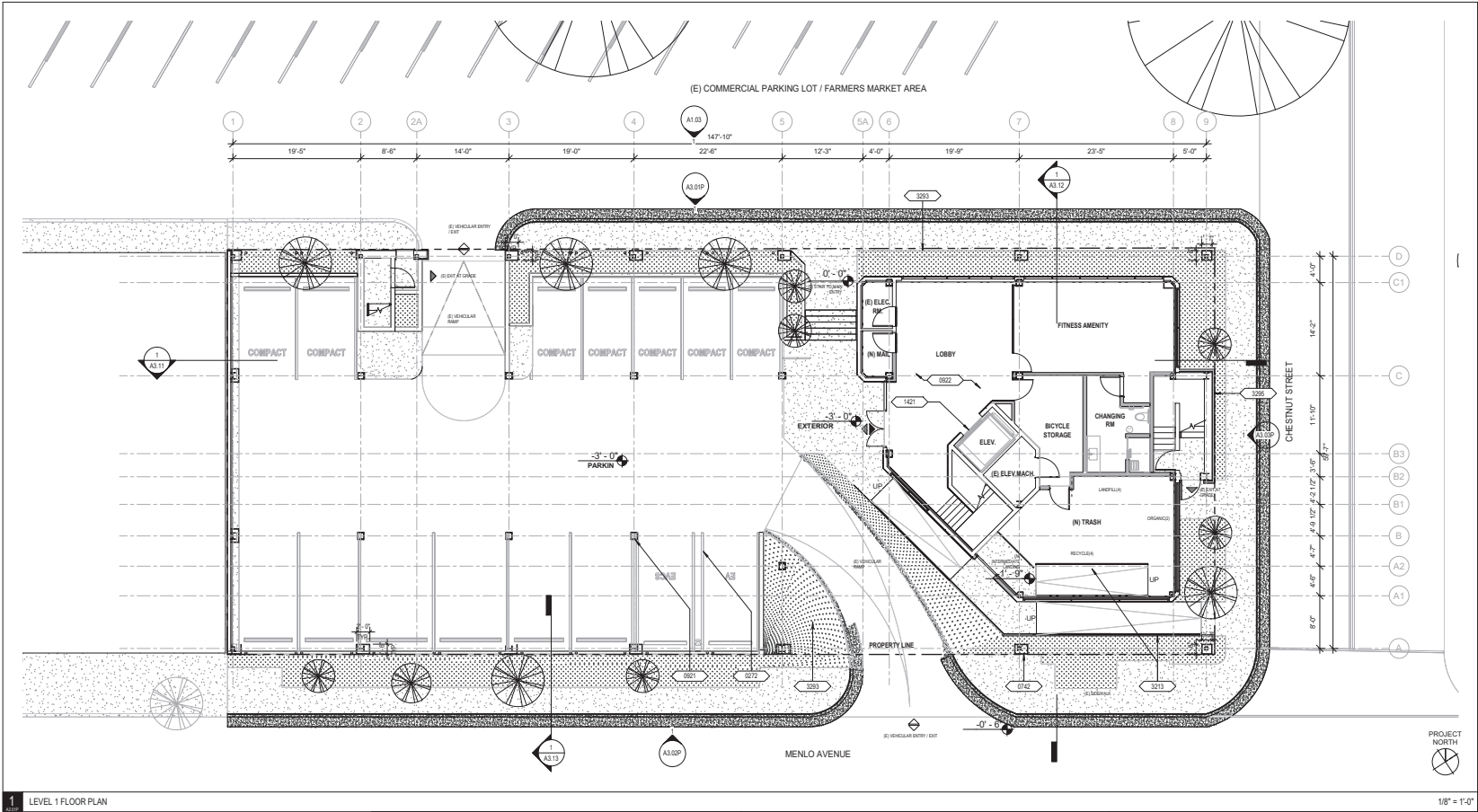
- DEMO FLOOR PLAN LEGEND**
- EXISTING SITE AREA TO BE REMOVED
 - EXISTING WALLS TO BE DEMOLISHED
 - EXISTING WALLS TO REMAIN
 - EXISTING LANDSCAPE
 - EXISTING SIDEWALK
 - EXISTING ROOF

- KEYNOTE LEGEND**
- 0201 (E) SLOPED SITE PAVING TO BE REMOVED
 - 0202 (E) EXT. COLUMN COVER FINISH ASSEMBLY TO BE REMOVED, SHEATHING TO REMAIN, TYP.
 - 0203 (E) INT. COL. COVER FINISH ASSEMBLY TO BE REMOVED, SHEATHING TO REMAIN, TYP.
 - 0204 (E) INT. PARTITIONS, FLOORING, CEILING SYSTEMS, LIGHT FIXTURES TO BE REMOVED, TYP.
 - 0205 (E) ELEC. TO BE REPLACED
 - 0206 (E) PARKING STALLS TO BE CONVERTED TO EV STALLS, PER PROJECT DATA SHEET
 - 0207 CONCRETE ACCESSIBLE RAMP WITH METAL HANDRAIL AND GUARDRAIL
 - 0208 (E) CONC. RETAINING WALL
 - 0209 (E) BICYCLE RACK

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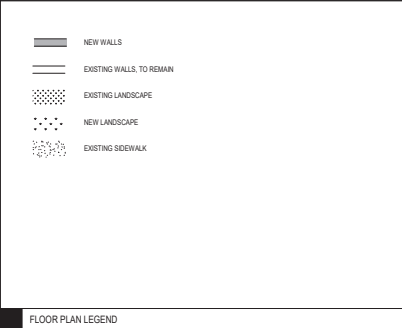
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1 LEVEL 1 FLOOR PLAN

1/8" = 1'-0"

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 - SEE A... SERIES DRAWINGS FOR PARTITION TYPES.
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- KEYNOTE LEGEND**
- 0000 KEYNOTE TAG
 - 0020 (E) PARKING STALLS TO BE CONVERTED TO EV STALLS PER PROJECT DATA SHEET
 - 0102 METAL PANEL OVER (E) SHEATHING FOR EXIST. ROSEMEYER COLUMNS (PN) TO MATCH EXISTING; TYP.
 - 0021 (E) EXIST. COL. FINISH AT PARKING AREA TO REMAIN; TYP.
 - 0022 INSTALL INT. FLOOR FINISH, CEILING FINISH, AND LIGHT FIXTURES; TYP.
 - 1421 ELEVATOR TO ROOF TERRACE
 - 3213 CONCRETE ACCESSIBLE RAMP WITH METAL HANDRAIL AND GUARDRAIL
 - 3209 LANDSCAPE IMPROVEMENTS; TYP.
 - 3206 EXT. GREEN FACADE / LIVING WALL OVER (E) SHEATHING

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2023.04.26	PLANNING RESUBMITTAL 2	
2022.12.14	PLANNING RESUBMITTAL 1	
2022.08.05	PLANNING SUBMITTAL 1	
#	date	issue description



750 MENLO AVENUE
750 MENLO AVENUE
MENLO PARK, CA 94025

project number: 21-341
date: 2023.04.26

PROPOSED LEVEL 1 FLOOR PLAN / SITE PLAN

A2.01P

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#	2022.08.05	PLANNING SUBMITTAL 1
#	date	issue description

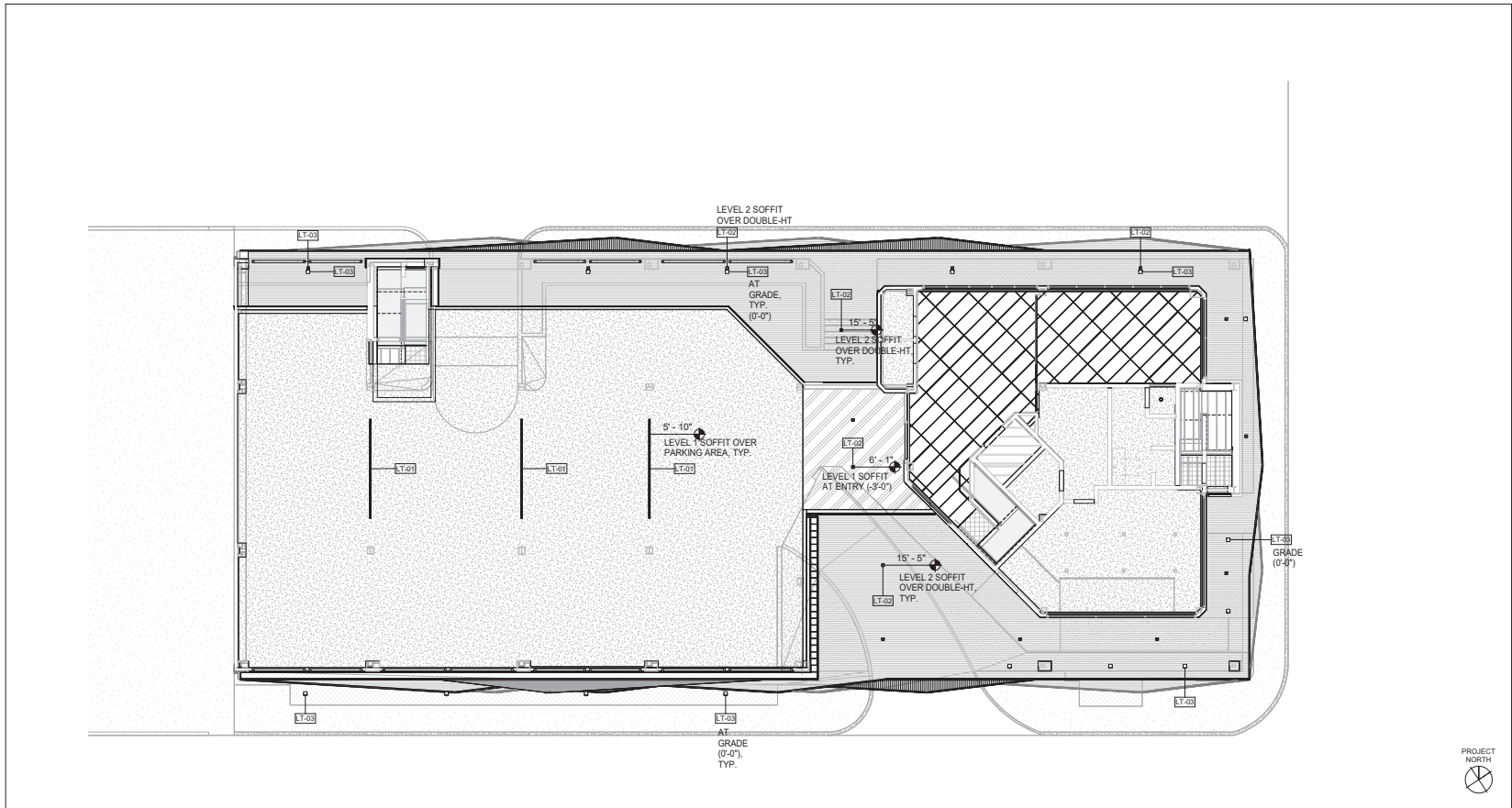


750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK, CA 94025

project number: 21-341
 date: 2023.04.26

SITE LIGHTING PLAN

A2.01-LT



1 LEVEL 1 RCP

SITE LIGHTING SCHEDULE							
Type Mark	Manufacturer	Model	Description	Type Comments	Type Image	Count	Level
LT-01	BEGA-US	24314	Surface Mounted Linear Downlight	Parking Garage Ceiling		9	LEVEL 02
LT-02	BEGA-US	24801	Square Downlight	Exterior Soffit		17	<var>
LT-03	BEGA-US	84219	Fully shielded bollard - flat beam	Ground Level Landscape		16	<var>
Grand total: 42							

- Regarding the El Camino Specific Plan's Mitigation Monitoring Impact BIO-3 (Impacts to migratory or breeding special-status birds and other special-status species due to lighting conditions):
1. The project does not propose facade up-lighting nor any up-lighting of rooftop antennae or tall equipment.
 2. Motion sensor lighting or lighting controls shall be installed.
 3. All proposed lighting will be LED and/or low wattage.
 4. If FAA regulations are applicable to the project, compliance to the requirements will be made as necessary.
 5. Any external lights on the project will be shielded.

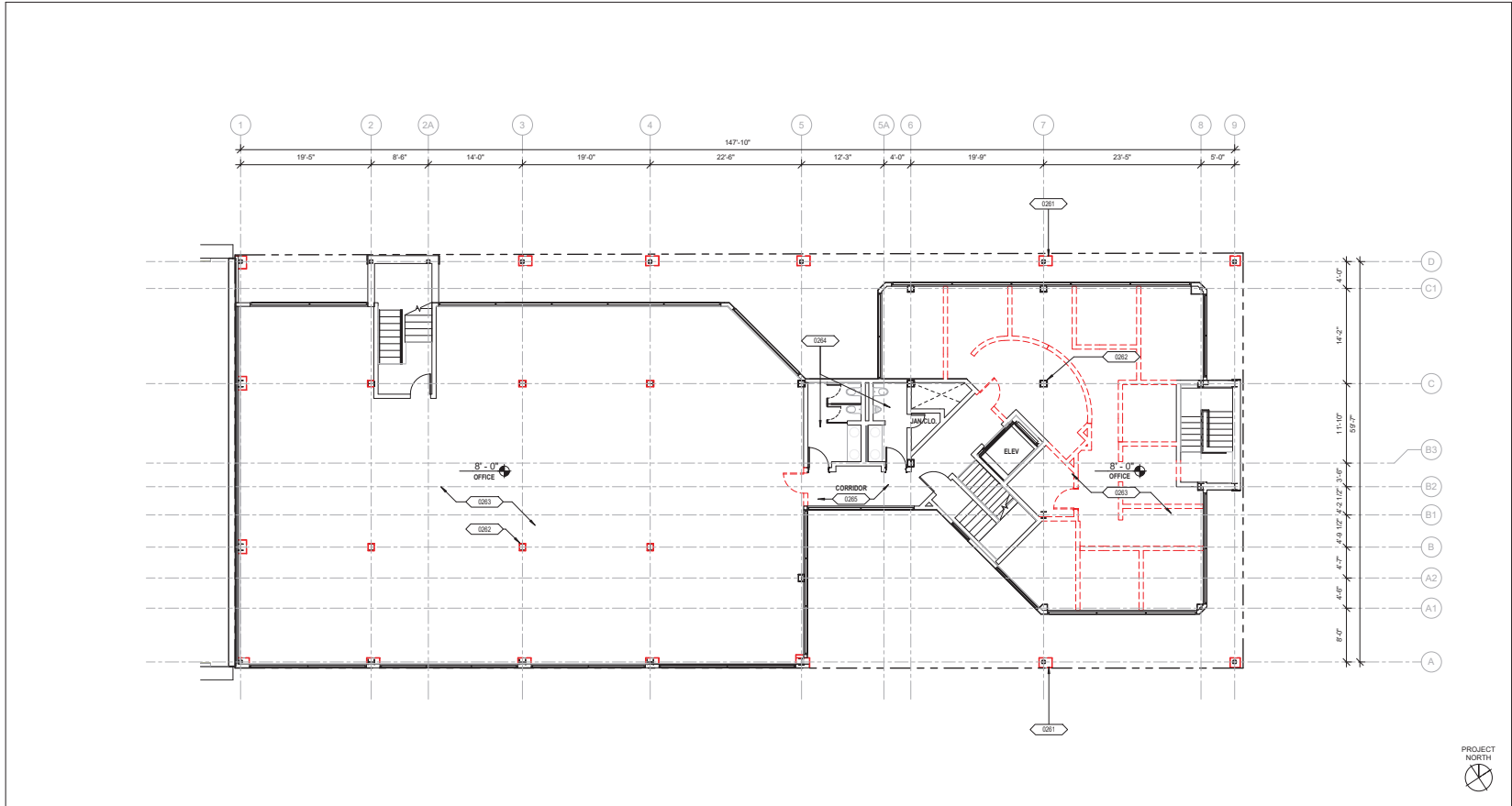
KEYNOTE TAG

KEYNOTE LEGEND

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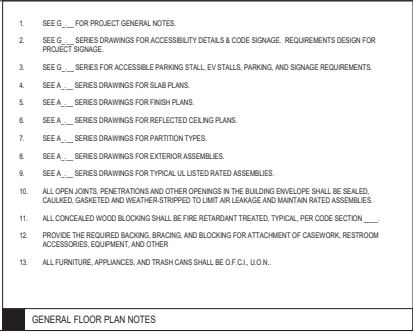
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 4/20/2024 4:25:19 PM



1 DEMO LEVEL 02 FLOOR PLAN PROJECT NORTH 1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

- SEE 0___ FOR PROJECT GENERAL NOTES.
- SEE 0___ SERIES DRAWINGS FOR ACCESSIBILITY DETAILS & CODE SIGNAGE. REQUIREMENTS DESIGN FOR PROJECT SIGNAGE.
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- SEE A___ SERIES DRAWINGS FOR FINISH PLANS.
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KEYNOTE LEGEND

- KEYNOTE TAG
- 0201 (E) EXT COLLUM COVER FINISH ASSEMBLY TO BE REMOVED. SHEATHING TO REMAIN, TYP.
- 0202 (E) INT. COL. COVER FINISH ASSEMBLY TO BE REMOVED. SHEATHING TO REMAIN, TYP.
- 0203 (E) INT PARTITIONS, FLOORING, CEILING SYSTEMS, LIGHT FIXTURES TO BE REMOVED, TYP.
- 0204 (E) FIXTURES, FLOORING, CEILING SYSTEMS, LIGHT FIXTURES IN RESTROOMS TO BE REMOVED, TYP.
- 0205 (E) FLOORING, CEILING SYSTEMS, LIGHT FIXTURES IN CORRIDORS AND STAIRS TO BE REMOVED, TYP.

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2023.04.26	PLANNING RESUBMITTAL 2	
2022.12.14	PLANNING RESUBMITTAL 1	
2022.08.05	PLANNING SUBMITTAL	
#	date	issue description

PROJECT NORTH

2023.04.26
 11-30-23
 C-31415
 STATE OF CALIFORNIA
 LICENSED ARCHITECT
 10000

750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK CA 94025

project number: 21-341
 date: 2023.04.26

EXISTING/DEMO LEVEL 2 FLOOR PLAN

A2.02E

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 # date issue description



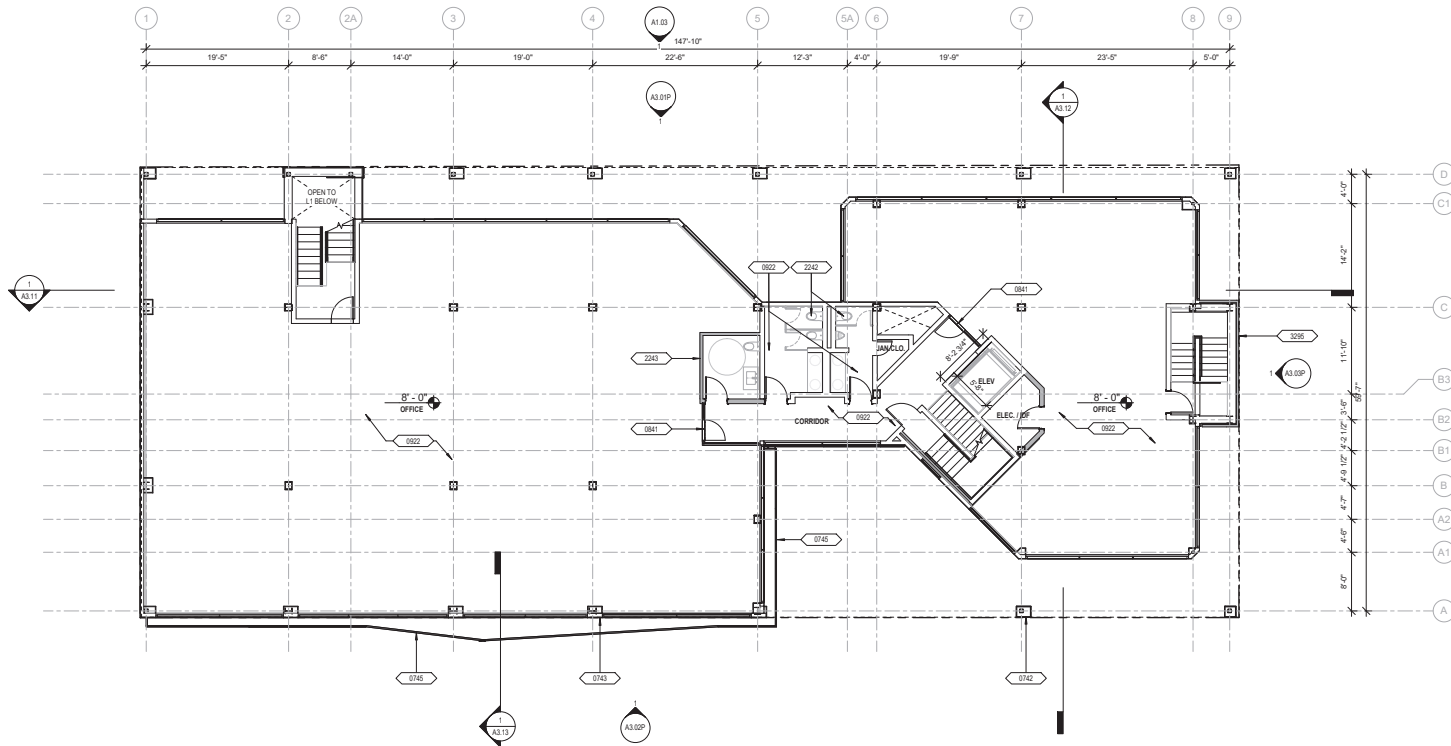
750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK, CA 94025

project number: 21-341
 date: 2023.04.26

PROPOSED LEVEL 2 FLOOR PLAN

A2.02P

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1/8" = 1'-0"

1 LEVEL 2 FLOOR PLAN

1. SEE 0... FOR PROJECT GENERAL NOTES.
2. SEE 0... SERIES DRAWINGS FOR ACCESSIBILITY DETAILS & CODE SIGNAGE. REQUIREMENTS DESIGN FOR PROJECT SIGNAGE.
3. SEE 0... SERIES FOR ACCESSIBLE PARKING STALL, EV STALLS, PARKING, AND SIGNAGE REQUIREMENTS.
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13. ALL FURNITURE, APPLIANCES, AND TRASH CANS SHALL BE O.F.C.I., U.O.N..

- NEW WALLS
- EXISTING WALLS TO REMAIN
- EXISTING LANDSCAPE
- NEW LANDSCAPE
- EXISTING SIDEWALK

- KEYNOTE TAG
- 0742 METAL PANEL OVER (E) SHEATHING FOR EXT. PERIMETER COLUMNS (FIN TO MATCH EXISTING), TYP.
- 0743 METAL PANEL OVER (E) SHEATHING BETWEEN (E) WINDOWS (FIN TO MATCH EXISTING), TYP.
- 0746 FIBER-CEMENT COMPOSITE PANEL ASSEMBLY SYSTEM OVER (E) SHEATHING, TYP.
- 0841 INT. STOREFRONT ASSEMBLY
- 0822 INSTALL INT. FLOOR FINISH CEILING FINISH AND LIGHT FIXTURES, TYP.
- 2242 REPLACE PLUMBING FIXTURES AT (E) RESTROOMS, TYP.
- 2243 ADA COMPLIANT RESTROOM
- 3296 EXT. GREEN FACADE / LIVING WALL OVER (E) SHEATHING

GENERAL FLOOR PLAN NOTES

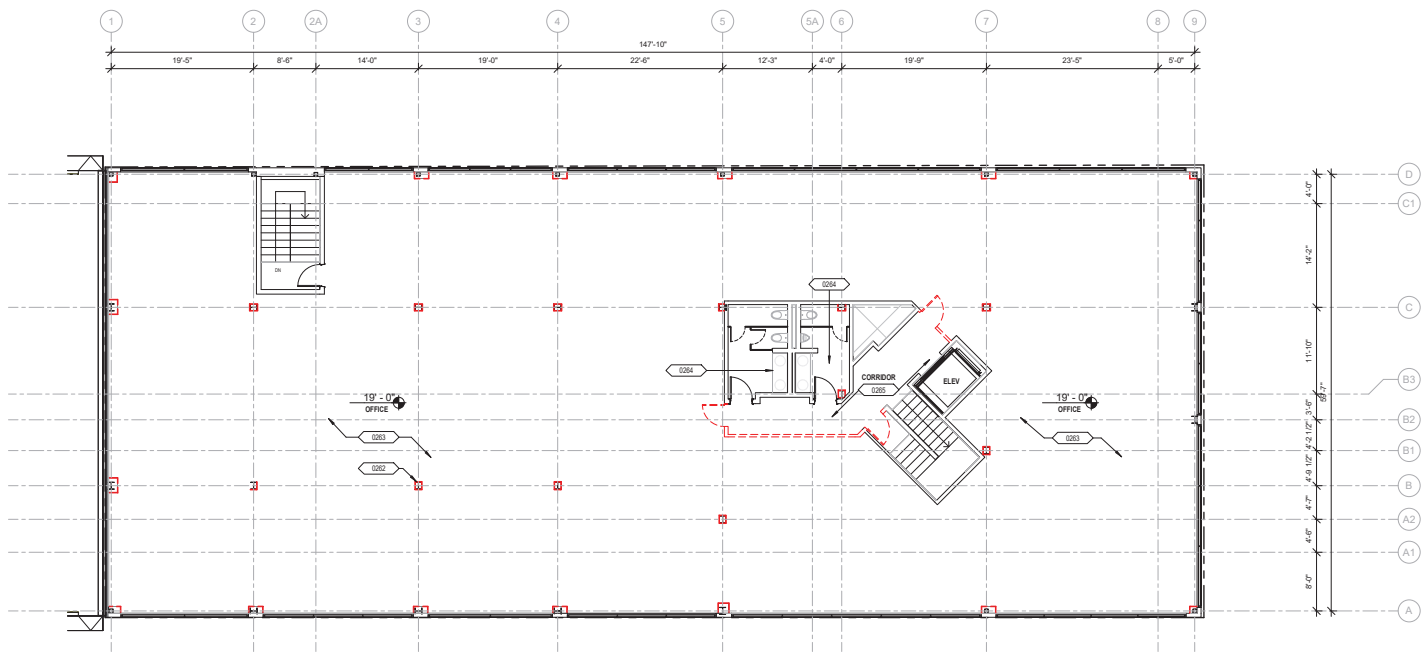
FLOOR PLAN LEGEND

KEYNOTE LEGEND

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 4/20/2024 4:23:14 PM



1/8" = 1'-0"

1 DEMO LEVEL 03 FLOOR PLAN

- GENERAL FLOOR PLAN NOTES
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- DEMO FLOOR PLAN LEGEND
- EXISTING SITE AREA TO BE REMOVED
 - EXISTING WALLS TO BE DEMOLISHED
 - EXISTING WALLS TO REMAIN
 - EXISTING LANDSCAPE
 - EXISTING SIDEWALK
 - EXISTING ROOF

- KEYNOTE LEGEND
- KEYNOTE TAG
 - 0202 (E) INT. COV. COVER FINISH ASSEMBLY TO BE REMOVED. SHEATHING TO REMAIN, TYP.
 - 0203 (E) INT. PARTITIONS, FLOORING, CEILING SYSTEMS, LIGHT FIXTURES TO BE REMOVED, TYP.
 - 0204 (E) FIXTURES, FLOORING, CEILING SYSTEMS, LIGHT FIXTURES IN RESTROOMS TO BE REMOVED, TYP.
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750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK CA 94025

project number: 21-341
 date: 2023.04.26

EXISTING/DEMO
 LEVEL 3 FLOOR PLAN

A2.03E

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PROJECT NORTH

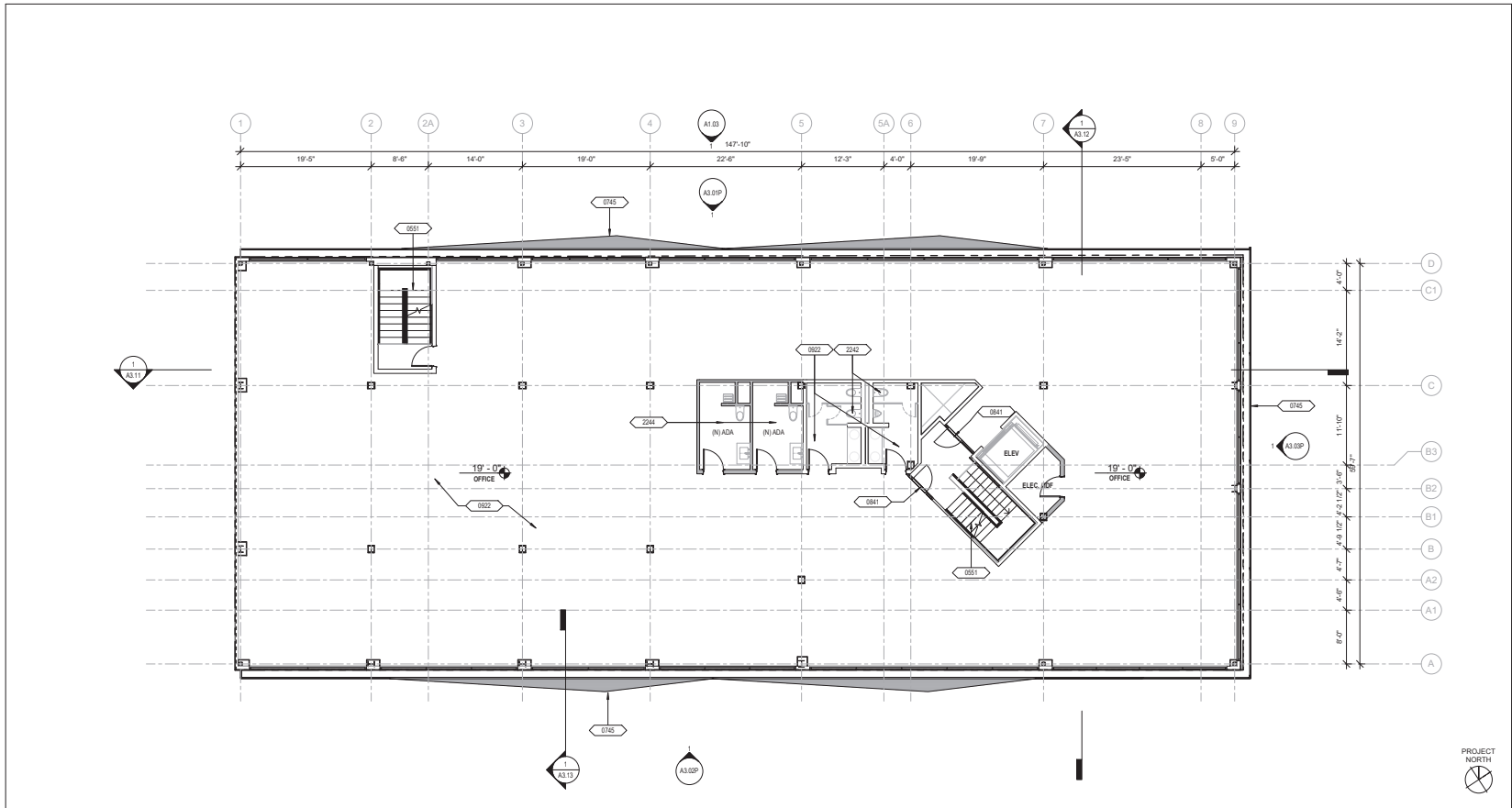


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PROPOSED LEVEL 3 FLOOR PLAN

A2.03P



1 LEVEL 3 FLOOR PLAN 1/8" = 1'-0"

<p>GENERAL FLOOR PLAN NOTES</p> <ol style="list-style-type: none"> SEE 0... FOR PROJECT GENERAL NOTES. SEE 0... SERIES DRAWINGS FOR ACCESSIBILITY DETAILS & CODE SIGNAGE. REQUIREMENTS DESIGN FOR PROJECT SIGNAGE. SEE 0... SERIES FOR ACCESSIBLE PARKING STALL, EV STALLS, PARKING, AND SIGNAGE REQUIREMENTS. SEE A... SERIES DRAWINGS FOR SLAB PLANS. SEE A... SERIES DRAWINGS FOR FINISH PLANS. SEE A... SERIES DRAWINGS FOR REFLECTED CEILING PLANS. SEE A... SERIES DRAWINGS FOR PARTITION TYPES. SEE A... SERIES DRAWINGS FOR EXTERIOR ASSEMBLIES. SEE A... SERIES DRAWINGS FOR TYPICAL UL LISTED RATED ASSEMBLIES. ALL OPEN JOINTS, PENETRATIONS AND OTHER OPENINGS IN THE BUILDING ENVELOPE SHALL BE SEALED, CAULKED, GASKETED AND WEATHER STRIPPED TO LIMIT AIR LEAKAGE AND MAINTAIN RATED ASSEMBLIES. ALL CONCEALED WOOD BLOCKING SHALL BE FIRE RETARDANT TREATED, TYPICAL PER CODE SECTION ____. PROVIDE THE REQUIRED BACKING, BRACING, AND BLOCKING FOR ATTACHMENT OF CASEWORK, RESTROOM ACCESSORIES, EQUIPMENT, AND OTHER. ALL FURNITURE, APPLIANCES, AND TRASH CANS SHALL BE O.F.C.I. U.O.N. 	<p>FLOOR PLAN LEGEND</p> <ul style="list-style-type: none"> NEW WALLS EXISTING WALLS TO REMAIN EXISTING LANDSCAPE NEW LANDSCAPE EXISTING SIDEWALK 	<p>KEYNOTE LEGEND</p> <ul style="list-style-type: none"> 0000 KEYNOTE TAG 0001 EXTENSION OF ENCLOSED LEVEL 3 METAL STAR TO ROOF LEVEL. 0100 FIRE EXTINGUISHMENT COMPOSITE PANEL ASSEMBLY SYSTEM OVER (E) SHEATHING, TYP. 0801 INT. STOREFRONT ASSEMBLY 0902 INSTALL INT. FLOOR FINISH, CEILING FINISH, AND LIGHT FIXTURES, TYP. 2302 REPLACE PLUMBING FIXTURES AT (G) RESTROOMS, TYP. 2204 ADA COMPLIANT RESTROOM AND SHOWER FACILITY
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2023.04.26	PLANNING RESUBMITTAL 2	
2022.12.14	PLANNING RESUBMITTAL 1	
2022.08.05	PLANNING SUBMITTAL	
#	date	issue description

#	date	issue description
2023.04.26	PLANNING RESUBMITTAL 2	
2022.12.14	PLANNING RESUBMITTAL 1	
2022.08.05	PLANNING SUBMITTAL	
#	date	issue description

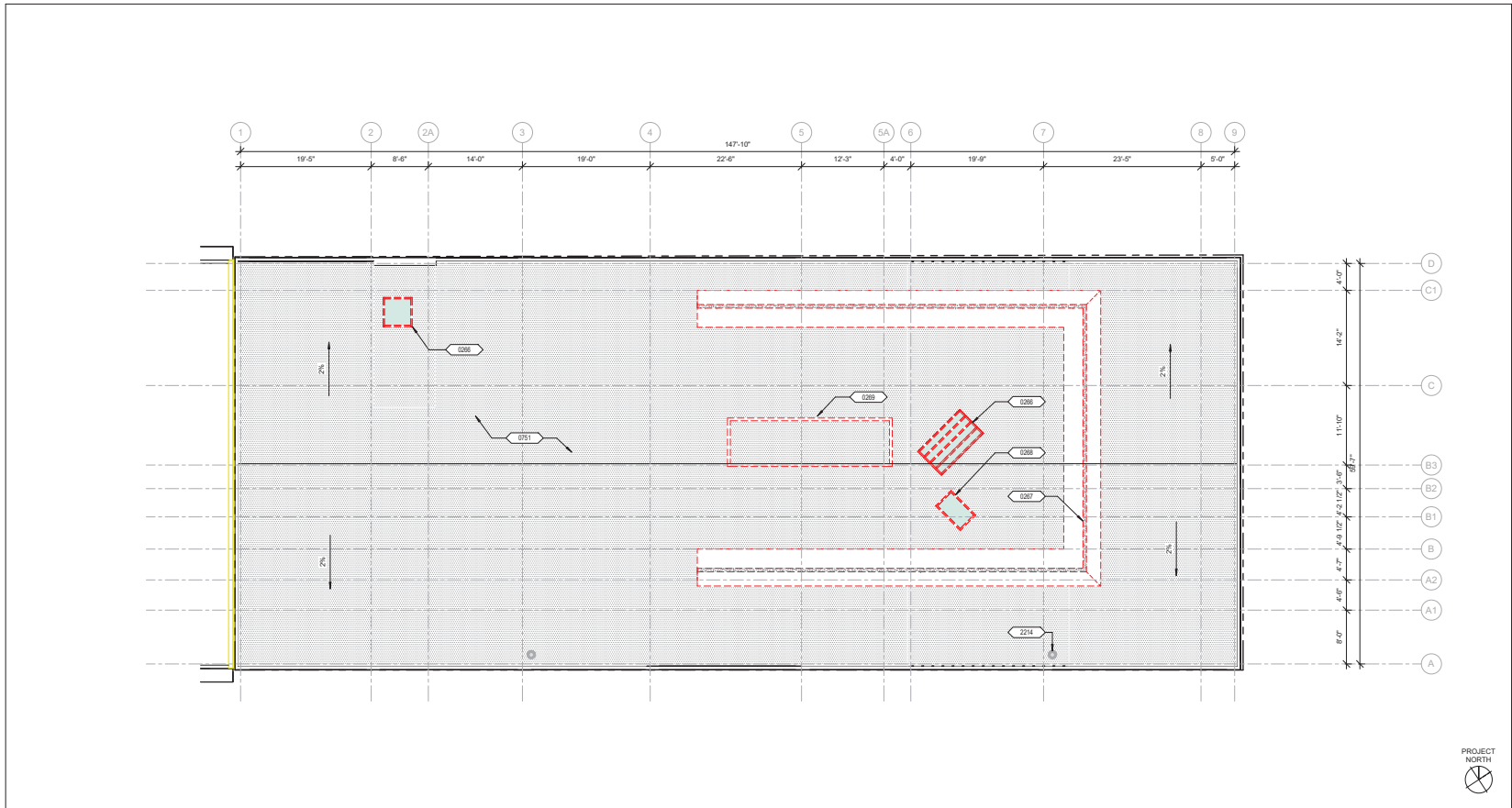


750 MENLO AVENUE
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 MENLO PARK CA 94025

project number: 21-341
 date: 2023.04.26

**DEMO/EXISTING
 ROOF LEVEL FLOOR
 PLAN**

A2.04E



1 DEMO ROOF LEVEL FLOOR PLAN PROJECT NORTH 1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES	DEMO FLOOR PLAN LEGEND	KEYNOTE LEGEND
<ol style="list-style-type: none"> SEE 0___ FOR PROJECT GENERAL NOTES. SEE 0___ SERIES DRAWINGS FOR ACCESSIBILITY DETAILS & CODE SIGNAGE. REQUIREMENTS DESIGN FOR PROJECT SIGNAGE. SEE 0___ SERIES FOR ACCESSIBLE PARKING STALL, EV STALLS, PARKING, AND SIGNAGE REQUIREMENTS. SEE A___ SERIES DRAWINGS FOR SLAB PLANS. SEE A___ SERIES DRAWINGS FOR FINISH PLANS. SEE A___ SERIES DRAWINGS FOR REFLECTED CEILING PLANS. SEE A___ SERIES DRAWINGS FOR PARTITION TYPES. SEE A___ SERIES DRAWINGS FOR EXTERIOR ASSEMBLIES. SEE A___ SERIES DRAWINGS FOR TYPICAL UL LISTED RATED ASSEMBLIES. ALL OPEN JOINTS, PENETRATIONS AND OTHER OPENINGS IN THE BUILDING ENVELOPE SHALL BE SEALED, CAULKED, GASKETED AND WEATHER STRIPPED TO LIMIT AIR LEAKAGE AND MAINTAIN RATED ASSEMBLIES. ALL CONCEALED WOOD BLOCKING SHALL BE FIRE RETARDANT TREATED, TYPICAL PER CODE SECTION ____. PROVIDE THE REQUIRED BACKING, BRACING, AND BLOCKING FOR ATTACHMENT OF CASEWORK, RESTROOM ACCESSORIES, EQUIPMENT, AND OTHER. ALL FURNITURE, APPLIANCES, AND TRASH CANS SHALL BE O.F.C.I. U.O.N. 	<ul style="list-style-type: none"> EXISTING SITE AREA TO BE REMOVED EXISTING WALLS TO BE DEMOLISHED EXISTING WALLS TO REMAIN EXISTING LANDSCAPE EXISTING SIDEWALK EXISTING ROOF 	<ul style="list-style-type: none"> KEYNOTE TAG 0200 (E) SKYLIGHT TO BE REMOVED, TYP. 0201 (E) MECH. SCREEN TO BE REMOVED, TYP. 0208 (E) ROOF HATCH TO BE REMOVED, TYP. 0209 (E) MECH. PAD TO BE REMOVED, TYP. 0210 (E) RAIL UP ROOF 2214 (E) ROOF DRAIN, TYP.

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 # date issue description



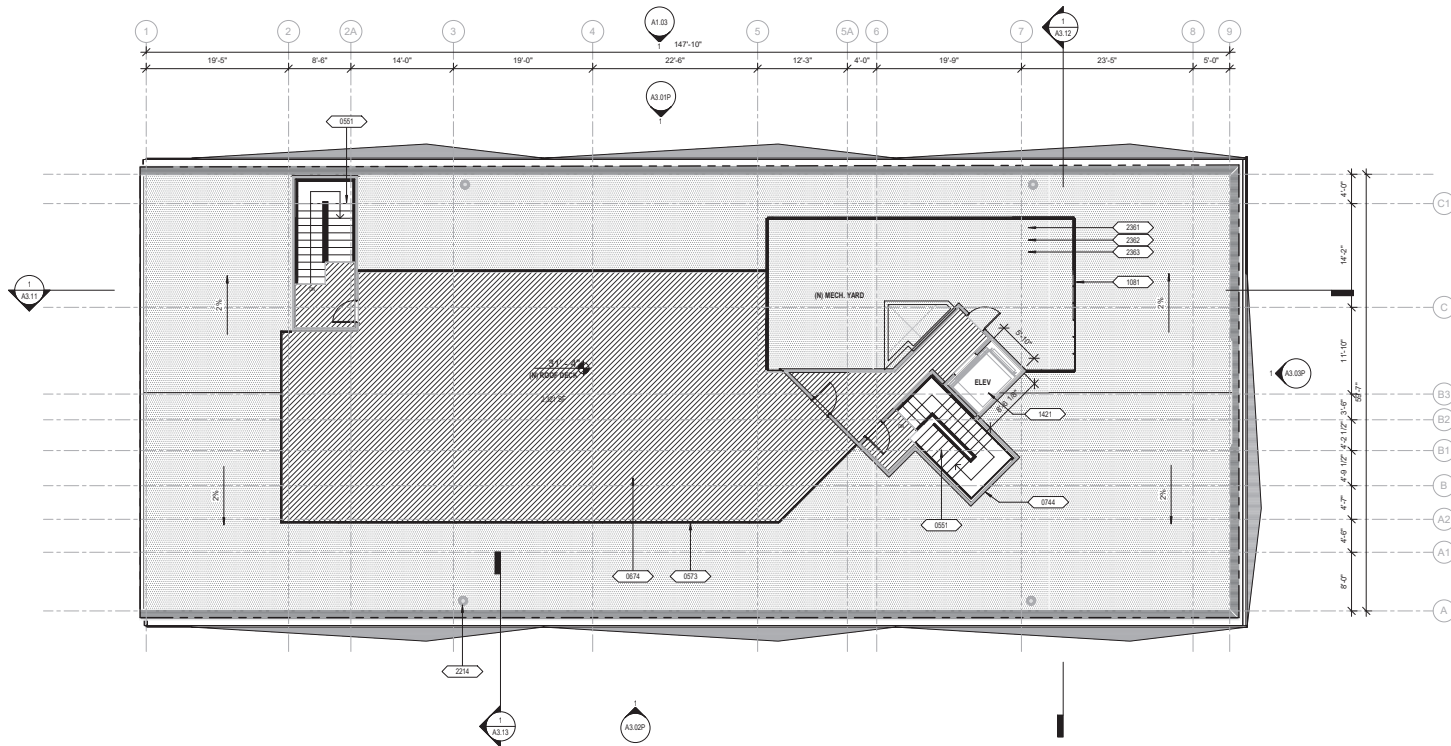
750 MENLO AVENUE
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project number: 21-341
 date: 2023.04.26

**PROPOSED ROOF
 LEVEL FLOOR PLAN**

A2.04P

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1 ROOF LEVEL FLOOR PLAN



1/8" = 1'-0"

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2. SEE 0___ SERIES DRAWINGS FOR ACCESSIBILITY DETAILS & CODE SIGNAGE. REQUIREMENTS DESIGN FOR PROJECT SIGNAGE.
3. SEE 0___ SERIES FOR ACCESSIBLE PARKING STALL, EV STALLS, PARKING, AND SIGNAGE REQUIREMENTS.
4. SEE A___ SERIES DRAWINGS FOR SLAB PLANS.
5. SEE A___ SERIES DRAWINGS FOR FINISH PLANS.
6. SEE A___ SERIES DRAWINGS FOR REFLECTED CEILING PLANS.
7. SEE A___ SERIES DRAWINGS FOR PARTITION TYPES.
8. SEE A___ SERIES DRAWINGS FOR EXTERIOR ASSEMBLIES.
9. SEE A___ SERIES DRAWINGS FOR TYPICAL UL LISTED RATED ASSEMBLIES.
10. ALL OPEN JOINTS, PENETRATIONS AND OTHER OPENINGS IN THE BUILDING ENVELOPE SHALL BE SEALED, CAULKED, GASKETED AND WEATHER STRIPPED TO LIMIT AIR LEAKAGE AND MAINTAIN RATED ASSEMBLIES.
11. ALL CONCEALED WOOD BLOCKING SHALL BE FIRE RETARDANT TREATED, TYPICAL PER CODE SECTION ___.
12. PROVIDE THE REQUIRED BACKING, BRACING, AND BLOCKING FOR ATTACHMENT OF CASEWORK, RESTROOM ACCESSORIES, EQUIPMENT, AND OTHER.
13. ALL FURNITURE, APPLIANCES, AND TRASH CANS SHALL BE O.F.C.I. U.O.N.

- FLOOR PLAN LEGEND**
- NEW WALLS
 - EXISTING WALLS TO REMAIN
 - EXISTING LANDSCAPE
 - NEW LANDSCAPE
 - EXISTING SIDEWALK

- KEYNOTE LEGEND**
- 0591 EXTENSION OF ENCLOSED LEVEL 3 METAL STAIR TO ROOF LEVEL
 - 0573 CABLE GUARDRAIL
 - 0674 WOOD COMPOSITE DECKING OVER WOOD STRUCTURAL ASSEMBLY (SEE WALL SECTION)
 - 0744 METAL PANEL WALL ASSEMBLY (PIN TO MATCH EXISTING) TYP.
 - 1001 METAL REFORCED MESH SCREEN WALL TYP.
 - 1421 ELEVATOR TO ROOF TERRACE
 - 2214 (E) ROOF DRAIN TYP.
 - 2301 SOUND-EMITTED BY ROOFTOP EQUIPMENT SHALL NOT EXCEED 90 DB(A) AT A DISTANCE OF 50 FEET FROM SUCH EQUIPMENT
 - 2362 ANY ROOF MOUNTED EQUIPMENT TO FOLLOW STANDARD E.3.2.01
 - 2363 MECHANICAL YARD OPEN TO SKY

GENERAL FLOOR PLAN NOTES

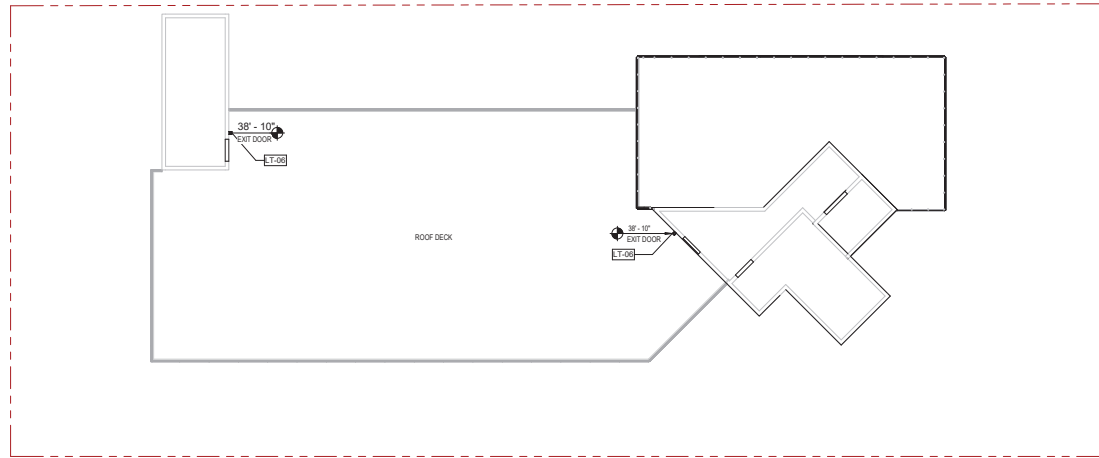
FLOOR PLAN LEGEND

KEYNOTE LEGEND


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1 ROOF DECK

ROOF LIGHTING SCHEDULE						
Type Mark	Manufacturer	Model	Description	Type Comments	Image	Level
LT-08	BEGA US	2280 LED	Wall Sconce - Downward Light	Exit Doors		ROOF DECK
Grand Total: 2						

Regarding the El Camino Specific Plan's Mitigation Monitoring Impact BIO-3 (Impacts to migratory or breeding special-status birds and other special-status species due to lighting conditions):

- The project does not propose facade up-lighting nor any up-lighting of rooftop antennae or tall equipment.
- Motion sensor lighting or lighting controls shall be installed.
- All proposed lighting will be LED and/or low wattage.
- If FAA regulations are applicable to the project, compliance to the requirements will be made as necessary.
- Any external lights on the project will be shielded.

KEYNOTE TAG

KEYNOTE LEGEND

PROJECT NORTH



1/8" = 1'-0"

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2022.08.05	PLANNING SUBMITTAL 1	
#	date	issue description



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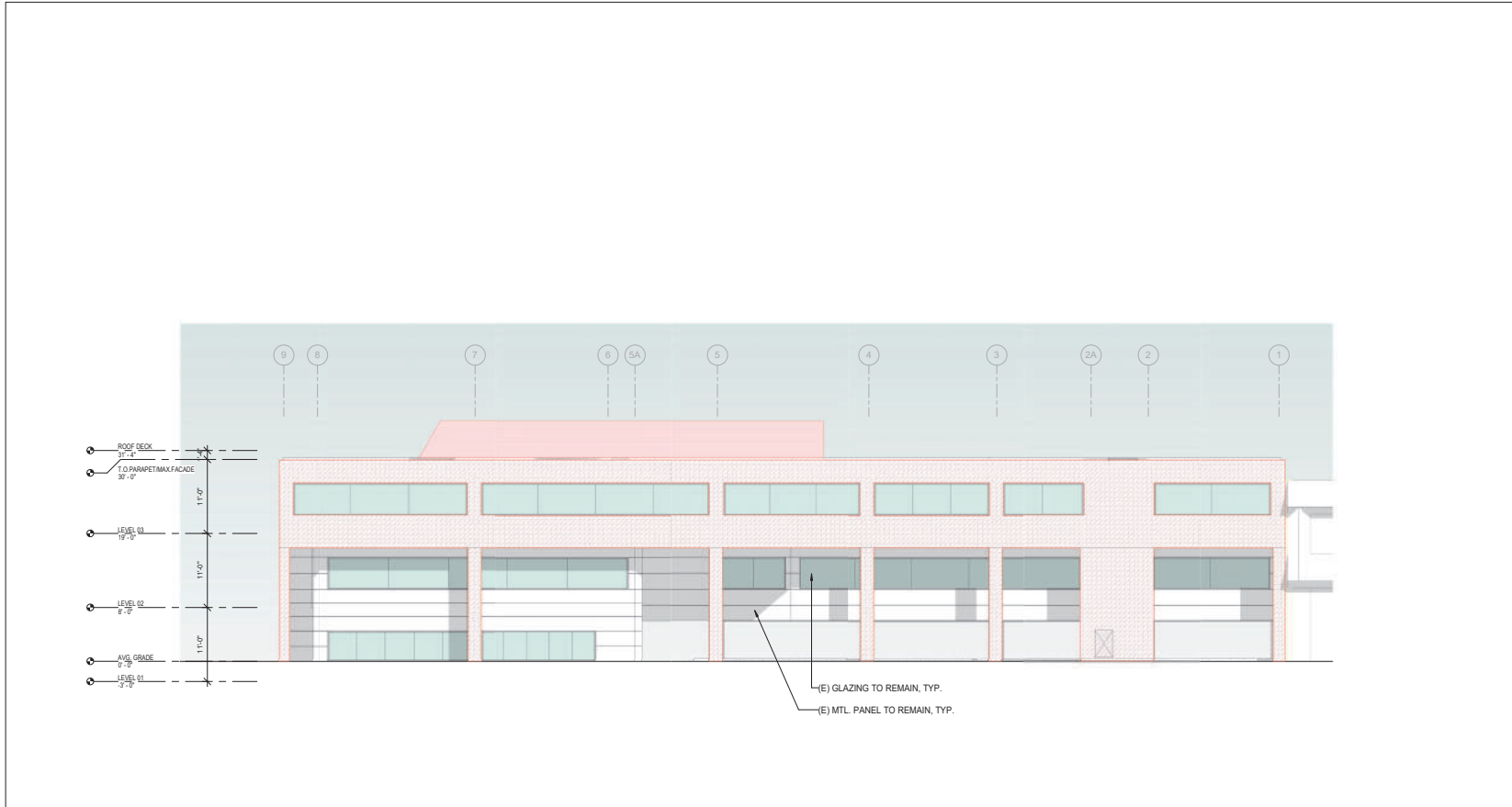
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ROOF LIGHTING PLAN

A2.04-LT

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2 EXISTING/DEMO NORTH BUILDING ELEVATION

1/8" = 1'-0"

GENERAL NOTES

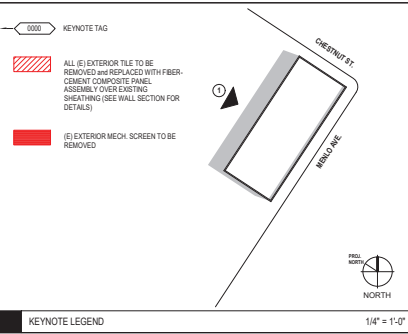
EXTERIOR MATERIAL LEGEND

KEYNOTE TAG

ALL (E) EXTERIOR TILE TO BE REMOVED AND REPLACED WITH FIBER-CEMENT COMPOSITE PANEL ASSEMBLY OVER EXISTING SHEETROCK (SEE WALL SECTION FOR DETAILS)

(E) EXTERIOR MECH. SCREEN TO BE REMOVED

MATERIAL TAG



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#	2022.08.05	PLANNING SUBMITTAL
#	date	issue description



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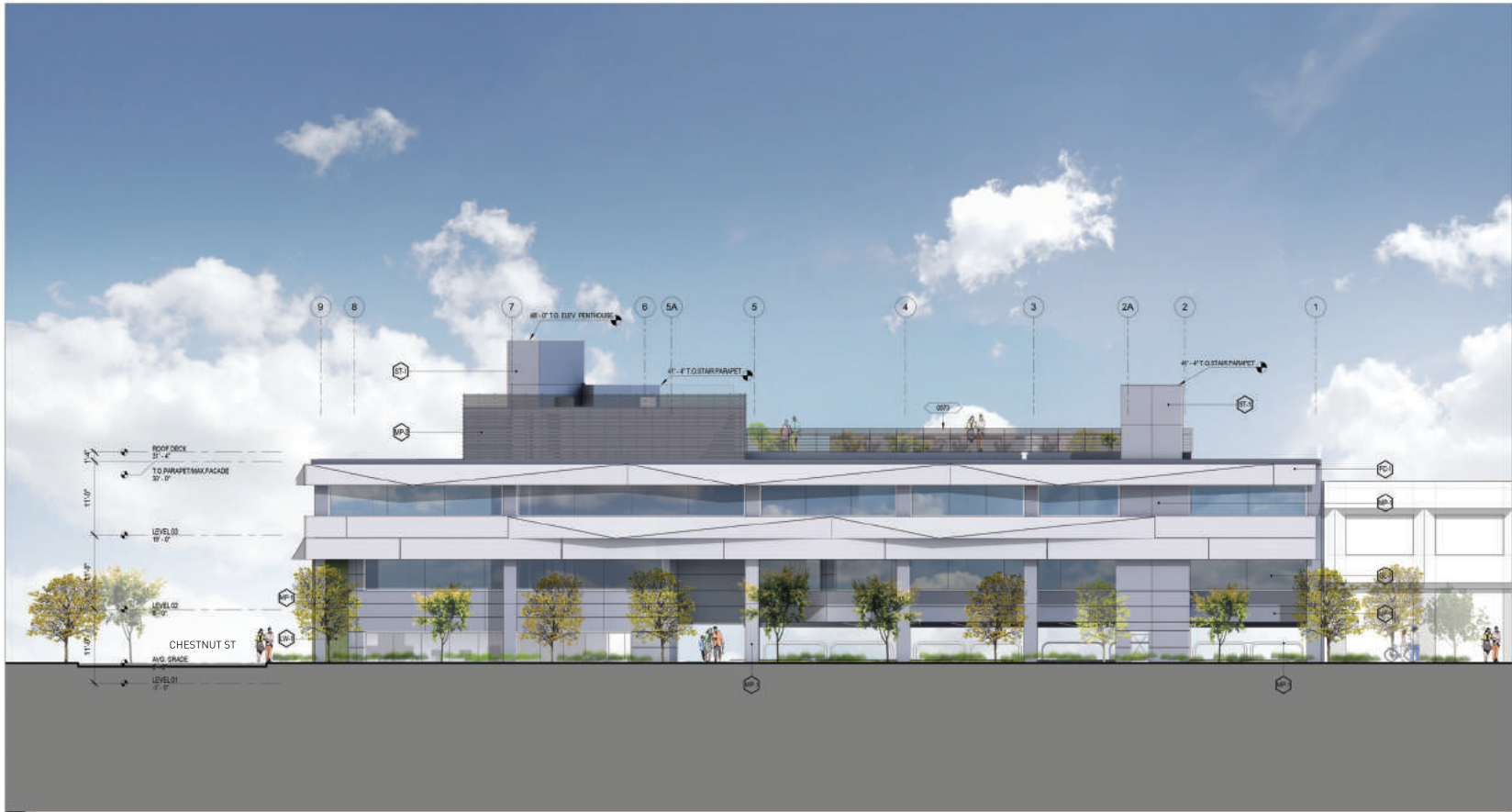
project number: 21341
 date: 2023.04.26

EXISTING/DEMO BUILDING ELEVATIONS - NORTH

A3.01E

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1 NORTH ELEVATION 1/8" = 1'-0"

	<p>PC-1 FIBER CEMENT PANEL, TYPE 1 OL-1 (F) INSULATED WINDOW UNIT LW-1 LIVING WALL, TYPE 1 MP-1 METAL PANEL, TYPE 1 MP-2 METAL PERFORATED SCREEN ST-1 STUCCO, TYPE 1</p> <p> MATERIAL TAG</p>	<p> KEYNOTE TAG</p> <p> CABLE GUARDRAIL</p> <p> NORTH</p>
EXTERIOR MATERIAL LEGEND 1/8" = 1'-0"		KEYNOTE LEGEND 1/8" = 1'-0"

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#	2022.06.05	PLANNING SUBMITTAL
#	date	issue description



750 MENLO AVENUE
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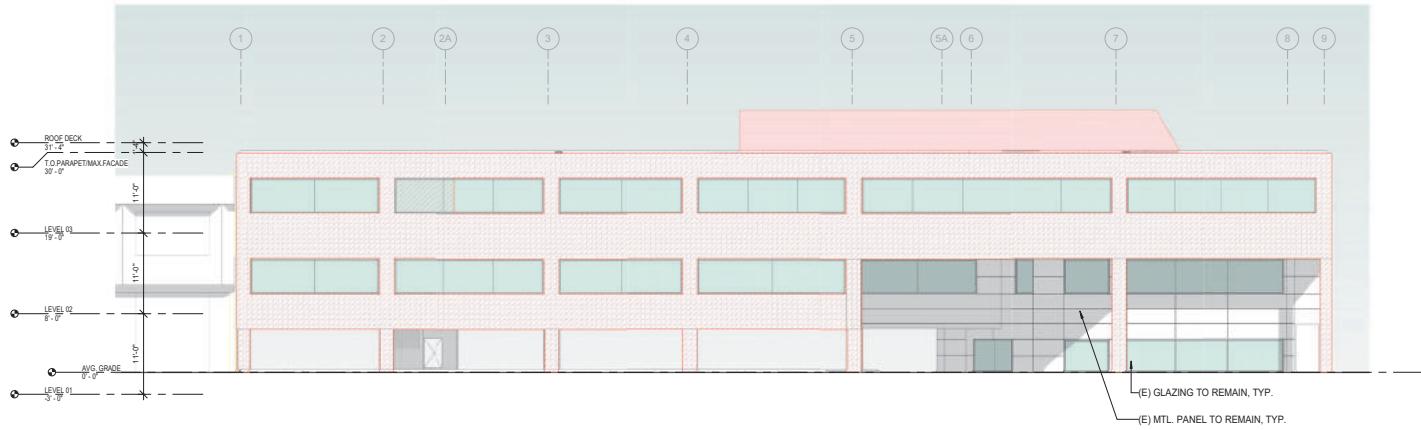
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PROPOSED BUILDING
 ELEVATIONS - NORTH

A3.01P

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1 EXISTING/DEMO SOUTH BUILDING ELEVATION

1/8" = 1'-0"

GENERAL NOTES

EXTERIOR MATERIAL LEGEND

1/4" = 1'-0"

KEYNOTE LEGEND

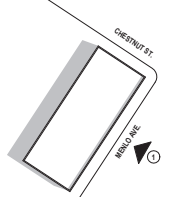
1/4" = 1'-0"

0000 KEYNOTE TAG

ALL (E) EXTERIOR TILE TO BE REMOVED and REPLACED WITH FBER-CEMENT COMPOSITE PANEL ASSEMBLY OVER EXISTING SIKATUNG (SEE WALL SECTION FOR DETAILS)

(E) EXTERIOR MECH. SCREEN TO BE REMOVED

MATERIAL TAG



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#	date	issue description



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 750 MENLO AVENUE
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project number: 21-S41

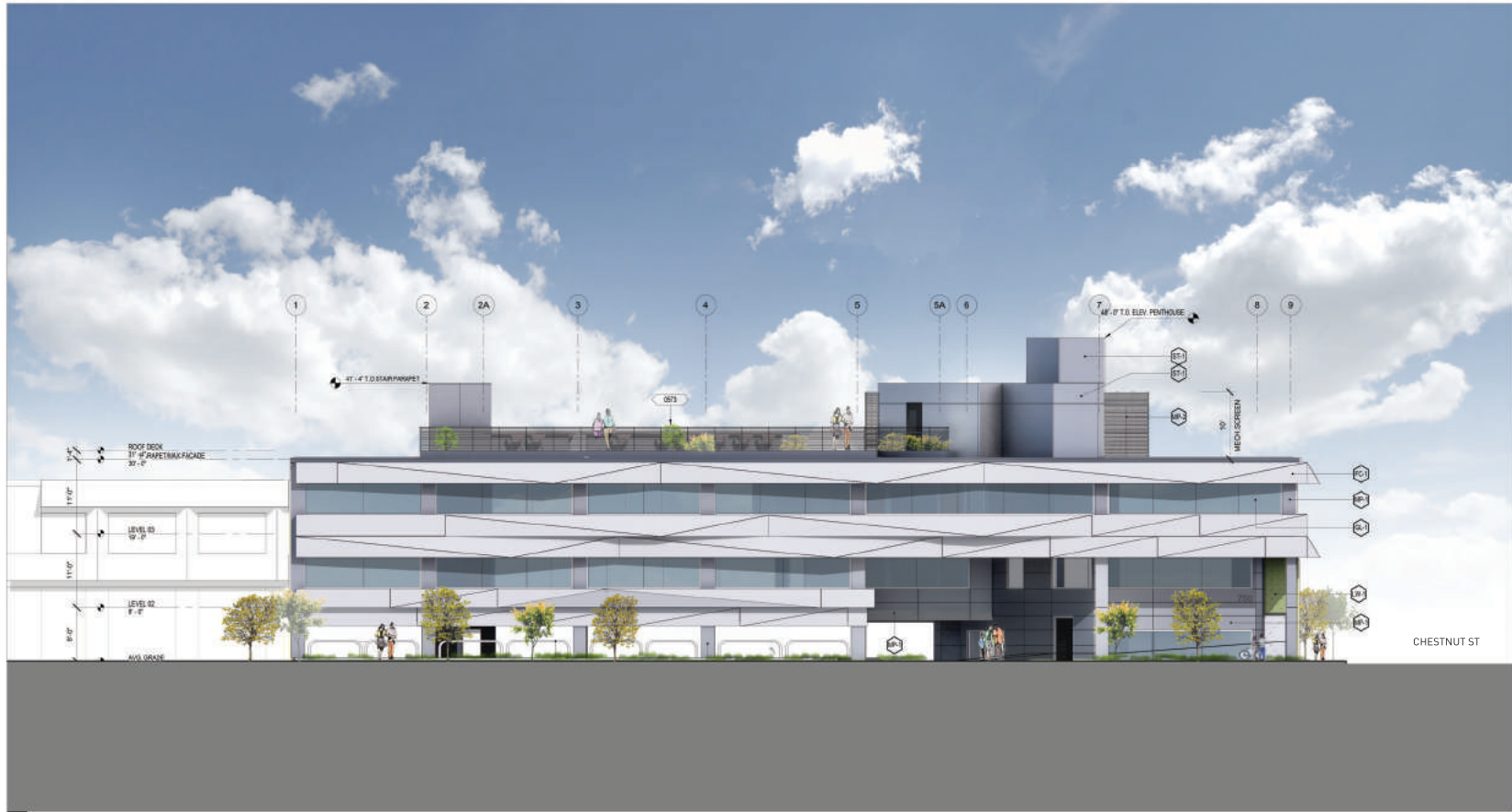
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EXISTING/DEMO BUILDING ELEVATIONS - SOUTH

A3.02E

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1 SOUTH ELEVATION 1/4" = 1'-0"

<p>PC-1 FIBER CEMENT PANEL, TYPE 1 OL-1 (F) INSULATED WINDOW UNIT LW-1 LIVING WALL, TYPE 1 MP-1 METAL PANEL, TYPE 1 MP-2 METAL PERFORATED SCREEN ST-1 STUCCO, TYPE 1</p> <p style="text-align: center;"> MATERIAL TAG</p>	<p>0000 KEYNOTE TAG MP3 CABLE GUARDRAIL</p> <div style="text-align: right;"> <p style="font-size: small;">Chestnut St Menlo Ave 1 NORTH</p> </div>
EXTERIOR MATERIAL LEGEND	KEYNOTE LEGEND
1/4" = 1'-0"	1/4" = 1'-0"

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2023.02.01	ISSUE DESCRIPTION	

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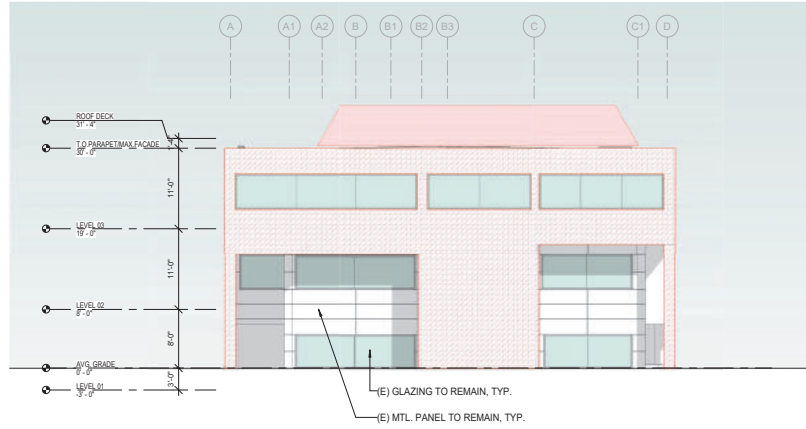
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PROPOSED BUILDING ELEVATIONS - SOUTH

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1 EXISTING/DEMO EAST BUILDING ELEVATION

1/8" = 1'-0"

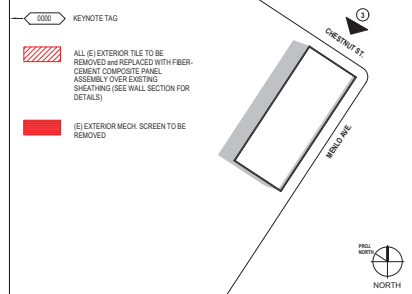
GENERAL NOTES

EXTERIOR MATERIAL LEGEND

1/4" = 1'-0"

KEYNOTE LEGEND

1/4" = 1'-0"



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2022.08.05	2022.08.05	PLANNING SUBMITTAL
		issue description



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project number: 21-341

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**EXISTING/DEMO
 BUILDING
 ELEVATIONS - EAST**

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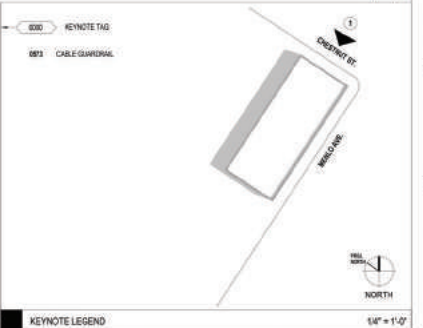
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1 EAST ELEVATION

1/8" = 1'-0"

EXTERIOR MATERIAL LEGEND	
FC1 FIBER CEMENT PANEL TYPE 1	KEYNOTE TAG
GL4 GLAZED INSULATED WINDOW UNIT	023 CABLE GUARDING
LW1 LIVING WALL TYPE 1	
MP1 METAL PANEL TYPE 1	
MP2 METAL PERFORATED SCREEN	
SH1 STUCCO TYPE 1	
MATERIAL TAG	



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	2022.08.05	PLANNING SUBMITTAL
		issue description



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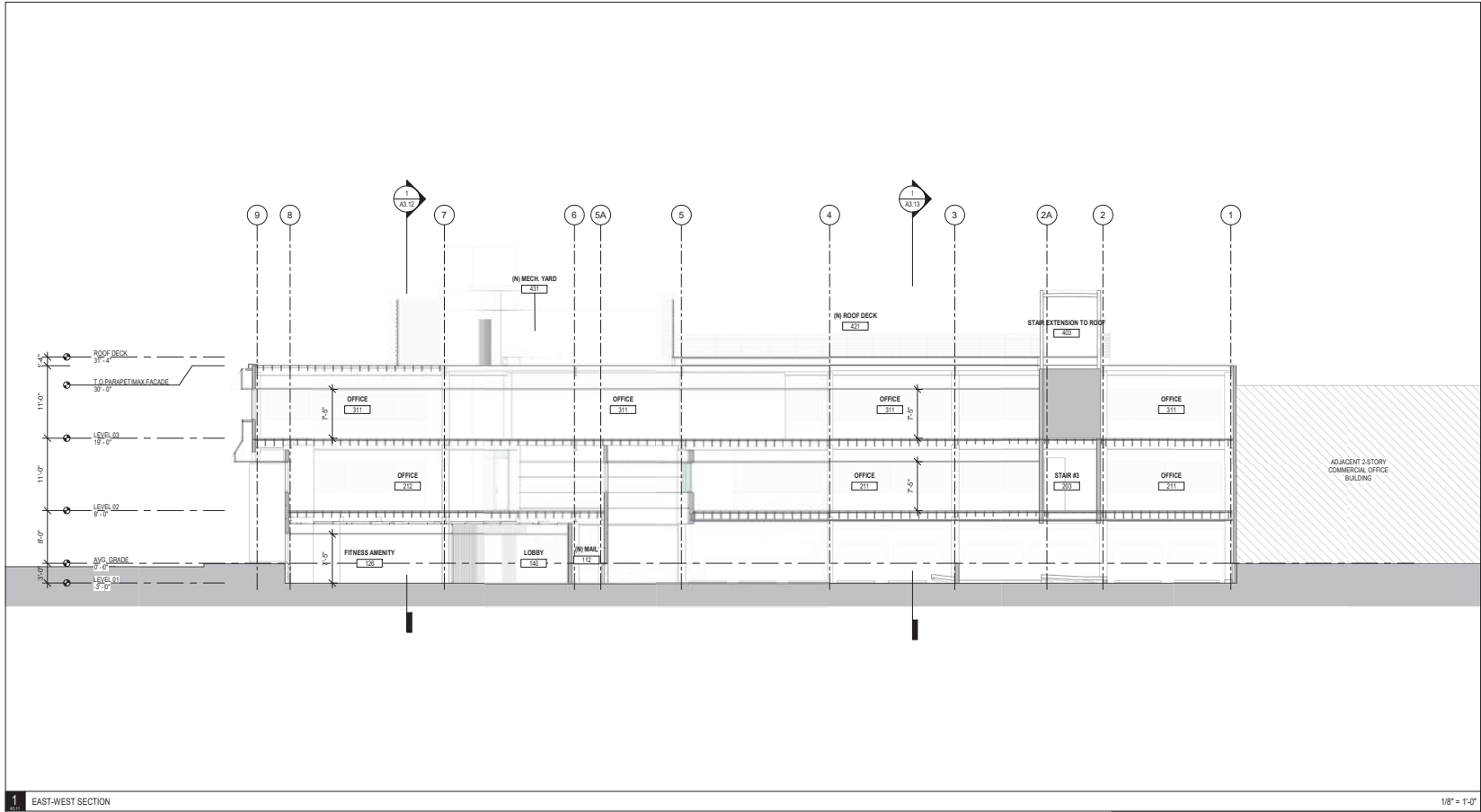
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date: 2023.04.26

PROPOSED BUILDING
ELEVATIONS - EAST

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1 EAST-WEST SECTION 1/8" = 1'-0"

KEYNOTE TAG

KEYNOTE LEGEND

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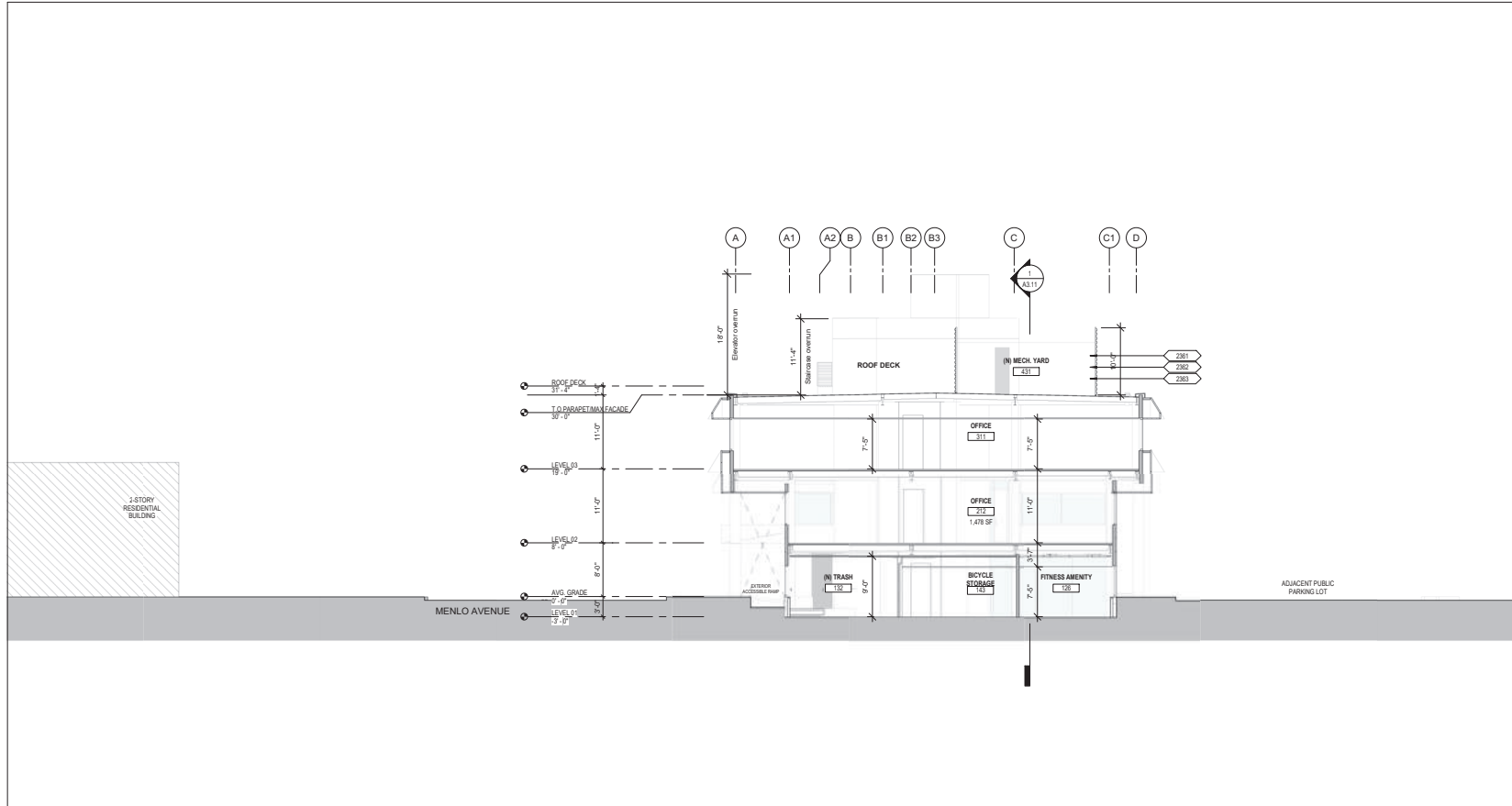
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 date: 2023.04.26

PROPOSED EAST-WEST SECTION

A3.11

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 File: Autodesk_Dwg/2023_21341_750 Menlo Ave/21341_750 Menlo - Architecture.dwg | 0221.rvt
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1 NORTH-SOUTH SECTION 1/8" = 1'-0"

KEYNOTE TAG

- 291 SOUND EMITTED BY ROOFTOP EQUIPMENT SHALL NOT EXCEED 50 DBA AT A DISTANCE OF 50 FEET FROM SUCH EQUIPMENT
- 292 ANY ROOFTOP MOUNTED EQUIPMENT TO FOLLOW STANDARD E-3.2.01
- 293 MECHANICAL YARD OPEN TO SKY

KEYNOTE LEGEND

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#	date	revision description
2023.04.26	2023.04.26	PLANNING RESUBMITTAL 2
2022.12.14	2022.12.14	PLANNING RESUBMITTAL 1
2022.08.05	2022.08.05	PLANNING SUBMITTAL
#	date	issue description



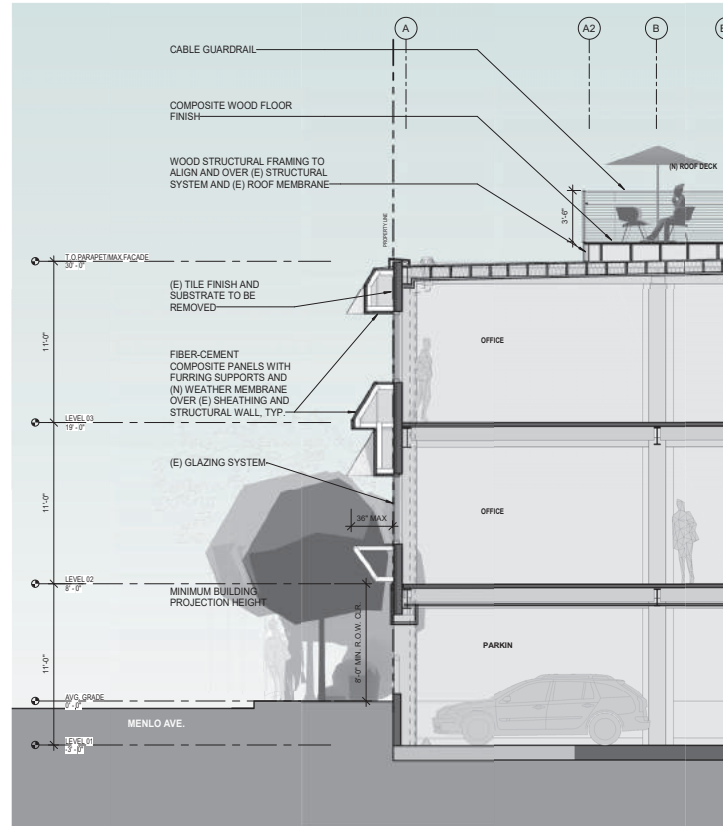
750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK, CA 94025

project number: 21341
 date: 2023.04.26

**PROPOSED
 NORTH-SOUTH
 SECTION**

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 File: Autodesk_DWG/2023_21341_750 Menlo Ave02 1341_750 Menlo - Architecture.dwg | 2023.rvt
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1 WALL SECTION

1/4" = 1'-0"

<p>FC1 FIBER CEMENT PANEL, TYPE 1 GL1 (E) INSULATED WINDOW UNIT LW1 LINING WALL, TYPE 1 MP1 METAL PANEL, TYPE 1 MP2 METAL PERFORATED SCREEN ST1 STUCCO, TYPE 1</p>	<p>KEYNOTE TAG</p>
<p>MATERIAL TAG</p>	<p>KEYNOTE LEGEND</p>

EXTERIOR MATERIAL LEGEND 1/4" = 1'-0" KEYNOTE LEGEND

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2023.04.26	PLANNING RESUBMITTAL 2	
2022.12.14	PLANNING RESUBMITTAL 1	
#	2022.08.05	PLANNING SUBMITTAL 1
#	date	issue description



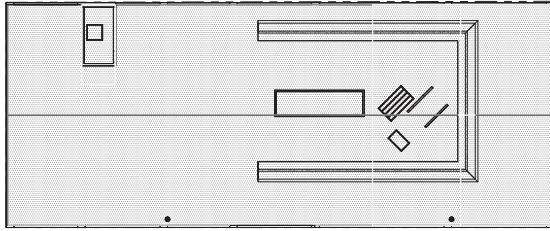
750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK, CA 94025

project number: 21341
 date: 2023.04.26

PROPOSED WALL SECTION

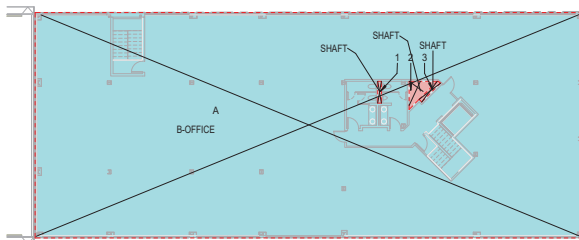
A3.13

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8 EXISTING ROOF DECK AREA PLAN

1/16" = 1'-0"



INCLUDED AREA

Level	Name	Number	Dimensions	Area
EXISTING LEVEL 03 Area Schedule (Gross Building)				
B-OFFICE				
LEVEL 03	B-OFFICE	A	149'8" x 81'8"	9,170.3 SF
				9,170.3 SF

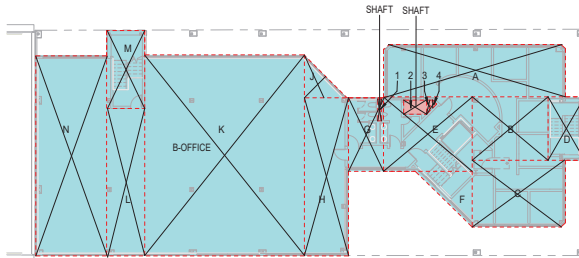
EXCLUDED AREA

Level	Name	Number	Dimensions	Area
EXISTING LEVEL 03 Area Schedule (Gross Building) Exclusions				
SHAFT				
LEVEL 03	SHAFT	1	6' x 1'	6 SF
LEVEL 03	SHAFT	2	7'8" x 7'8" x 10'10"	26.3 SF
LEVEL 03	SHAFT	3	7'2" x 1'	7.2 SF
				42.3 SF

■ B-OFFICE
■ SHAFT

7 EXISTING LEVEL 02 AREA PLAN

1/16" = 1'-0"



INCLUDED AREA

Level	Name	Number	Dimensions	Area
EXISTING LEVEL 02 Area Schedule (Gross Building)				
B-OFFICE				
LEVEL 02	B-OFFICE	A	488' x 148'	70,72 SF
LEVEL 02	B-OFFICE	B	257' x 174'	39,90 SF
LEVEL 02	B-OFFICE	C	293' x 183'	46,31 SF
LEVEL 02	B-OFFICE	D	114' x 81'11"	11,19 SF
LEVEL 02	B-OFFICE	E	201'1" x 243'	46,21 SF
LEVEL 02	B-OFFICE	F	197' x 273' x 193'	118,3 SF
LEVEL 02	B-OFFICE	G	201' x 89'	18,05 SF
LEVEL 02	B-OFFICE	H	211' x 432'	51,94 SF
LEVEL 02	B-OFFICE	J	188' x 121' x 119'	8,78 SF
LEVEL 02	B-OFFICE	K	437' x 346'	2,392.3 SF
LEVEL 02	B-OFFICE	L	405' x 103'	41,85 SF
LEVEL 02	B-OFFICE	M	195' x 213'	22,15 SF
LEVEL 02	B-OFFICE	N	348' x 198'	1,564.5 SF
				7,139.9 SF

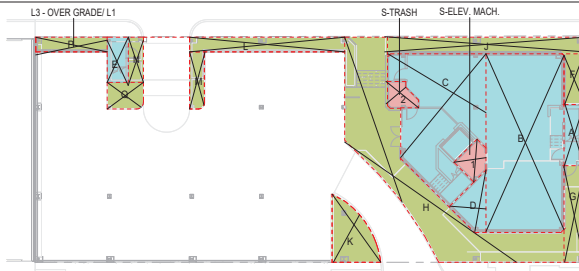
EXCLUDED AREA

Level	Name	Number	Dimensions	Area
EXISTING LEVEL 02 Area Schedule (Gross Building) Exclusions				
SHAFT				
LEVEL 02	SHAFT	1	8' x 1'	8.0 SF
LEVEL 02	SHAFT	2	5'2" x 3'10"	23.9 SF
LEVEL 02	SHAFT	3	11'8" x 3'10" x 4'9"	3.3 SF
LEVEL 02	SHAFT	4	1'8" x 2'10" x 1'11"	2.3 SF
				36.1 SF

■ B-OFFICE
■ SHAFT

6 EXISTING LEVEL 02 AREA PLAN

1/16" = 1'-0"



INCLUDED AREA

Level	Name	Number	Dimensions	Area
EXISTING LEVEL 01 Area Schedule (Gross Building)				
B-OFFICE				
LEVEL 01	B-OFFICE	A	188' x 57'	93.9 SF
LEVEL 01	B-OFFICE	B	213' x 489'	1,048.1 SF
LEVEL 01	B-OFFICE	C	Irregular shape	3,775.5 SF
LEVEL 01	B-OFFICE	D	Irregular shape	364.4 SF
LEVEL 01	B-OFFICE	E	124' x 89'	71,3 SF
				2,203.2 SF
L3 - OVER GRADE/L1				
LEVEL 01	L3 - OVER GRADE/L1	F	147' x 53'	7,75 SF
LEVEL 01	L3 - OVER GRADE/L1	G	28' x 52'	1,472 SF
LEVEL 01	L3 - OVER GRADE/L1	H	Irregular shape	95.2 SF
LEVEL 01	L3 - OVER GRADE/L1	I	547' x 4'	2,613 SF
LEVEL 01	L3 - OVER GRADE/L1	J	Irregular shape	189.7 SF
LEVEL 01	L3 - OVER GRADE/L1	K	424' x 4'	1,693 SF
LEVEL 01	L3 - OVER GRADE/L1	M	157' x 11'	62.4 SF
LEVEL 01	L3 - OVER GRADE/L1	N	124' x 42'	5,135 SF
LEVEL 01	L3 - OVER GRADE/L1	P	198' x 4'	77.8 SF
LEVEL 01	L3 - OVER GRADE/L1	Q	81'10" x 7'	712 SF
				2,203.2 SF
				4,102.2 SF

EXCLUDED AREA

Level	Name	Number	Dimensions	Area
EXISTING LEVEL 01 Area Schedule (Gross Building) Exclusions				
S-ELEV MACH				
LEVEL 01	S-ELEV MACH	1	Irregular shape	58.4 SF
				58.4 SF
S-TRASH				
LEVEL 01	S-TRASH	2	Irregular shape	48.5 SF
				108.9 SF

■ B-OFFICE
■ L3 - OVER GRADE/L1
■ S-ELEV MACH
■ S-TRASH

All areas are calculated by BIM model as per the area boundaries shown. All dimensions are for reference only

5 EXISTING LEVEL 01 AREA PLAN

1/16" = 1'-0"

Level	Area
EXISTING BUILDING AREA (PER ZONING DEFINITION)	
LEVEL 01	4,102.2 SF
LEVEL 02	7,139.9 SF
LEVEL 03	9,170.3 SF
EXISTING BUILDING AREA TOTAL	20,409.5 SF

Level	Area
EXISTING EXCLUDED AREA (PER ZONING DEFINITION)	
LEVEL 01	108.9 SF
LEVEL 02	36.1 SF
LEVEL 03	42.3 SF
EXISTING EXCLUDED AREA TOTAL	187.3 SF

Level	Area
EXISTING INCLUDED-EXCLUDED	
LEVEL 01	4,209.2 SF
LEVEL 02	7,176.0 SF
LEVEL 03	9,213.0 SF
	20,597.2 SF

MENLO PARK ZONING CODE - CH.16.04.325, GROSS FLOOR AREA - REGULATIONS THAT APPLY TO THIS PROJECT

(B) **GROSS FLOOR AREA INCLUDES** the following features of a building that meet the criteria of subsection (A) unless otherwise excluded in subsection (C):

- (4) Equipment and utility areas containing mechanical equipment, electrical panels, meters, controllers, switch boxes;
- (5) Storage areas;
- (6) Bay windows and similar projections or cantilevered areas; and
- (7) Elevator shafts and stairwells.

(C) **GROSS FLOOR AREA EXCLUDES** the following features of a building that meet the criteria of subsection (A):

- (2) Areas of a building or buildings dedicated to the enclosure of noise generating equipment, such as building mechanical equipment and generators, not to exceed one percent (1%) of the maximum allowed gross floor area of the lot. This exclusion applies to equipment utilized for the operation of the building systems and does not apply to equipment utilized in connection with a business operating within a building;
- (3) All areas devoted to covered parking and related circulation for automobiles and bicycles, including garages, carports, below grade parking structures, and above grade parking structures;
- (4) Covered porches and covered balconies provided that at least one end is open and unobstructed to the exterior except for columns or posts not more than twelve inches (12") in width and walls or railings not more than forty-four inches (44") in height;
- (5) Vent shafts, such as building mechanical air ducts and chimneys; and
- (6) Enclosures solely for trash and recycling.

(D) In cases where the gross floor area of an existing building, as previously determined in a project specific approval by the City of Menlo Park made prior to the enactment of this subsection (D) and on file with the City of Menlo Park, is greater than the gross floor area of an existing building would be determined to be when measured pursuant to subsections (A) through (C) of this Section 16.04.325, the previously determined gross floor area shall be the "gross floor area" for purposes of this Section 16.04.325, and therefore are considered conforming. Section 16.80.110 provides a process for considering expansions of an existing building or additional construction on sites with existing buildings in cases where the gross floor area of an existing building or buildings is greater when measured pursuant to the subsections (A) through (C). The City shall consider Gross Floor Area Exemption Certificates issued in compliance with subsection 16.80.110(b) when determining the remaining gross floor area on a lot that could be used for proposals to enlarge an existing building or to construct an additional building on the same lot as an existing building. This subsection (D) shall not apply to properties annexed to the City of Menlo Park after May 21, 2009 (Ord. 822 § 3 (part), 1991, Ord. 790 § 1 (part), 1989, Ord. 739 § 1 (part), 1986), (Ord. No. 963, § 1, 4-21-2009)

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2023.04.26 PLANNING RESUBMITTAL 2

2022.12.14 PLANNING RESUBMITTAL 1

2022.08.05 PLANNING SUBMITTAL

date issue description



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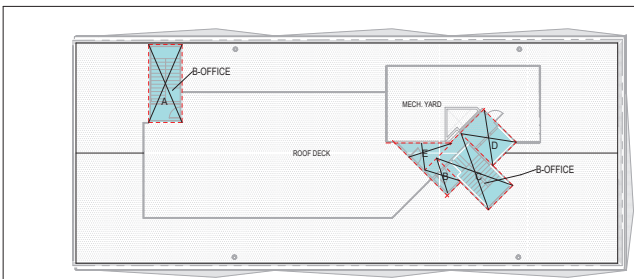
project number: 21341
date: 2023.04.26

EXISTING GROSS
AREA PLANS

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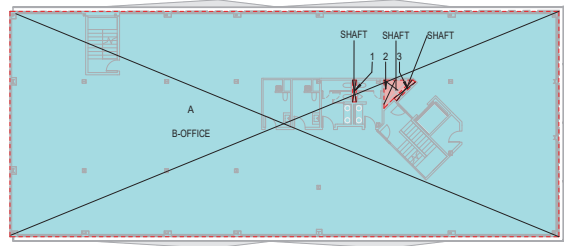
INCLUDED AREA

Proposed Roof Area Schedule (Gross Building)					
Level	Name	Number	Dimensions	Area	
B-OFFICE					
ROOF DECK	B-OFFICE	A	21'0" x 9'2"	194.3 SF	
ROOF DECK	B-OFFICE	B	9'9" x 4'9"	47.3 SF	
ROOF DECK	B-OFFICE	C	19'11" x 9'9"	182.3 SF	
ROOF DECK	B-OFFICE	D	12'9" x 9'	113.6 SF	
ROOF DECK	B-OFFICE	E	14'4" x 10'9" x 10'9"	66.5 SF	
				608.0 SF	
				608.8 SF	

■ B-OFFICE

4 NEW ROOF DECK AREA PLAN

1/16" = 1'-0"



INCLUDED AREA

Proposed Level 03 Area Schedule (Gross Building)					
Level	Name	Number	Dimensions	Area	
B-OFFICE					
LEVEL 03	B-OFFICE	A	148'9" x 61'6"	9,176.3 SF	
				9,176.3 SF	

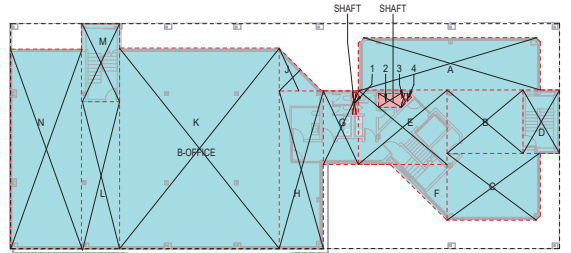
■ B-OFFICE
■ SHAFT

EXCLUDED AREA

Proposed Level 03 Area Schedule (Gross Building) Exclusions					
Level	Name	Number	Dimensions	Area	
SHAFT					
LEVEL 03	SHAFT	1	6' x 1'	6.0 SF	
LEVEL 03	SHAFT	2	7'8" x 7'8" x 10'10"	29.5 SF	
LEVEL 03	SHAFT	3	7'9" x 1'	42.7 SF	
				42.7 SF	

3 NEW LEVEL 03 AREA PLAN

1/16" = 1'-0"



INCLUDED AREA

Proposed Level 02 Area Schedule (Gross Building)					
Level	Name	Number	Dimensions	Area	
B-OFFICE					
LEVEL 02	B-OFFICE	A	49'6" x 14'2"	707.2 SF	
LEVEL 02	B-OFFICE	B	20'9" x 17'4"	366.0 SF	
LEVEL 02	B-OFFICE	C	20'9" x 18'7"	463.1 SF	
LEVEL 02	B-OFFICE	D	17'4" x 8'11"	113.9 SF	
LEVEL 02	B-OFFICE	E	20'1" x 24'3"	462.1 SF	
LEVEL 02	B-OFFICE	F	15'7" x 21'9" x 19'3"	118.3 SF	
LEVEL 02	B-OFFICE	G	20'1" x 17'	185.5 SF	
LEVEL 02	B-OFFICE	H	21'1" x 43'2"	519.4 SF	
LEVEL 02	B-OFFICE	J	19'6" x 12'1" x 11'6"	67.6 SF	
LEVEL 02	B-OFFICE	K	45'7" x 14'6"	2,362.5 SF	
LEVEL 02	B-OFFICE	L	40'9" x 10'9"	418.3 SF	
LEVEL 02	B-OFFICE	M	10'9" x 21'7"	231.8 SF	
LEVEL 02	B-OFFICE	N	54'6" x 19'6"	1,064.5 SF	
				7,138.9 SF	

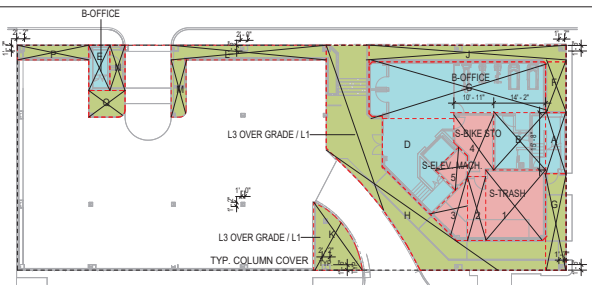
■ B-OFFICE
■ SHAFT

EXCLUDED AREA

Proposed Level 02 Area Schedule (Gross Building) Exclusions					
Level	Name	Number	Dimensions	Area	
SHAFT					
LEVEL 02	SHAFT	1	6' x 1'	6.0 SF	
LEVEL 02	SHAFT	2	6'7" x 3'10"	23.9 SF	
LEVEL 02	SHAFT	3	7'8" x 3'10" x 4'7"	33.3 SF	
LEVEL 02	SHAFT	4	12' x 3'10" x 11'1"	28.5 SF	
				36.1 SF	

2 NEW LEVEL 02 AREA PLAN

1/16" = 1'-0"



INCLUDED AREA

Proposed Level 01 Area Schedule (Gross Building)					
Level	Name	Number	Dimensions	Area	
B-OFFICE					
LEVEL 01	B-OFFICE	A	19'6" x 3'7"	63.3 SF	
LEVEL 01	B-OFFICE	B	Irregular shape	221.6 SF	
LEVEL 01	B-OFFICE	C	Irregular shape	701.5 SF	
LEVEL 01	B-OFFICE	D	Irregular shape	362.9 SF	
LEVEL 01	B-OFFICE	E	12'4" x 6'9"	71.3 SF	
				1,400.1 SF	
L3 OVER GRADE / L1					
LEVEL 01	L3 OVER GRADE / L1	F	14'1" x 6'9"	77.5 SF	
LEVEL 01	L3 OVER GRADE / L1	G	28' x 10'	142.2 SF	
LEVEL 01	L3 OVER GRADE / L1	H	Irregular shape	652.7 SF	
LEVEL 01	L3 OVER GRADE / L1	J	34'7" x 4'	243.3 SF	
LEVEL 01	L3 OVER GRADE / L1	K	Irregular shape	168.7 SF	
LEVEL 01	L3 OVER GRADE / L1	L	42'4" x 4'	169.3 SF	
LEVEL 01	L3 OVER GRADE / L1	M	15'7" x 4'11"	62.4 SF	
LEVEL 01	L3 OVER GRADE / L1	N	12'4" x 4'2"	11.9 SF	
LEVEL 01	L3 OVER GRADE / L1	P	19'6" x 4'	77.9 SF	
LEVEL 01	L3 OVER GRADE / L1	Q	8'11" x 7'9"	71.2 SF	
				1,623.1 SF	
				3,464.4 SF	

■ B-OFFICE
■ L3 OVER GRADE / L1
■ S-BIKE STO
■ S-ELEV MACH
■ S-TRASH

EXCLUDED AREA

Proposed Level 01 Area Schedule (Gross Building) Exclusions					
Level	Name	Number	Dimensions	Area	
S-BIKE STO					
LEVEL 01	S-BIKE STO	L	Irregular shape	136.6 SF	
				136.6 SF	
S-ELEV MACH					
LEVEL 01	S-ELEV MACH	S	Irregular shape	50.4 SF	
				50.4 SF	
S-TRASH					
LEVEL 01	S-TRASH	1	10'1" x 9'11"	313.4 SF	
LEVEL 01	S-TRASH	2	17'7" x 9'	87.2 SF	
LEVEL 01	S-TRASH	3	Irregular shape	94.3 SF	
				495.9 SF	
				714.8 SF	

All areas are calculated by BIM model as per the area boundaries shown. All dimensions are in reference only

1 NEW LEVEL 01 AREA PLAN

1/16" = 1'-0"

PROPOSED BUILDING AREA (PER ZONING DEFINITION)

LEVEL 01	3,464.4 SF
LEVEL 02	7,138.9 SF
LEVEL 03	9,176.3 SF
ROOF DECK	608.8 SF
PROPOSED BUILDING AREA TOTAL	20,409.5 SF

PROPOSED EXCLUDED AREA (PER ZONING DEFINITION)

LEVEL 01	Frame	714.8 SF
LEVEL 02	SHAFT	36.1 SF
LEVEL 03	SHAFT	42.7 SF
PROPOSED EXCLUDED AREA TOTAL	793.6 SF	

PROPOSED INCLUDED-EXCLUDED

LEVEL 01	4,209.2 SF
LEVEL 02	7,175.9 SF
LEVEL 03	9,213.3 SF
ROOF DECK	609.8 SF
PROPOSED INCLUDED-EXCLUDED TOTAL	21,208.3 SF

MENLO PARK ZONING CODE - CH.16.04.325, GROSS FLOOR AREA - REGULATIONS THAT APPLY TO THIS PROJECT

- (B) **GROSS FLOOR AREA INCLUDES** the following features of a building that meet the criteria of subsection (A) unless otherwise excluded in subsection (C):
 - (4) Equipment and utility areas containing mechanical equipment, electrical panels, meters, controllers, switch boxes;
 - (5) Storage areas;
 - (6) Bay windows and similar projections or cantilevered areas; and
 - (7) Elevator shafts and stairwells.
- (C) **GROSS FLOOR AREA EXCLUDES** the following features of a building that meet the criteria of subsection (A):
 - (2) Areas of a building or buildings dedicated to the enclosure of noise generating equipment, such as building mechanical equipment and generators, not to exceed one percent (1%) of the maximum allowed gross floor area of the lot. This exclusion applies to equipment utilized for the operation of the building systems and does not apply to equipment utilized in connection with a business operating within a building;
 - (3) All areas devoted to covered parking and related circulation for automobiles and bicycles, including garages, carports, below grade parking structures, and above grade parking structures;
 - (4) Covered porches and covered balconies provided that at least one end is open and unobstructed to the exterior except for columns or posts not more than twelve inches (12") in width and walls or railings not more than forty-four inches (44") in height;
 - (5) Vent shafts, such as building mechanical air ducts and chimneys; and
 - (6) Enclosures solely for trash and recycling.

(D) In cases where the gross floor area of an existing building, as previously determined in a project specific approval by the City of Menlo Park made prior to the enactment of this subsection (D) and on the file with the City of Menlo Park, is greater than the gross floor area of an existing building would be determined to be when measured pursuant to subsections (A) through (C) of this Section 16.04.325, the previously determined gross floor area shall be the "gross floor area" for purposes of this Section 16.04.325, and therefore are considered conforming. Section 16.80.110 provides a process for considering expansions of an existing building or additional construction on sites with existing buildings in cases where the gross floor area of an existing building or buildings is greater when measured pursuant to the subsections (A) through (C). The City shall consider Gross Floor Area Exemption Certificates issued in compliance with subsection 16.80.110(a) when determining the remaining gross floor area on a lot that could be used for proposals to enlarge an existing building or to construct an additional building on the same lot as an existing building. This subsection (D) shall not apply to properties annexed to the City of Menlo Park after May 21, 2009 (Ord. 822 § 3 (part), 1991; Ord. 700 § 1 (part), 1989; Ord. 739 § 1 (part), 1986). (Ord. No. 963, § 1, 4-21-2009)

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date revision description

2023.04.26 PLANNING RESUBMITTAL 2

2022.12.14 PLANNING RESUBMITTAL 1

2022.08.05 PLANNING SUBMITTAL

date issue description



750 MENLO AVENUE
750 MENLO AVENUE
MENLO PARK CA 94025

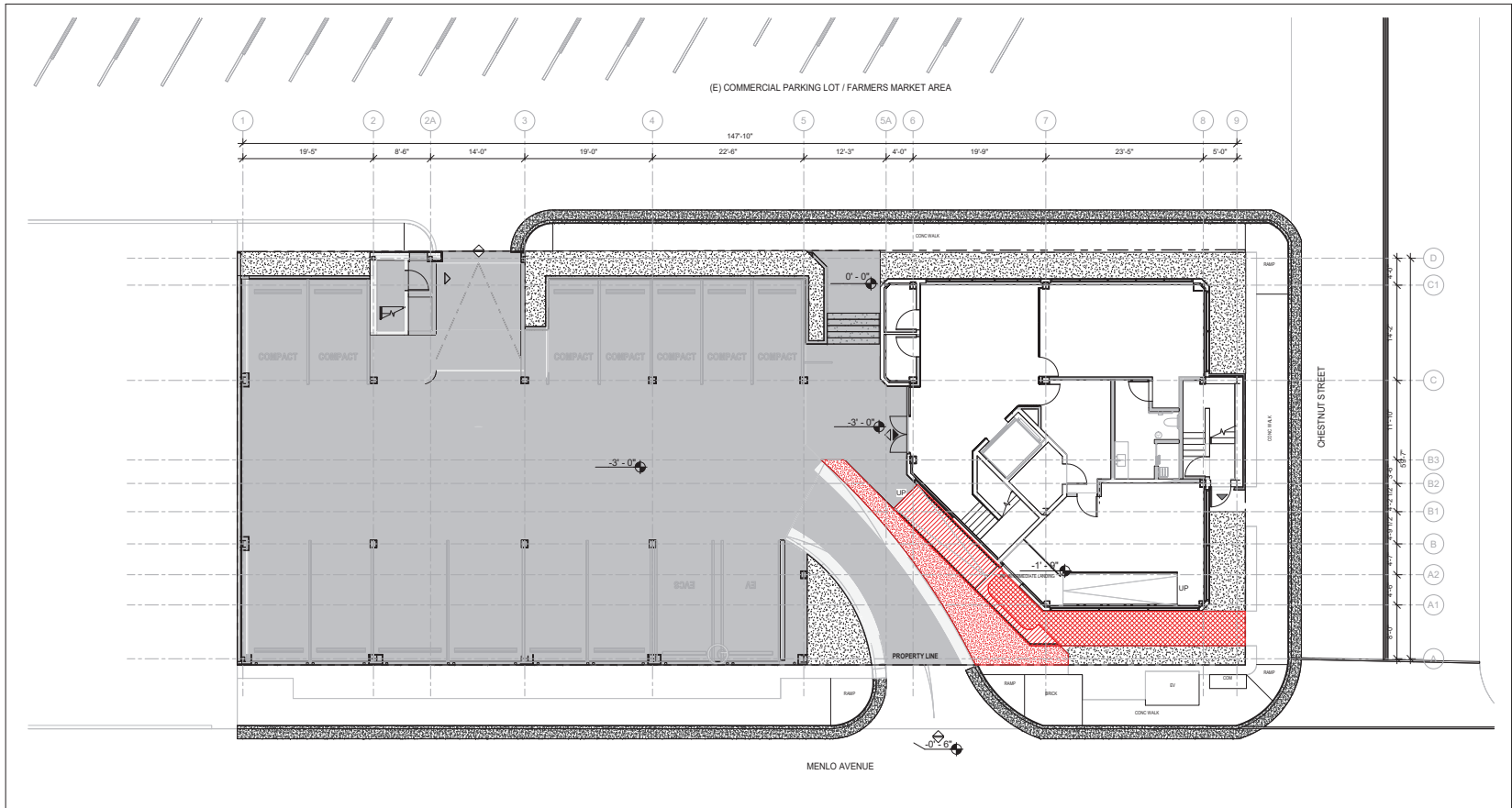
project number: 21.341
date: 2023.04.26

PROPOSED GROSS AREA PLANS

G1.01P

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4/20/2024 4:26:58 PM



1 IMPERVIOUS AREA PLAN 1/8" = 1'-0"

KEYNOTE LEGEND 1/4" = 1'-0"

—	BUILDING OUTLINE		
- - -	PROPERTY LINE		
[Solid Grey]	5721 SF (E) IMPERVIOUS SURFACE TO REMAIN	PROPOSED PAVING AREA: 6,022 S.F.	EXISTING PAVING AREA: 6,019 S.F.
[Red Hatched]	113 SF (E) IMPERVIOUS SURFACE TO BE REPLACED BY IMPERVIOUS SURFACE		
[Red Dotted]	186 SF (E) IMPERVIOUS SURFACE TO BE REPLACED BY IMPERVIOUS SURFACE	PROPOSED LANDSCAPE AREA: 1,010 S.F.	EXISTING LANDSCAPE AREA: 1,013 S.F.
[Red Cross-hatched]	185 SF (E) IMPERVIOUS SURFACE TO BE REPLACED BY IMPERVIOUS SURFACE		
[Stippled]	825 SF (E) IMPERVIOUS SURFACE TO REMAIN		

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2023.04.26		PLANNING RESUBMITTAL 2
2022.12.14		PLANNING RESUBMITTAL 1
2022.08.05		PLANNING SUBMITTAL 1
		Issue description



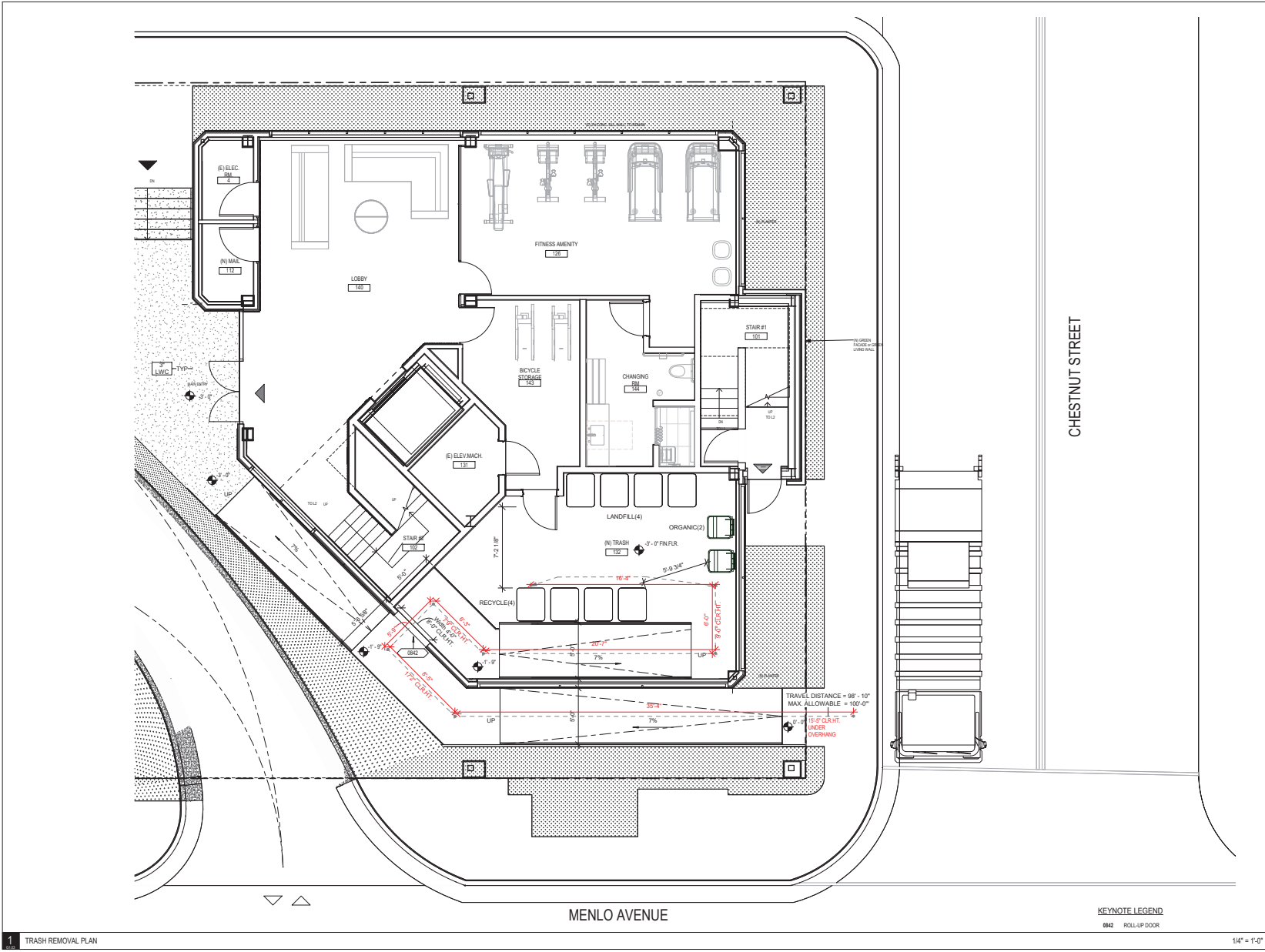
750 MENLO AVENUE
750 MENLO AVENUE
MENLO PARK, CA 94025

project number: 21-341
date: 2023.04.26

IMPERVIOUS AREA PLAN

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TRASH REMOVAL PLAN

KEYNOTE LEGEND
 8842 ROLL-UP DOOR

1/4" = 1'-0"

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2023.04.26	PLANNING RESUBMITTAL 2	
2022.12.14	PLANNING RESUBMITTAL 1	
#	2022.08.05	PLANNING SUBMITTAL
#	date	issue description



750 MENLO AVENUE
 750 MENLO AVENUE
 MENLO PARK, CA 94025

project number: 21_S41
 date: 2023.04.26

TRASH REMOVAL
 PLAN

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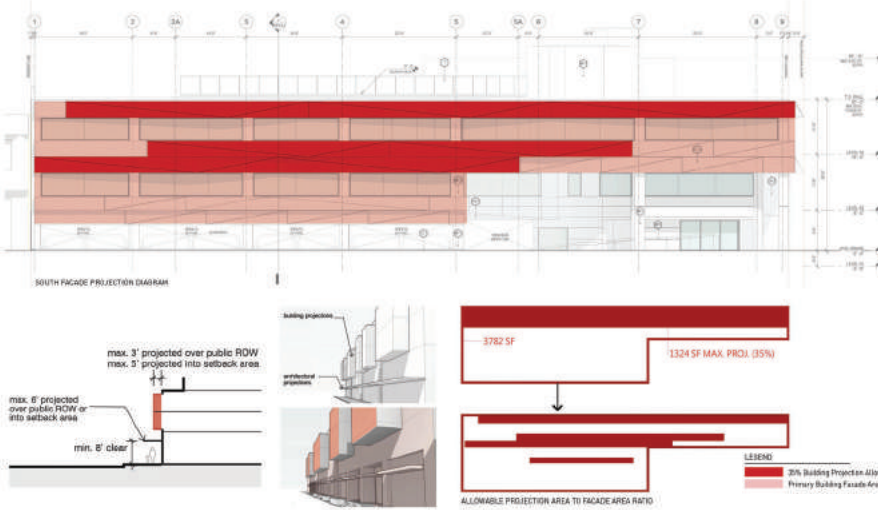
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G1.03

Building Projected Area

DEVELOPMENT STANDARDS

- E.3.3.06 The total area of all building projections shall not exceed 35% of the primary building facade area. Primary building facade is the facade built at the property or setback line.
- E.3.3.07 Architectural projections like canopies, awnings and signage shall not project beyond a maximum of 6 feet horizontally from the building face at the property line or at the minimum setback line. There shall be a minimum of 8-foot vertical clearance above the sidewalk, public right-of-way or public space.



Building Projected Depth

DEVELOPMENT STANDARDS

- E.3.3.04 In areas where no or a minimal setback is required, building projections, such as balconies, bay windows and dormer windows, shall not project beyond a maximum of 3 feet from the building face into the sidewalk clear walking zone, public right-of-way or public spaces, provided they have a minimum 8-foot vertical clearance above the sidewalk clear walking zone, public right-of-way or public space.
- E.3.3.05 In areas where setbacks are required, building projections, such as balconies, bay windows and dormer windows, at or above the second habitable floor shall not project beyond a maximum of 5 feet from the building face into the setback area.



Facade Treatment

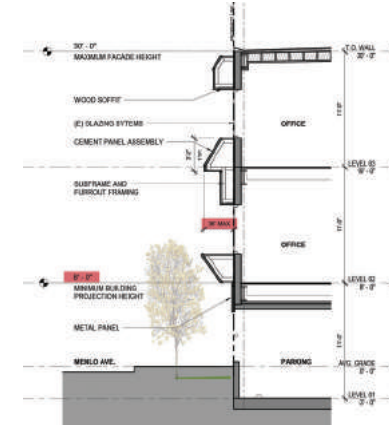
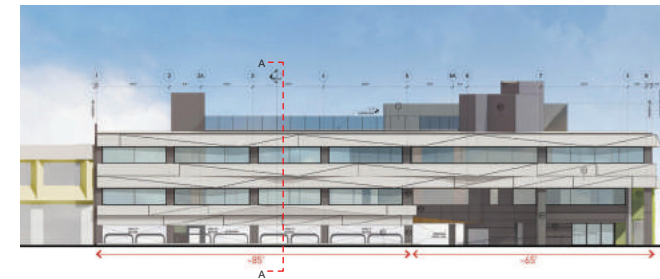
DEVELOPMENT STANDARDS

- E.3.4.2.01 Building facades facing public rights-of-way or public open spaces shall not exceed 50 feet in length without a minor building facade modulation. At a minimum of every 50' facade length, the minor vertical facade modulation shall be a minimum 2 feet deep by 5 feet wide recess or a minimum 2 foot setback of the building plane from the primary building facade.
- E.3.4.2.02 Building facades facing public rights-of-way or public open spaces shall not exceed 100 feet in length without a major building modulation. At a minimum of every 100 feet of facade length, a major vertical facade modulation shall be a minimum of 6 feet deep by 20 feet wide recess or a minimum of 6 feet setback of building plane from primary building facade for the full height of the building. This standard applies to all districts except ECR-NE-L and ECR-SW since those two districts are required to provide a building break at every 100 feet.
- E.3.4.2.03 In addition, the major building facade modulation shall be accompanied with a 4-foot minimum height modulation and a major change in fenestration pattern, material and/or color.

MENLO PARK MUNICIPAL CODE:

- 16.80.120 Exemption from the El Camino Real/Downtown specific plan in the SP-ECRD district.
 - (a) All buildings in existence or approved within the SP-ECRD district as of the date of adoption of the El Camino Real/Downtown specific plan, on June 12, 2012, shall be exempt from the development standards of El Camino Real/Downtown specific plan.

To avoid long stretches of continuous or monotonous street frontage and to provide visual interest, the Specific Plan recommends a range of facade modulation and treatments depending on building facade length. In general, buildings should maintain a tight and varied rhythm of facades compatible with the existing downtown character.



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2022.08.05	PLANNING SUBMITTAL	
#	date	issue description



750 MENLO AVENUE
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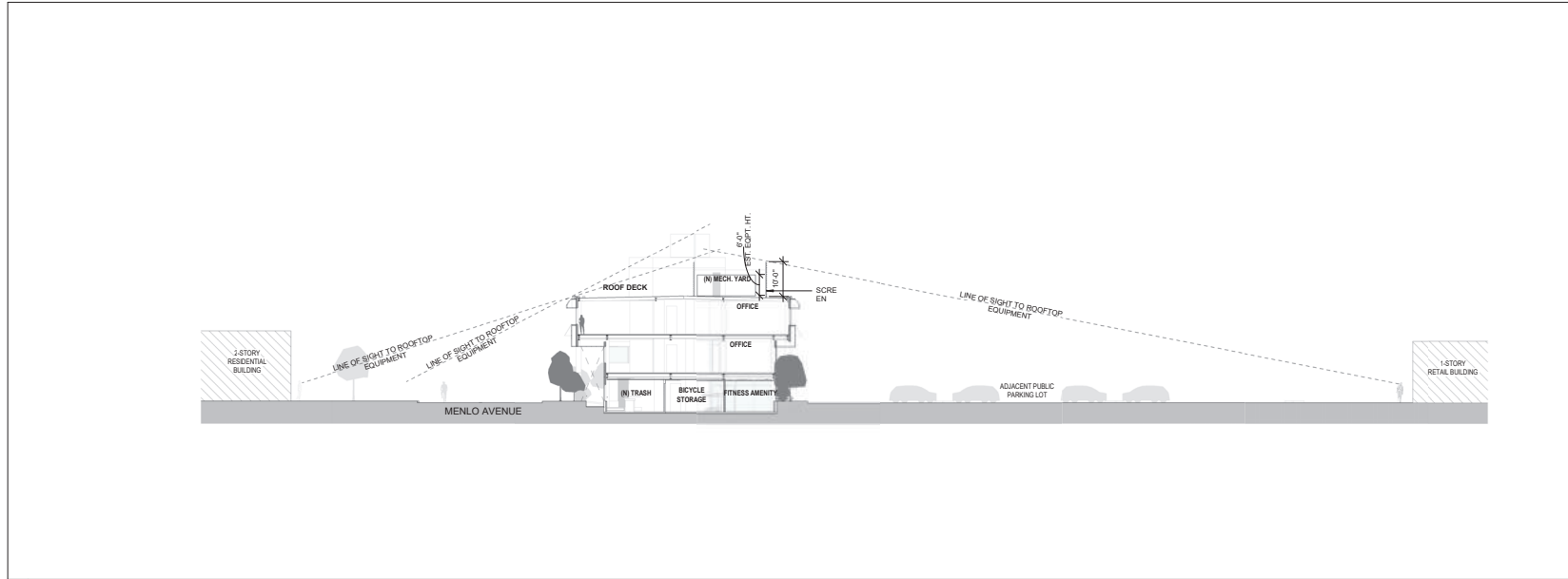
FACADE ANALYSIS

G2.01

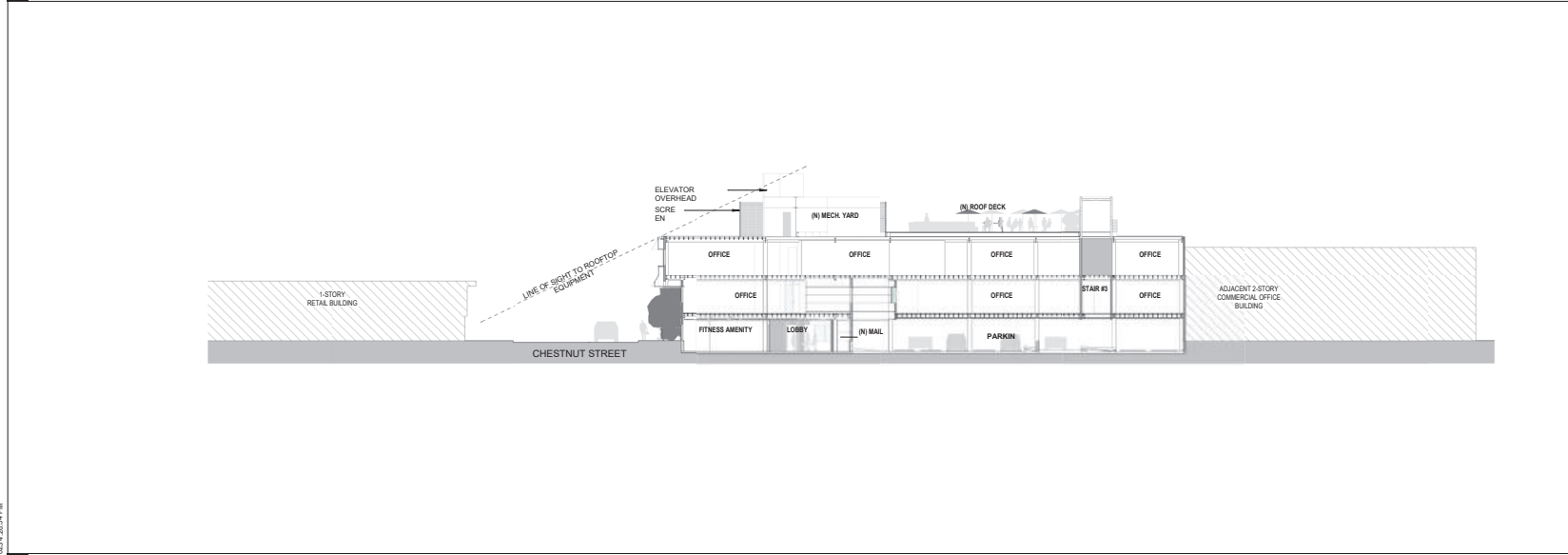
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1 N-S LOS DIAGRAM 1/16" = 1'-0"



2 E-W LOS DIAGRAM 1/16" = 1'-0"

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project number: 21341
 date: 2023.04.26

LINE OF SIGHT
 ANALYSIS

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G2.02

EXTERIOR FACADE



Fibre Cement Panel

Aluminum Composite Panel

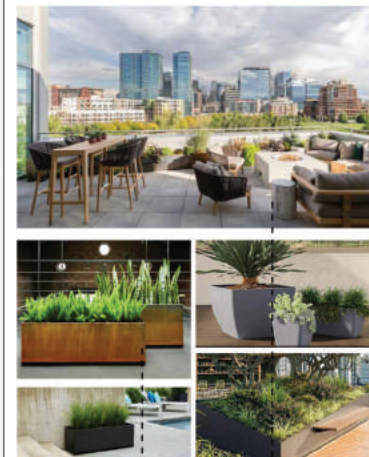
STK Cedar



LOBBY



ROOF DECK



Planterwax collection

Tournesol collection



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1 MATERIAL BOARD

12" = 1'-0"

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2022.12.14 PLANNING RESUBMITTAL 1

2022.08.05 PLANNING SUBMITTAL

date issue description



750 MENLO AVENUE
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MENLO PARK, CA 94025

project number: 21_341
date: 2023.04.26

MATERIALS BOARD

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Northeast View along Chestnut to North Parsing Lot



Southeast View Along Chestnut



View Looking West Along Menlo Ave.



View Looking West Along Menlo Ave.



View Looking East Along Menlo Ave.

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EXISTING
CONDITIONS

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G3.02

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# 2022.08.05	PLANNING SUBMITTAL
#	date issue description



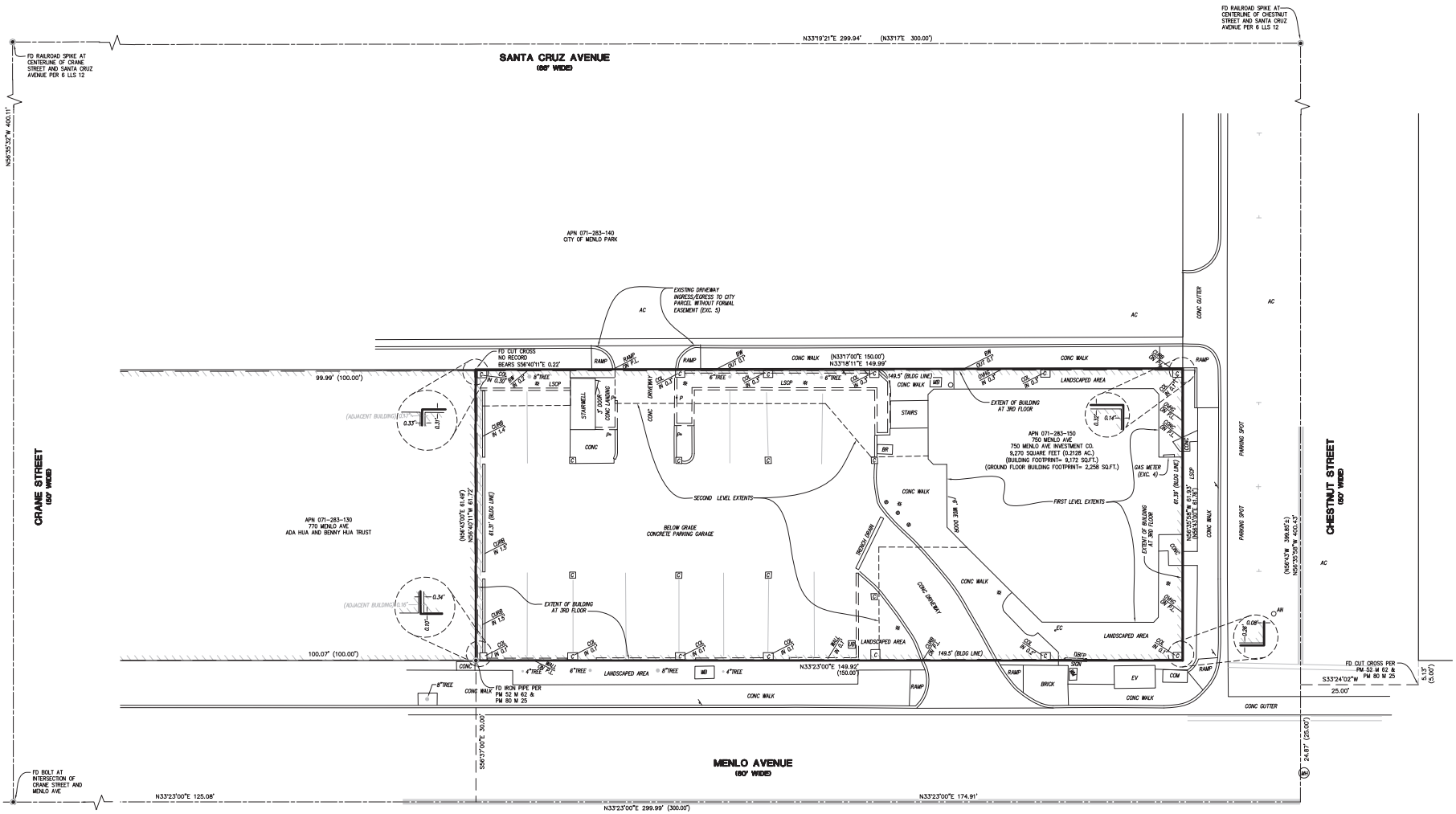
750 MENLO AVENUE
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 MENLO PARK CA 94025

project number: 21-341
 date: 2023-04-26

3D VIEWS

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G3.03



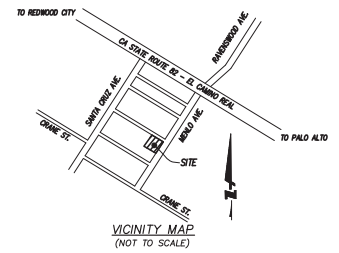
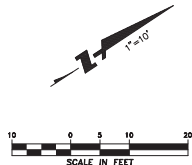
BASIS OF BEARINGS
 THE BEARING N33°23'00"E OF THE CENTERLINE OF MENLO AVENUE, BASED ON FOUND MONUMENTS, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF HOAG AND LANDSCAPE" AS FILED FOR RECORD IN THE COUNTY OF SAN MATEO ON JULY 15, 1907 IN BOOK 4 OF MAPS PAGE 16 WAS TAKEN AS THE BASIS OF BEARINGS OF THIS SURVEY.

ELEVATION DATUM
 VERTICAL DATUM IS BASED ON CITY OF MENLO PARK BENCHMARK UJ110, UPDATED APRIL 25, 2016, DESCRIBED AS A BRASS DISC SET IN BUILDING FOUNDATION AT NORTHWEST CORNER OF THE INTERSECTION OF EL CAMINO REAL AND SANTA CRUZ AVE.

ELEVATION = 73.85' (NAVD88)

SURVEY NOTES
 1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. THE LOCATION, SIZES AND TYPES OF UTILITIES SHOWN ON SURVEY ARE DERIVED FROM SURFACE OBSERVATION ONLY.

- LEGEND**
- AC ASPHALTIC CONCRETE
 - AN ANGLE
 - APP BACKFLOW PREVENTOR
 - BLDG BUILDING
 - BR BRICK
 - BRG BRIDGE RACKS
 - CC COLUMN
 - COM COMMUNICATION BOX
 - CONC CONCRETE
 - EC ELECTRICAL CONDUIT
 - EV ELECTRICAL VALVE
 - EJC TITLE REPORT EXCEPTION NUMBER
 - LEP LANDSCAPING AREA
 - MB 6" DIA. MANHOLE
 - MI MANHOLE
 - P POLE
 - UN UNKNOW. UTILITY BOX
 - WM WATER METER
 - BL BOLLARD
 - SN SIGN
 - AL AREA LIGHT
 - BUILDING OVERHANG & EXTENTS OF THIRD LEVEL
 - EXTENTS OF SECOND LEVEL
 - NORTH OF WALL ON TOP OF ROOF (EAST ABOVE GROUND)
 - CONCRETE RETAINING WALL
 - TRAFFIC STRIPING
 - CENTERLINE OF STREET
 - PROPERTY LINE
 - ADJOINING LOT LINE



SURVEYOR'S STATEMENT
 THIS SITE PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT

David Darling
 DAVID DARLING
 6-15-2021
 P.L.S. NO. 7625

PROFESSIONAL LAND SURVEYOR
 L.S. 7625
 STATE OF CALIFORNIA

1700 N. FIRST STREET
 SUITE 400
 SAN JOSE, CA 95112
 408-467-9100
 www.bkf.com

BKF

CALIFORNIA

TOPOGRAPHIC MAP & SITE PLAN
 SHOWING EXISTING SITE CONDITIONS AT
 750 MENLO AVENUE, MENLO PARK CA
 COUNTY OF SAN MATEO
 CITY OF MENLO PARK

Revisions	No.	Date	By	Checked	Approved

Date: 6/17/2021
 Scale: 1" = 10'
 Design: [Signature]
 Drawn: [Signature]
 Approved: [Signature]
 Job No: 2021009

Drawing Number:
C1.01
 1 of 1

BKF NO. 2021009-50



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PROJECT DESCRIPTION

Revised 08/09/2023

BACKGROUND

The project at **750 Menlo Avenue** is a façade renovation, interior building upgrade, and new roofdeck for an existing three-level, roughly 20,410 square feet, office building over an open ground-level parking lot. The site is located at the intersection of Menlo Avenue and Chestnut Street, in the Downtown District of the El Camino Real / Downtown Specific Plan. The existing program of office space is to remain, along with the main structure and window openings. The detailed scope of design includes:

- New exterior finishes to replace existing red tile. Existing structure, framing and sheathing to remain.
- New exterior accessible ground-level entry access ramp, a living green wall, and landscape improvements
- Demolition of interior partition walls, furniture, fixtures and finishes on all floors.
- New additional ADA restrooms on each floor
- New 1,000 SF interior office lobby, amenity space, bicycle storage and change room at Level 1
- New 2,300 SF wood roof deck with new stair and elevators to serve this amenity
- New mechanical system

AREA EXCHANGE

We measured the gross building area of the existing building according to current Menlo Park zoning standards and compared this figure with the gross building area of our new proposal. As part of our proposal, we provided a new enclosed bicycle storage room and trash room on Level 1, which per zoning standards and discussions with planning staff, were determined to be excluded from gross area. This area effectively was transferred as new enclosed areas on the roof level, for stairs, elevator shafts and lobby for a new roof deck for the project.

The design and size of the trash room was worked out by Ownership, Architect, Recology and Planning staff for the most efficient solution for service and access. For example, because bins are not staged curbside a ramp is needed to cart out bins to existing street level from Level 1, which is 3'-0" below existing grade. We decided to make use of a proposed accessible pedestrian ramp to double also as part of the path of travel, starting at its mid-landing 1'-9" below existing grade. The rest of the ramp was laid out within the trash room as well as the number of bins recommended by Recology, which in total required its current size (See Exhibit A and attached Recology Approval Letter).

The roof amenity will be an open-to-sky wood deck over and not affecting the existing roof structure and envelope. Tenant(s) would have access to the roof deck and they will be allowed to use it during office hours, anticipating seating for roughly 30 occupants. On special occasions they will be permitted to use it after office hours, approximately 5PM-8PM once per quarter, intended for use by employees and their visitors/guests.

The occupancy during special events will be assembly use.

There will not be use of amplified music or sound.

There will not be use of a screen to project upon.

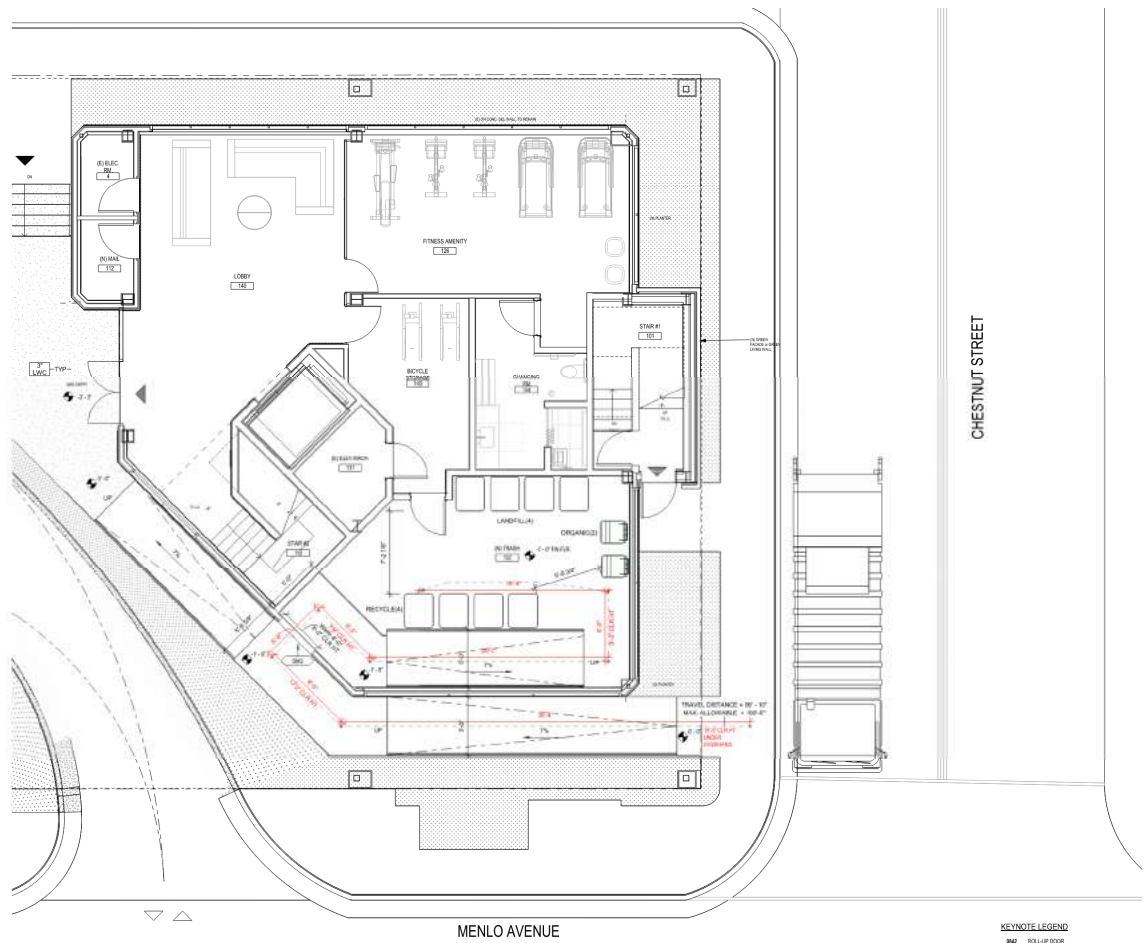


Exhibit A: Level 1 Trash Removal Plan

FAÇADE and MATERIALITY

With an upgrade of the existing flat and regular-gridded red tile façade, the intent of this project is to enliven and activate the urban street with an animated three-dimensional undulating faceted pattern of horizontal bands. Its inspiration comes from the natural landscape and tones of the peninsula. The strategy was employed to provide a healthier interior work environment by providing solar protection from direct southwestern exposure but in a more unique way than traditional rectangular shades. These triangulated facets equally add moments of light and shadow, and as a result, we feel, also help break the building’s existing massive scale along its length. These are in line with strategies intended from the Specific Plan to break the overall mass of the building with a modern aesthetic for the

neighborhood. The existing windows are to remain, and the faceted and rectangular panels follow a modular pattern for economic constructability and consistency in overall massing.

The main exterior material palette follows (See elevations and material sheets for images):

Upper exterior façade: Fiber-cement panels (light natural tone, natural textured finish).

Lower exterior façade and column wraps: Aluminum Composite Panel (dark grey and satin finish to match existing)

Soffits: Wood Cedar siding (Level 3 soffit) and Stucco (dark grey to match existing)(Level 2 soffit over parking area)

Roof Deck: Wood Composite Decking (to match Soffit tone)

Roof Penthouse: Stucco (dark gray to match existing panels)

Mechanical Screen: Perforated Aluminum Panel, (Ptd. dark gray, satin finish)

Greenwall Along Chestnut St: Stainless Steel wiring trellis to support plant vines

SPECIFIC PLAN VISION

The project recognizes and participates in the overall vision of the Specific Plan for El Camino Real Downtown in respecting and enhancing the scale and character of the downtown and immediate residential context. In particular, the building form remains in compliance in façade height, modulation, and profile. The existing building length is modulated with the first two floors carving out an outdoor covered area along a third of the building length to create entry to the level 1 open parking lot. This is further enhanced by an undulating panel façade of projections. A living green wall along Chestnut Street also provides a visual focal point. This strategy of mass modulation helps to meet the intent of the breaking down building mass with minimal invasive change and no significant structural changes to the existing building. Programmatically, a new tenant ground floor amenity and open roof deck both help to engage street activity and visual interest for pedestrians especially for public activities such as the weekend farmer's market on Chestnut Street. Finally, a new accessibly designed ramp along with the interior additions of bicycle storage and accessible restrooms on each floor, all promote the transit-oriented and more accessible vision for Downtown Menlo Park.

NEIGHBORHOOD OUTREACH

We sent out a neighborhood flyer with a description, plans and a rendering of the project on March 16, 2023 and by April 26th, 2023 we have received no comments.

SPECIFIC PLAN MITIGATION MONITORING IMPACT BIO-3

Mitigation Measure BIO-3a: Reduce building lighting from exterior sources.

1. The project does not propose facade up-lighting nor any up-lighting of rooftop antennae or tall equipment.
2. Motion sensor lighting or lighting controls shall be installed.
3. All proposed lighting will be LED and/or low wattage.
4. FAA regulations are not expected to be applicable, but the project will comply with any requirements as necessary.
5. Any external lights on the project will be shielded.

Mitigation Measure BIO-3b: Reduce building lighting from interior sources.

For common areas included in the scope of work for this core+shell building project, the project will comply with all interior lighting reduction requirements listed. Future lease agreements for tenant improvement projects shall also include these requirements.

750 Menlo Avenue – Exhibit C: Conditions of Approval

LOCATION: 750 Menlo Avenue	PROJECT NUMBER: PLN2022-00044	APPLICANT: Kevin Deng	OWNER: 750 Menlo Ave LLC
-----------------------------------	--------------------------------------	------------------------------	---------------------------------

CONDITIONS OF APPROVAL:

1. Approve the architectural control permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by brick consisting of 37 plan sheets, dated received April 26, 2023 and approved by the Planning Commission on August 28, 2023, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and arborist report prepared by Trees, Bugs, Dirt Landscape Consulting & Training, dated December 14, 2022.
 - h. Prior to building permit issuance, the applicant shall pay all fees incurred through staff time spent reviewing the application.
 - i. 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.
 - j. 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.
2. Approve the architectural control subject to the following **project-specific** conditions:

750 Menlo Avenue – Exhibit C: Conditions of Approval

LOCATION: 750 Menlo Avenue	PROJECT NUMBER: PLN2022-00044	APPLICANT: Kevin Deng	OWNER: 750 Menlo Ave LLC
CONDITIONS OF APPROVAL:			
<p>a. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment A, Exhibit E). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.</p>			

Menlo Park El Camino Real/Downtown Specific Plan
Standards and Guidelines: 750 Menlo Avenue Compliance Worksheet

<u>Section</u>	<u>Standard or Guideline</u>	<u>Requirement</u>	<u>Evaluation</u>
E.3.1 Development Intensity			
E.3.1.01	Standard	Business and Professional office (inclusive of medical and dental office) shall not exceed one half of the base FAR or public benefit bonus FAR, whichever is applicable.	Does not comply: Existing General Office Use since 1983. Received use permit to have 100% office use. Lot area = 9,270 sf Base FAR Max general office = 2.0 (18,540 SF) FAR Max general office = 1.0 (9,270 SF) Existing and Proposed FAR = 20,324 sf
E.3.1.02	Standard	Medical and Dental office shall not exceed one third of the base FAR or public benefit bonus FAR, whichever is applicable.	Complies: No medical or dental office is proposed
E.3.2 Height			
E.3.2.01	Standard	Roof-mounted mechanical equipment, solar panels, and similar equipment may exceed the maximum building height, but shall be screened from view from publicly-accessible spaces.	Complies: Proposed roof-mounted mechanical equipment to be screened with fencing matching proposed façade materials. Refer to sheets A2.04, A3.01P – A3.03P
E.3.2.02	Standard	Vertical building projections such as parapets and balcony railings may extend up to 4 feet beyond the maximum façade height or the maximum building height, and shall be integrated into the design of the building.	Complies: Proposed facade improvements will not exceed maximum building façade height. Height at parapet 30'-0". No façade elements exceed the maximum façade height of 30'-0". See A3.01P.
E.3.2.03	Standard	Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed 14 feet beyond the maximum building height. Such rooftop elements shall be integrated into the design of the building.	Complies: The maximum building height is 38'-0". The elevator overrun is 48'-0" exceeding the maximum building height by 10'-0". This is within the 14'-0" limit. See A3.01P.
E.3.3 Setbacks and Projections within Setbacks			
E.3.3.01	Standard	Front setback areas shall be developed with sidewalks, plazas, and/or landscaping as appropriate.	N/A: The front building wall abuts the front lot line with minimal setback.
E.3.3.02	Standard	Parking shall not be permitted in front setback areas.	N/A: - Existing parking to remain.
E.3.3.03	Standard	In areas where no or a minimal setback is required, limited setback for store or lobby entry recesses shall not exceed a maximum of 4-foot depth and a maximum of 6-foot width.	N/A: – Existing entry location to remain.
E.3.3.04	Standard	In areas where no or a minimal setback is required, building projections, such as balconies, bay windows and dormer windows, shall not project beyond a maximum of 3 feet from the building face into the sidewalk clear walking zone, public right-of-way or public spaces, provided they have a minimum 8-foot vertical clearance above the sidewalk clear walking zone, public right-of-way or public space.	Complies: No building projections extend into the sidewalk clear walking zone. Refer to sheet G2.01 and A3.13.

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E.3.3.05	Standard	In areas where setbacks are required, building projections, such as balconies, bay windows and dormer windows, at or above the second habitable floor shall not project beyond a maximum of 5 feet from the building face into the setback area.	N/A: No setbacks are required.
E.3.3.06	Standard	The total area of all building projections shall not exceed 35% of the primary building façade area. Primary building façade is the façade built at the property or setback line.	Complies: Building projections shall not exceed 35% of the primary building façade area. Refer to sheet G2.01
E.3.3.07	Standard	Architectural projections like canopies, awnings and signage shall not project beyond a maximum of 6 feet horizontally from the building face at the property line or at the minimum setback line. There shall be a minimum of 8-foot vertical clearance above the sidewalk, public right-of-way or public space.	Complies: Architectural projections will not exceed 3'. Refer to sheet G2.01
E.3.3.08	Standard	No development activities may take place within the San Francisquito Creek bed, below the creek bank, or in the riparian corridor.	N/A: No development activities associated with this permit will take place in the San Francisquito Creek bed, creek bank, or riparian corridor.
E.3.4 Massing and Modulation			
E.3.4.1 Building Breaks			
E.3.4.1.01	Standard	The total of all building breaks shall not exceed 25 percent of the primary façade plane in a development.	N/A: - The project is located in zoning district ECR/D where building break is prohibited.
E.3.4.1.02	Standard	Building breaks shall be located at ground level and extend the entire building height.	N/A: - The project is located in zoning district ECR/D where building break is prohibited.
E.3.4.1.03	Standard	In all districts except the ECR-SE zoning district, recesses that function as building breaks shall have minimum dimensions of 20 feet in width and depth and a maximum dimension of 50 feet in width. For the ECR-SE zoning district, recesses that function as building breaks shall have a minimum dimension of 60 feet in width and 40 feet in depth.	N/A: - The project is located in zoning district ECR/D where building break is prohibited.
E.3.4.1.04	Standard	Building breaks shall be accompanied with a major change in fenestration pattern, material and color to have a distinct treatment for each volume.	N/A: - The project is located in zoning district ECR/D where building break is prohibited.
E.3.4.1.05	Standard	In all districts except the ECR-SE zoning district, building breaks shall be required as shown in Table E3.	N/A: - The project is located in zoning district ECR/D where building break is prohibited.

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E.3.4.1.06	Standard	<p>In the ECR-SE zoning district, and consistent with Table E4 the building breaks shall:</p> <ul style="list-style-type: none"> • Comply with Figure E9; • Be a minimum of 60 feet in width, except where noted on Figure E9; • Be a minimum of 120 feet in width at Middle Avenue; • Align with intersecting streets, except for the area between Roble Avenue and Middle Avenue; • Be provided at least every 350 feet in the area between Roble Avenue and Middle Avenue; where properties under different ownership coincide with this measurement, the standard side setbacks (10 to 25 feet) shall be applied, resulting in an effective break of between 20 to 50 feet. • Extend through the entire building height and depth at Live Oak Avenue, Roble Avenue, Middle Avenue, Partridge Avenue and Harvard Avenue; and • Include two publicly-accessible building breaks at Middle Avenue and Roble Avenue. 	N/A: - project not located in ECR-SE zoning district.
E.3.4.1.07	Standard	<p>In the ECR-SE zoning district, the Middle Avenue break shall include vehicular access; publicly-accessible open space with seating, landscaping and shade; retail and restaurant uses activating the open space; and a pedestrian/bicycle connection to Alma Street and Burgess Park. The Roble Avenue break shall include publicly-accessible open space with seating, landscaping and shade.</p>	N/A: - project not located in ECR-SE zoning district.
E.3.4.1.08	Guideline	<p>In the ECR-SE zoning district, the breaks at Live Oak, Roble, Middle, Partridge and Harvard Avenues may provide vehicular access.</p>	N/A: - project not located in ECR-SE zoning district.
E.3.4.2 Façade Modulation and Treatment			
E.3.4.2.01	Standard	<p>Building façades facing public rights-of-way or public open spaces shall not exceed 50 feet in length without a minor building façade modulation. At a minimum of every 50' façade length, the minor vertical façade modulation shall be a minimum 2 feet deep by 5 feet wide recess or a minimum 2 foot setback of the building plane from the primary building façade.</p>	Does not comply: The existing building structure does not have façade modulation. The proposed scope of the project retains the building structure, exterior framing, and sheathing to the extent possible, which does not allow for façade modulation. Refer to sheets A3.01E, A3.02E, A3.03E, and A3.13 for notes regarding demolition of existing façade finishes.

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E.3.4.2.02	Standard	Building façades facing public rights-of-way or public open spaces shall not exceed 100 feet in length without a major building modulation. At a minimum of every 100 feet of façade length, a major vertical façade modulation shall be a minimum of 6 feet deep by 20 feet wide recess or a minimum of 6 feet setback of building plane from primary building façade for the full height of the building. This standard applies to all districts except ECR NE-L and ECR SW since those two districts are required to provide a building break at every 100 feet.	N/A: The property/building façade does not exceed 100'-0". No major building modulation is provided.
E.3.4.2.03	Standard	In addition, the major building façade modulation shall be accompanied with a 4-foot minimum height modulation and a major change in fenestration pattern, material and/or color.	N/A: The property/building façade does not exceed 100'-0". No major building modulation is provided.
E.3.4.2.04	Guideline	Minor façade modulation may be accompanied with a change in fenestration pattern, and/or material, and/or color, and/or height.	Does not comply: There are no existing or proposed minor modulation. The project is only to change the existing exterior material.
E.3.4.2.05	Guideline	Buildings should consider sun shading mechanisms, like overhangs, <i>bris soleils</i> and clerestory lighting, as façade articulation strategies.	Complies: Proposed project includes building projections which also act as sun shading mechanisms.
E.3.4.3 Building Profile			
E.3.4.3.01	Standard	The 45-degree building profile shall be set at the minimum setback line to allow for flexibility and variation in building façade height within a district.	N/A: - The existing building is to remain. The only addition would be to add new staircases and elevator over run which are allowed to exceed beyond the maximum allowed building height. Refer to sheet A3.13.
E.3.4.3.02	Standard	Horizontal building and architectural projections, like balconies, bay windows, dormer windows, canopies, awnings, and signage, beyond the 45-degree building profile shall comply with the standards for Building Setbacks & Projection within Setbacks (E.3.3.04 to E.3.3.07) and shall be integrated into the design of the building.	Complies: Building projections comply with standards. Refer to sheet G1.04 and A3.13.
E.3.4.3.03	Standard	Vertical building projections like parapets and balcony railings shall not extend 4 feet beyond the 45-degree building profile and shall be integrated into the design of the building.	Complies: Vertical building projections do not exceed the building profile.
E.3.4.3.04	Standard	Rooftop elements that may need to extend beyond the 45-degree building profile due to their function, such as stair and elevator towers, shall be integrated into the design of the building.	Complies: No rooftop elements would extend beyond the 45-degree building profile, as they are recessed from main building facades, and composed to be a similar tone and color to other building elements. Refer to sheets A0.00, G3.03, A3.01P – A3.03P
E.3.4.4 Upper Story Façade Length			

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E.3.4.4.01	Standard	Building stories above the 38-foot façade height shall have a maximum allowable façade length of 175 feet along a public right-of-way or public open space.	N/A: No building stories extend beyond the 38-foot façade height and the façade length is less than 175'.
E.3.5 Ground Floor Treatment, Entry and Commercial Frontage			
Ground Floor Treatment			
E.3.5.01	Standard	The retail or commercial ground floor shall be a minimum 15-foot floor-to-floor height to allow natural light into the space.	N/A: The existing building has a 8' floor to floor height. This floor to floor height will remain with renovations as is permitted.
E.3.5.02	Standard	Ground floor commercial buildings shall have a minimum of 50% transparency (i.e., clear-glass windows) for retail uses, office uses and lobbies to enhance the visual experience from the sidewalk and street. Heavily tinted or mirrored glass shall not be permitted.	Does not comply: The existing building's ground floor has parking for the building tenants and has no windows and is proposed to remain.
E.3.5.03	Guideline	Buildings should orient ground-floor retail uses, entries and direct-access residential units to the street.	N/A: No retail or residential use is proposed.
E.3.5.04	Guideline	Buildings should activate the street by providing visually interesting and active uses, such as retail and personal service uses, in ground floors that face the street. If office and residential uses are provided, they should be enhanced with landscaping and interesting building design and materials.	Complies: Landscaping is proposed to be renovated, with a new landscape feature on Chestnut street where a blank wall occurs.
E.3.5.05	Guideline	For buildings where ground floor retail, commercial or residential uses are not desired or viable, other project-related uses, such as a community room, fitness center, daycare facility or sales center, should be located at the ground floor to activate the street.	N/A: The ground floor is limited to elevator and stair lobbies and parking.
E.3.5.06	Guideline	Blank walls at ground floor are discouraged and should be minimized. When unavoidable, continuous lengths of blank wall at the street should use other appropriate measures such as landscaping or artistic intervention, such as murals.	Complies: Blank walls are minimized on the ground floor.
E.3.5.07	Guideline	Residential units located at ground level should have their floors elevated a minimum of 2 feet to a maximum of 4 feet above the finished grade sidewalk for better transition and privacy, provided that accessibility codes are met.	N/A: Residential units are not provided.
E.3.5.08	Guideline	Architectural projections like canopies and awnings should be integrated with the ground floor and overall building design to break up building mass, to add visual interest to the building and provide shelter and shade.	N/A: No architectural projections are proposed.
Building Entries			

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E.3.5.09	Standard	Building entries shall be oriented to a public street or other public space. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street. From the street, these entries and courtyards provide additional visual interest, orientation and a sense of invitation.	N/A: The existing building entry location is to remain, and is located at the bottom of an existing vehicular ramp. A new pedestrian ramp is proposed along the building to lead users and visitors from the sidewalk to this location.
E.3.5.10	Guideline	Entries should be prominent and visually distinctive from the rest of the façade with creative use of scale, materials, glazing, projecting or recessed forms, architectural details, color, and/or awnings.	N/A: The existing building entry location is to remain, and located at the bottom of an existing vehicular ramp. A new pedestrian ramp is proposed along the building to lead users and visitors from the sidewalk to this location.
E.3.5.11	Guideline	Multiple entries at street level are encouraged where appropriate.	Complies: The existing building entry will be accessible from a new pedestrian ramp as well as an existing stair from the public parking lot.
E.3.5.12	Guideline	Ground floor residential units are encouraged to have their entrance from the street.	N/A: no residential use.
E.3.5.13	Guideline	Stoops and entry steps from the street are encouraged for individual unit entries when compliant with applicable accessibility codes. Stoops associated with landscaping create inviting, usable and visually attractive transitions from private spaces to the street.	N/A: no residential use.
E.3.5.14	Guideline	Building entries are allowed to be recessed from the primary building façade.	Complies: Building entries are recessed 3' from the primary building façade. The existing building entry location is to remain.
Commercial Frontage			
E.3.5.15	Standard	Commercial windows/storefronts shall be recessed from the primary building façade a minimum of 6 inches	N/A: The existing building windows are to remain. Due to the nature of the building projections proposed on the new façade, some windows will be naturally recessed. Some other windows that are not within the building projections will be less than 6" from the façade surface.
E.3.5.16	Standard	Retail frontage, whether ground floor or upper floor, shall have a minimum 50% of the façade area transparent with clear vision glass, not heavily tinted or highly mirrored glass.	N/A: No retail use.
E.3.5.17	Guideline	Storefront design should be consistent with the building's overall design and contribute to establishing a well-defined ground floor for the façade along streets.	Complies: New storefront at building entry is consistent and align with proposed contemporary building design.
E.3.5.18	Guideline	The distinction between individual storefronts, entire building façades and adjacent properties should be maintained.	Complies: The building façade is generally visually distinct from facades at adjacent properties.

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E.3.5.19	Guideline	Storefront elements such as windows, entrances and signage should provide clarity and lend interest to the façade.	Partially complies: The existing windows are to remain, however the proposed building façade is unique to the area and visually interesting.
E.3.5.20	Guideline	Individual storefronts should have clearly defined bays. These bays should be no greater than 20 feet in length. Architectural elements, such as piers, recesses and projections help articulate bays.	Does not comply: Due to the nature of the project scope, articulation of the windows and structural bays is inconsistent with the proposed façade design intent.
E.3.5.21	Guideline	All individual retail uses should have direct access from the public sidewalk. For larger retail tenants, entries should occur at lengths at a maximum at every 50 feet, consistent with the typical lot size in downtown.	N/A: No retail use.
E.3.5.22	Guideline	Recessed doorways for retail uses should be a minimum of two feet in depth. Recessed doorways provide cover or shade, help identify the location of store entrances, provide a clear area for out-swinging doors and offer the opportunity for interesting paving patterns, signage and displays.	N/A: No retail use.
E.3.5.23	Guideline	Storefronts should remain un-shuttered at night and provide clear views of interior spaces lit from within. If storefronts must be shuttered for security reasons, the shutters should be located on the inside of the store windows and allow for maximum visibility of the interior.	Complies: No shutters not proposed.
E.3.5.24	Guideline	Storefronts should not be completely obscured with display cases that prevent customers and pedestrians from seeing inside.	Complies: No display cases proposed.
E.3.5.25	Guideline	Signage should not be attached to storefront windows.	No signage proposed to be attached to storefront windows.
E.3.6 Open Space			
E.3.6.01	Standard	Residential developments or Mixed Use developments with residential use shall have a minimum of 100 square feet of open space per unit created as common open space or a minimum of 80 square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of 6 feet by 6 feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to 1.25 square feet for each one square foot of private open space that is not provided.	N/A: No residential use.
E.3.6.02	Standard	Residential open space (whether in common or private areas) and accessible open space above parking podiums up to 16 feet high shall count towards the minimum open space requirement for the development.	N/A: No residential use.

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E.3.6.03	Guideline	Private and/or common open spaces are encouraged in all developments as part of building modulation and articulation to enhance building façade.	N/A: Open space is not required in the Downtown area unless residential uses are provided. Major building modulations are not required as the structure does not have more than 100 linear feet of frontage. For these reasons, this guideline does not apply.
E.3.6.04	Guideline	Private development should provide accessible and usable common open space for building occupants and/or the general public.	Complies: Private open space is accessible and provided at the roof terrace. The existing building footprint and project scope does not allow for public open space to be provided.
E.3.6.05	Guideline	For residential developments, private open space should be designed as an extension of the indoor living area, providing an area that is usable and has some degree of privacy.	N/A: No residential use.
E.3.6.06	Guideline	Landscaping in setback areas should define and enhance pedestrian and open space areas. It should provide visual interest to streets and sidewalks, particularly where building façades are long.	Complies: Existing landscaping around the perimeter of the building will be maintained and enhanced.
E.3.6.07	Guideline	Landscaping of private open spaces should be attractive, durable and drought-resistant.	N/A: There is a roof deck proposed. Landscaping design shall make reasonable effort to be attractive, durable, and drought-resistant.
E.3.7 Parking, Service and Utilities			
General Parking and Service Access			
E.3.7.01	Guideline	The location, number and width of parking and service entrances should be limited to minimize breaks in building design, sidewalk curb cuts and potential conflicts with streetscape elements.	N/A: Existing parking entrances are to remain.
E.3.7.02	Guideline	In order to minimize curb cuts, shared entrances for both retail and residential use are encouraged. In shared entrance conditions, secure access for residential parking should be provided.	N/A: No retail or residential use.
E.3.7.03	Guideline	When feasible, service access and loading docks should be located on secondary streets or alleys and to the rear of the building.	N/A: No vehicular service access or loading docks are proposed.
E.3.7.04	Guideline	The size and pattern of loading dock entrances and doors should be integrated with the overall building design.	N/A: No loading dock proposed.
E.3.7.05	Guideline	Loading docks should be screened from public ways and adjacent properties to the greatest extent possible. In particular, buildings that directly adjoin residential properties should limit the potential for loading-related impacts, such as noise. Where possible, loading docks should be internal to the building envelope and equipped with closable doors. For all locations, loading areas should be kept clean.	N/A: No loading dock proposed.

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E.3.7.06	Guideline	Surface parking should be visually attractive, address security and safety concerns, retain existing mature trees and incorporate canopy trees for shade. See Section D.5 for more complete guidelines regarding landscaping in parking areas.	N/A: Existing parking at Level 1 to remain, and is entirely under the building.
Utilities			
E.3.7.07	Guideline	All utilities in conjunction with new residential and commercial development should be placed underground.	N/A: Building is existing to remain. Utilities shall be placed underground where feasible.
E.3.7.08	Guideline	Above ground meters, boxes and other utility equipment should be screened from public view through use of landscaping or by integrating into the overall building design.	Does not comply: Existing utility meters are to remain in place, but will be evaluated for screening opportunities at a later date.
Parking Garages			
E.3.7.09	Standard	To promote the use of bicycles, secure bicycle parking shall be provided at the street level of public parking garages. Bicycle parking is also discussed in more detail in Section F.5 "Bicycle Storage Standards and Guidelines."	Complies: Bike storage proposed. Refer to sheet A2.01P
E.3.7.10	Guideline	Parking garages on downtown parking plazas should avoid monolithic massing by employing change in façade rhythm, materials and/or color.	N/A: Building is existing to remain. No parking garage proposed in this project.
E.3.7.11	Guideline	To minimize or eliminate their visibility and impact from the street and other significant public spaces, parking garages should be underground, wrapped by other uses (i.e. parking podium within a development) and/or screened from view through architectural and/or landscape treatment.	N/A: Building is existing to remain. No parking garage proposed in this project.
E.3.7.12	Guideline	Whether free-standing or incorporated into overall building design, garage façades should be designed with a modulated system of vertical openings and pilasters, with design attention to an overall building façade that fits comfortably and compatibly into the pattern, articulation, scale and massing of surrounding building character.	N/A: Building is existing to remain. No parking garage proposed in this project.
E.3.7.13	Guideline	Shared parking is encouraged where feasible to minimize space needs, and it is effectively codified through the plan's off-street parking standards and allowance for shared parking studies.	N/A: No parking garage proposed in this project.
E.3.7.14	Guideline	A parking garage roof should be approached as a usable surface and an opportunity for sustainable strategies, such as installment of a green roof, solar panels or other measures that minimize the heat island effect.	N/A: No parking garage proposed in this project.
E.3.8 Sustainable Practices			
Overall Standards			

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E.3.8.01	Standard	Unless the Specific Plan area is explicitly exempted, all citywide sustainability codes or requirements shall apply.	Tentatively Complies: The proposed project shall comply to all citywide sustainability code and requirements, unless explicitly exempted.
Overall Guidelines			
E.3.8.02	Guideline	Because green building standards are constantly evolving, the requirements in this section should be reviewed and updated on a regular basis of at least every two years.	Tentatively Complies: Per applicant: Duly noted. Staff will confirm compliance at building permit stage.
Leadership in Energy and Environmental Design (LEED) Standards			

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E.3.8.03	Standard	<p>Development shall achieve LEED certification, at Silver level or higher, or a LEED Silver equivalent standard for the project types listed below. For LEED certification, the applicable standards include LEED New Construction; LEED Core and Shell; LEED New Homes; LEED Schools; and LEED Commercial Interiors. Attainment shall be achieved through LEED certification or through a City-approved outside auditor for those projects pursuing a LEED equivalent standard. The requirements, process and applicable fees for an outside auditor program shall be established by the City and shall be reviewed and updated on a regular basis.</p> <p>LEED certification or equivalent standard, at a Silver level or higher, shall be required for:</p> <ul style="list-style-type: none"> • Newly constructed residential buildings of Group R (single-family, duplex and multi-family); • Newly constructed commercial buildings of Group B (occupancies including among others office, professional and service type transactions) and Group M (occupancies including among others display or sale of merchandise such as department stores, retail stores, wholesale stores, markets and sales rooms) that are 5,000 gross square feet or more; • New first-time build-outs of commercial interiors that are 20,000 gross square feet or more in buildings of Group B and M occupancies; and • Major alterations that are 20,000 gross square feet or more in existing buildings of Group B, M and R occupancies, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed. <p>All residential and/or mixed use developments of sufficient size to require LEED certification or equivalent standard under the Specific Plan shall install one dedicated electric vehicle/plug-in hybrid electric vehicle recharging station for every 20 residential parking spaces provided. Per the Climate Action Plan the complying applicant could receive incentives, such as streamlined permit processing, fee discounts, or design templates.</p>	<p>N/A: Project is not new construction, and does not propose significant upgrades to structure, mechanical, electrical, or plumbing systems.</p>

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Leadership in Energy and Environmental Design (LEED) Guidelines			
E.3.8.04	Guideline	<p>The development of larger projects allows for more comprehensive sustainability planning and design, such as efficiency in water use, stormwater management, renewable energy sources and carbon reduction features. A larger development project is defined as one with two or more buildings on a lot one acre or larger in size. Such development projects should have sustainability requirements and GHG reduction targets that address neighborhood planning, in addition to the sustainability requirements for individual buildings (See Standard E.3.8.03 above). These should include being certified or equivalently verified at a LEED-ND (neighborhood development), Silver level or higher, and mandating a phased reduction of GHG emissions over a period of time as prescribed in the 2030 Challenge.</p> <p>The sustainable guidelines listed below are also relevant to the project area. They relate to but do not replace LEED certification or equivalent standard rating requirements.</p>	N/A: This project is not on a lot larger than one acre in size.
Building Design Guidelines			
E.3.8.05	Guideline	Buildings should incorporate narrow floor plates to allow natural light deeper into the interior.	N/A: Existing floor plate to remain, and is not excessively deep to prevent natural light into the interior.
E.3.8.06	Guideline	Buildings should reduce use of daytime artificial lighting through design elements, such as bigger wall openings, light shelves, clerestory lighting, skylights, and translucent wall materials.	N/A: Existing windows are to remain.
E.3.8.07	Guideline	Buildings should allow for flexibility to regulate the amount of direct sunlight into the interiors. Louvered wall openings or shading devices like <i>bris soleils</i> help control solar gain and check overheating. <i>Bris soleils</i> , which are permanent sun-shading elements, extend from the sun-facing façade of a building, in the form of horizontal or vertical projections depending on sun orientation, to cut out the sun's direct rays, help protect windows from excessive solar light and heat and reduce glare within.	Complies: Proposed building projections at the façade system provide sun-shading.
E.3.8.08	Guideline	Where appropriate, buildings should incorporate arcades, trellis and appropriate tree planting to screen and mitigate south and west sun exposure during summer. This guideline would not apply to downtown, the station area and the west side of El Camino Real where buildings have a narrower setback and street trees provide shade.	N/A: Project is in the Downtown district.

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E.3.8.09	Guideline	Operable windows are encouraged in new buildings for natural ventilation.	N/A: No operable windows provided; however, this is not a new building. Also, it is not clear that operable windows would be suited to the proposed office uses.
E.3.8.10	Guideline	To maximize use of solar energy, buildings should consider integrating photovoltaic panels on roofs.	N/A: PV panels shall be considered at a later phase. Staff will confirm compliance with all City codes at building permit stage.
E.3.8.11	Guideline	Inclusion of recycling centers in kitchen facilities of commercial and residential buildings shall be encouraged. The minimum size of recycling centers in commercial buildings should be 20 cubic feet (48 inches wide x 30 inches deep x 24 inches high) to provide for garbage and recyclable materials.	N/A: No restaurant or residential use.
Stormwater and Wastewater Management Guidelines			
E.3.8.12	Guideline	Buildings should incorporate intensive or extensive green roofs in their design. Green roofs harvest rain water that can be recycled for plant irrigation or for some domestic uses. Green roofs are also effective in cutting-back on the cooling load of the air-conditioning system of the building and reducing the heat island effect from the roof surface.	N/A: No green roof is required for this existing building.
E.3.8.13	Guideline	Projects should use porous material on driveways and parking lots to minimize stormwater run-off from paved surfaces.	N/A: Existing parking lot and paved surface to remain.
Landscaping Guidelines			
E.3.8.14	Guideline	Planting plans should support passive heating and cooling of buildings and outdoor spaces.	N/A: Based on design with rooftop retail patio and suggested but not shown landscape or other passive cooling strategies, it appears that landscape could be used on the roof patio area to help provide shade to the roof surfaces, but given the location of the building without setbacks, open space or residential use, and the existing building condition, a landscape plan has not been requested for this project.
E.3.8.15	Guideline	Regional native and drought resistant plant species are encouraged as planting material.	N/A: Regional native and drought resistant plant species shall be considered.
E.3.8.16	Guideline	Provision of efficient irrigation system is recommended, consistent with the City's Municipal Code Chapter 12.44 "Water-Efficient Landscaping".	N/A: An irrigation system shall follow city guild lines.
Lighting Standards			
E.3.8.17	Standard	Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.	Complies: Applicant has indicated on that all lighting fixtures would feature low cut-off angles, appropriately positioned, to minimize glare into adjacent dwelling units and light pollution into the night sky.

Menlo Park El Camino Real/Downtown Specific Plan
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<u>Section</u>	<u>Standard or Guideline</u>	<u>Requirement</u>	<u>Evaluation</u>
E.3.8.18	Standard	Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.	N/A: No parking garages are proposed.
Lighting Guidelines			
E.3.8.19	Guideline	Energy-efficient and color-balanced outdoor lighting, at the lowest lighting levels possible, are encouraged to provide for safe pedestrian and auto circulation.	TBD: Per applicant: Duly noted. Compliance with City codes to be verified at building permit stage.
E.3.8.20	Guideline	Improvements should use ENERGY STAR-qualified fixtures to reduce a building's energy consumption.	TBD: Per applicant: Duly noted. Compliance with City codes to be verified at building permit stage.
E.3.8.21	Guideline	Installation of high-efficiency lighting systems with advanced lighting control, including motion sensors tied to dimmable lighting controls or lighting controlled by timers set to turn off at the earliest practicable hour, are recommended.	TBD: Per applicant: Duly noted. Compliance with City codes and Specific Plan MMRP to be verified at building permit stage.
Green Building Material Guidelines			
E.3.8.22	Guideline	The reuse and recycle of construction and demolition materials is recommended. The use of demolition materials as a base course for a parking lot keeps materials out of landfills and reduces costs.	TBD: Per applicant: Duly noted. Compliance with City codes to be verified at building permit stage.
E.3.8.23	Guideline	The use of products with identifiable recycled content, including post-industrial content with a preference for post-consumer content, are encouraged.	TBD: Per applicant: Duly noted. Compliance with City codes to be verified at building permit stage. Recycled content can be utilized in materials such as woods and plastics. The project would try to include recycled materials in the building design.
E.3.8.24	Guideline	Building materials, components, and systems found locally or regionally should be used, thereby saving energy and resources in transportation.	TBD: Per applicant: Duly noted. Compliance with City codes to be verified at building permit stage. Local and regional vendors will be contacted to receive the materials and finish materials needed where possible.
E.3.8.25	Guideline	A design with adequate space to facilitate recycling collection and to incorporate a solid waste management program, preventing waste generation, is recommended.	TBD: Per applicant: Duly noted. Compliance with City codes to be verified at building permit stage. The project scope does not include redesign of recycling collection or waste management. Excessive waste generation has not been an issue in the existing conditions, and as the total building area will not change the total waste generated is not anticipated to change.
E.3.8.26	Guideline	The use of material from renewable sources is encouraged.	TBD: Per applicant: Duly noted. Compliance with City codes to be verified at building permit stage. The project will strive to use materials from renewable sources where possible.

Menlo Park El Camino Real/Downtown Specific Plan
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Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
AIR QUALITY				
Specific Plan Impact AIR-1: Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation. (Significant)				
<p><i>Mitigation Measure AIR-1a</i>: During construction of individual projects under the Specific Plan, project applicants shall require the construction contractor(s) to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic dust control procedures required for construction sites. For projects for which construction emissions exceed one or more of the applicable BAAQMD thresholds, additional measures shall be required as indicated in the list following the Basic Controls.</p> <p><u>Basic Controls that Apply to All Construction Sites</u></p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 9. Minimizing the idling time of diesel powered construction equipment to two minutes. 	<p>Exposed surfaces shall be watered twice daily.</p> <p>Trucks carrying demolition debris shall be covered.</p> <p>Dirt carried from construction areas shall be cleaned daily.</p> <p>Speed limit on unpaved roads shall be 15 mph.</p> <p>Roadways, driveways, sidewalks and building pads shall be laid as soon as possible after grading.</p> <p>Idling times shall be minimized to 5 minutes or less; Signage posted at all access points.</p> <p>Construction equipment shall be properly tuned and maintained.</p> <p>Signage will be posted with the appropriate contact information regarding dust complaints.</p> <p>Idling time of diesel powered equipment will not exceed two minutes.</p>	<p>Measures shown on plans, construction documents and on-going during demolition, excavation and construction.</p>	<p>Project sponsor(s) and contractor(s)</p>	<p>PW/CDD</p>

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
<p>10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent nitrogen oxides reduction and 45 percent particulate matter reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</p> <p>11. Use low volatile organic compound (VOC) (i.e., reactive organic gases) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).</p> <p>12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of nitrogen oxides and particulate matter.</p> <p>13. Requiring all contractors use equipment that meets the California Air Resources Board's most recent certification standard for off-road heavy duty diesel engines.</p>	<p>Plan developed that demonstrates emissions from use of off-road equipment during construction will be reduced as specified.</p> <p>Low VOC coatings shall be used.</p> <p>Require Best Available Control Technology for all construction equipment, diesel trucks, and generators.</p> <p>Equipment shall meet standards for off-road heavy duty diesel engines.</p>			
<i>Specific Plan Impact AIR-5: Implementation of the Specific Plan would locate sensitive receptors in an area of elevated concentrations of toxic air contaminants associated with roadway traffic which may lead to considerable adverse health effects. (Potentially Significant)</i>				
Mitigation Measure AIR-5: The Mitigation Monitoring and Reporting Program shall require that all developments that include sensitive receptors such as residential units that would be located within 200 feet of the edge of El Camino Real or within 100 feet of the edge of Ravenswood Avenue, Oak Grove Avenue east of El Camino Real, or Santa Cruz Avenue west of University	A health risk analysis shall be prepared. If one or more thresholds are exceeded, a filtration system shall be installed; Certified engineer to provide report documenting that system reduces health risks	Simultaneous with submittal for a building permit.	Project sponsor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
Avenue shall undergo, prior to project approval, a screening-level health risk analysis to determine if cancer risk, hazard index, and/or PM _{2.5} concentration would exceed BAAQMD thresholds. If one or more thresholds would be exceeded at the site of the subsequent project, the project (or portion of the project containing sensitive receptors, in the case of a mixed-use project) shall be equipped with filtration systems with a Minimum Efficiency Reporting Value (MERV) rating of 14 or higher. The ventilation system shall be designed by an engineer certified by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, who shall provide a written report documenting that the system reduces interior health risks to less than 10 in one million, or less than any other threshold of significance adopted by BAAQMD or the City for health risks. The project sponsor shall present a plan to ensure ongoing maintenance of ventilation and filtration systems and shall ensure the disclosure to buyers and/or renters regarding the findings of the analysis and inform occupants as to proper use of any installed air filtration. Alternatively, if the project applicant can prove at the time of development that health risks at new residences due to DPM (and other TACs, if applicable) would be less than 10 in one million, or less than any other threshold of significance adopted by BAAQMD for health risks, or that alternative mitigation measures reduce health risks below any other City-adopted threshold of significance, such filtration shall not be required.	Plan developed for ongoing maintenance and disclosure to buyers and/renters.			
Specific Plan EIR Impact AIR-6: Implementation of the Specific Plan would locate new sensitive receptors in an area of elevated concentrations of PM_{2.5} associated with roadway traffic which may lead to considerable adverse health effects. (Potentially Significant)				
Mitigation Measure AIR-5 associated with Impact AIR-5 regarding DPM exposure would also reduce PM _{2.5} exposure impacts along El Camino Real and other high volume streets to a less than significant level.	See Mitigation Measure AIR-5.			
Specific Plan EIR Impact AIR-7: Implementation of the Specific Plan would expose sensitive receptors to elevated concentrations of Toxic Air Contaminants (TACs) associated with Caltrain operations which may lead to considerable adverse health effects. (Potentially Significant)				
Mitigation Measure AIR-7: The Mitigation Monitoring and Reporting Program shall require that all developments that include sensitive receptors such as residential units that would be located within approximately 1,095 feet of the edge of the Caltrain right-of-way shall undergo, prior to project approval, a screening-level health risk analysis to determine if cancer risk, hazard index,	A health risk analysis shall be prepared. If one or more thresholds are exceeded, a filtration system shall be installed; Certified engineer to provide report documenting that system reduces health risks	Simultaneous with submittal for a building permit.	Project sponsor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
and/or PM _{2.5} concentration would exceed BAAQMD thresholds. If one or more thresholds would be exceeded at the site of the subsequent project, the project (or portion of the project containing sensitive receptors, in the case of a mixed-use project) shall be equipped with filtration systems with a Minimum Efficiency Reporting Value (MERV) rating of 14 or higher. The ventilation system shall be designed by an engineer certified by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, who shall provide a written report documenting that the system reduces interior health risks to less than 10 in one million, or less than any other threshold of significance adopted by BAAQMD or the City for health risks. The project sponsor shall present a plan to ensure ongoing maintenance of ventilation and filtration systems and shall ensure the disclosure to buyers and/or renters regarding the findings of the analysis and inform occupants as to proper use of any installed air filtration. Alternatively, if the project applicant can prove at the time of development that health risks at new residences due to DPM (and other TACs, if applicable) would be less than 10 in one million, or less than any other threshold of significance adopted by BAAQMD for health risks, or that alternative mitigation measures reduce health risks below any other City-adopted threshold of significance, such filtration shall not be required.	Plan developed for ongoing maintenance and disclosure to buyers and/renters.			
General Plan EIR Impact AQ-3: Implementation of the proposed project would expose sensitive receptors to substantial concentrations of air pollutions). (Potentially Significant)				
BIOLOGICAL RESOURCES				
Specific Plan EIR Impact BIO-1: The Specific Plan could result in the take of special-status birds or their nests. (Potentially Significant)				
Mitigation Measure BIO-1a: Pre-Construction Special-Status Avian Surveys. No more than two weeks in advance of any tree or shrub pruning, removal, or ground-disturbing activity that will commence during the breeding season (February 1 through August 31), a qualified wildlife biologist will conduct pre-construction surveys of all potential special-status bird nesting habitat in the vicinity of the planned activity. Pre-construction surveys are not required for construction activities scheduled to occur during the non-breeding season (August 31 through January 31). Construction activities commencing during the non-breeding season and continuing into the breeding season do not require surveys (as it is assumed that any breeding birds taking up nests would be acclimated to project-related activities already under way). Nests initiated during construction activities would be presumed to be unaffected by the activity, and a buffer zone around such nests would not be necessary. However, a nest initiated during construction cannot be moved or altered.	A nesting bird survey shall be prepared if tree or shrub pruning, removal or ground-disturbing activity will commence between February 1 through August 31.	Prior to tree or shrub pruning or removal, any ground disturbing activity and/or issuance of demolition, grading or building permits.	Qualified wildlife biologist retained by project sponsor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
<p>If pre-construction surveys indicate that no nests of special-status birds are present or that nests are inactive or potential habitat is unoccupied: no further mitigation is required.</p> <p>If active nests of special-status birds are found during the surveys: implement Mitigation Measure BIO-1b.</p>				
<p>Mitigation Measure BIO-1b: Avoidance of active nests. If active nests of special-status birds or other birds are found during surveys, the results of the surveys would be discussed with the California Department of Fish and Game and avoidance procedures will be adopted, if necessary, on a case-by-case basis. In the event that a special-status bird or protected nest is found, construction would be stopped until either the bird leaves the area or avoidance measures are adopted. Avoidance measures can include construction buffer areas (up to several hundred feet in the case of raptors), relocation of birds, or seasonal avoidance. If buffers are created, a no disturbance zone will be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted will take into account factors such as the following:</p> <ol style="list-style-type: none"> 1. Noise and human disturbance levels at the Plan area and the nesting site at the time of the survey and the noise and disturbance expected during the construction activity; 2. Distance and amount of vegetation or other screening between the Plan area and the nest; and 3. Sensitivity of individual nesting species and behaviors of the nesting birds. 	<p>If active nests are found during survey, the results will be discussed with the California Department of Fish and Game and avoidance procedures adopted.</p> <p>Halt construction if a special-status bird or protected nest is found until the bird leaves the area or avoidance measures are adopted.</p>	<p>Prior to tree or shrub pruning or removal, any ground-disturbing activities and/or issuance of demolition, grading or building permits.</p>	<p>Project sponsor(s) and contractor(s)</p>	<p>CDD</p>
<p>Specific Plan EIR Impact BIO-3: Impacts to migratory or breeding special-status birds and other special-status species due to lighting conditions. (Potentially Significant)</p>				
<p>Mitigation Measure BIO-3a: Reduce building lighting from exterior sources.</p> <ol style="list-style-type: none"> a. Minimize amount and visual impact of perimeter lighting and façade up-lighting and avoid uplighting of rooftop antennae and other tall equipment, as well as of any decorative features; b. Installing motion-sensor lighting, or lighting controlled by timers set to turn off at the earliest practicable hour; c. Utilize minimum wattage fixtures to achieve required lighting levels; d. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with a three-second flash interval instead of continuous flood lighting, rotating lights, or red lighting e. Use cutoff shields on streetlight and external lights to prevent upwards lighting. 	<p>Reduce building lighting from exterior sources.</p>	<p>Prior to building permit issuance and ongoing.</p>	<p>Project sponsor(s) and contractor(s)</p>	<p>CDD</p>
<p>Mitigation Measure BIO-3b: Reduce building lighting from interior sources.</p>	<p>Reduce building lighting from interior sources.</p>	<p>Prior to building permit issuance and ongoing.</p>	<p>Project sponsor(s) and contractor(s)</p>	<p>CDD</p>

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
a. Dim lights in lobbies, perimeter circulation areas, and atria; b. Turn off all unnecessary lighting by 11pm through sunrise, especially during peak migration periods (mid-March to early June and late August through late October); c. Use gradual or staggered switching to progressively turn on building lights at sunrise. d. Utilize automatic controls (motion sensors, photosensors, etc.) to shut off lights in the evening when no one is present; e. Encourage the use of localized task lighting to reduce the need for more extensive overhead lighting; f. Schedule nightly maintenance to conclude by 11 p.m.; g. Educate building users about the dangers of night lighting to birds.				
Specific Plan Impact BIO-5: The Specific Plan could result in the take of special-status bat species. (Potentially Significant)				
Mitigation Measure BIO-5a: Preconstruction surveys. Potential direct and indirect disturbances to special-status bats will be identified by locating colonies and instituting protective measures prior to construction of any subsequent development project. No more than two weeks in advance of tree removal or structural alterations to buildings with closed areas such as attics, a qualified bat biologist (e.g., a biologist holding a California Department of Fish and Game collection permit and a Memorandum of Understanding with the California Department of Fish and Game allowing the biologist to handle and collect bats) shall conduct pre-construction surveys for potential bats in the vicinity of the planned activity. A qualified biologist will survey buildings and trees (over 12 inches in diameter at 4.5-foot height) scheduled for demolition to assess whether these structures are occupied by bats. No activities that would result in disturbance to active roosts will proceed prior to the completed surveys. If bats are discovered during construction, any and all construction activities that threaten individuals, roosts, or hibernacula will be stopped until surveys can be completed by a qualified bat biologist and proper mitigation measures implemented. If no active roosts present: no further action is warranted. If roosts or hibernacula are present: implement Mitigation Measures BIO-5b and 5c.	Retain a qualified bat biologist to conduct pre-construction survey for bats and potential roosting sites in vicinity of planned activity. Halt construction if bats are discovered during construction until surveys can be completed and proper mitigation measures implemented.	Prior to tree pruning or removal or issuance of demolition, grading or building permits.	Qualified bat biologist retained by project sponsor(s)	CDD

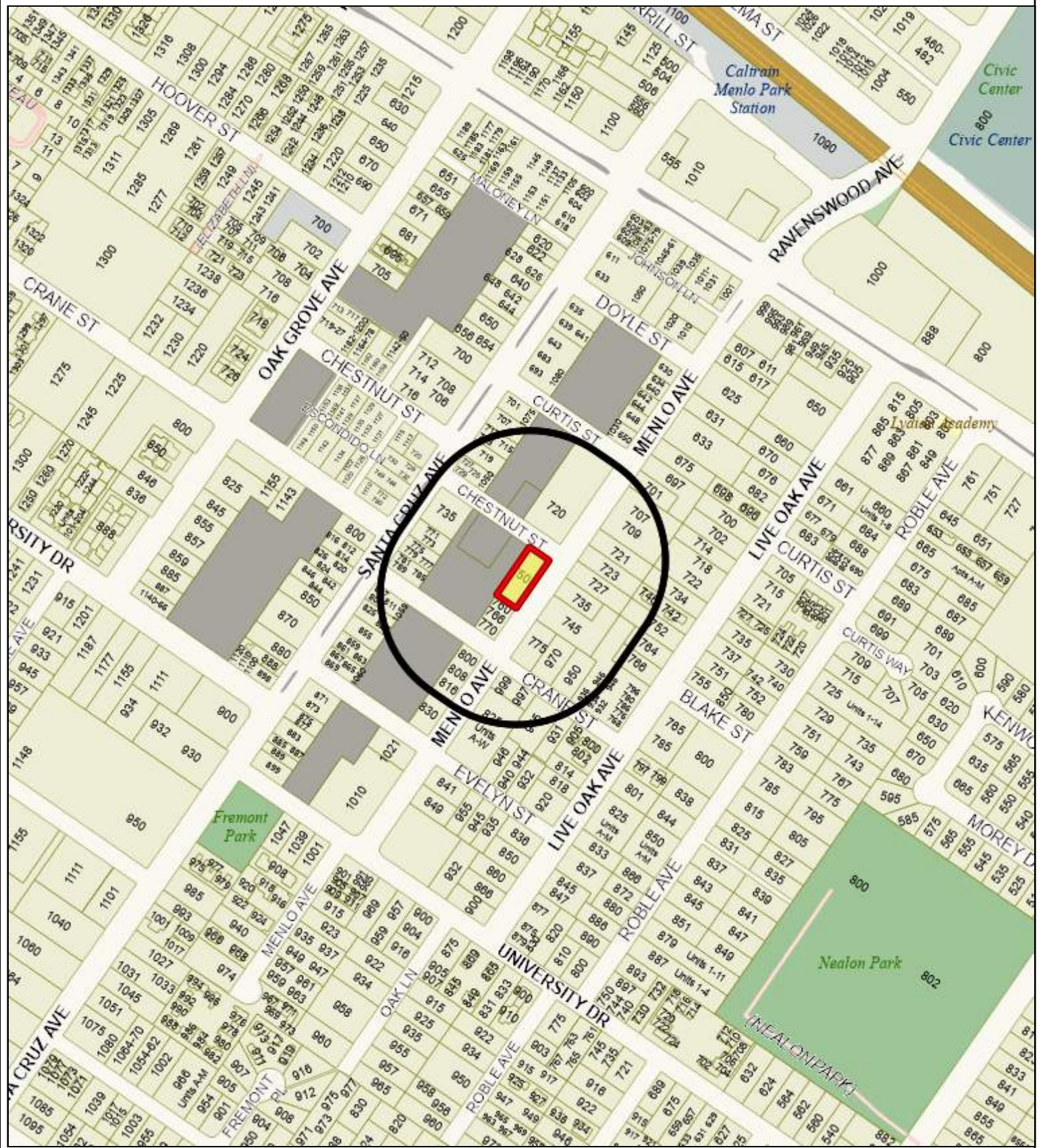
Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
<p>Mitigation Measure BIO-5b: Avoidance. If any active nursery or maternity roosts or hibernacula of special-status bats are located, the subsequent development project may be redesigned to avoid impacts. Demolition of that tree or structure will commence after young are flying (i.e., after July 31, confirmed by a qualified bat biologist) or before maternity colonies forms the following year (i.e., prior to March 1). For hibernacula, any subsequent development project shall only commence after bats have left the hibernacula. No-disturbance buffer zones acceptable to the California Department of Fish and Game will be observed during the maternity roost season (March 1 through July 31) and during the winter for hibernacula (October 15 through February 15).</p> <p>Also, a no-disturbance buffer acceptable in size to the California Department of Fish and Game will be created around any roosts in the Project vicinity (roosts that will not be destroyed by the Project but are within the Plan area) during the breeding season (April 15 through August 15), and around hibernacula during winter (October 15 through February 15). Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. However, the "take" of individuals is prohibited.</p>	<p>If any active nursery or maternity roosts or hibernacula are located, no disturbance buffer zones shall be established during the maternity roost and breeding seasons and hibernacula.</p>	<p>Prior to tree removal or pruning or issuance of demolition, grading or building permits</p>	<p>Qualified bat biologist retained by project sponsor(s)</p>	<p>CDD</p>
<p>Mitigation Measure BIO-5c: Safely evict non-breeding roosts. Non-breeding roosts of special-status bats shall be evicted under the direction of a qualified bat biologist. This will be done by opening the roosting area to allow airflow through the cavity. Demolition will then follow no sooner or later than the following day. There should not be less than one night between initial disturbance with airflow and demolition. This action should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees with roosts that need to be removed should first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours. However, the "take" of individuals is prohibited.</p>	<p>A qualified bat biologist shall direct the eviction of non-breeding roosts.</p>	<p>Prior to tree removal or pruning or issuance of demolition, grading or building permits.</p>	<p>Qualified bat biologist retained by project sponsor(s)</p>	<p>CDD</p>
<p>Specific Plan Impact BIO-6a: The Specific Plan could result in impacts to special-status amphibians and reptiles; California red-legged frog, California tiger salamander, and western pond turtle. (Potentially Significant)</p>				
<p>Mitigation Measure BIO 6a: The following measures shall be implemented to mitigate the effects of the project on special-status amphibians and reptiles: Staging areas, and all fueling and maintenance of vehicles and other equipment and staging areas shall be at least 100 feet from the riparian corridor of San Francisquito Creek. For any construction that takes place within 100 feet of the riparian corridor of San Francisquito Creek:</p>	<p>Buffer areas of at least 100 feet shall be created for the riparian corridor of San Francisquito Creek.</p>	<p>Prior to issuance of a grading permit and ongoing during construction</p>	<p>Project sponsor(s)</p>	<p>CDD</p>

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
<p>The project sponsor shall install exclusionary fencing, such as silt fences, along San Francisquito Creek and around all construction areas that are within 100 feet of or adjacent to potential California red-legged frog, California tiger salamander, or western pond turtle habitat, which includes San Francisquito Creek and its riparian corridor. Once fencing is in place, it shall be maintained by the project sponsor until completion of construction within or adjacent to the enclosure.</p> <p>Prior to commencement of any earthmoving activities, the project sponsor shall retain a qualified monitoring biologist to train all construction personnel and work crews on the sensitivity and identification of the California red-legged frog, California tiger salamander, and western pond turtle and the penalties for the "take" of these species. In addition, species identification cards shall be provided to all construction personnel. Training sessions shall be conducted for all new employees before they access the Plan area and periodically throughout project construction.</p> <p>During project construction the qualified monitoring biologist who is familiar with the identification and life history of California red-legged frog, California tiger salamander, and western pond turtle, and with the appropriate agency authorization, shall be designated to periodically inspect onsite compliance with all mitigation measures, consistent with the training sessions.</p> <p>The qualified monitoring biologist shall perform a daily survey of the San Francisquito Creek and its riparian corridor within 100 feet of the project site during initial ground-breaking activities and during the rainy season. During these surveys, the qualified monitoring biologist shall inspect the exclusion fencing for individuals trapped within the fence and determine the need for fence repair.</p> <p>After ground-breaking activities and during the non-rainy season, the qualified monitoring biologist shall continue to perform daily fence surveys and compliance reviews at the project site.</p> <p>If a California red-legged frog or California tiger salamander is identified in the project work area, all work in the immediate area shall cease and the U.S. Fish and Wildlife Service shall be contacted. Work shall not begin again until so authorized by the U.S. Fish and Wildlife Service.</p>	<p>Install fencing along San Francisquito Creek and around all construction areas within 100 feet of or adjacent to potential California red-legged frog, California tiger salamander, or western pond turtle habitat.</p> <p>Retain a qualified biologist to train all construction personnel.</p> <p>Inspection of onsite compliance shall be conducted by a qualified monitoring biologist.</p> <p>Retain a qualified monitoring biologist to perform a daily survey of riparian corridors within 100 feet of the project site.</p> <p>Halt all work in the immediate area if a special-status amphibian is identified and contact the U.S. Fish and Wildlife Service.</p>		Qualified biologist retained by the project sponsor(s)	
CULTURAL RESOURCES				
Impact CUL-1: The proposed Specific Plan could have a significant impact on historic architectural resources. (Potentially Significant)				
<p>Mitigation Measure CUL-1: Site Specific Evaluations and Treatment in Accordance with the Secretary of the Interior's Standards:</p> <p>Site-Specific Evaluations: In order to adequately address the level of potential impacts for an individual project and thereby design appropriate mitigation measures, the City shall require project sponsors to complete site-specific evaluations at the time that individual projects are proposed at or adjacent to buildings that are at least 50 years old.</p>	<p>A qualified architectural historian shall complete a site-specific historic resources study. For structures found to be historic, specify treating conforming to Secretary of the Interior's standards, as applicable.</p>	<p>Simultaneously with a project application submittal.</p>	<p>Qualified architectural historian retained by the Project sponsor(s).</p>	<p>CDD</p> <p>The existing building was built in 1983, making it 40 years old; thus not requiring a historical resources analysis/report.</p>

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
<p>The project sponsor shall be required to complete a site-specific historic resources study performed by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the evaluation shall consist of a records search, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The evaluation shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If federal or state funds are involved, certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), have specific requirements for inventory areas and documentation format.</p> <p>Treatment in Accordance with the Secretary of the Interior's Standards. Any future proposed project in the Plan Area that would affect previously recorded historic resources, or those identified as a result of site-specific surveys and evaluations, shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995). The Standards require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures.</p>				
HAZARDOUS MATERIALS				
Impact HAZ-3: Hazardous materials used on any individual site during construction activities (i.e., fuels, lubricants, solvents) could be released to the environment through improper handling or storage. (Potentially Significant)				
<p>Mitigation Measure HAZ-3: All development and redevelopment shall require the use of construction Best Management Practices (BMPs) to control handling of hazardous materials during construction to minimize the potential negative effects from accidental release to groundwater and soils. For projects that disturb less than one acre, a list of BMPs to be implemented shall be part of building specifications and approved of by the City Building Department prior to issuance of a building permit.</p>	<p>Implement best management practices to reduce the release of hazardous materials during construction.</p>	<p>Prior to building permit issuance for sites disturbing less than one acre and on-going during construction for all project sites</p>	<p>Project sponsor(s) and contractor(s)</p>	<p>CDD</p>
NOISE				
Specific Plan Impact NOI-1: Construction activities associated with implementation of the Specific Plan would result in substantial temporary or periodic increases in ambient noise				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
<p>Mitigation Measure NOI-1a: Construction contractors for subsequent development projects within the Specific Plan area shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acousticallyattenuating shields or shrouds, etc.) when within 400 feet of sensitive receptor locations. Prior to demolition, grading or building permit issuance, a construction noise control plan that identifies the best available noise control techniques to be implemented, shall be prepared by the construction contractor and submitted to the City for review and approval. The plan shall include, but not be limited to, the following noise control elements:</p> <p>* Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler shall achieve lower noise levels from the exhaust by approximately 10 dBA. External jackets on the tools themselves shall be used where feasible in order to achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible;</p> <p>* Stationary noise sources shall be located as far from adjacent receptors as possible and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible; and</p> <p>* When construction occurs near residents, affected parties within 400 feet of the construction area shall be notified of the construction schedule prior to demolition, grading or building permit issuance. Notices sent to residents shall include a project hotline where residents would be able to call and issue complaints. A Project Construction Complaint and Enforcement Manager shall be designated to receive complaints and notify the appropriate City staff of such complaints. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and day and evening contact numbers, both for the construction contractor and City representative(s), in the event of problems.</p>	<p>A construction noise control plan shall be prepared and submitted to the City for review.</p> <p>Implement noise control techniques to reduce ambient noise levels.</p>	<p>Prior to demolition, grading or building permit issuance</p> <p>Measures shown on plans, construction documents and specification and ongoing through construction</p>	<p>Project sponsor(s) and contractor(s)</p>	<p>CDD</p>

Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
<p>Mitigation Measure NOI-1b: Noise Control</p> <p>Measures for Pile Driving: Should pile-driving be necessary for a subsequently proposed development project, the project sponsor would require that the project contractor predrill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving. Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in the least disturbance to neighboring uses.</p>	<p>If pile-driving is necessary for project, predrill holes to minimize noise and vibration and limit activity to result in the least disturbance to neighboring uses.</p>	<p>Measures shown on plans, construction documents and specifications and ongoing during construction</p>	<p>Project sponsor(s) and contractor(s)</p>	<p>CDD</p>
<p>Mitigation Measure NOI-1c: The City shall condition approval of projects near receptors sensitive to construction noise, such as residences and schools, such that, in the event of a justified complaint regarding construction noise, the City would have the ability to require changes in the construction control noise plan to address complaints.</p>	<p>Condition projects such that if justified complaints from adjacent sensitive receptors are received, City may require changes in construction noise control plan.</p>	<p>Condition shown on plans, construction documents and specifications. When justified complaint received by City.</p>	<p>Project sponsor(s) and contractor(s) for revisions to construction noise control plan.</p>	<p>CDD</p>



City of Menlo Park
 Location Map
 750 Menlo Avenue



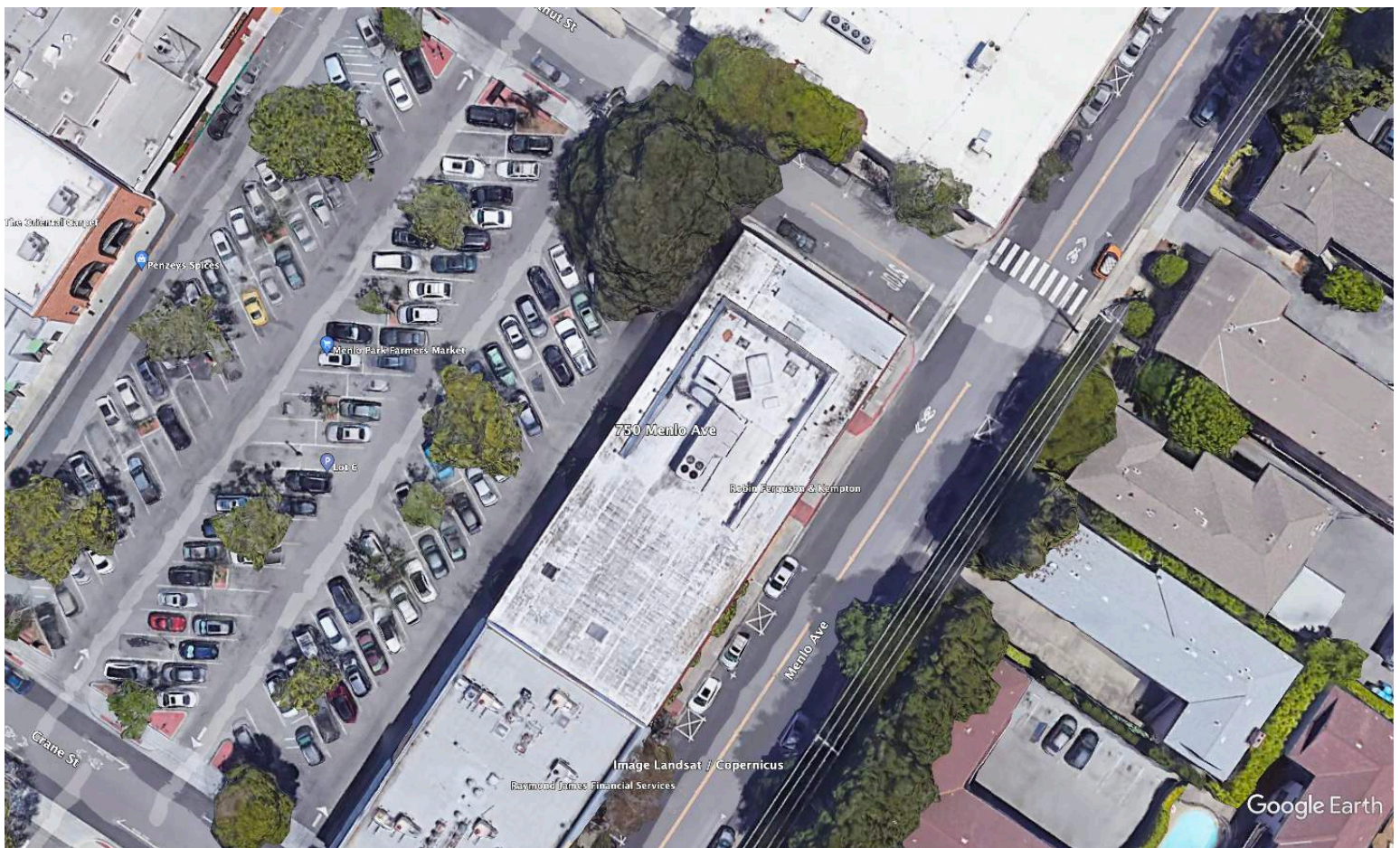
TREES, BUGS, DIRT

LANDSCAPE CONSULTING & TRAINING

ARBORIST REPORT

750 Menlo Ave., Menlo Park CA

December 14, 2022



Prepared For: Brick
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C1

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SUMMARY

I located sixteen trees on & adjoining the site. Two of the trees are Heritage trees in the City of Menlo Park (City) due to their size, one of the trees is a City street tree. Six tree species were identified, and one tree was only identified to genus. Tree trunk diameters range from 1.0 to 50.8 inches, averaging 9 inches. Tree health, structure and form ranges from poor to good, averaging fair. The street tree will be retained, as well as the two protected trees on site. I recommend that tree protection fencing be installed outside of driplines of the two heritage trees, and straw wattles+fencing be installed around the trunk of the street tree prior to any work on site, and that these areas are tree protection zones (TPZ's). Any work within a TPZ should be supervised by consulting or city arborist.

INTRODUCTION

ASSIGNMENT

I was hired by Brick (Client), to measure, map, tag, digitally image, inventory & evaluate trees at 1750 Menlo Ave., Menlo Park, CA, and to provide an Arborist Report that includes a summary of my observations, a tree location map, and other relevant information.

LIMITS OF ASSIGNMENT

- Trees were not evaluated below ground or aerially.
- Invasive or destructive methods were not used to assess tree health.
- Demolition, grading, utility, or other formal site plans were not evaluated.
- Decisions about preservation or removal were made by Client.

PURPOSE AND USE

This report is intended to provide information for the Client, and the City of Menlo Park as part of a development process.

BACKGROUND

The City of Menlo Park Municipal Code Chapter 13.24 Heritage Tree Ordinance protects trees that are 10 inches and greater in diameter if they are an oak (*Quercus spp.*) tree, and 15 inches in diameter and greater for all other species. A zone that is equal to ten times the tree's trunk diameter is protected, and requires protection and a tree protection plan to work within that zone.

OBSERVATIONS

LOCATION

750 Menlo Ave., Menlo Park CA

SETTING

The site is flat, and includes paved streets, sidewalks, driveways, landscaping in the building line & in adjoining parking lot. Soils are classified as urban land. The closest named soil series is Botella, a very deep, well drained clay loam textured soil. Most roots are in the top 41 inches in this soil series.

METHODS

On December 5, 2022 I identified and mapped all trees within and adjacent to the proposed development envelope, measured **trunk circumferences** at 4.6 feet above grade, tagged trunks, digitally imaged trees and assessed their **health, structural quality** and **form**.

In the office I reviewed & edited tree data, reviewed proposed improvements, prepared a tree protection plan for the heritage trees, and made recommendations for the rest of the trees on site.

Documents used:

- Planning Submittal 11.23.22, Brick
- City of Menlo Park Municipal Code, Chapter 13.24 Heritage Tree Ordinance
- Soil Web, UC Davis
- Additional References
 - ANSI A300 (Part 5) - 2019 Management of Trees & Shrubs During Site Planning, Site Development, and Construction, Tree Care Industry Association
 - Best Management Practices Managing Trees During Construction, 2008, Smite & Smiley, International Society of Arboriculture (ISA)
 - ANSI A300 (Part 1) - 2017 Pruning, Tree Care Industry Association
 - Best Management Practices Managing Tree Pruning, 2008, Gilman & Lilly, ISA
 - Trees and Development, 1998, Matheny & Clark, ISA

Measurements & Calculations

- Trunk circumferences measured at 4.6 feet above grade, unless otherwise noted due to access problems
- Multiple trunks are combined and reported as (cumulative) diameter
- Trunk circumferences are divided by 3.14 to calculate diameter, and rounded off to one significant digit

Health Structure & Form Evaluation Standards

- + numerical rating; zero (dead), one (very poor), two (poor), three (fair), four (good), five (excellent)
- + form assessed by rating specimens on their deviance from the norm for the species in this region, visual qualities such as attractiveness, and engineering functions such as screening, shading and creating views
- + qualitative descriptions and items assessed for health & structure include
 - rooting zone - bare, mulched, limited space, weeds, competing vegetation, moisture, debris
 - root crown region (trunk & root junction) - buried, clear, pests, diseases, wet, wounds, cavities
 - trunk - taper, lack of taper, wounds, lean, growth cracks, stress cracks, pests, diseases, wounds
 - scaffold (major) branches - taper, distribution branches, strength of branch connections, wounds, pests
 - smaller branches - distribution, size, amount, strength of connections, pests, diseases
 - twigs - annual growth, color, size, distribution, dead/live
 - foliage - color, size, distribution, pests, diseases, leaf fall

DATA- See Appendix A for full data set

NUMBER OF TREES - 16 TOTAL

- 2 protected due to size; trunk diameters equal to or greater than 10 inches for oaks, 15 inches for others
- 1 street tree near corner of building on Menlo Ave.
- 13 other non-protected trees evaluated

SPECIES

Five different species and one genus was identified, and have the following tolerances of construction:

name	Genus	species	number per species	tolerance of construction
coast live oak	<i>Quercus</i>	<i>agrifolia</i>	1	good
crape myrtle	<i>Lagerstroemia</i>	<i>indica</i>	1	moderate
flowering cherry	<i>Prunus</i>	<i>serrulata</i>	3	poor
holly	<i>Illex</i>	<i>spp.</i>	3	moderate
Japanese maple	<i>Acer</i>	<i>palmatum</i>	5	poor
London plane	<i>Platanus</i>	<i>hispanica</i>	3	good

SIZE

Tree trunk diameters range from 1.0 to 50.8 inches, averaging 9 inches.

ANALYSIS

HEALTH, STRUCTURE, AND FORM - poor to good, averaging fair

CONSTRUCTION IMPACT - none if preservation plan adhered to

RECOMMENDATIONS

TREE PRESERVATION PLAN

PROTECTIVE FENCING

- Six feet high chain-link fencing installed outside dripline of two protected trees #538 & 539
- Trunk wrapped with straw wattles, and six foot high chain-link fencing plus orange plastic snow fencing placed around trunk of street tree D
- *This protection should be in place prior to any site work, and maintained in place until occupancy.*

TREE PROTECTION ZONES (TPZ's) - areas within fenced zones recommended above

CLEARANCE PRUNING

Prior to work within tree driplines consulting arborist or city arborist should evaluate tree with contractors and subcontractor to determine any needs for clearance pruning.

ROOT PRUNING

Prior to any work on the ground within TPZ's consulting arborist or city arborist should evaluate area with contractors and subcontractors, and be on site during any work within areas of concern.

APPENDIX A - DATA

#	name	Genus species	circumference	diameter (multi@ below)	Protected = Heritage	health	structure	form	notes
533	London plane	<i>Platanus x hispanica</i>	5	1.6	NO	poor	fair	fair	severe powdery mildew disease infection, developing structure, still staked & tied
534	holly	<i>Illex spp.</i>	23	7.3	NO	good	good	good	very limited rooting zone
535	London plane	<i>Platanus x hispanica</i>	60	19.1	YES	good	fair	good	very limited rooting zone, trunk leaning, unbalanced
536	holly	<i>Illex spp.</i>	19	6.1	NO	good	fair	fair	very limited rooting zone, trunk leaning
537	holly	<i>Illex spp.</i>	19	6.1	NO	fair	fair	fair	thin, trunk leaning
538	London plane	<i>Platanus x hispanica</i>	3	1.0	NO	fair	fair	fair	newly planted
539	coast live oak	<i>Quercus agrifolia</i>	159.6	50.8	YES	good	good	good	limited rooting zone, root crown low, no drainage out, growth cracks on trunk, sycamore borer trunk damage, trunk leaning, multiple scaffolds, unbalanced pruning near power lines & building, cavities on scaffold, no failure history, minimal deadwood, some branch junctions with included bark
540	red Japanese maple	<i>Acer palmatum</i> 'Atropurpurea' group	5.5,5,5	4.9	NO	good	fair	good	
541	flowering cherry	<i>Prunus serrulata</i>	9.5,10.5,10,10	12.7	NO	poor	fair	poor	rock mulch, stunted
542	flowering cherry	<i>Prunus serrulata</i>	9.5,7,7	7.5	NO	poor	poor	poor	stunted, trunk oozing
543	flowering cherry	<i>Prunus serrulata</i>	6,8,11	8.0	NO	poor	poor	poor	stunted, trunk oozing
A	Japanese maple	<i>Acer palmatum</i>	5	1.6	NO	fair	good	good	measured at 6" above grade
B	split leaf Japanese maple	<i>Acer palmatum</i> 'dissectum'	5	1.6	NO	good	good	good	measured at 6" above grade
C	Japanese maple	<i>Acer palmatum</i>	9	2.9	NO	good	good	good	measured at 6" above grade

#	name	Genus species	circum-ference	diameter (multi@ below)	Protected = Heritage	health	structure	form	notes
D	Japanese maple	<i>Acer palmatum</i>	4,4,4,2	4.5	NO	good	good	good	measured at 6" above grade
E	crape myrtle	<i>Lagerstroemia indica</i>		8.0	YES/ STREET	fair	fair	fair	*survey measurement

APPENDIX C - GLOSSARY

dripline - region underneath tree canopy

form - genetically determined appearance that includes spread, height & configuration

health - tree growth as expressed by foliage, twigs, branches & trunks including resistance to pests

root crown – region where trunk and root system meet, also called `buttress' or `butt'

rooting zone – area where roots are likely to survive, beginning at the trunk and extending up to three times the radius of a tree's dripline region

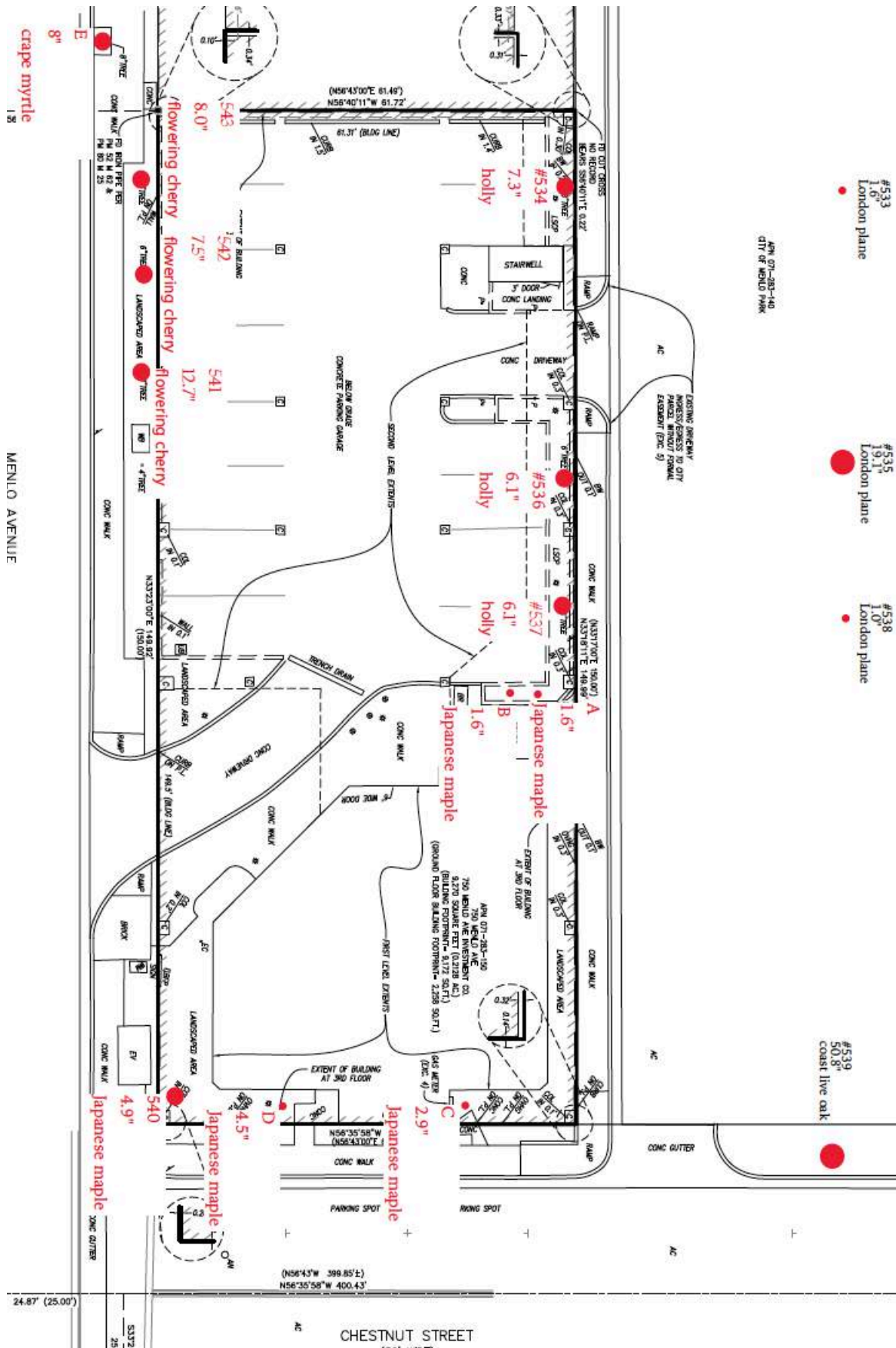
scaffold – large, structural branch

structure - physical and mechanical qualities of tree

trunk circumference – measurement of trunk, distance around

trunk diameter - trunk circumference divided by 3.14

APPENDIX D - TREE LOCATION MAP ALSO AVAILABLE AS PDF FILE



APPENDIX E - CERTIFICATE OF PERFORMANCE

I, Michael Baefsky certify:

- That I have reviewed the City of Menlo Park Municipal Code, Chapter 13.24 Heritage Tree Ordinance, and the City website related to heritage trees <https://menlopark.gov/Government/Departments/Public-Works/Maintenance-Division/Trees/Heritage-tree-definition-and-ordinance>
- That I have evaluated the subject trees, and stated my findings accurately. The extent of the evaluation is stated in the attached report;
- 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 professional 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 certify that I am Registered Consulting Arborist #456, a member of the American Society of Consulting Arborists, and am Certified Arborist & Qualified Risk Assessor #WE0222A, Agricultural Pest Control Advisor #074617, Qualified Applicator #99864, Licensed Landscape Contractor (inactive) #931410, and have been involved in the practice of Arboriculture, Integrated Pest Management, Plant Health Care and Ecological Soils Management, and the study of soils and horticulture for over thirty years.

Michael Baefsky

APPENDIX F - DIGITAL IMAGES



#533 London plane 1.6" diameter



#534 holly 7.3"



#535 London plane 19.1" diameter



#536 holly 6.1" diameter



#537 holly 6.1" diameter



#538 London plane 1" diameter



#539 coast live oak 50.8" diameter



A - Japanese maple 1.6" diameter



B - split leaf Japanese maple 1.6" diameter



C - Japanese maple 2.9" diameter (image from Google Earth)



D - Japanese maple 4.5" diameter



#540 red Japanese maple 4.9" diameter



#541 flowering cherry 12.7" diameter



#542 flowering cherry 7.5" diameter



#543 flowering cherry 8" in diameter

#542

#541



E - crape myrtle 8" diameter (image from Google Earth)



STAFF REPORT

Planning Commission

Meeting Date:

8/28/2023

Staff Report Number:

23-054-PC

Public Hearing:

Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban) zoning district, at 711 Central Avenue. The proposal includes an attached accessory dwelling unit which is not subject to discretionary review.

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 on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban) 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 proposed single-family residence.

Background

Site location

The project site is located on the northern side of Central Avenue, between Durham Street and O'Keefe Street in the Willows neighborhood. The subject parcel and all adjacent properties are in the R-1-U (Single Family Urban) zoning district and are developed with predominately single-story developments, with some two-story developments. A location map is included as Attachment B.

Analysis

Project description

The subject property is currently occupied by a single-story, single-family residence and accompanying accessory garden shed built in approximately 1947. The property is a substandard lot with regard to minimum lot width, having a width of 50 feet where 65 is required, a standard lot depth of 200 feet where 100 is required, and lot area of 10,000 square feet where a minimum of 7,000 is required.

The applicant is proposing to demolish the existing residence and accessory structure and construct a new two-story, single-family residence that would include four bedrooms and four bathrooms, with one bedroom

and bathroom on the first floor and three bedrooms and three bathrooms on the second floor. The attached ADU, located at the rear of the residence, would contain an additional two bedrooms and a bathroom. A single-car garage and two off-street, uncovered parking spaces would fulfill the parking requirements for the main house and ADU.

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 house and ADU would contain 4,350 square feet and would exceed the maximum floor area limit of 3,550 square feet for the site.
 - The project is allowed to exceed the FAL and building coverage limits by up to 800 square feet in order to accommodate an ADU.
- The main house and ADU would cover 3,180 square feet of building coverage, approximately 31.8% of the lot, where 3,500 square feet is permitted.
- The main house would have a front setback of 35.5 feet where 20 feet is required.
- The main house and ADU would have 5-foot setbacks on both the left and right sides where 5 feet is required.
- The main house would have a rear setback of 67.4 feet where 20 feet is required.
- The second floor of the project would be 1,341 square feet where 1,400 is permitted.
- The balcony off the second-floor primary bath would be setback from the left property line by 20 feet, 22.2 feet from the right property line, and 74.4 feet from the rear property line, which meet or exceed the required setbacks.
- The proposed residence would have a total height of approximately 26.3 feet where 28 feet is permitted.

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

As described in the project description letter, the proposed residence would be a modern interpretation of a prairie style home with long low horizontal lines and minimal modern details and trim. Painted, wood clad windows are proposed. Window opening size would be repeated for consistency. Stucco, limestone veneer, and wood material accents would complement each other and provide a variety of textures and articulation with clean modern detailing. The residence is proposed to be finished in contrasting colors in order to add visual interest and articulation to the façade design.

Outdoor living space would be provided by a large, uncovered deck spanning the width of the rear of the residence as well as a more private deck tucked into the left side of the residence in the area carved out to retain an existing heritage Coast Live Oak tree.

Trees and landscaping

The applicant has submitted an arborist report (Attachment D), detailing the species, size, and conditions of on-site and nearby trees. A total of 17 trees were assessed, and three trees would be removed to accommodate the project as proposed, including a Southern magnolia (Tree #153), a persimmon (Tree #155) and a coast live oak (Tree #156). The trees proposed to be removed were reviewed and approved by the City Arborist and no appeals were filed. Both the Southern magnolia and the coast live oak qualified as Heritage trees according to Menlo Park guidelines. The remaining 14 trees would be retained under the current design, eight of which qualified as Heritage trees.

Table 1: Tree summary and disposition				
Tree Number	Species	Size (DBH, in inches)	Disposition	Notes
150	London plane	41	Retain	Heritage
151	Windmill palm	8	Retain	Non-heritage
152*	Loquat	11	Retain	Non-heritage
153	Southern magnolia	20	Remove	Heritage
154*	English walnut	15	Retain	Heritage
155	Persimmon	10	Remove	Non-heritage
156	Coast live oak	27	Remove	Heritage
157	Coast live oak	25	Retain	Heritage
158*	Coast redwood	18	Retain	Heritage
159	California bay	23	Retain	Heritage
160*	Red oak	28	Retain	Heritage
161	Plum	6	Retain	Non-heritage
162	Privet	6	Retain	Non-heritage
163	Coast live oak	25	Retain	Heritage
164	Bottle brush	10	Retain	Non-heritage
165	Plum	6	Retain	Non-heritage
166*	Leyland cypress	18	Retain	Heritage

*indicates off-site trees assessed in the arborist report

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 received letters from three concerned neighbors regarding the potential removal of heritage trees on the project site. In response to these concerns, the project applicant

revised their plans to retain an additional heritage tree that was proposed for removal. The comment letters are included in Attachment E.

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. In response to feedback from neighbors, the applicant has revised their plans to retain an additional heritage tree. 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 approving the use permit
 - Exhibits to Attachment A
 - A. Project Plans
 - B. Project Description Letter
 - C. Conditions of Approval
- B. Location Map
- C. Data Table
- D. Arborist Report
- E. Correspondence

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 ON A SUBSTANDARD LOT WITH REGARD TO MINIMUM LOT WIDTH IN THE R-1-U (SINGLE FAMILY URBAN) 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 on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban) zoning district. The proposal includes an attached accessory dwelling unit which is not subject to discretionary review (collectively, the “Project”) from Siva Singaram (“Applicant”), on behalf of the property owner Central Sterling Homes LLC (“Owner”), located at 711 Central Avenue (APN 062-233-170) (“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 Urban (R-1-U) 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-U 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 Woodreeve Consulting, 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 Applicant submitted one heritage tree removal permit for development-based removal, numbered HTR2023-00077, which was reviewed by the City Arborist and found to be in compliance with the Heritage Tree Ordinance, upon which the notice was sent out on July 19, 2023, with the appeal period ending August 3, 2023 and with no appeals filed; 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 August 28, 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 a 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-U 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 one covered and one uncovered parking space are provided. A third uncovered parking space is provided for the Accessory Dwelling Unit, which is separate and not part of this action.
- 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 significant setbacks of the second floor on the front, rear, left, and right sides.

Section 3. Conditional Use Permit. The Planning Commission approves Use Permit No. PLN2023-00004, 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:

- 1. 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 August 28, 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 August, 2023

PC Liaison Signature

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

Exhibits

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



711 Central Ave
MENLO PARK, CA 94025



At all times and under various conditions herein, the contractor shall be responsible for the design and construction of the work and shall be liable for the cost of the work.

PLNG SUBMITTAL	05.29.23
PLNG SUBMITTAL	05.18.23
PLNG SUBMITTAL	06.22.23
PLNG SUBMITTAL	07.25.23

TITLE SHEET

ADDITIONAL CONSTRUCTION DOCUMENTS: ARCHITEST'S REPORT

JOB #: 2230

A0.1

PROJECT DESCRIPTION

- NEW FOUR BED / FOUR BATH SINGLE FAMILY RESIDENCE
- NEW ATTACHED ADU
- NEW COVERED FRONT PORCH AND UNCOVERED SIDE AND BACK DECKS

PROJECT DIRECTORY

ARCHITECT: MA MORRIS ARCHITECTURE LLC
12 COZZOLINO CT
MILLBRAE, CA 94030
T. 850.969.1590
RYAN@MORRISARCH.COM

STRUCTURAL ENGINEER: CAPEX ENGINEERING INC.
P.O. BOX 14198
FREMONT, CA 94539
T. 408.609.1115
capecor@rediffmail.com

GEOTECHNICAL ENGINEER: MORGAN ENGINEERING CONSULTING
P.O. BOX 299
MILLBRAE, CA 94030
P. 408.296.6000
RYAN@MORRISARCH.COM

MECHANICAL ENGINEER: WOODREEVE CONSULTING, LLC
2627 TELEGRAPH AVE, STE. 385
OAKLAND, CA 94609
T. 510.387.5341

MENLO PARK NOTES

- FRONTAGE IMPROVEMENTS
- ANY FRONTAGE IMPROVEMENTS WHICH ARE DAMAGED AS A RESULT OF CONSTRUCTION WILL BE REQUIRED TO BE REPLACED. ALL FRONTAGE IMPROVEMENT WORK SHALL BE IN ACCORDANCE WITH THE LATEST VERSION OF THE CITY STANDARD DETAILS.
 - AN ENCROACHMENT PERMIT FROM THE ENGINEERING DIVISION IS REQUIRED PRIOR TO ANY CONSTRUCTION ACTIVITIES, INCLUDING UTILITIES MATERIALS, IN THE PUBLIC RIGHT OF WAY.
 - A LIST OF REQUIREMENTS FOR ENCROACHMENT PERMIT SUBMITTAL CAN BE FOUND ON THE CITY'S WEBSITE AT: [HTTP://WWW.MENLOPARK.ORG/2022/ENCROACHMENT/PERMITS](http://www.menlopark.org/2022/ENCROACHMENT/PERMITS)

GENERAL NOTES

- CODES
THE WORK SHALL CONFORM TO THE CALIFORNIA TITLE 24:
PART 2 2022 CALIFORNIA BUILDING CODE
PART 2 2022 CALIFORNIA ELECTRICAL CODE
PART 4 2022 CALIFORNIA MECHANICAL CODE
PART 6 2022 CALIFORNIA PLUMBING CODE
PART 8 2022 CALIFORNIA ENERGY CODE
PART 11 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE MENLO PARK MUNICIPAL CODE.
- DRAWINGS
1. GENERAL CONDITIONS, THE STANDARD A.I.A. GENERAL CONDITIONS ARE HEREBY INCORPORATED BY REFERENCE INTO THESE DRAWINGS.
2. DIMENSIONS, WRITTEN DIMENSIONS SHALL GOVERN. DO NOT SCALE THE DRAWINGS.
3. THE BOTTOM ELEVATION OF ALL APPLIANCES AND UTILITIES (METERS, AIR CONDITIONING UNITS, ETC.) SHALL BE AT OR ABOVE D.F.E.
4. STORM RUNOFF RESULTING FROM PROJECT'S GRADES AND DRAINAGE ACTIVITIES SHALL NOT ENDOACH ONTO ANY NEIGHBORING LOT. RUNOFF MUST BE CONTAINED ONSITE.
5. NO BASEMENTS OR ANY HABITABLE ENCLOSURE BELOW THE DFE ARE ALLOWED FOR PROJECTS IN THE FLOOD ZONE.
6. FLOOD VENTS SHALL BE INSTALLED FOR ALL NON-HABITABLE ENCLOSURES BELOW THE DFE (I.E. CRAWLSPACE, GARAGE, ETC.) AT A RATE OF 1 SQUARE INCH OF NET OPENING TO 1 SQUARE FOOT OF ENCLOSURE. REFER TO THE ENGINEERING PLANS HEREIN FOR VENT LOCATIONS AND CALCULATIONS.

PROJECT DATA

APN #	062-233-170
ZONE	R1U
OCCUPANCY	R3/U
CONSTRUCTION TYPE	V-B
AUTOMATIC SPRINKLERS	YES - NEW
STORIES	2
SITE AREA	10,060 SF
PARKING	1 COVERED 1 UNCOVERED
FLOOR AREA	SEE A0.3
SITE COVERAGE	SEE A0.3
FLOOD ZONE DESIGNATION	AE
BASE FLOOD ELEVATION (BFE)	29.0'
DESIGN FLOOD ELEVATION (DFE)	30.0'

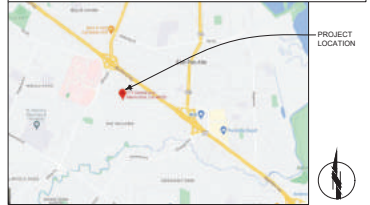
FEMA NOTES

- THE PROJECT IS BUILT IN COMPLIANCE WITH THE CITY'S FLOOD DAMAGE PREVENTION ORDINANCE, CHAPTER 12, SECTION 42.
- ALL MATERIALS BELOW DFE SHALL BE RESISTANT TO FLOOD DAMAGE (I.E. CONCRETE, REDWOOD OR PRESSURE TREATED DOUGLAS FIR).
- THE BOTTOM ELEVATION OF ALL APPLIANCES AND UTILITIES (METERS, AIR CONDITIONING UNITS, ETC.) SHALL BE AT OR ABOVE DFE.
- STORM RUNOFF RESULTING FROM PROJECT'S GRADES AND DRAINAGE ACTIVITIES SHALL NOT ENDOACH ONTO ANY NEIGHBORING LOT. RUNOFF MUST BE CONTAINED ONSITE.
- NO BASEMENTS OR ANY HABITABLE ENCLOSURE BELOW THE DFE ARE ALLOWED FOR PROJECTS IN THE FLOOD ZONE.
- FLOOD VENTS SHALL BE INSTALLED FOR ALL NON-HABITABLE ENCLOSURES BELOW THE DFE (I.E. CRAWLSPACE, GARAGE, ETC.) AT A RATE OF 1 SQUARE INCH OF NET OPENING TO 1 SQUARE FOOT OF ENCLOSURE. REFER TO THE ENGINEERING PLANS HEREIN FOR VENT LOCATIONS AND CALCULATIONS.

GENERAL CONTRACTORS RESPONSIBILITIES

- PLANS ON SITE: THE GENERAL CONTRACTOR (HEREINAFTER G.C.) SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DRAWINGS ON THE JOB SITE THROUGH ALL PHASES OF CONSTRUCTION FOR USE BY ALL TRADES AND SHALL PROVIDE ALL SUBCONTRACTORS WITH CURRENT CONSTRUCTION DRAWINGS.
 - DISCREPANCIES: THE G.C. IS RESPONSIBLE FOR THOROUGH REVIEW OF THESE DOCUMENTS AND EXISTING FIELD CONDITIONS PRIOR TO THE COMMENCEMENT OF ANY WORK. ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND ARE TO BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ARCHITECT IN WRITING FOR CLARIFICATION.
 - SUBSTITUTIONS: THE G.C. IS REQUIRED TO NOTIFY ARCHITECT IN WRITING OF ANY SUBSTITUTION, REVISION OR PROPOSED ALTERNATE AT LEAST TWO WEEKS PRIOR TO THE ORDER OR INSTALLATION OF SAID ALTERNATE IN ORDER TO ALLOW FOR NECESSARY COORDINATION AND APPROVALS.
 - INSPECTIONS: THE G.C. IS RESPONSIBLE FOR THOROUGH REVIEW OF THE ARCHITECTURAL AND STRUCTURAL DRAWINGS, GEOTECHNICAL REPORT, AND THE ENERGY AND GREEN COMPLIANCE MANDATORY MEASURES AND IS RESPONSIBLE FOR SCHEDULING AND BEING PRESENT FOR ANY INSPECTIONS OR OBSERVATIONS REQUIRED. MIN. 48 HOURS NOTICE FOR LOCAL AND ORHA SAFETY REGULATIONS.
 - SAFETY: THE G.C. SHALL BE SOLELY RESPONSIBLE FOR SAFETY ON THE JOB SITE AND OBTAIN ALL FEDERAL, STATE, LOCAL AND ORHA SAFETY REGULATIONS.
 - DEFERRED SUBMITTALS: DEFERRED SUBMITTAL DOCUMENTATION SHALL BE SUBMITTED TO THE ARCHITECT OR ENGINEER OF RECORD WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND FOUND TO BE IN GENERAL CONFORMANCE WITH THE DESIGN OF THE PROJECT. THE DEFERRED SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THEIR DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL.
 - WORKMANSHIP: ALL WORKMANSHIP IN ALL TRADES SHALL BE OF THE HIGHEST QUALITY. BY PERSONS ESPECIALLY SKILLED AT ASSIGNED TASKS, AND SHALL RESULT IN A NEAT AND CLEAN INSTALLATION. ALL WORK SHALL BE INSTALLED TRUE, PLUMB, LEVEL, SQUARE, AND AS PROPERLY ALIGNED. NOTIFY ARCHITECT AND OWNER OF EXISTING CONDITIONS WHICH DO NOT MEET THESE EXPECTATIONS.
 - MANUFACTURER'S REQUIREMENTS: THE G.C. SHALL INSTALL ALL MATERIALS, EQUIPMENT, AND FIXTURES IN CONFORMANCE WITH THE REQUIREMENTS OF THE MANUFACTURER.
 - BRACING AND SHORING: DESIGN AND INSTALLATION OF ALL TEMPORARY BRACING AND SHORING IS THE SOLE RESPONSIBILITY OF THE G.C.
- GENERAL NOTES
- CAL GREEN: SEE SHEET GB.1 FOR CAL GREEN MANDATORY REQUIREMENTS
 - FOUNDATION / SOILS (GEOTECH REPORT)
16. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ADEQUACY OF THE FOUNDING SOILS. THE FOUNDATION DESIGN IS PREPARED BY THE STRUCTURAL ENGINEER AND BASED UPON A GEOTECHNICAL REPORT BY THE ABOVE LISTED GEOTECHNICAL ENGINEER.
17. SEE STRUCTURAL DRAWINGS, GEOTECHNICAL REPORT, AND/OR CIVIL DRAWINGS FOR ADDITIONAL CRITERIA REGARDING FOUNDATIONS, EXCAVATION, EARTHWORK, SITE PLACEMENT OF ANY CONCRETE, AND/OR DRAINAGE RECOMMENDATIONS.

VICINITY MAP



Construction Best Management Practices (BMPs)

Construction projects are required to implement the stormwater best management practices (BMP) on this page, as they apply to your project, all year long.

Water Pollution Prevention Program
Clean Water, Healthy Community

Materials & Waste Management

- Non-Hazardous Materials:**
 - Store and store containers of used oils or other petroleum-based materials in a secure, leak-proof, secondary containment tank.
 - Use the first-inventor-out rule for oil storage.
- Hazardous Materials:**
 - Label all hazardous materials and containers clearly with the proper hazard labels, signs, and placards.
 - Use approved secondary containment, and cover tanks in the event of a spill.
 - Follow manufacturer's spill response procedures for hazardous materials and report spills to the appropriate authority.
- Waste Management:**
 - Check waste disposal containers frequently for leaks and spills.
 - Check for proper labeling and handling of hazardous waste.
 - Check for proper labeling and handling of hazardous waste.
- Construction Entrance and Exitway:**
 - Install and maintain effective entrance controls and exitway controls to prevent sediment and other pollutants from leaving the site.

Equipment Management & Spill Control

- Equipment Management:**
 - Perform regular maintenance on all equipment, and use proper maintenance practices.
 - Use proper storage and handling procedures for hazardous materials.
- Spill Prevention and Control:**
 - Use spill prevention measures (e.g., spill blankets) to prevent spills.
 - Use spill prevention measures (e.g., spill blankets) to prevent spills.

Earthmoving

- Grading and Erosion Control:**
 - Install silt fences, sediment traps, and other erosion control measures.

Paving/Asphalt Work

- Asphalt Paving:**
 - Use proper paving techniques to prevent runoff.

Concrete, Grout & Mortar Application

- Concrete Application:**
 - Use proper application techniques to prevent runoff.

Painting & Paint Removal

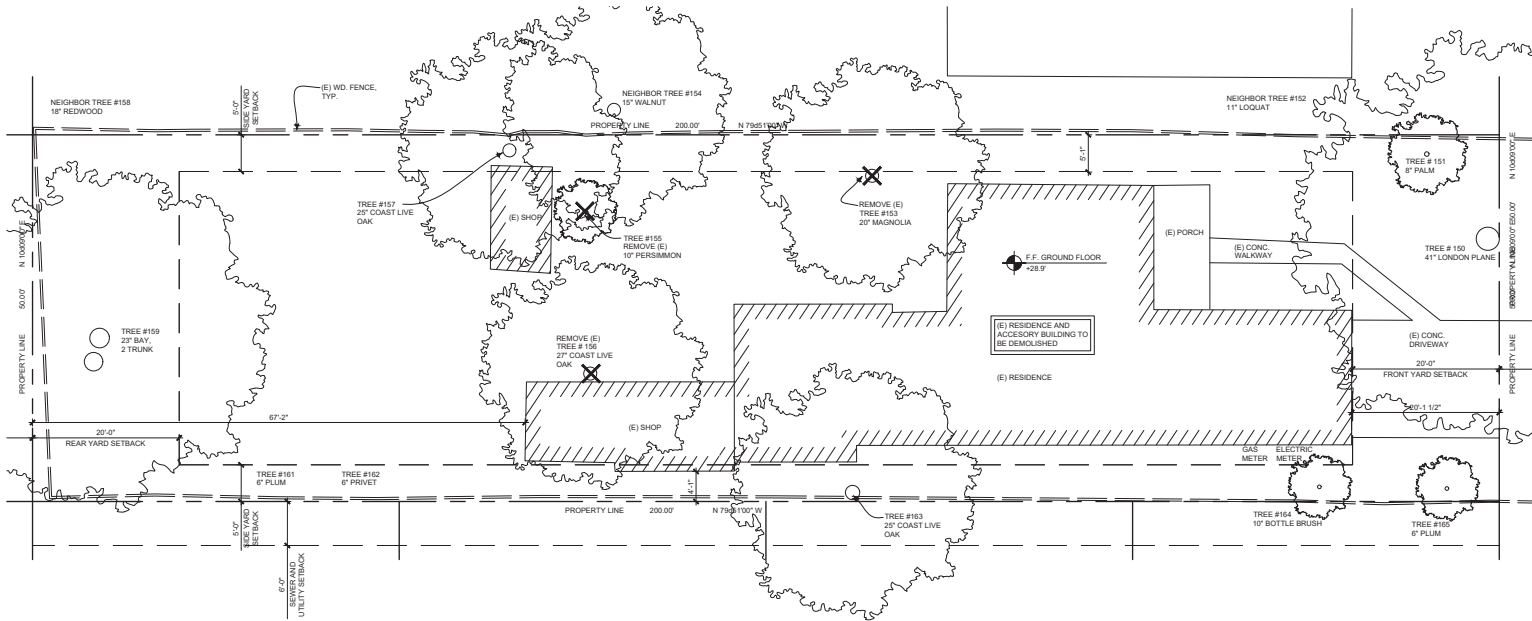
- Painting:**
 - Use proper painting techniques to prevent runoff.
- Paint Removal:**
 - Use proper paint removal techniques to prevent runoff.

Landscaping

- Landscaping:**
 - Use proper landscaping techniques to prevent runoff.

Storm drain pollutants may be liable for fines of up to \$10,000 per day!

A5

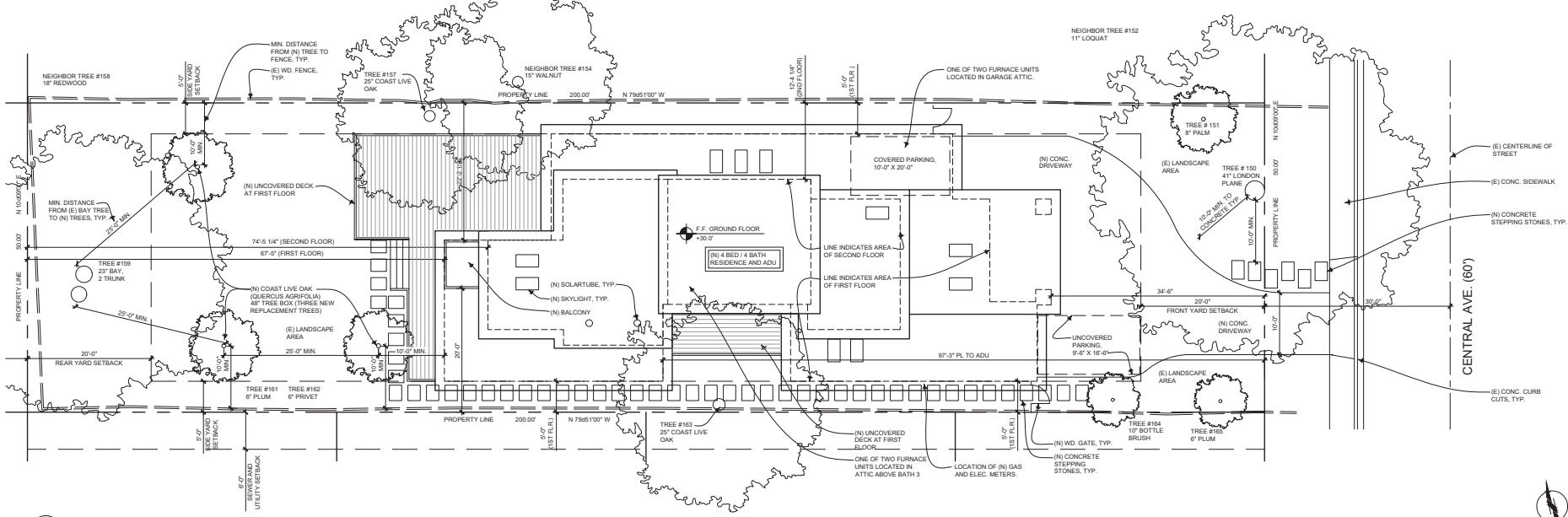


- SITE PLAN NOTES:**
1. GENERAL NOTES, SEE SHEETS A0.1, TOPOGRAPHIC SURVEY, GRADING AND DRAINAGE PLAN, LANDSCAPE PLAN, AND FLOOR PLANS FOR ADDITIONAL INFO.
 2. CAL GREEN: SEE SHEET GB.1 FOR CAL GREEN MANDATORY REIMENTS.
 3. BOUNDARY VERIFICATION: THE G.C. SHALL VERIFY THE LOCATIONS OF ALL PROPERTY BOUNDARIES, SETBACKS, AND EASEMENT LOCATIONS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE FURTHER COMMENCEMENT OF WORK.
 4. BENCHMARK: SEE SURVEY DRAWING FOR BENCH MARK AND ASSUMED BASE ELEVATION.
 5. ENCLOSUREMENT: THE G.C. IS RESPONSIBLE FOR OBTAINING APPROVAL / PERMIT PRIOR TO COMMENCING ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY.
 6. UTILITIES: THE G.C. SHALL LOCATE ALL UTILITIES PRIOR TO ANY EXCAVATION, GRADING, OR TRENCING.
 7. UTILITIES: SEE ELECTRICAL PLAN SHEET E2.1 FOR EXACT LOCATIONS OF MANY ELECTRIC METER AND GAS METER. COORDINATE FINAL LOCATION AND ROUTING WITH G.C. AND UTILITY SERVICE PROVIDER.
 8. UTILITIES: THE G.C. SHALL COORDINATE THE LOCATION OF IRRIGATION VALVE BOXES WITH OWNER.
 9. TREE PROTECTION: THE G.C. SHALL PROTECT EXISTING TREES FROM DAMAGE DURING CONSTRUCTION AND PROVIDE TREE PROTECTION PER LOCAL JURISDICTION REQUIREMENTS. LARGE ROOTS OR LARGE MASSES OF ROOTS TO BE CUT SHOULD BE INSPECTED BY A CERTIFIED ARBORIST PRIOR TO CUTTING. ANY ROOTS TO BE CUT SHALL BE MONITORED AND DOCUMENTED. ROOTS TO BE CUT SHOULD BE SEVERED CLEANLY WITH A SAW OR TOPPER.
 10. SLOPED GRADE: FINISH GRADE AROUND BUILDING TO HAVE A MIN. 2% SLOPE AWAY FROM BUILDING. FOR A MIN. OF 2' AROUND BUILDING.
 11. FOOTING DEPTH: (N) FOUNDATION FOOTINGS SHALL BEAR ON NATIVE UNDISTURBED SOIL. SEE GEOTECH. REPORT AND STRUCTURAL DRAWINGS FOR ADDITIONAL INFO.
 12. ADDRESS: STREET ADDRESS NUMERALS TO BE AT LEAST 4" HIGH WITH A MINIMUM 1/2" STROKE, MOUNTED ON A CONTRASTING BACKGROUND CLEARLY VISIBLE FROM THE STREET. ADDRESS NUMBERS SHALL BE AT LEAST SIX FEET ABOVE THE FINISHED SURFACE OF THE DRIVEWAY, CONC RIOD.
 13. CHIMNEYS: THE INSTALLATION OF AN APPROVED SPARK ARRESTOR IS REQUIRED ON ALL CHIMNEYS. EXISTING AND NEW. SPARK ARRESTORS SHALL BE CONSTRUCTED OF WOVEN OR WELDED WIRE SCREENING OF 12 GAUGE USA STANDARD WIRE HAVING OPENINGS NOT EXCEEDING 1/2".

- GRADING NOTES:**
1. PROVIDE POSITIVE SURFACE DRAINAGE AWAY FROM ALL STRUCTURES BY SLOPING THE FINISHED GROUND SURFACE AT LEAST 2% UNLESS OTHERWISE NOTED ON THE PLANS.
 2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM THE GROUND ELEVATIONS AND OVERALL TOPOGRAPHY OF THE SITE PRIOR TO THE START OF CONSTRUCTION AS TO THE ACCURACY BETWEEN THE WORK SET FORTH ON THESE PLANS AND THE WORK IN THE FIELD AND DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IN WRITING PRIOR TO THE START OF CONSTRUCTION.

- PROJECT KEYNOTES:**
1. ANY TREE ON-SITE PROTECTED BY THE CITY'S MUNICIPAL CODE WILL REQUIRE REPLACEMENT ACCORDING TO ITS APPRAISED VALUE IF IT IS DAMAGED BEYOND REPAIR AS A RESULT OF CONSTRUCTION.

1 EXISTING SITE PLAN
A0.2 1/8"=1'-0"



2 PROPOSED SITE PLAN
A0.2 1/8"=1'-0"



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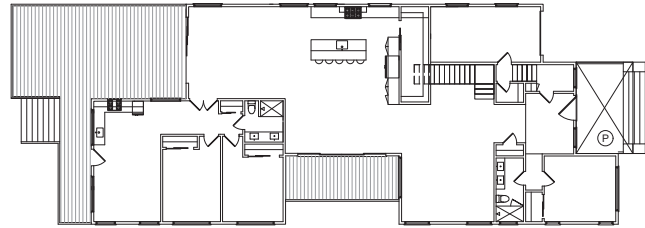
△ PLNG SUBMITTAL	03.09.23
△ PLNG SUBMITTAL	05.18.23
△ PLNG SUBMITTAL	06.22.23
△ PLNG SUBMITTAL	07.25.23

SITE PLANS

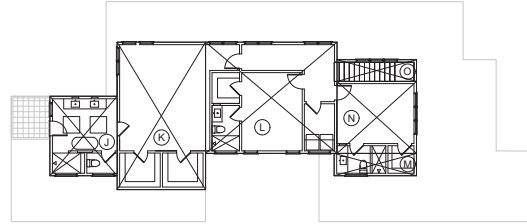
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A0.2

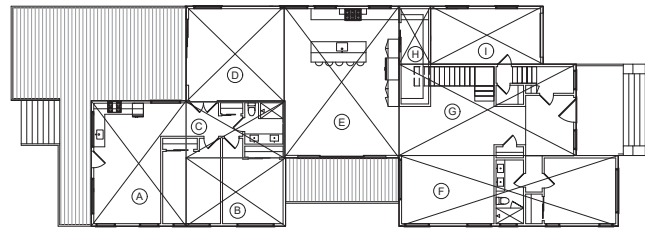
PROPOSED DATA SHEET			
ADU	DIMENSIONS	ADU AREA (SF)	HOUSE AREA (SF)
A	17'-3" x 22'-9 3/4"	393	
B	18'-1" x 12'-5"	225	
C	17'-10" x 10'-2 1/2"	182	
TOTAL		800	
1ST FLOOR	DIMENSIONS	NOT COUNTED	HOUSE AREA (SF)
D	17'-10" x 17'-4 3/4"		310
E	20'-10 3/4" x 27'-6 3/4"		576
F	39'-10 1/4" x 12'-10 1/4"		512
G	32'-2 1/2" x 16'-2 1/8"		525
H	5'-8" x 10'-6 1/2"		61
I	20'-5 1/2" x 10'-6 1/4"		215
TOTAL			2209
2ND FLOOR	DIMENSIONS	NOT COUNTED	HOUSE AREA (SF)
J	12'-2 5/8" x 14'-5 1/2"		177
K	16'-1" x 26'-9 3/4"		431
L	23'-10 3/4" x 20'-2 5/8"		483
M	14'-11 3/4" x 4'-0 3/4"		61
N	14'-5 1/4" x 13'-1"		189
O	14'-5 1/2" x 4'-4"		63
TOTAL			1341
SITE	DIMENSIONS		SITE AREA (SF)
P	10'-3 3/4" x 16'-7 1/4"		171
TOTAL			171
MAX FLOOR AREA LIMIT (2,800SF + 25(10,000-7,000))			3,550
TOTAL PROPOSED FAL (NOT INCLUDING ADU)			3,550
TOTAL ADU (NOT COUNTED)			800
MAX BUILDING COVERAGE (35%) FOR TWO STORY			3,550
TOTAL PROPOSED BUILDING COVERAGE			3180



SITE



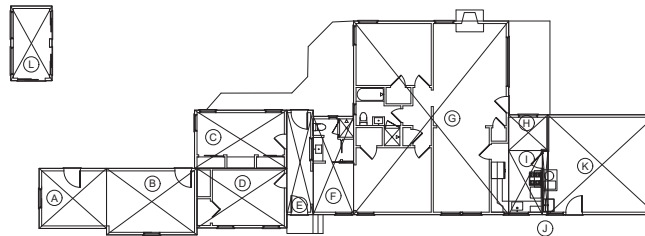
SECOND FLOOR



FIRST FLOOR AND ADU

2 PROPOSED FAL DIAGRAMS
A0.3 3/32" = 1'-0"

EXISTING DATA SHEET		
1ST FLOOR	DIMENSIONS	HOUSE AREA (SF)
A	12'-3" x 10'-11"	134
B	16'-5 1/2" x 12'-1"	199
C	16'-9 1/2" x 10'-7"	178
D	16'-4" x 10'-10"	177
E	4'-9 1/2" x 19'-0"	91
F	7'-4" x 17'-10 1/2"	131
G	28'-2 1/2" x 35'-2 1/2"	993
H	7'-1 1/2" x 6'-6"	46
I	6'-1 1/2" x 11'-8"	71
J	1'-0" x 11'-8"	12
K	19'-8 1/2" x 18'-2"	358
TOTAL		2390
SITE	DIMENSIONS	SITE AREA (SF)
L	7'-6" x 13'-7"	102
TOTAL		102
TOTAL EXISTING FLOOR AREA LIMIT		2492
TOTAL EXISTING BUILDING COVERAGE		2492



EXISTING TEAR DOWN - 1 STORY WITH SHED

1 EXISTING FAL DIAGRAMS
A0.3 3/32" = 1'-0"



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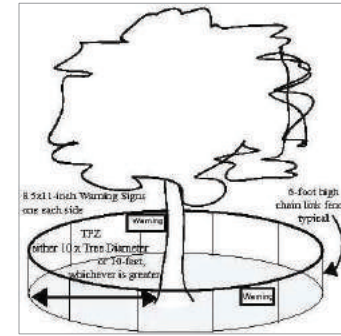
AREA CALCS

JOB #: 2230

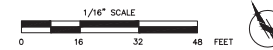
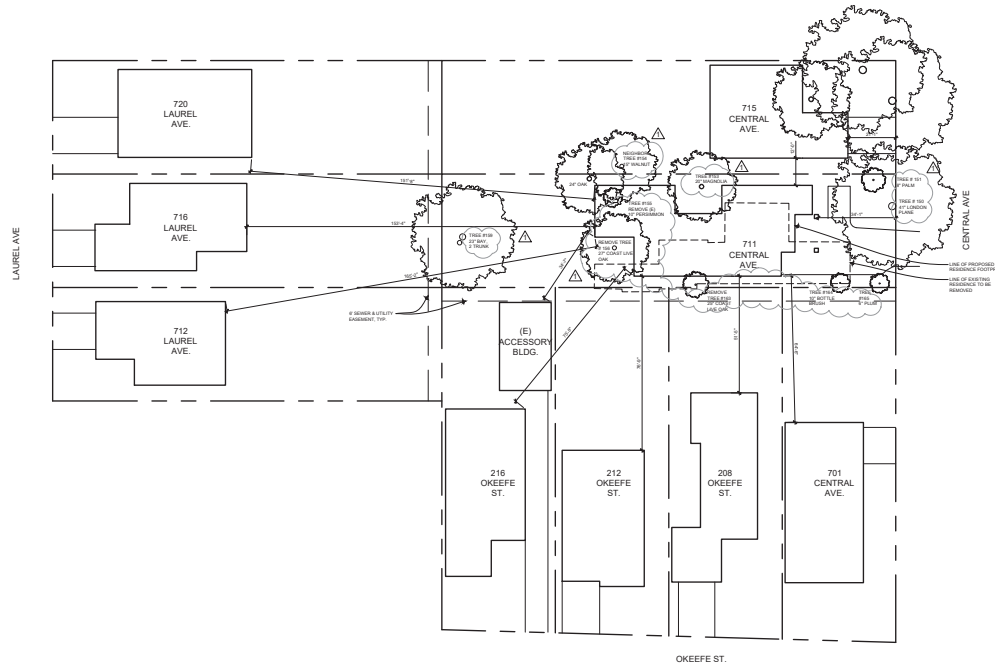
A0.3



2 CENTRAL AVE. STREETSCAPE
A0.4 1/16"=1'-0"



3 TREE PROTECTION FENCE
A0.4 1/16"=1'-0"



1 AREA PLAN
A0.4 1/16"=1'-0"



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AREA PLAN AND STREETSCAPE

JOB #: 2230

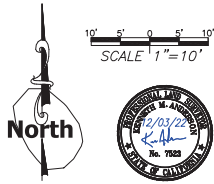
A0.4

BASIS OF ELEVATIONS

S.C.V.W.D. BM 455
 ELEVATION= 37.18 NAVD 88 DATUM
 BRASS DISK ON TOP OF CONCRETE
 ISLAND SIDEWALK AT THE
 SOUTHWESTERLY CORNER OF
 UNIVERSITY AVENUE AND WOODLAND
 AVENUE ON BRIDGE FOR SAN
 FRANCISQUITO CREEK.

LOT AREA

10,000 SQ. FT +/-



UNDERGROUND UTILITY NOTE

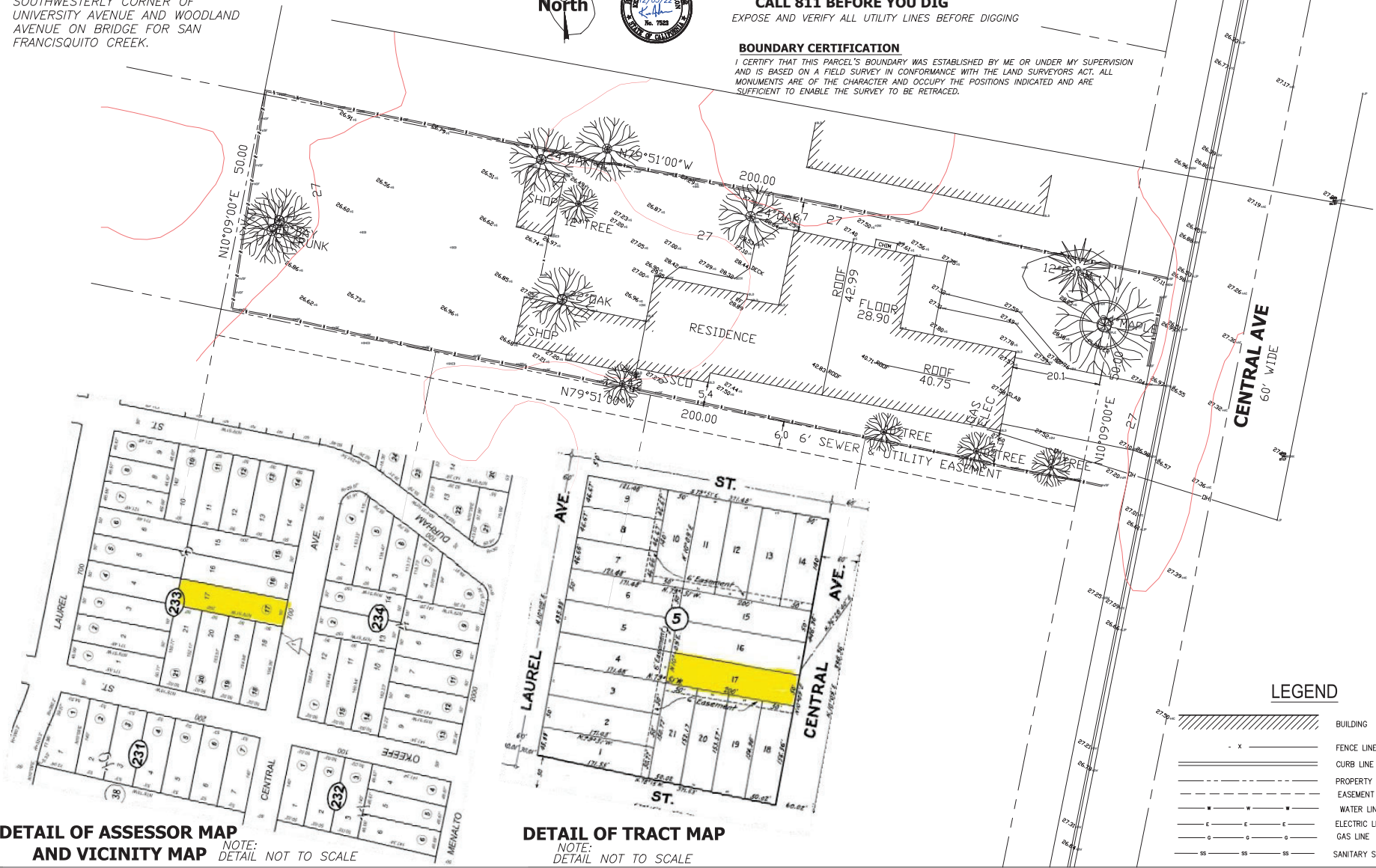
ALL UNDERGROUND UTILITY LINES MAY NOT BE SHOWN HEREON, BUT MAY EXIST AND IT IS THE RESPONSIBILITY OF THE CONTRACTOR DETERMINE THE SIZE, DEPTH, LOCATION THEREOF
CALL 811 BEFORE YOU DIG
 EXPOSE AND VERIFY ALL UTILITY LINES BEFORE DIGGING

BASIS OF BEARINGS

MONUMENTS ON C/L DURHAM ST
 PER R.O.S. 42 LLS 26
 SAN MATEO COUNTY RECORDS

BOUNDARY CERTIFICATION

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 SURVEYORS ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



DETAIL OF ASSESSOR MAP AND VICINITY MAP
 NOTE: DETAIL NOT TO SCALE

DETAIL OF TRACT MAP
 NOTE: DETAIL NOT TO SCALE

LEGEND

	BUILDING
	FENCE LINE
	CURB LINE
	PROPERTY LINE
	EASEMENT
	WATER LINE
	ELECTRIC LINE
	GAS LINE
	SANITARY SEWER

PROJECT: VILAGE 22-01	SHEET	1	OF	1
SCALE: 1"=10'	PROJECT	44	DATE:	12-03-22
TOPOGRAPHIC-BOUNDARY SURVEY				
711 CENTRAL AVE, MENLO PARK				
LOT 17, BLOCK 5, MENALTO PARK, 13 M 19				
SAN MATEO COUNTY, CALIFORNIA				
APN: 062-233-170				
www.baylandconsulting.com				
BAY LAND CONSULTING LAND SURVEYORS/CIVIL ENGINEERS P.O. BOX 299 SANTA CLARA, CA 95052 PH: (408) 286-6000 MAPPING THE BAY AREA				



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DEMO PLAN

JOB #: 2230

A1.1

DEMOLITION NOTES:

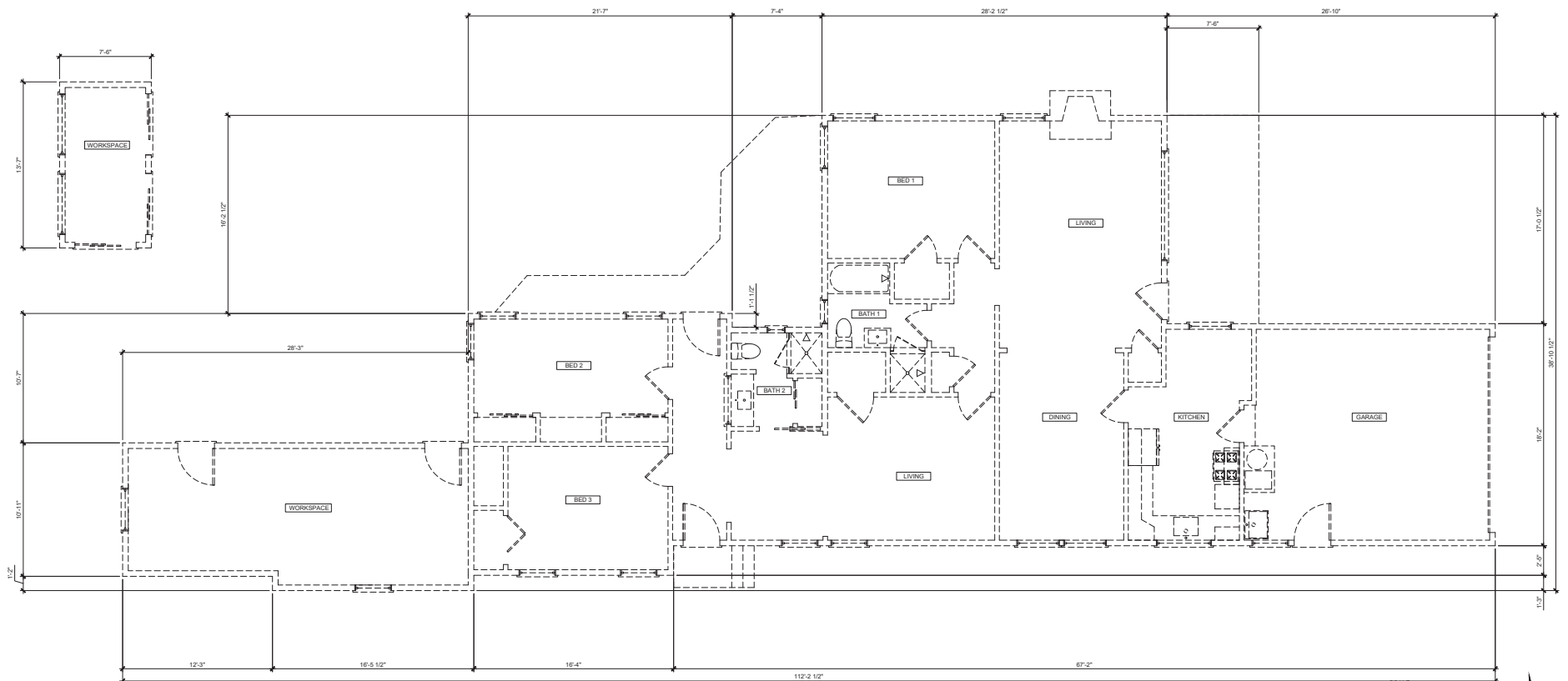
- GENERAL NOTES:** SEE SHEETS A0.1 AND FLOOR PLANS FOR ADDITIONAL INFO.
- SITE MEETING:** PRIOR TO DEMOLITION, THE G.C. SHALL CONDUCT A PRE-DEMOLITION SITE MEETING TO SCHEDULE THE WORK WITH THE OWNER, ARCHITECT, CONSULTANTS, AND SUBCONTRACTORS.
- PROTECTION:** THE G.C. SHALL VERIFY ALL EXISTING FEATURES AND FINISHES TO REMAIN PRIOR TO DEMOLITION, AND VERIFY WITH OWNERS WHETHER REMOVED OR UNUSED PRODUCTS AND MATERIALS SHOULD BE SAVED OR DISCARDED.
- PROTECTION:** THE G.C. SHALL TAKE ALL NECESSARY MEASURES TO PREVENT DAMAGE AND SETTLEMENT, AND PROTECT EXISTING BUILDING, APPLIANCES, AND FURNISHINGS DURING DEMOLITION. ANY DAMAGES TO THESE ITEMS SHALL BE PROPTLY RESTORED, REPAIRED, OR REPLACED AT NO COST TO THE OWNER.
- PROTECTION:** THE G.C. SHALL PROVIDE ALL NECESSARY TEMPORARY ENCLOSURES, COVERINGS, AND GUARDS TO ADEQUATELY PROTECT PERSONS FROM POSSIBLE INJURY.
- ENCROACHMENT:** THE G.C. SHALL CONDUCT DEMOLITION OPERATIONS AND REMOVAL OF DEBRIS TO ENSURE MINIMUM INTERFERENCE WITH STREETS, WALKS OR OTHER OCCUPIED OR USED FACILITIES. DO NOT CLOSE OR OBSTRUCT STREETS, WALKS OR OTHER OCCUPIED OR USED FACILITIES WITHOUT PERMISSION FROM AUTHORITIES HAVING JURISDICTION.
- DISPOSAL:** THE G.C. SHALL BE RESPONSIBLE FOR REMOVAL AND LEGAL DISPOSAL OF ALL CONSTRUCTION DEBRIS AND OTHER ASSOCIATED MATERIALS FROM THE STRUCTURE AND THE SITE.
- ELECTRICAL:** ALL UNUSED AND DEMOLISHED ELECTRICAL IS TO BE REMOVED BACK TO THE NEAREST UTILIZED JUNCTION.
- CONTAINMENT:** THE G.C. SHALL PROVIDE COVERINGS AND THE LIKE FOR CONTAINING DUST AND DEBRIS TO AREAS OF THE BUILDING IN WHICH DEMOLITION AND/OR ALTERATIONS ARE BEING PERFORMED.
- REPAIRS:** ALL PATCHING, REPAIRING, AND REPLACING OF MATERIALS AND SURFACES CUT OR DAMAGED DURING EXECUTION OF WORK SHALL BE EQUAL TO OR BETTER THAN THEIR ORIGINAL CONDITION.
- SECURITY:** THE G.C. SHALL MAINTAIN BUILDING SECURITY AT ALL TIMES.

PROJECT KEYNOTES:

- STRUCTURE CORRECTION:** AFTER DEMOLITION, THE G.C. SHALL IDENTIFY ALL REMAINING EXISTING CONDITIONS WHICH ARE UNLEVEL, CUT OR PLUMB, INADEQUATELY DRAINED OR WATERPROOFED, OR INSTALLED IN ANY OTHER MANNER WHICH DOES NOT MEET THE WORKMANSHIP EXPECTATIONS LISTED UNDER G.C. RESPONSIBILITIES ON SHEET A0.1. THE G.C. SHALL RECOMMEND CORRECTIVE ACTION TO THE OWNER AND ARCH.

WALL LEGEND:

- (E) WALL
- - - - (E) WALL TO BE REMOVED



1 DEMOLITION PLAN
 A1.1 1/4"=1'-0"



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FIRST FLOOR PLAN

JOB #: 2230

A2.1

- FOUNDATION FLOOD VENTS DESIGN:**
- FLOOD VENTS OR OPENINGS SHALL HAVE A TOTAL NET AREA OF NOT LESS THAN ONE SQUARE INCH FOR EVERY SQUARE FOOT OF ENCLOSED SPACE. AT LEAST ONE FLOOD VENT SHALL BE LOCATED ON EACH EXTERIOR SIDE OF THE ENCLOSURE TO ALLOW THE AUTOMATIC ENTRY AND EXIT OF FLOODWATER.
 - THE BOTTOM OF ALL FLOOD VENTS SHALL BE NO MORE THAN 12" ABOVE THE LOWEST ADJACENT GRADE.

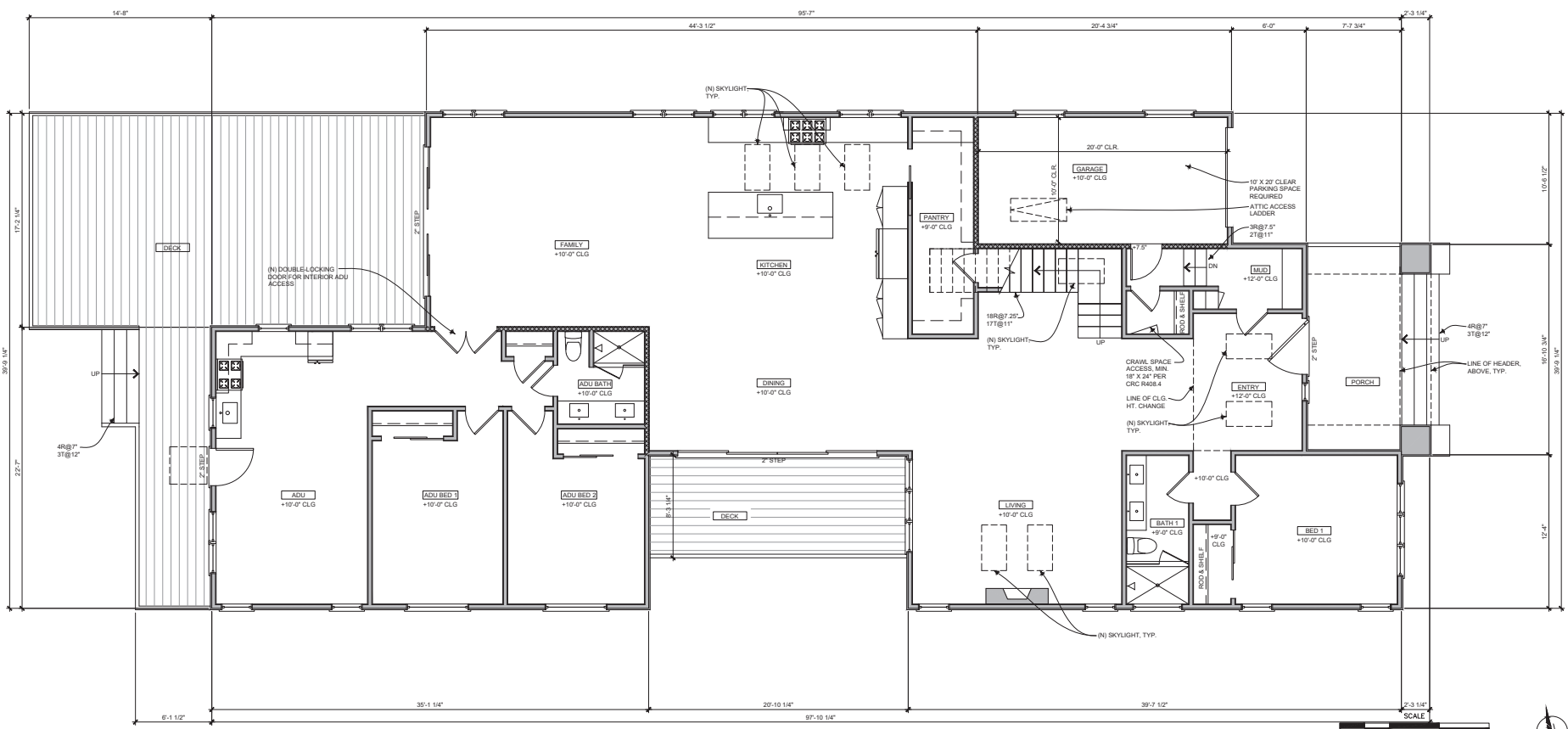
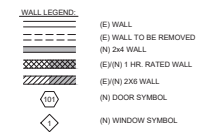
FEMA CRAWL SPACE FLOOD OPENINGS (IRC R322.2.2(2))	
REQUIRED VENTILATION - PRESCRIPTIVE	
CRAWL SPACE AREA TO BE VENTED (SF)	3009
NET FREE VENT. RATIO (1)	1/16" / 1/16"
REQUIRED NET FREE VENT. AREA IN SQUARE INCHES	3009
REQUIRED NET FREE VENT. AREA IN SQUARE FEET	20.9
FOUNDATION VENTS	
NUMBER OF FOUNDATION VENTS	34
AREA OF EACH 8"X16" VENT (SF)	0.89
TOTAL AREA OF FOUNDATION VENTS (SF)	21.36

- FOUNDATION & CONCRETE NOTES:**
- UNDER FLOOR ACCESS: PROVIDE MIN. OF 18"X24" THRU FLOOR OR 16"X24" THRU WALL ACCESS TO UNDER FLOOR AREAS. CRC R404.4
 - UNDER FLOOR ACCESS: FOR AN APPLIANCE IN AN UNDER FLOOR AREA PROVIDE MIN. 22" X 30" ACCESS OR MIN. REQUIRED BY APPLIANCE. CMC 904.10
 - CRAWL SPACE: PROVIDE 18" TALL MIN. ACCESS PATHWAY THROUGH UNDER FLOOR AREA, INCLUDING UNDER DUCTS. CMC 603.1
 - PRESSURE TREATED OR NATURALLY DURABLE WOOD, FLOOR JOISTS WITH LESS THAN 18" TO EXPOSED GROUND, AND GIRDERS WITH LESS THAN 12" TO EXPOSED GROUND SHALL BE P.T. EXTERIOR WOOD FRAMING RESTING ON FOUNDATIONS AND LESS THAN 6" FROM EARTH OR 2" FROM PAVING SHALL BE P.T. (SINKING FROM EARTH) CRC R311.7.1
 - VERIFICATION, G.C. TO VERIFY ALL CONCRETE ROUGH OPENING SIZES, ELEVATIONS, ETC. PRIOR TO FOUNDATION POUR. G.C. TO COORDINATE ALL LOCATIONS OF HOLDINGS, CURBS, STEPS, PLUMBING & MECHANICAL SLEEVES, ETC.
 - VERIFICATION, PRIOR TO POURING ANY CONCRETE FOR FOUNDATIONS, IT IS RECOMMENDED THAT A LICENSED SURVEYOR CONFIRM THAT THE REQUIRED SETBACKS AS SHOWN ON THE APPROVED PLANS HAVE BEEN MAINTAINED.
 - WATERPROOFING: FOR ALL EXISTING CONCRETE SLAB ON GRADE WITHOUT AN EXISTING VAPOR BARRIER TO BE USED FOR CONDITIONED SPACE, APPLY NEW LIQUID-APPLIED WATERPROOFING MEMBRANE TO SURFACE. USE "CRP" REGARDING OR EQUAL.

- FLOOR PLANS NOTES:**
- CAL GREEN: SEE SHEET GB 1 FOR CAL GREEN MANDATORY REQUIREMENTS
 - DOORS & WINDOWS: SEE SHEET A6.1 AND A6.2 FOR DOOR AND WINDOW SCHEDULES
 - UNDERSTAIR SPACES, ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS, UNDERSTAIR SURFACE, AND ANY JOISTS PROTECTED ON THE ENCLOSED SIDE WITH 1/2" GYP. BD. CRC 302.7
 - DRAFTSTOPS: SHALL BE INSTALLED IN FLOOR/CEILING ASSEMBLIES WHERE THERE IS A USABLE SPACE ABOVE AND BELOW THE CONCEALED SPACE OF A FLOOR/CEILING ASSEMBLY. DRAFT STOPS SHALL BE INSTALLED SO THAT THE AREA OF THE CONCEALED SPACE

- DOES NOT EXCEED 1000 SQUARE FEET AND IS DIVIDED INTO APPROXIMATELY EQUAL AREAS. CRC R302.12
- SHOWERS, SHOWER AND TUB/SHOWER WALLS SHALL HAVE A NONABSORBENT SURFACE MIN. 1/2" ABOVE THE FLOOR, INSTALLED OVER FIBER CEMENT BACKER BOARD. WATER-RESISTANT GYPSUM BACKING BOARD MAY NOT BE USED. CRC R307.2, R702.4
 - INTERIOR WATERPROOFING: AT ALL LOCATIONS SUBJECT TO EXPOSURE TO WATER, G.C. TO PROVIDE WATERPROOF MEMBRANE OVER HORIZONTAL AREAS AND UP WALLS 6" MIN ABOVE FINISH. CONCEALED WORK, MAINTAIN RECORD DRAWINGS, SPECIFICATIONS, AND PHOTOS OF CONCEALED WORK.
 - FRAMING: ALL NEW EXTERIOR WALLS TO BE 2X4 W/D. STUDS AT 16" O.C. TYP. UNLESS OTHERWISE NOTED. ALL NEW INTERIOR WALLS TO BE 2X4 W/D STUDS AT 16" O.C. TYP. UNLESS OTHERWISE NOTED.
 - ROUGH OPENINGS: CONTRACTOR TO VERIFY ROUGH OPENINGS SHOWN ON PLAN OR SCHEDULES WITH REQUIREMENTS OF UNITS TO BE INSTALLED PRIOR TO FRAMING OPENINGS.
 - ATTIC ACCESS: PROVIDE MIN 22" X 30" ACCESS OPENING TO ATTICS GREATER THAN 30 SF AND WITH 30" MIN HEADROOM. THRU WALL ACCESS OPENING SHALL BE MIN 22" WIDE X 30" TALL.

- INSULATION NOTES:**
- SEE TITLE 24 ENERGY REPORT FOR REQUIRED INSULATION VALUES.
 - INSULATION SHALL CONFORM TO FLAME-SPREAD RATING AND SMOKE DENSITY REQUIREMENTS OF CRC R302.10
 - AFTER INSTALLING INSULATION, THE INSTALLER SHALL POST AN INSULATION CERTIFICATE, SIGNED BY THE INSTALLER AND THE BUILDER, IN A CONSPICUOUS LOCATION IN THE BUILDING, STATING THAT THE INSTALLATION CONFORMS WITH THE REQUIREMENTS OF TITLE 24, PART 2, CH. 2-53 OF THE CALIFORNIA ADMINISTRATIVE CODE
 - PROVIDE (N) ACOUSTIC INSULATION IN ALL INTERIOR WALLS WHERE WORK OCCURS SEPARATING BEDROOMS, BATHROOMS, LAUNDRY, KITCHEN AND AS REQUESTED BY OWNER. PROVIDE (N) ACOUSTIC INSULATION IN ALL FLOOR ASSEMBLIES BETWEEN FLOORS



1 FIRST FLOOR PLAN
 A2.1 1/4"=1'-0"





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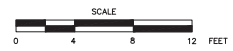
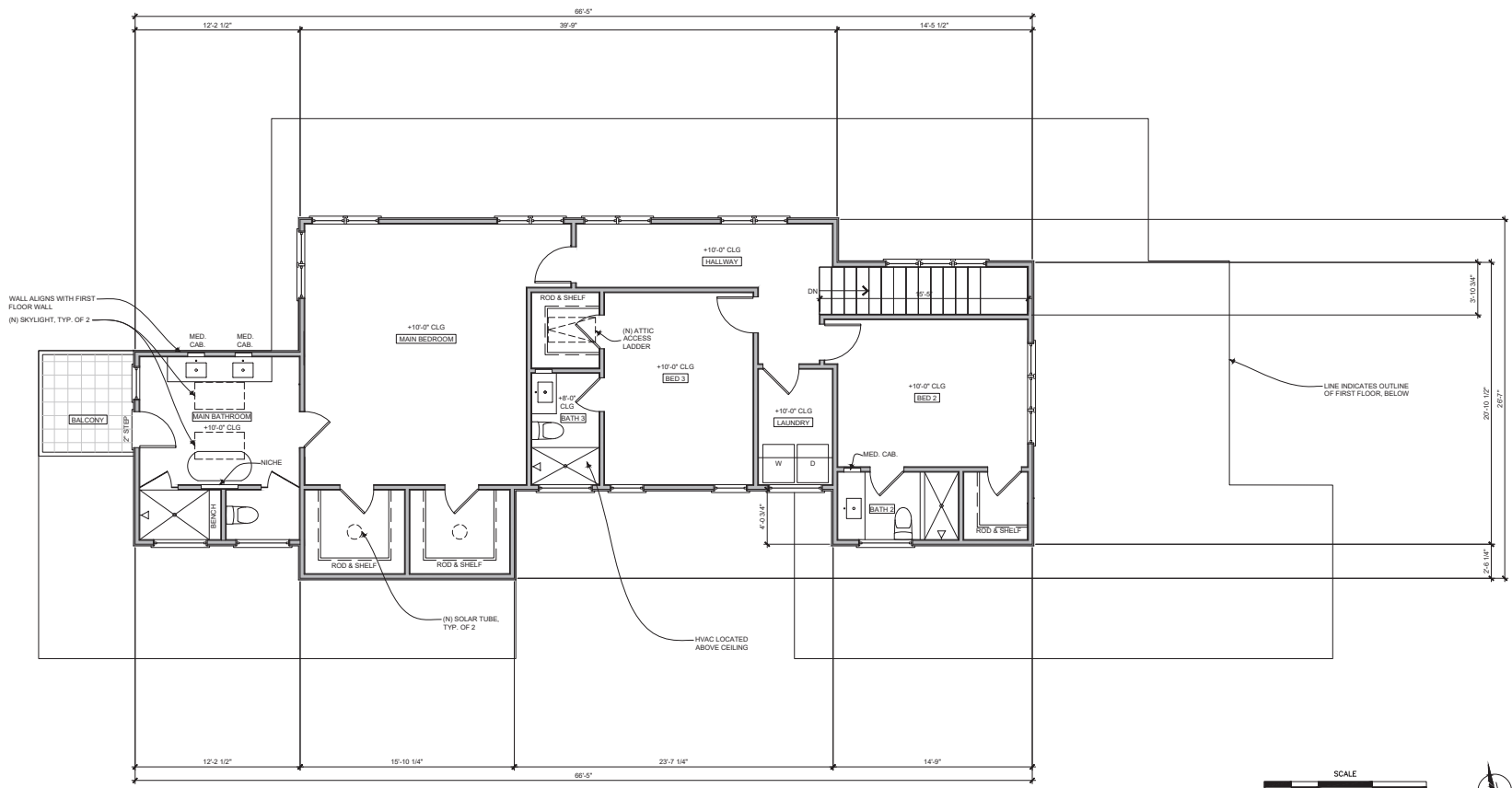
SECOND FLOOR PLAN

JOB #: 2230

A2.2

FLOOR PLAN NOTES:
 1. REFERENCE - SEE SHEET A2.1 FOR TYPICAL FLOOR PLAN NOTES. SEE SHEET E2.1 FOR TYPICAL MECHANICAL, ELECTRICAL, AND PLUMBING NOTES

- WALL LEGEND:
- (E) WALL
 - (E) WALL TO BE REMOVED
 - (N) 2x4 WALL
 - (E)(N) 1 HR. RATED WALL
 - (E)(N) 2X6 WALL
 - (N) DOOR SYMBOL
 - (N) WINDOW SYMBOL



1 SECOND FLOOR PLAN
 A2.2 1/4"=1'-0"



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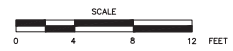
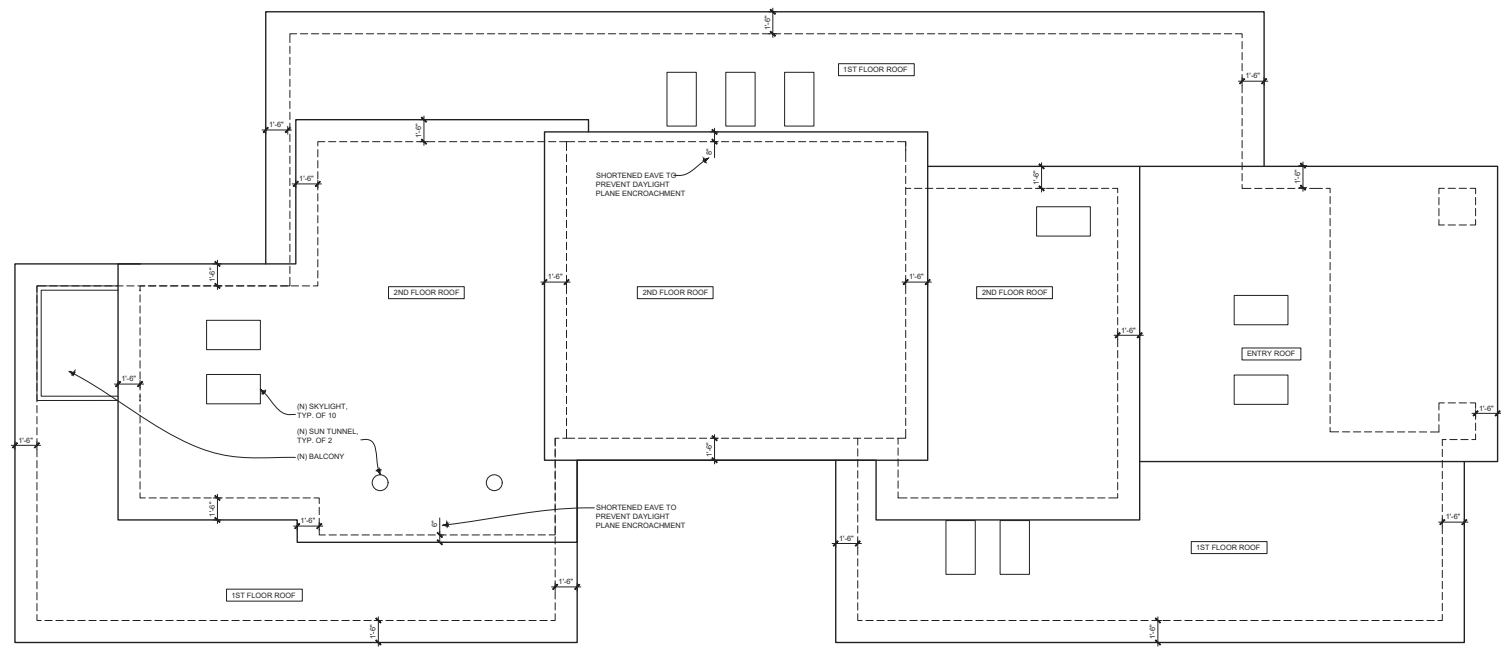
ROOF FLOOR PLAN

JOB #: 2230

A2.3

FLOOR PLAN NOTES:
 1. REFERENCE - SEE SHEET A2.1 FOR TYPICAL FLOOR PLAN NOTES. SEE SHEET E2.1 FOR TYPICAL MECHANICAL, ELECTRICAL, AND PLUMBING NOTES

- WALL LEGEND:
- (E) WALL
 - (E) WALL TO BE REMOVED
 - (N) 2x4 WALL
 - (E)(N) 1 HR. RATED WALL
 - (E)(N) 2X6 WALL
 - (N) DOOR SYMBOL
 - (N) WINDOW SYMBOL





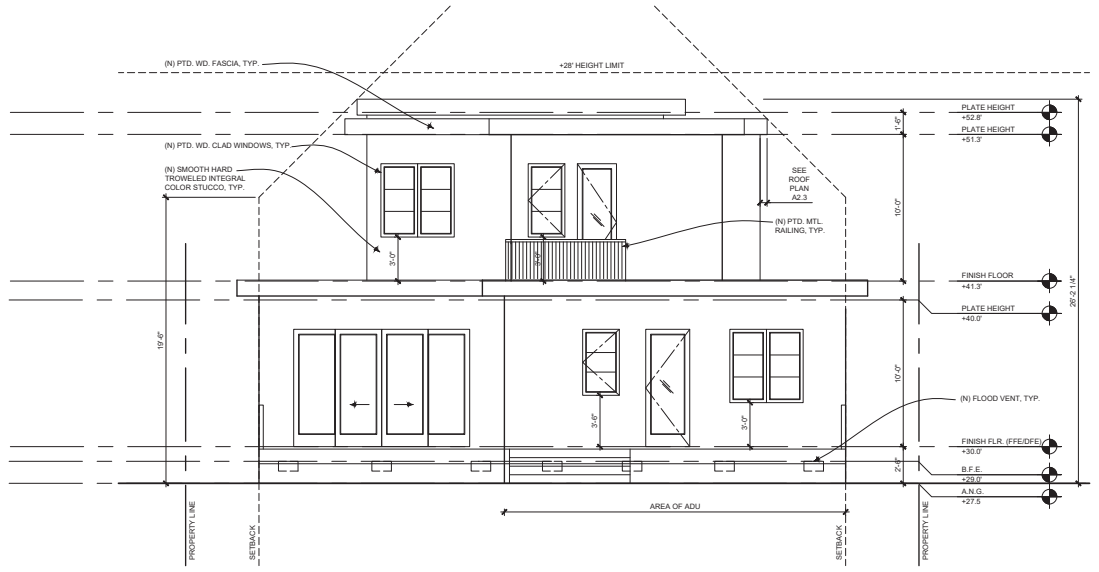
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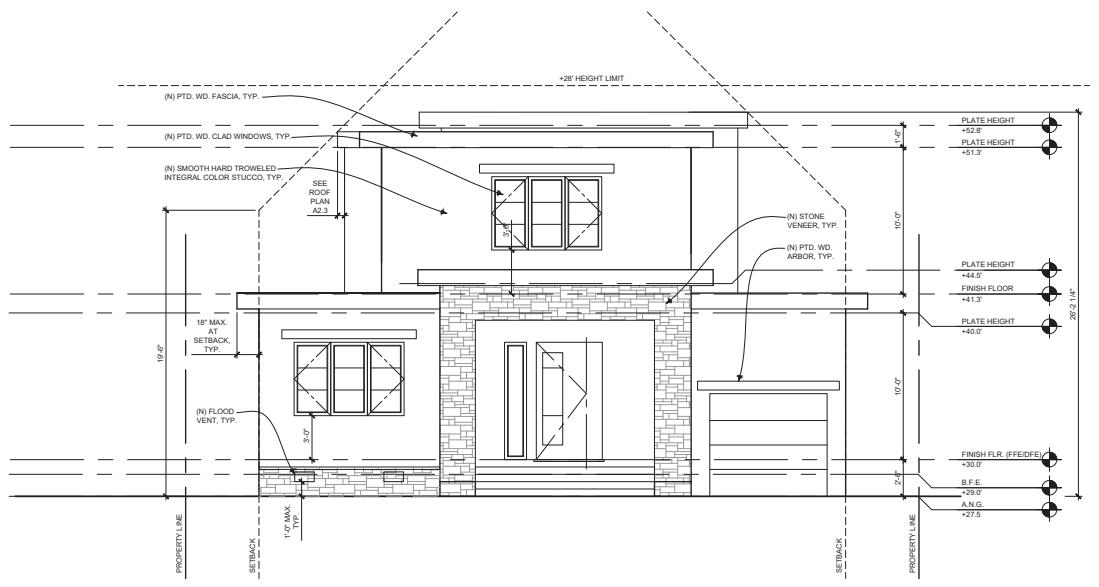
EXTERIOR ELEVATIONS

JOB #: 2230

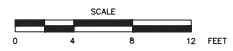
A3.1



2 PROPOSED WEST (BACK) ELEVATION
 A3.1 1/4"=1'-0"



1 PROPOSED EAST (FRONT) ELEVATION
 A3.1 1/4"=1'-0"





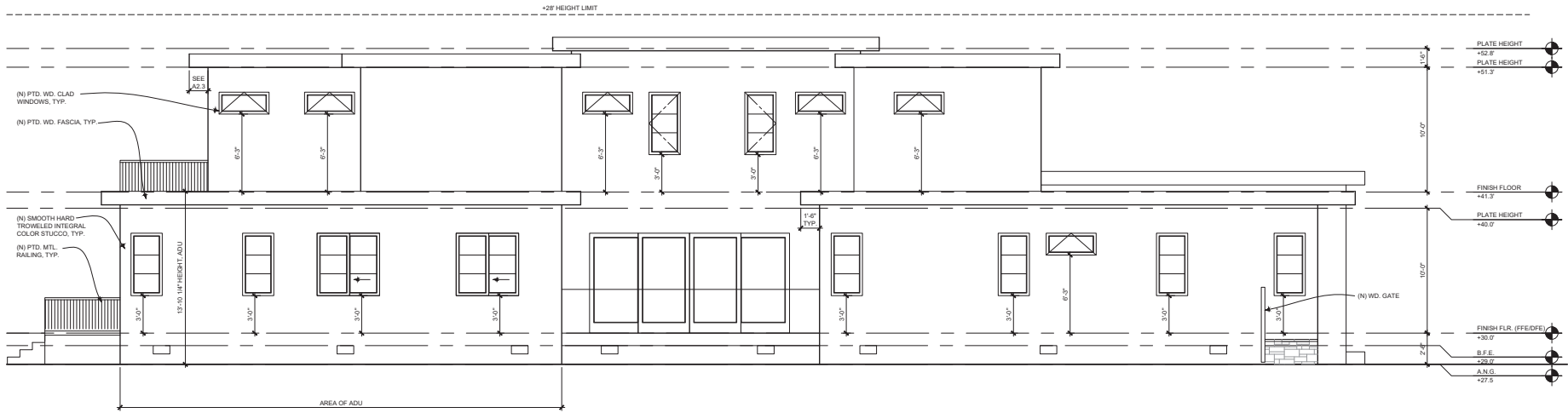
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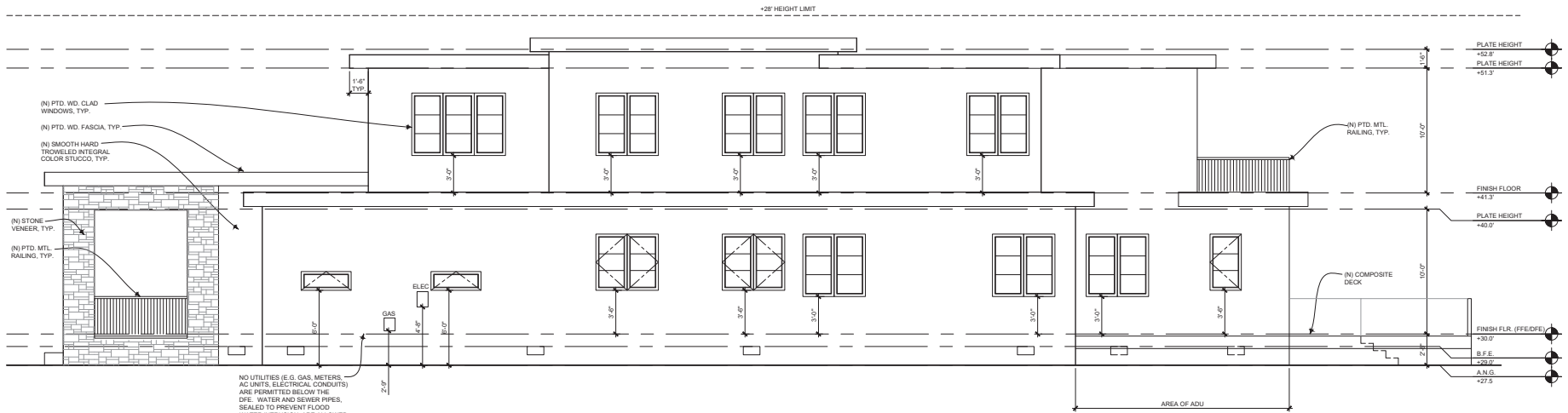
EXTERIOR ELEVATIONS

JOB #: 2230

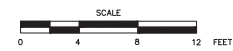
A3.2



2 PROPOSED SOUTH (LEFT) ELEVATION
 A3.2 1/4"=1'-0"



1 PROPOSED NORTH (RIGHT) ELEVATION
 A3.2 1/4"=1'-0"





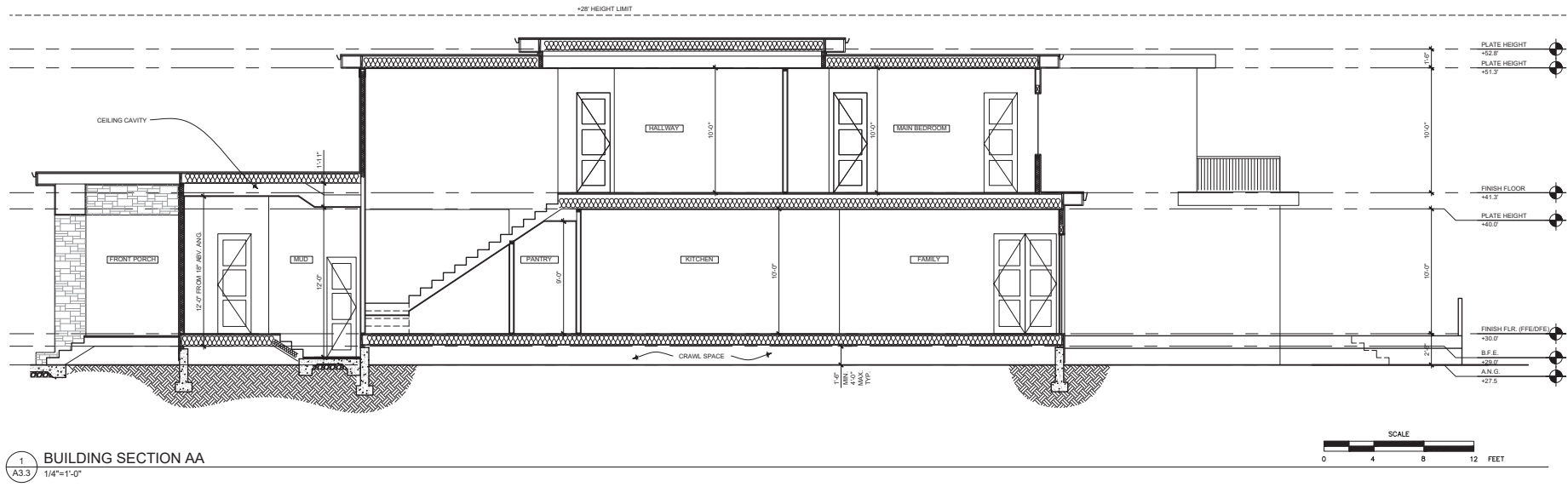
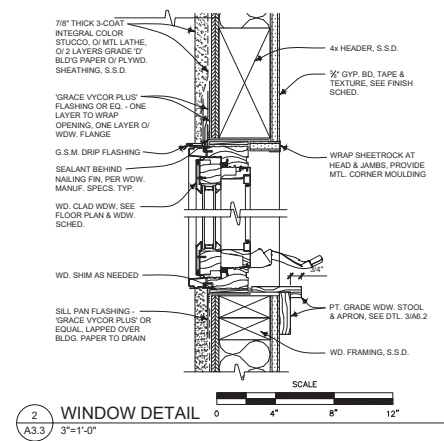
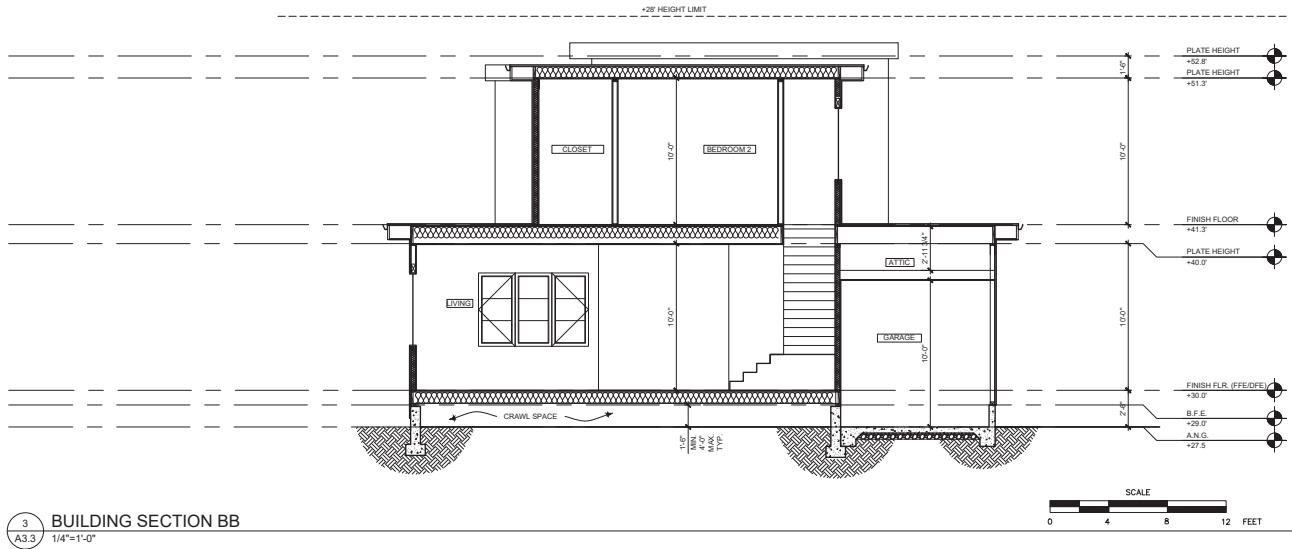
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BUILDING SECTIONS

JOB #: 2230

A3.3



PROJECT NARRATIVE

Project Address: 711 Central Ave.
Permit No.: PLN2023-00004
Date: 05.11.23

Project Description

Proposal for a new single family home and attached ADU on a substandard flat lot. The existing single family home and accompanying accessory building will be torn down. The new home will have three bedrooms and three bathrooms on the second floor, and one bedroom and one bathroom on the first floor. An 800 sf attached ADU will be located at the rear of the first floor.

The project is located in a flood zone, so the first floor is above the Base Flood Elevation. Materials below the BFE will be resistant to flood damage, per city and FEMA regulations. Utilities will be placed above the BFE.

Since we have a flat lot, the site layout was mainly informed by the existing trees. We articulated the building in order to keep as many trees as possible. Since our last submittal, we have taken into consideration the recommendation of the city arborist to prioritize the heritage oak trees. We mirrored the plan and we propose only removing one heritage oak tree now.

The open layout and tall windows provide light-filled and spacious living areas. The attached 800 sf ADU is located in the rear of the residence and maintains the same high quality details and contemporary style that is evident in the main residence. The new residence will have articulated massing, and high quality materials as expected in a modern custom home.

This residence encompasses a modern interpretation of a prairie style home with long low horizontal lines, minimal modern details and trim. Proposed windows are painted wood clad. See A3.3 for a typical window detail. Window opening size has been repeated for consistency. Stucco, stone, and wood material accents compliment each other and provide a variety of textures and articulation with clean modern detailing. High quality pivot front door to match the scale and detailing.

Zoning Summary

This project meets all requirements for FAL, Building Coverage, and Daylight Plane. The 2nd story balcony is located away from each neighbor and faces the rear of the property. One covered parking space and one uncovered parking space are provided, located within the buildable area.

The ADU is 800 sf and accessible through the side yard. The ADU is located within one half mile walking distance of public transportation, which precludes the requirement for an additional off-street parking space.



Neighborhood Outreach

The owners of this property have reached out to their neighbors to discuss the proposed project. The neighbors are very supportive and did not discuss any objections.

Please see the next page for comprehensive neighbor comments.



Date Visited	Neighbor Address	Name	Comment
4/28/2023	208 O'Keefe	Mona Chitnis	Happy with new house
4/28/2023	212 O'Keefe	Savita Kini	Some concerns about the tree being removed on her side but is happy with the new modification to the plan that saves that tree
4/28/2023	216 O'Keefe	Richard Morel	Happy
4/28/2023	704 Laurel	Lita (Ed's Mother-in-law)	Happy with plans and new houses coming up showing revitalization
4/28/2023	701 Central	Jose	Happy
4/28/2023	716 Central	Marie Richardson	Happy with new house as it will increase house prices
4/28/2023	717 Central	John Childs	Happy
4/28/2023	724 Central	Yuri	Happy
4/28/2023	715 Jim Fehrle	Jim	Went through the plan. Had some concerns about the Daylight Plane and also flat roof. Happy after explaining daylight in detail and the fact that we're going for flat roof because of the higher floor because of floodplain. Also wants the front yard to be cleaned up from weeds and branches. Having it done this weekend.
5/9/2023	712 Central		No Response
5/9/2023	700 Central	Jaynee	Is happy with 2 stories as it blocks the noise and likes white paint
5/9/2023	680 Central	Sara	Happy
5/9/2023	733 Central		No Response
5/9/2023	209 Durham	David Jacobs	Happy
5/9/2023	211 Durham	Karim Damji	Happy because one more new house is coming up
5/9/2023	215 Durham	Mike	Welcoming
5/9/2023	219 Durham	Bheem	Congratulated us on the new plans
5/9/2023	227 Durham	Liz	Happy. Wants to minimize truck noise during construction and also to be careful with the school bus stop in front of her house.
5/9/2023	732 Laurel		Airbnb buest
5/9/2023	728 Laurel	Christian Butzlaff	No worries
5/9/2023	724 Laurel	Ryan	Question about location of the house. Happy after seeing that the house is being pushed as front as possible and hence more privacy for them
5/9/2023	720 Laurel	Tarun Patel	Happy with new construction
5/9/2023	716 Laurel		No Response
5/9/2023	712 Laurel	Julie	Happy

5/9/2023	708 Laurel	June Jensen	Happy
5/9/2023	677 Laurel		Happy
5/9/2023	223 O'Keefe	Scott	Good Luck
5/9/2023	219 O'Keefe		No Response
5/9/2023	215 O'Keefe	Allan	Happy
5/9/2023	211 O'Keefe		No Response both times that we went there
5/9/2023	207 O'Keefe		No Response
5/9/2023	699 Central	Marcia	Doesn't like flat roof but is happy with the small footprint and large yard
5/9/2023	641 Central		No Response
5/9/2023	637 Central	Ken	Happy
5/9/2023	635 Central	Miren	Happy
5/9/2023	624 Central	Greg Rice	Happy
5/9/2023	626 Central		Happy
5/9/2023	610 Central		No Response
5/9/2023	117 O'Keefe	Saurabh	Happy
5/9/2023	112 O'Keefe	Pam	Happy
5/9/2023	116 O'Keefe	Matt Larsen	Thanks for checking
5/9/2023	124 Durham	Jerry Edwards	Went through the plan with me in detail. Likes it.
5/9/2023	204 Durham	Andre	Happy
5/9/2023	208 Durham	Vijay	Happy

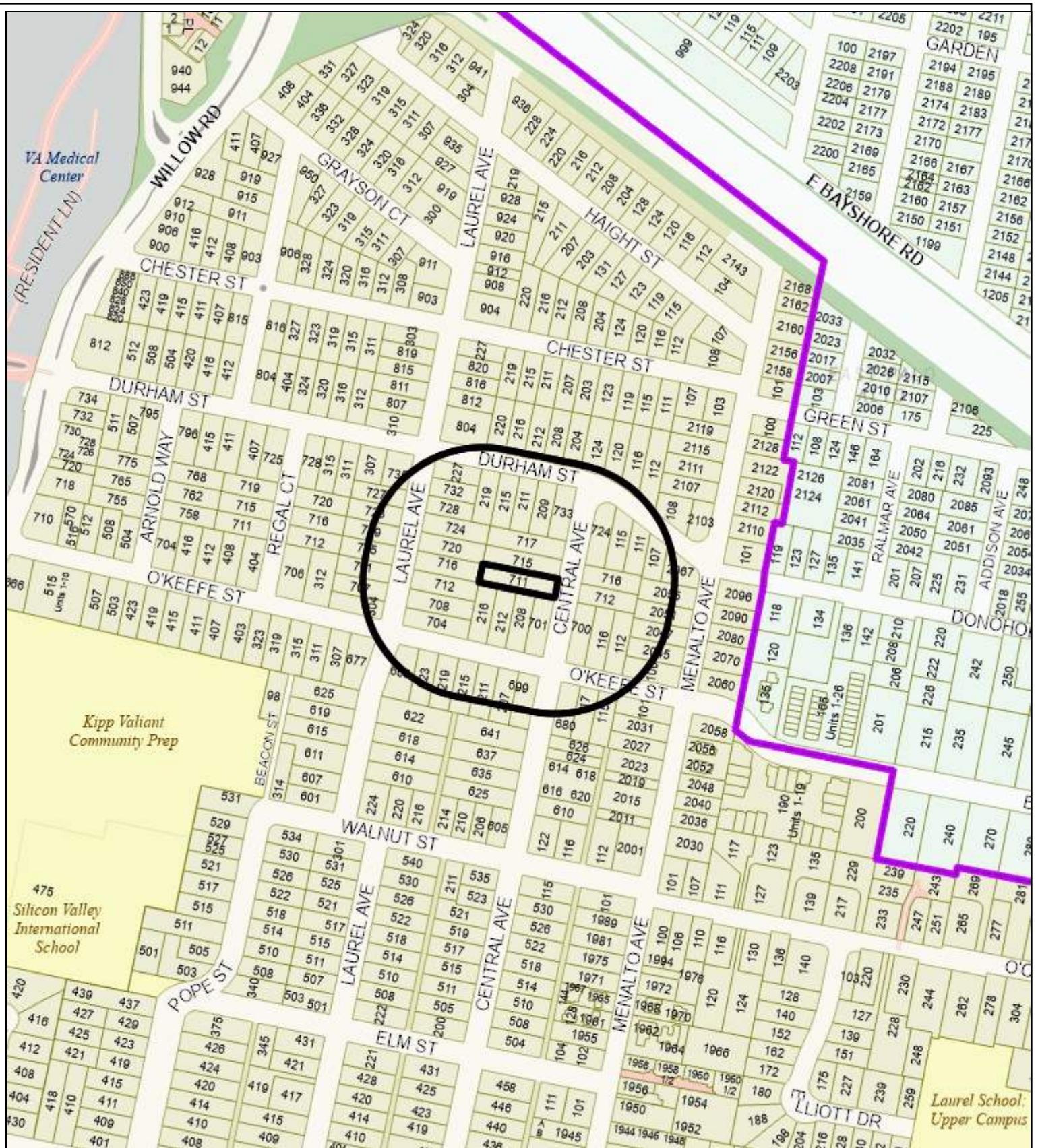
LOCATION: 711 Central Avenue	PROJECT NUMBER: PLN2023-00004	APPLICANT: Siva Singaram	OWNER: Central Sterling Homes LLC
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PROJECT CONDITIONS:

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 August 28, 2024) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Morris Architecture consisting of 12 plan sheets, dated received July 25, 2023 and approved by the Planning Commission on August 28, 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 Woodreeve Consulting, dated received June 15, 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.

711 Central Avenue – Attachment A, Exhibit C

LOCATION: 711 Central Avenue	PROJECT NUMBER: PLN2023-00004	APPLICANT: Siva Singaram	OWNER: Central Sterling Homes LLC
PROJECT CONDITIONS: 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.			



City of Menlo Park
 Location Map
 711 Central Avenue



	PROPOSED PROJECT		EXISTING PROJECT		ZONING ORDINANCE	
Lot area	10,000	sf	10,000	sf	7,000	sf min
Lot width	50	ft	50	ft	65	ft min
Lot depth	200	ft	200	ft	100	ft min
Setbacks						
Front	34.5	ft	20	ft	20	ft min
Rear	67.42	ft	67.16	ft	20	ft min
Side (left)	5	ft	4.92	ft	10% of lot width not less than 5 ft, no more than 10 ft	
Side (right)	5	ft	6	ft		
Building coverage*	3,180*	sf	2,492	sf	3,500	sf max
	32*	%	25	%	35.0	% max
FAL (Floor Area Limit)*	4,350*	sf	2,228	sf	3,550	sf max
Square footage by floor	2,209	sf/1 st	2,390	sf/1st		
	1,341	sf/2 nd				
	215	sf/garage				
	800	sf/ADU				
	171	sf/covered porches				
Square footage of buildings	4,350	sf	2,492	sf		
Building height	26.2	ft	Unknown	ft	28	ft max
Parking	1 covered and 2 uncovered spaces		2 covered spaces		1 covered and 1 uncovered space	
Note: Areas shown highlighted indicate a nonconforming or substandard situation						
Trees						
	Heritage trees	10*	Non-Heritage trees	7	New trees	0
	Heritage trees proposed for removal	2	Non-Heritage trees proposed for removal	1	Total Number of trees	17

* 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

Updated Preliminary Arborist Report

**711 Central Avenue
Menlo Park, CA**

Prepared for:
**Central Sterling Homes LLC
1072 Harlan Dr.
San Jose, CA 95129**

Prepared by:
**Woodreeve Consulting
5627 Telegraph Ave., #385
Oakland CA, 94609**

June 2023



Updated Preliminary Arborist Report

711 Central Avenue, Menlo Park CA

Summary

Central Sterling Homes LLC is proposing to redevelop the 711 Central Ave. site, in Menlo Park. Woodreeve Consulting was asked to prepare an Arborist Report for the project as part of the development submittals to the City of Menlo Park. This report has been updated to reflect a new layout for the building.

This Arborist Report is considered Preliminary because the following plan(s) used to assess impacts to trees was preliminary. Specifically, grading, drainage and utility information were not available for review.

- 711 Central Ave. Proposed Site Plan (Sheet A0.2), prepared by Morris Architecture (dated 3.9.2023).

A total of 17 trees were assessed, including 5 off-site trees (#152, 154, 158, 160 and 166). Data on individual trees is provided in the **Tree Data** sheet and approximate locations are shown on the **Tree Location Map** (Exhibits).

The site had several mature coast live oaks in the rear yard, with smaller-stature trees around the perimeter (Photo 1). However, the most noteworthy tree was London plane #150, located in the front yard. It was large in size, with a 41" trunk diameter and in good condition, despite having been topped in the past. The previous property owners were recognized with a Heritage Tree Award for their 'exemplary care and maintenance' of London plane #150, which may also be a tree of historic significance.

Table 1 (page 3) provides the number, condition and *Heritage* status for each species of tree assessed, and photographs and descriptions of trees are provided on pages 2-5.

Based on the City of Menlo Park Ordinance 13.24 (Heritage Trees), a total of 10 *Heritage* trees were assessed at the 711 Central Ave. site, including on-site trees #150, 153, 156, 157, 159 and 163 and off-site trees #155, 158, 160 and 166.

I reviewed the above referenced plans to estimate impacts to the trees. The plans were preliminary, but did include building footprint, driveway and parking locations and accurate trunk locations.

A total of 3 trees would be removed to accommodate the project as proposed, including Southern magnolia #153, persimmon #155 and coast live oak #156. Both the Southern magnolia and coast live oak qualified as *Heritage* trees (Table 3, page 8).

The remaining 14 trees would be retained under the current design, 8 of which qualified as *Heritage* trees. Successful tree preservation requires that all contractors working around trees adhere to the **Tree Preservation Recommendations** (page 10).

The closest impacts to trees would be associated with:

- Construction of the proposed driveway and parking ~15 west and south of Heritage London plane #150,
- Construction of the building foundation ~6' to 9' from coast live oak #163.

Root loss is expected to be moderate for tree #150 and significant for tree #163, but I believe the trees can be preserved, provided the recommendations in the **Specific Tree Preservation Requirements** (page 10) can be followed. Crown and root pruning guidelines are provided in the **General Tree Preservation Requirements**.

I estimated the value of the 17 trees assessed in this report as **\$110,050** (see attached **Appraisal worksheet**). The estimated value of the 14 trees identified for retention was **\$94,850** and the estimated value of the 3 trees identified for removal was **\$15,200** (Table 4, page 9).

Updated Preliminary Arborist Report
711 Central Ave., Menlo Park CA

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Updated Preliminary Arborist Report

711 Central Avenue, Menlo Park CA

Introduction

Central Sterling Homes LLC is proposing to redevelop the 711 Central Ave. site, in Menlo Park. Woodreeve Consulting was asked to prepare an Arborist Report for the project as part of the development submittals to the City of Menlo Park. This report has been updated to reflect a new layout for the building.

Site and Project Description

The site is a single-family residential lot, with a single-story house on the eastern half of the property. An attached shop was located at the west end of the house and a free-standing shop was located along the northern fence line. Trees were primarily located around the perimeter of the site.

The proposed project would demolish the existing residence and shops and redevelop the lot into a 4 bed/4 bath residence with an accessory dwelling unit (ADU). A new concrete driveway and off-street parking would be constructed at the east end of the new residence.

Regulatory Context

The City of Menlo Park Ordinance 13.20 (Street Trees) governs the planting, pruning, removal, preservation, and protection of City-owned/maintained trees, and Ordinance 13.24 (Heritage Trees) protects *Heritage* trees on private property. A permit is required for the removal of any City owned tree or any *Heritage* tree.

Per Ordinance 13.24 *Heritage* trees shall mean:

- A. All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade.,
- B. An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade,
- C. A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council.

Project Limitations

Several trees were located off-site. Trunk diameters for these trees were estimated and a thorough assessment of their lower trunks could not be made.

The following plans were reviewed relative to the proposed development. These plans, especially if labeled 'Schematic', 'Preliminary' or 'Draft', do not typically include all the information required to make a complete and thorough assessment of impacts to trees. If plans are preliminary, the Arborist Report is considered preliminary.

- 711 Central Ave. Proposed Site Plan (Sheet A0.2), prepared by Morris Architecture (dated 3.5.2022).

Methods

Trees were assessed on March 2nd, 2023. All trees measuring ≥ 6 " in diameter were included in the survey. Trees had existing tags and included #150-166.

The assessment procedure consisted of the following:

1. Identifying each live tree as to species;
2. Noting the tag # for each tree (attached to the trunk);
3. Recording each tree's location on a map;
4. Measuring the trunk diameter at 54" above grade (except where the trunk forked below 54", in which case the diameter was measured below the fork);
5. Measuring the dripline in four cardinal directions;
6. Evaluating the health and structure using a scale of 1 – 5, where 5 is excellent condition and 1 is a tree in severe decline:

- 5 = *Excellent* health and vitality. Good form and structure. No insect or disease problems of significance.
- 4 = *Good* health and vitality. Minor dieback and/or decline in vigor. Insignificant structural defects or insects/disease issues that can be corrected.
- 3 = *Moderate* health and vitality. Moderate twig and branch dieback or chlorotic foliage. Fair structure, limited decay and/or insects/disease issues that would require a concerted effort to correct.
- 2 = *Poor* health and vitality. Declining tree with extensive dieback or very thin crown. Significant decay and/or structural defects that cannot be corrected.
- 1 = *Very poor* health and vitality. Tree is mostly dead or has extensive structural defects that cannot be corrected.
7. Rating the suitability for retention as 'high', 'moderate' or 'low'. Suitability goes beyond tree health and structure to consider the interaction of the tree and its current environment, and its potential to be retained and continue to provide benefits.
- High:** Trees with good health and structure that have been appropriately located and can continue to provide benefits well into the future.
- Moderate:** Trees with fair health and/or structure that have minimal restrictions to their growth and development. The tree can continue to provide benefits but will require ongoing management to address health, structure and/or tree/site conflicts.
- Low:** Trees with poor health and/or significant structural defects. The tree may be in conflict with overhead utilities, hardscape or other site features that require ongoing abatement. The species may be invasive or have other characteristics that are undesirable or inappropriate for their location.

Tree Resource

A total of 17 trees were assessed, including 5 off-site trees (#152, 154, 158, 160 and 166). Data on individual trees is provided in the **Tree Data** sheet and approximate locations are represented on the **Tree Location Map** (Exhibits).

The site had several mature coast live oaks in the rear yard, with smaller-stature trees around the perimeter (Photo 1). By far the most noteworthy tree was London plane #150, which dominated the front yard landscape (Photo 2). In addition, the previous property owners were recognized with a Heritage Tree Award for their 'exemplary care and maintenance' of London plane #150, presented by the City of Menlo Park in 2001, recognizing the tree's 'Aesthetics, balance, health and size' (see Exhibits).

Tree Condition

Table 1 provides the number, condition and *Heritage* status for each species of tree assessed as part of the project. Photographs and descriptions of trees are provided on the following pages.

Photo 1: Looking north at windmill palm #151. This was one of many small-growing trees planted around the perimeter of the site.



Table 1: Number, Condition and Protected Status of Trees
 711 Central Ave., Menlo Park CA

Common Name	Scientific Name	Condition Rating			Heritage	No. of Trees
		Poor (1-2)	Fair (3)	Good (4-5)		
Bottle brush	<i>Melaleuca citrina</i>	-	1	-	-	1
Calif. bay	<i>Umbellularia californica</i>	-	1	-	1	1
Coast live oak	<i>Quercus agrifolia</i>	-	1	2	3	3
Coast redwood	<i>Sequoia sempervirens</i>	-	1	-	1	1
English walnut	<i>Juglans regia</i>	1	-	-	1	1
Leyland cypress	<i>Cupressocyparis leylandii</i>	1	-	-	1	1
London plane	<i>Platanus x hispanica</i>	-	-	1	1	1
Loquat	<i>Eriobotrya japonica</i>	-	1	-	-	1
Persimmon	<i>Diospyros kaki</i>	-	1	-	-	1
Plum	<i>Prunus domestica</i>	2	-	-	-	2
Privet	<i>Ligustrum japonicum</i>	1	-	-	-	1
Red oak	<i>Quercus rubra</i>	-	-	1	1	1
Southern magnolia	<i>Magnolia grandiflora</i>	-	1	-	1	1
Windmill palm	<i>Trachycarpus fortunei</i>	-	-	1	-	1
Total		5 29%	7 42%	5 29%	(10) (59%)	17 100%

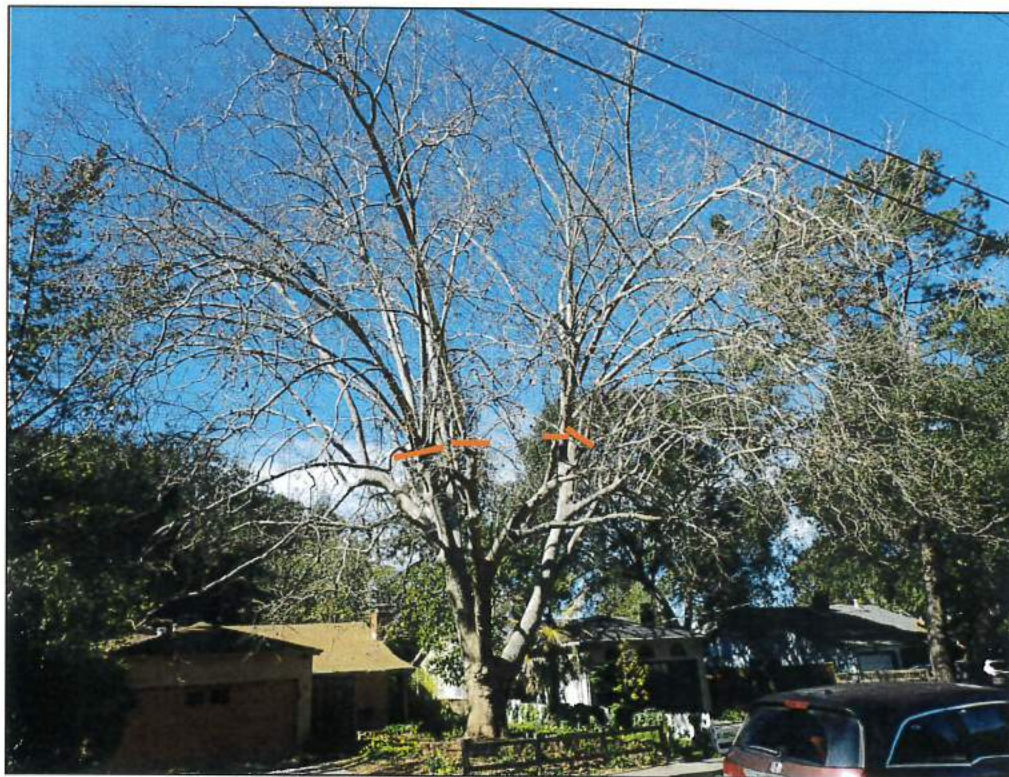


Photo 2: Looking northwest at London plane #150. The tree was mature at 41" in trunk diameter and in good condition, despite having been topped at ~20' at some point in the past (orange lines). It was growing in a raised planter and had displaced the brick path and concrete driveway located from 4' to 10' to the south.

Photo 3 (right): Looking west at Southern magnolia #153. The tree in fair condition, with moderate dieback in throughout the crown. Supplemental irrigation will be critical to its survival.

Photo 4 (below): Looking southwest at coast live oak #156. This was one of several mature coast live oaks in the backyard and one of two that were growing against/displacing the adjacent structure (inset below). Condition and form were good, but suitability for retention was fair.



Photo 5 (right): Looking east at coast live oak #157. This was the second mature coast live oak to grow against an adjacent structure. It had a corrected lean and was in fair condition.





Photo 6 (left): Looking west at Calif. bay laurel #159 (foreground) and off-site red oak #160 (background). The bay laurel swept up to the east from the base (inset/arrow). It was mature at 23" (measured below the fork) and in fair condition.

The red oak was estimated at 28" in diameter and 15' west of the fence. It was in good condition, with a full crown and large lateral limbs.



Photo 7 (left): Looking east at coast live oak #163. This mature tree measured 25" in diameter and was in good condition. The fence had been jogged around the trunk, which was growing within 3' of the building (inset). The upper trunk was within ~6" of the eave of the house, where a large stem had been removed.



Protected Status

The City of Menlo Park Ordinance 13.20 (Street Trees) governs the planting, pruning, removal, preservation, and protection of City-owned/maintained trees, and Ordinance 13.24 (Heritage Trees) protects *Heritage* trees on private property. A permit is required for the removal of any City owned tree or any *Heritage* tree.

Based on the City's policies, a total of 10 *Heritage* trees were assessed at the 711 Central Ave. site, including:

- On-site trees #150, 153, 156, 157, 159 and 163.
- Off-site trees #155, 158, 160 and 166.

Suitability for Retention

Irrespective of impacts from development, some trees are inappropriate for retention. Suitability for retention ratings incorporate tree health, structure, species characteristics, tree age and longevity and tree-site conflicts. The goal is to identify trees that are healthy, well-structured and that can tolerate impacts from proposed site changes.

Factors affecting Suitability for Retention ratings, include:

- **Tree health and structure:** The better the health and structure, the more tolerant of development impacts and the less likely the tree will fail.
- **Species characteristics:** Species differ in their tolerance to root loss, grade change, hydrological changes and pruning. In addition, some species are listed as invasive, as defined by the California Invasive Plant Inventory Database (<http://www.cal-ipc.org/paf/>) and are considered inappropriate for retention.
- **Tree age and longevity:** Older trees are less capable of responding to site changes and disturbance and can be expected to have shorter life-spans than young trees.
- **Tree-Site Conflicts:** Where large-growing species have been planted in tight spaces or beneath overhead utilities and require ongoing maintenance (root or crown pruning), they may not be appropriate for retention. The tree may have simply outgrown the available space, or the species may produce fruit/litter that represents a mismatch between the tree and its planting location.

Table 2 provides a summary of the Suitability for Retention ratings. Trees in the High category represent the best opportunities for successful tree preservation. Those in the moderate category may be preserved but will require more space, management and monitoring to successfully preserve. I generally do not recommend retaining trees in the Low category.

Table 2: Suitability for Retention
 711 Central Ave., Menlo Park CA

High	These are healthy, well-structured trees that can be expected to continue to provide benefits for many years.	Windmill palm #150 and off-site red oak #160 were considered Highly suitable for retention.
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(Continued, following page)

Table 2: Suitability for Conservation, continued
 711 Central Ave., Menlo Park CA

Moderate	<p>These are trees with moderate health and structural defects that can be managed but which may not be correctable. They can be expected to continue to provide benefits, but may have a shorter life-expectancy and require more management than Highly suitable trees.</p>	<p>Ten trees were of Moderate suitability for retention, including London plane #150, loquat #152, Southern magnolia #153, persimmon #155, coast live oaks #157, 158 and 163, Calif. bay #159 and bottle brush #164.</p>
Low	<p>These are trees in decline or with structural defects that can't be managed. The tree may be inappropriately located on the site, requiring ongoing management, often to the detriment of tree health and structure. Any benefits the tree provides are limited and outweighed by the costs of management.</p>	<p>Five trees were of Low suitability for retention, including off-site English walnut #154, plum #161 and 165, privet #162 and off-site Leyland cypress #166.</p>

Project Impacts

The project proposes to demolish the existing residence and shed and construct a 2-story 4 bed, 4 bath residence with an attached ADU on the first floor. A new, 10' wide driveway and an uncovered parking space would be installed in the front of the property. Concrete stepping stones would be added between the driveway and tree #150, as well as along the southern property line.

I reviewed the following plans to estimate impacts to the trees. The plans included the building footprint, driveway and parking locations and accurate trunk locations. Grading, drainage and utility information were not available for review. The plans were preliminary and as a result, this is a **Preliminary Arborist Report**.

- 711 Central Ave. Proposed Site Plan (Sheet A0.2), prepared by Morris Architecture (dated 3.9.2023).

This plan represents a flipping of the building from the previous Site Plan iteration I reviewed (dated 5.5.2022).

Removed Trees

A total of 3 trees would be removed to accommodate the project as proposed, including Southern magnolia #153, persimmon #155 and coast live oak #156. Southern magnolia #153 and coast live oak #156 both qualified as *Heritage* trees. Table 3 provides the disposition, protected status and recommended action for each tree.

In this case, trees #153 and 156 would be within the footprint of the new building, while #155 would be within the footprint of a new deck, requiring their removal.

Retained Trees

The remaining 14 trees would be retained under the current design, 8 of which qualified as *Heritage* trees. Successful tree preservation requires that all contractors working around trees adhere to the **Tree Preservation Recommendations** (page 10).

Heritage London plane #150 would be preserved with an estimated 15' between the trunk and the proposed driveway to the south and parking to the west. In general, the species is tolerant of root pruning, and I anticipate moderate root pruning will be required for construction of the new driveway and parking space. At these distances, impacts to the tree would still be 4x to 5x the trunk diameter, although on 2 sides of the tree. I believe the tree will tolerate the root loss associated with the current plan but have provided several recommendations for the design around the tree to help reduce root loss (see **Specific Tree Preservations**, page 10).

Coast live oak #163 is currently recommended for Preservation within 6' to 9' of the building foundation on 2 sides and 12' to the north. Root loss is expected to be significant at these distances, but I believe the tree can be preserved, provided the recommendations given in the **Specific Tree Preservations** (page 10) can be followed.

Depending on the size and nature of the equipment used in the demolition and construction processes, pruning of tree crowns may be required. Crown and root pruning guidelines are provided in the **Tree Preservation Recommendations**.

Table 3: Assessment of Impacts and Recommendations
 711 Central Ave., Menlo Park CA

Tree #	Species	Diameter	Heritage	Disposition	Impacts
150	London plane	41	Yes	Preserve	15' N. & E. of new drive/prkng.
151	Windmill palm	8	No	Preserve	Outside impacts
152	Loquat	11	No	Preserve	Off-site, ~7' N. of parking
153	Southern magnolia	20	Yes	Remove	Within new building
154	English walnut	15	Yes	Preserve	Off-site, ~7' N. of foundation
155	Persimmon	10	No	Remove	Within new building
156	Coast live oak	27	Yes	Remove	Within new building
157	Coast live oak	25	Yes	Preserve	~17' N. & W. of new bldg., deck ~2' S. of trunk
158	Coast redwood	18	Yes	Preserve	Off-site, outside impacts
159	Calif. bay	23	Yes	Preserve	Outside impacts
160	Red oak	28	Yes	Preserve	Off-site, outside impacts
161	Plum	6	No	Preserve	Outside impacts
162	Privet	6	No	Preserve	Outside impacts
163	Coast live oak	25	Yes	Preserve	~7' SE. & 9 SW. of new bldg.
164	Bottle brush	10	No	Preserve	~4' S. of drive
165	Plum	6	No	Preserve	~8' S. of drive
166	Leyland cypress	18	Yes	Preserve	Off-site, ~18' S. of drive

Color coding:

Root loss within 1x DBH

Root loss within 2-3x DBH

Root loss within 4x DBH

Root loss ≥5x DBH

Estimated Value of Trees

As part of their development application requirements, the City of Menlo Park requires the value of all the trees be established using the 'current edition of the *Guide for Plant Appraisal*'.

The 10th Edition of the *Guide for Plant Appraisal*, is the most current edition (published in 2018 by the International Society of Arboriculture). Together with its companion document, *Species Classification and Group Assignment* (published in 2004 by the Western Chapter of the International Society of Arboriculture), they describe the industry standard methods used in tree and plant appraisal.

The *Guide* describes several approaches to appraising the value of plants and trees. The most appropriate in the case of widely available landscape plants is the *Trunk Formula Technique*, a reproduction method based on the following factors:

- Tree size, as measured in terms of trunk diameter at 4.5' above the ground.
- Tree condition, as described in the **Tree Data** sheet.
- Functional limitations, which account for interactions between the tree and site that limit future plant development. In this case, the primary factors affecting functional limitations were the growing space provided and the long-term compatibility between site and species, such as with southern magnolia and coast redwood in an urban setting where they require regular and ongoing supplemental irrigation to survive.
- External limitations, which account for factors outside the control of the tree owner, such as ordinances that impact tree management. In this case, there were no external limitations noted.

The estimated value the 17 trees assessed in this report as **\$110,050** (see the attached **Appraisal worksheet** and Table 4).

The estimated value of the 14 trees identified for retention was **\$94,850**.

The estimated value of the 3 trees identified for removal was **\$15,200**.

Table 4: Estimated value of trees
 711 Central Ave., Menlo Park CA

Tree #	Species	Diameter	Protected	Disposition	Estimated Value (\$)
150	London plane	41	Yes	Preserve	29,500
151	Windmill palm	8	No	Preserve	1,000
152	Loquat	11	No	Preserve	2,050
153	Southern magnolia	20	Yes	Preserve	3,950
154	English walnut	15	Yes	Preserve	450
155	Persimmon	10	No	Remove	2,100
156	Coast live oak	27	Yes	Remove	9,150
157	Coast live oak	25	Yes	Remove	5,600
158	Coast redwood	18	Yes	Preserve	3,200
159	Calif. bay	23	Yes	Preserve	8,850
160	Red oak	28	Yes	Preserve	28,300
161	Plum	6	No	Preserve	350
162	Privet	6	No	Preserve	250
163	Coast live oak	25	Yes	Remove	11,000
164	Bottle brush	10	No	Preserve	2,100
165	Plum	6	No	Preserve	1,950
166	Leyland cypress	18	Yes	Preserve	250
Total					\$110,050

Tree Preservation Recommendations

Preservation of trees during construction requires a deliberate and concerted effort from the planning stage, through demolition and construction and installation of plants and irrigation. Every contractor on the project must be made aware of the following recommendations for the protection of trees identified for preservation if the trees are to remain an asset and continue to provide benefits to the site for years to come.

Damage to trees on construction sites is typically associated with root injury and loss. Direct injury severs roots while indirect injury, such as soil compaction, creates an inhospitable environment for root growth.

Specific Tree Preservation Requirements

The primary recommendations for preservation on the 711 Central Ave. site include:

- The Consulting Arborist must review all plans to adequately assess impacts to trees. These include, but are not limited to, improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans and demolition plans.
- Design the driveway and parking adjacent to London plane #150 to minimize the depth of the excavations and subsequent root loss. This can be accomplished by using rebar to reinforce/strengthen the concrete or by using alternative materials that require less excavation for base and/or materials.
- Design utilities to avoid the **TREE PROTECTION ZONES** for trees #150 and 163. Ideally, utilities from the street to the building would be located along the south side of the property to completely avoid tree #150's **TREE PROTECTION ZONE**. If routing utilities along the south side of the property is not an option, special techniques, such as hand excavation and/or excavation with compressed air or water may be required where utilities have to pass through the **TREE PROTECTION ZONES**.
- Have the Consulting Arborist present during any demolition and/or excavation adjacent to trees #150 and 163 to monitor and guide root pruning activities.
- Provide tree #150 with supplemental irrigation prior to, during and following demolition and construction. Although hard to imagine currently (with all the rain we have received lately), these trees will require additional water to help prepare them for and recover from the demolition and construction processes. Recommendations for irrigating trees are provided in the **General Tree Preservation Guidelines**.
- Have trees pruned to reduce canopies for construction clearance prior to demolition activities. Any pruning of off-site trees should be done with the permission of the adjacent property owner and in accordance with the pruning requirements provided in the **General Tree Preservation Guidelines**.

General Tree Preservation Requirements

In addition to the specific recommendations provided above, the following general recommendations are designed to minimize impacts to trees from site demolition, grading, utility work and construction.

Any work within the designated **TREE PROTECTION ZONE** must be approved and monitored by the Consulting Arborist. If fences have been erected at the limit of the **TREE PROTECTION ZONE** the fences will be **temporarily** removed and work performed under the direct supervision of the Consulting Arborist. Fences will be replaced following completion of the work based on the recommendations of the Consulting Arborist.

Design phase

1. The Consulting Arborist must review all plans to adequately assess impacts to trees. These include, but are not limited to, improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans and demolition plans.

2. Design the driveway and parking adjacent to London plane #150 to minimize the depth of the excavations and subsequent root loss. This can be accomplished by using rebar to reinforce/strengthen the concrete or by using alternative materials that require less excavation for base and/or materials.
3. Design utilities to avoid the **TREE PROTECTION ZONES** for trees #150 and 163. Ideally, utilities between the street and building would be located along the south side of the property to completely avoid tree #150 **TREE PROTECTION ZONES**. If routing utilities along the south side of the property is not an option, special techniques, such as hand excavation and/or excavation with compressed air or water may be required where utilities have to pass through the **TREE PROTECTION ZONES**.
4. Underground services including utilities, sub-drains, water or sewer shall be routed around the **TREE PROTECTION ZONE**. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.
5. Irrigation systems must be designed so that no trenching will occur within the **TREE PROTECTION ZONE**.
6. Establish a **TREE PROTECTION ZONE (TPZ)** for trees to be preserved, in which no disturbance is permitted. **TREE PROTECTION ZONES** are provided the following table. No grading, excavation, construction or storage of materials shall occur within that zone.

Specific Tree Protection Zones

Tree No.	TPZ
#150	15' W., 15' S. and dripline (DL) in all other directions
#157	17' SW. and SE., DL in all other directions
#163	6' NW., 8' NE., DL in all other directions
#151, 152, 154, 158-162 and 164-166	DL in all directions

5. Have the Consulting arborist present during demolition of the existing driveway adjacent to tree #150, as well as during the excavation for the new driveway and parking south and west of tree 3150 and for the excavation of the foundation surrounding tree 3153 to help monitor and guide root pruning activities.
6. Plan to provide trees #150 with supplemental irrigation prior to, during and following demolition and construction. Have a temporary system installed (using soaker hoses or pvc laid on the ground and covered with mulch) prior to demolition to supply the trees with water and help them prepare for impacts associated with the demolition and construction process. Supplemental irrigation is typically required during the driest parts of the year (typically May through October).
7. **Tree Preservation Recommendations** prepared by the Consulting Arborist should be included on all plans.

Pre-demolition and construction phase

1. The demolition contractor and construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Where possible, cap and abandon all existing underground utilities within the **TPZ** in place. Removal of utility boxes by hand is acceptable but avoid trenching within the **TPZ**.

3. Fence all trees to be retained to completely enclose the **TREE PROTECTION ZONE** prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link and are to remain until all grading, construction and landscaping is completed. Place weather-proof signs, 2' x 2', on the fencing that read "**TREE PROTECTION ZONE Keep Out**" (eg. one sign for each of the four compass points).
4. Prune trees to be preserved to provide construction clearance. All pruning shall be done by a State of California Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2017) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
5. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife Code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Construction phase

1. Any contractor working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
2. Any excavation that is expected to encounter tree roots must be approved and monitored by the Consulting Arborist. In this case, I expect this to include **All** demolition and excavation adjacent to trees #150 and 153. Roots shall be cut by manually exposing roots and pruning all roots ≥ 2 " in diameter with a **sharp** saw. The Consulting Arborist will identify where root pruning is required and monitor all root pruning activities.
3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
4. Fences have been erected to protect trees to be preserved. Fences define a specific **TREE PROTECTION ZONE** for each tree or group of trees. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consulting Arborist.
5. Construction trailers, traffic and storage areas must remain outside the **TREE PROTECTION ZONE** at all times.
6. All underground utilities, drain lines or irrigation lines shall be routed outside the **TREE PROTECTION ZONE**. If lines must traverse through the **TPZ**, the excavation shall be performed by hand or with compressed air or water. Where possible, roots shall be tunneled or bored under as directed by the Consulting Arborist.
7. No materials, equipment, spoil, waste or wash-out water may be deposited, stored, or parked within the **TREE PROTECTION ZONE** (fenced area).
8. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.

End requirement

Woodreeve Consulting



John Leffingwell
Board Certified Master Arborist #WE-3966B
Registered Consulting Arborist #442

Exhibits: *Tree Data*
 Tree Location Map
 Appraisal Worksheet

General Limitations

- My assessment of the trees is based on a visual evaluation of external conditions and defects observable from the ground. While defect-free trees do fail, especially under extreme wind loading or wind and rain, identifying trees with observable defects is a critical step in enhancing safety.
- Trees are dynamic, living entities that change over time. My assessment of the tree(s) is based on their condition at the time of my inspection. Trees should be inspected annually to monitor for changes in health and structure and following storms. Initiating these inspections is the tree owner/manager's responsibility.
- Trees require management to perform well in a giving setting. Periodic pruning, mulching, pest management and irrigation are typically required.
- Any legal description provided to the consultant is assumed to be correct.
- Care has been taken to obtain all information from reliable sources; however, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
- Sketches, drawings, and photographs in this report are intended for visual aids. They are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise.
- Information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection.
- The inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring.

Tree Data



711 Central Ave.
Menlo Park, California
March 2023



TREE No.	SPECIES	TRUNK DIAMETER (in inches)	HERITAGE	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR RETENTION	COMMENTS	Driplines (ft.)			
							N.	S.	E.	W.
150	London plane	41	Yes	4	Moderate	Multiple attachments at 8'; growing in raised planter; old topping points at 20'; spreading form; concrete drive and brick path displaced.	35	30	30	35
151	Windmill palm	8	No	5	High	Good form and structure; 10' of brown trunk.	6	6	6	6
152	Loquat	11	No	3	Moderate	Off-site, no tag; codominant trunks at base; a little sparse.	0	10	8	12
153	Southern magnolia	20	Yes	3	Moderate	Multiple attachments at base; sparse crown; moderate dieback to 1".	0	20	18	18
154	English walnut	15	Yes	1	Low	Off-site, tag on fence; leans N.; extensive dieback.	0	20	18	12
155	Persimmon	10	No	3	Moderate	Codominant trunks at 3'; crowded; asymmetric form.	12	16	15	5
156	Coast live oak	27	Yes	4	Moderate	Multiple attachments at 10'; growing against and displacing building; good form; long lateral E.	20	16	35	35
157	Coast live oak	25	Yes	3	Moderate	Codominant trunks at 10'; corrected lean; crown one sided SW.; growing against and displacing shed.	0	30	10	30
158	Coast redwood	18	Yes	3	Moderate	Off-site, tag on fence; good form; very sparse in upper crown; ~10' N. of fence.	0	15	15	0
159	Calif. bay	23	Yes	3	Moderate	Multiple attachments at 3'; leans E. from base; dieback.	15	20	25	5
160	Red oak	28	Yes	4	High	Off-site, tag on fence; codominant trunks at 25'; large laterals; ~15' W. of fence.	25	0	30	0
161	Plum	6	No	2	Low	Suppressed; strong lean E.; ivy.	5	8	12	5
162	Privet	6	No	2	Low	Multiple attachments at 1'; some stems dead.	8	0	10	5

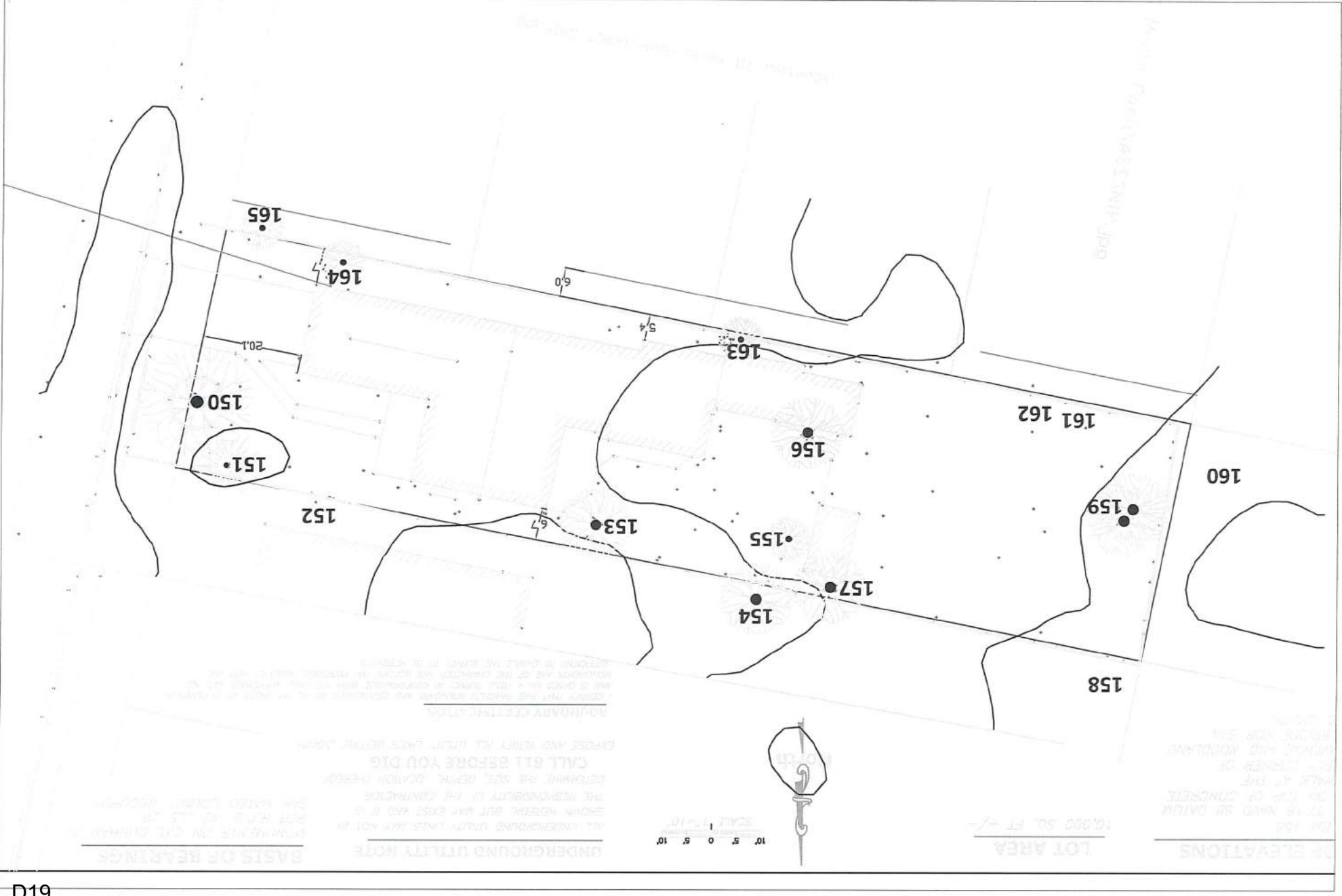
Tree Data



711 Central Ave.
Menlo Park, California
March 2023



TREE No.	SPECIES	TRUNK DIAMETER (in inches)	HERITAGE	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR RETENTION	COMMENTS	Driplines (ft.)			
							N.	S.	E.	W.
163	Coast live oak	25	Yes	4	Moderate	Multiple attachments at 10'; good form and structure; fence jogged around trunk; base 3' from building, trunk 6" from eve.	22	0	30	25
164	Bottle brush	10	No	3	Moderate	Multiple attachments at 1'; narrow form; broken branch W.	10	0	12	15
166	Leyland cypress	18	Yes	2	Low	Off-site, tag on fence; codominant trunks at 2'; topped at ~25'; ~10' S. of fence.	12	0	12	10
165	Plum	6	No	2	Low	Suppressed; leans E.; long, dead lateral E.; moderate dieback.	8	0	15	5



Appraisal worksheet (10th ed. of the Guide/2004 ed. of Species Classification & Group Assignment)

711 Central Ave., Menlo Park

Largest commonly available = 24" box



Tree No.	Species	Trunk Diameter	Condition 0 to 1.0	Functional limitation	External limitation	Replacement tree		Installation Cost	Total Cost	Unit Tree cost	Appraised Trunk area	Trunk area increase	Basic tree cost	Appraised value	Rounded value (\$50)
						Size	Cost								
150	London plane	41	0.7	0.7	1	3.8	172.73	172.73	345.46	45.46	1320	1316.2	60,180	29,488	29,500
151	Windmill palm	10	0.9	0.85	1	1	500	500	1000	30	1	0	1,300	995	1,000
152	Loquat	11	0.5	0.55	1	2.24	172.73	172.73	345.46	77.04	95	92.76	7,492	2,060	2,050
153	Southern magnolia	20	0.5	0.55	1	3.8	172.73	172.73	345.46	45.46	314	310.2	14,447	3,973	3,950
154	English walnut	15	0.1	0.55	1	3.8	172.73	172.73	345.46	45.46	177	173.2	8,219	452	450
155	Persimmon	10	0.5	0.7	1	2.09	389	389	82.82	77.04	79	76.91	6,008	2,103	2,100
156	Coast live oak	27	0.7	0.5	1	3.8	172.73	172.73	345.46	45.46	572	568.2	26,176	9,162	9,150
157	Coast live oak	25	0.5	0.5	1	3.8	172.73	172.73	345.46	45.46	491	487.2	22,494	5,623	5,600
158	Coast redwood	18	0.5	0.55	1	3.8	172.73	172.73	345.46	45.46	254	250.2	11,720	3,223	3,200
159	Calif. bay	23	0.5	0.55	1	2.24	172.73	172.73	345.46	77.04	415	412.76	32,144	8,840	8,850
160	Red oak	28	0.7	0.85	1	2.24	172.73	172.73	345.46	77.04	615	612.76	47,552	28,294	28,300
161	Plum	6	0.3	0.55	1	2.09	389	389	82.82	77.04	28	25.91	2,079	343	350
162	Privet	6	0.3	0.55	1	3.8	172.73	172.73	345.46	45.46	28	24.2	1,446	239	250
163	Coast live oak	25	0.7	0.7	1	3.8	172.73	172.73	345.46	45.46	491	487.2	22,494	11,022	11,000
164	Bottle brush	10	0.5	0.7	1	2.09	389	389	82.82	77.04	79	76.91	6,008	2,103	2,100
165	Plum	6	0.3	0.38	1	2.09	389	389	82.82	77.04	28	25.91	2,079	237	250
166	Leyland cypress	18	0.3	0.55	1	3.8	172.73	172.73	345.46	45.46	254	250.2	11,720	1,934	1,950
Total															110,050

Hochleitner, Connor D

From: Hochleitner, Connor D
Sent: Thursday, April 6, 2023 12:52 PM
To: Jim Fehrle
Subject: RE: Use permit for 711 Central Ave

Hi Jim,

Thanks for your notes. Once the city arborist completes their review, we will have a more accurate picture of the tree inventory on-site.

-Connor

From: Jim Fehrle <jfehrle@sbcglobal.net>
Sent: Thursday, April 6, 2023 11:54 AM
To: Hochleitner, Connor D <cdhochleitner@menlopark.gov>
Subject: Re: Use permit for 711 Central Ave

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Thanks. A few minor comments:

Tree 166 doesn't appear in the diagram on page 19.
Tree 154 on my property is dead.
Do we know if removed heritage trees will be replaced?
Page 13: there is no tree 3150 (typo)

--Jim

On Tuesday, March 28, 2023 at 02:12:21 PM PDT, Hochleitner, Connor D <cdhochleitner@menlopark.gov> wrote:

Hi Jim,

Please see the attached Arborist Report for 711 Central Ave. City staff are reviewing the report and it may change based on their comments.

Best,

-Connor



Connor Hochleitner

Assistant Planner
City Hall - 1st Floor
701 Laurel St.
tel 650-330-6775

menlopark.gov

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From: Jim Fehrle <jfehrle@sbcglobal.net>
Sent: Thursday, March 23, 2023 3:29 PM
To: Hochleitner, Connor D <cdhochleitner@menlopark.gov>
Subject: Re: Use permit for 711 Central Ave

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 Connor,

Good talking to you this morning.

This is a reminder to send info on the sun plane regulations.

Thanks,

Jim

On Wednesday, March 22, 2023 at 03:19:13 PM PDT, Hochleitner, Connor D <cdhochleitner@menlopark.gov> wrote:

Hi Jim,

E2

You can view the plans [here](#). I have not completed my first review of the plans, so I don't know how they are going to change between now and when we eventually go to the Planning Commission. You will receive notice via USPS a couple of weeks prior to the actual Planning Commission meeting. You have the option to voice your concerns to me directly or in-person at the meeting.

Let me know if you have any other concerns!

-Connor



Connor Hochleutner

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From: Jim Fehrle <jfehrle@sbcglobal.net>
Sent: Wednesday, March 22, 2023 2:17 PM
To: Hochleutner, Connor D <cdhochleutner@menlopark.gov>
Subject: Use permit for 711 Central Ave

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 Connor,

I got the notice about the planning application for 711 Central Ave. Are the plans available to see now or do I need to wait until a week before the meeting, whenever it is scheduled? The notice mentioned a deadline of April 13 for comments but gave no other dates. How much time will I have between availability of the revised project plan and April 13? IMO that should be at least a week to allow time for the public to consider the plan.

Can you send me a copy of the preliminary plans or do I have to come to your office?

Thanks,

Jim Fehrle

715 Central Ave

Hochleutner, Connor D

From: Hochleutner, Connor D
Sent: Monday, July 24, 2023 4:04 PM
To: savita kini
Cc: Subramaniam Vincent; tushar.janefalkar@gmail.com; r.morel@sbcglobal.net; Chen, Joanna P
Subject: RE: 711 Central Ave.
Attachments: Tree 156 - 711 Central.pdf

Hi Savita,

Thank you for your comments; I have forwarded them to the developer.

Please see the attached site plan. Trees 153, 155, and 156 are have been approved for removal for development purposes. Only 156 is a protected heritage tree.

If you wish to appeal the decision to remove the tree, you may do so.

Let me know if you have additional questions.

-Connor

From: savita kini <savitakini2@gmail.com>
Sent: Sunday, July 23, 2023 10:47 AM
To: Hochleutner, Connor D <cdhochleutner@menlopark.gov>
Cc: Subramaniam Vincent <subbuvincent@gmail.com>; tushar.janefalkar@gmail.com; r.morel@sbcglobal.net; Chen, Joanna P <JPChen@menlopark.gov>
Subject: Re: 711 Central Ave.

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Hi Connor

We received notice this week about "one heritage tree removal" on 711 Central Avenue. It does not say which one is to be removed by the developers given that there is already a prior communication about the building permit. The developer couple visited / met with us in April/early may. We walked them through to our backyard to show the coastal live oaks from their lot that are leaning into our backyards, requesting for trimming of the respective trees. We also gave feedback on how they might reconsider their decision about removing the coastal live oaks to save as many as possible, given the lot size, they could consider a detached ADU vs attached ADU, saving the oak trees by the fences by trimming versus removing them completely.

We have not received further communication from the city or from the developers about the new plan.

Will look out for your details.

Thank you.

Savita.

On Tue, Apr 4, 2023 at 10:18 PM savita kini <savitakini2@gmail.com> wrote:

Hi Connor,

I am copying my neighbors on okeefe St - Tushar Janefalkar (208 Okeefe St) and Richard Morel (216 Okeefe st).

We have reviewed the plans and their arborist report including the removal of the coastal live oaks.

We do not have an objection to the tree removal if it is absolutely necessary for the construction of the new house.

Our main concern and request is to ensure that there is adequate planning for replacement trees

1. Privacy Screening trees given the tall 2 story structure bearing down on our backyards
2. Restorative efforts to help with the loss of the current native ecosystem for native birds and green cover.

We had the West Bay Sanitary folks come to visit our backyard. We confirmed the easement spacing which runs across all three of our backyards. There is no easement on 711 Central Ave.

Given the easement restrictions, It becomes even more imperative that we request that the 711 Owner/builder plan for an adequate green screen along their side of the fence that runs across 208-212-216 Okeefe St backyard.

Please do share a follow up review from the city as well as the arborist. Will look out for your note.

Thank you.

Savita.

On Wed, Mar 29, 2023 at 9:13 AM savita kini <savitakini2@gmail.com> wrote:

Reading the trees to be removed - they are removing all three coastal live oaks which are the most magnificent and draught tolerant 🌳.

On Wed, Mar 29, 2023 at 9:06 AM savita kini <savitakini2@gmail.com> wrote:

Ok thank you. So 156 and 163 are the ones I showed you in the picture from our lot 212 okeefe and 163 is the one that adjoins also 208 okeefe st.

These are old growth coastal live oaks. From our neighbor 216 okeefe st who have been here since 1977, these are all at least 30+ years old.

I will share with our okeefe neighbors and we will write back and we will also copy Jillian.

Thank you

Savita

On Wed, Mar 29, 2023 at 9:02 AM Hochleutner, Connor D <cdhochleutner@menlopark.gov> wrote:

Please see the clip below. Central Ave. is on the right side of the clip. The trees proposed to be removed are highlighted.

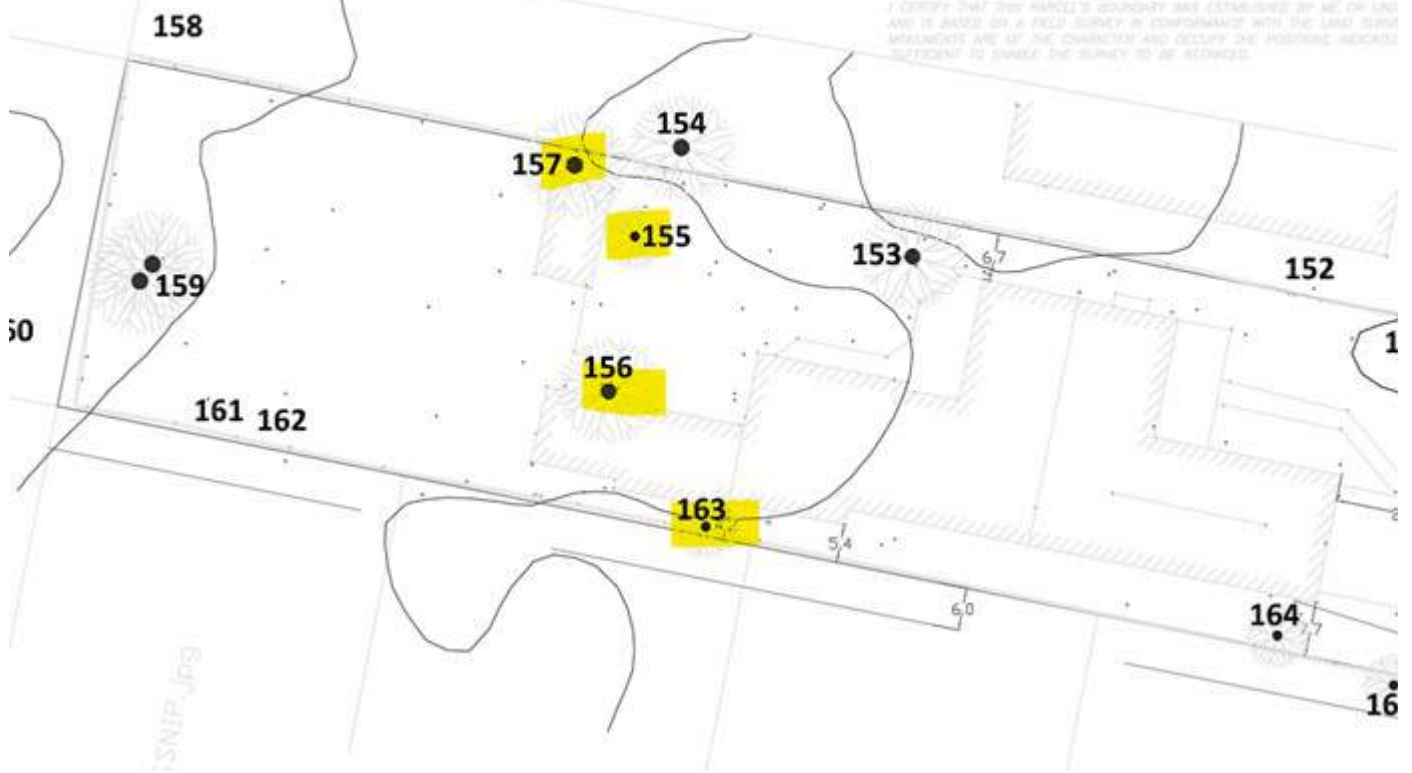
158
159
161 162



DETERMINE THE SIZE, DEPTH, LOCATION THEREOF
CALL 811 BEFORE YOU DIG
EXPOSE AND VERIFY ALL UTILITY LINES BEFORE DIGGING

BOUNDARY CERTIFICATION

I CERTIFY THAT THIS PARCEL'S BOUNDARY WAS ESTABLISHED BY ME OR LNO AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEY MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED SUFFICIENT TO ENABLE THE SURVEY TO BE REPRODUCED.



Hope this helps!

-Connor



Connor Hochleutner

Assistant Planner
City Hall - 1st Floor
701 Laurel St.
tel 650-330-6775

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From: savita kini <savitakini2@gmail.com>
Sent: Tuesday, March 28, 2023 3:55 PM
To: Hochleutner, Connor D <cdhochleutner@menlopark.gov>
Subject: Re: 711 Central Ave.

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Thank you Connor for sharing the report. I tried to read through and figure out which of the 4 coastal live oaks they want to remove, but its hard to decipher since they are not marked on the map/lot based on the alignment with respect to the roads - Central Ave, Okeefe Street.

Is there a way to show them marked directly on the survey plan? I will try to read it again, just took a quick glance.

Thank you.

Savita.

On Tue, Mar 28, 2023 at 2:01 PM Hochleutner, Connor D <cdhochleutner@menlopark.gov> wrote:

Hi Savita,

We have received the Arborist Report for 711 Central Ave. and I have attached it here for your review. Please note that the City Arborist is reviewing the report and it may be updated per their comments.

Best,

-Connor



Connor Hochleutner

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tel 650-330-6775

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*Note our emails have changed to @menlopark.gov

From: savita kini <savitakini2@gmail.com>
Sent: Thursday, March 23, 2023 4:54 PM
To: Hochleutner, Connor D <cdhochleutner@menlopark.gov>
Subject: Re: 711 Central Ave.

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Thank you Connor.

Jillian Keller - city arborist and I have been in touch. We have been diligent about trimming and maintaining our Live Oaks. I pointed to Jillian and Natividad, who saw our oaks, that Mr. Sabelman's oak perhaps had issues and it was transferring to our younger oak, but after these abundant rains, the yellowing of leaves has stopped. So may be the younger oaks were just too "thirsty". Mr Sabelman was retired and didn't want to spend on maintaining or trimming the oaks. We did offer to trim some of the dead branches that have really reduced the light into our backyard.

We want to plan for our ADU/Office in the back so am keen to see how they are planning to trim back the Oaks so enough distance is given from where the Oak roots are -- otherwise the damage to the roots will impact and the tree might fall on our ADU.

The Oaks definitely are not listed correctly on the surveyor's report which is very odd. Because when our previous owners for [212 okeefe st](#) did the survey in 20015 -- the surveyor listed all the trees quite accurately.

Keep me posted when Jillian is visiting 711 Central. I am keen to hear her assessment and listing of the trees.

Thank you.

Savita.

On Thu, Mar 23, 2023 at 4:45 PM Hochleitner, Connor D <cdhochleitner@menlopark.gov> wrote:

Thank you for pointing this out. We have not received their arborist report nor has our City Arborist been to the property to inventory the trees. Once we have an opportunity to do that, we will have an accurate map. The surveyor is not required to inventory the specific species of trees; it's just general locations.

We have not completed the review and you will have an opportunity to review the plans once they are reviewed and complete before the planning commission votes.

-Connor



Connor Hochleitner

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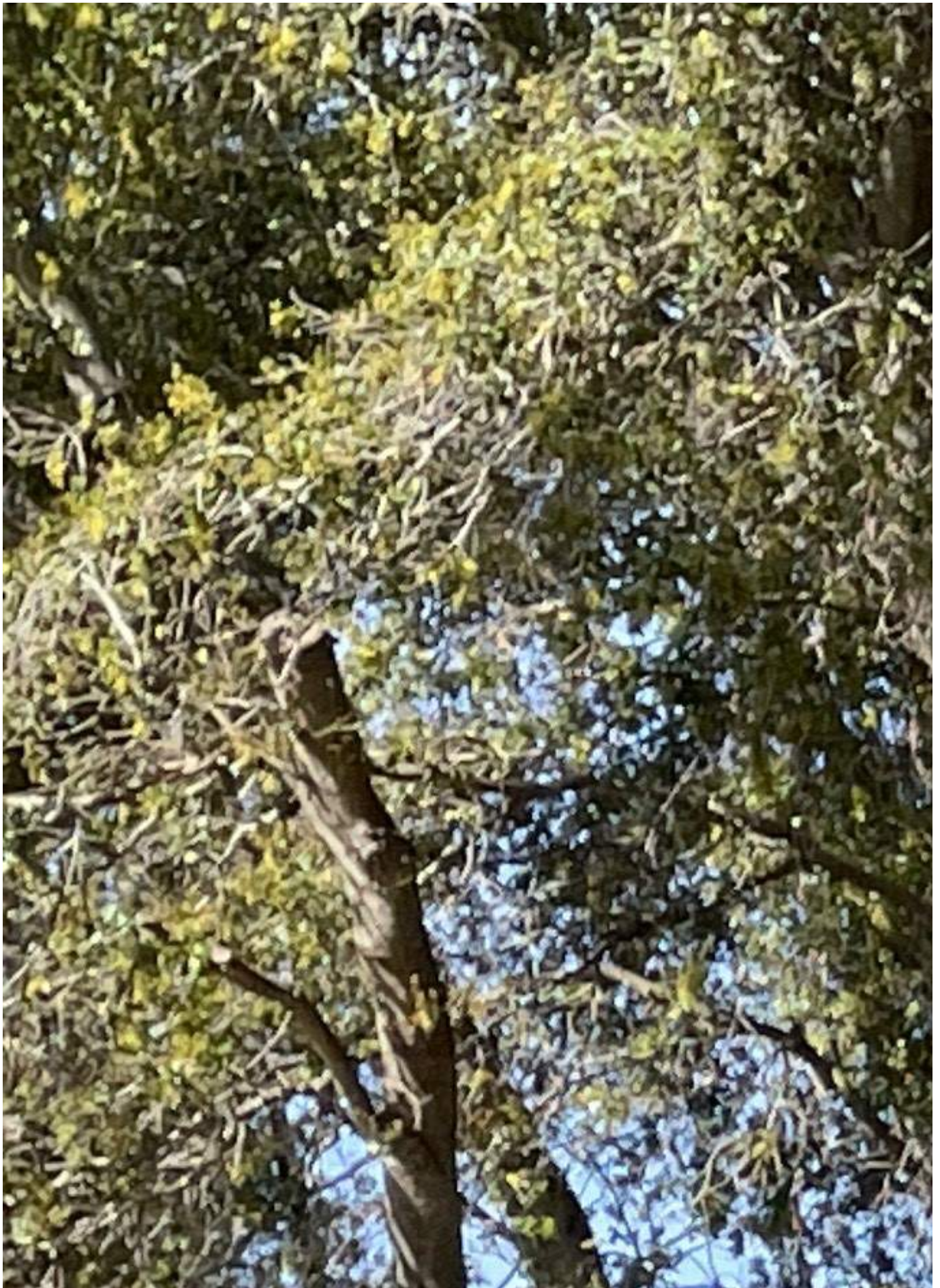
From: savita kini <savitakini2@gmail.com>

Sent: Thursday, March 23, 2023 4:38 PM

To: Hochleitner, Connor D <cdhochleitner@menlopark.gov>

Subject: Re: 711 Central Ave.

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Thank you so much for sharing this.

The trees marked are actually inaccurate.

The front is a 100+ year old heritage sycamore tree. Not maple.

There is a oak tree on the fence abutting both [212 okeefe st](#) and [208 okeefe st](#). It's bang on the three sided corner of the fence.

There is a separate oak tree which is shown as near the deck on the north.

There is additional oak tree to the back further away.

The heritage trees have not been fully listed in the plan.

Thank you

Savita

On Thu, Mar 23, 2023 at 4:19 PM Hochleitner, Connor D <cdhochleitner@menlopark.gov> wrote:

Hello,

<https://menlopark.gov/Public-notice/Planning-application-submittals/711-Central-Ave>

This is the direct link to the project page with the plans for your review.

-Connor



Connor Hochleutner

Assistant Planner
City Hall - 1st Floor
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tel 650-330-6775

menlopark.gov

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Hochleutner, Connor D

From: Hochleutner, Connor D
Sent: Tuesday, March 28, 2023 1:59 PM
To: frank chamberlain
Subject: RE: 711 Central

Hi Frank,

Thank you for your comments. I will pass them along to the applicant as well as include them in the public record for the Planning Commission. Should you choose to, you may also make public comment at the Planning Commission meeting when it is scheduled.

-Connor

From: frank chamberlain <fctaos@gmail.com>
Sent: Saturday, March 25, 2023 8:12 AM
To: Hochleutner, Connor D <cdhochleutner@menlopark.gov>
Subject: 711 Central

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I am opposed to any further two-story lot-filling construction in this neighborhood. These monstrosities are replacing the charming modest homes that give flavor to this area and are indicators that Menlo Park is succumbing to the demands of greedy developers at the expense of long-time locals who value the neighborhood as it (almost still) is. Thank you.

Frankie Chamberlain
Willows homeowner since 1987

Hochleutner, Connor D

From: Hochleutner, Connor D
Sent: Tuesday, May 2, 2023 11:02 AM
To: Jim Fehrle
Subject: RE: 711 Central Ave

Hi Jim,

Yes, you are welcome to submit your comments and I will add them to the file. You are also welcome to attend the planning commission meeting when we schedule it if you would like to make a public comment to the commission before they vote.

Best,

-Connor

From: Jim Fehrle <jfehrle@sbcglobal.net>
Sent: Tuesday, May 2, 2023 11:00 AM
To: Hochleutner, Connor D <cdhochleutner@menlopark.gov>
Subject: 711 Central Ave

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 Connor,

Can I still submit a comment on this project and have the staff consider it for their report?
I'm a little uneasy about the project but I haven't seen anything that appears to violate the rules. To what extent are subjective comments considered?

The deadline mentioned in the notice for the project was April 13.

Thanks,

Jim



STAFF REPORT

Planning Commission

Meeting Date:

8/28/2023

Staff Report Number:

23-55-PC

Public Hearing:

Consider and adopt a resolution to approve a use permit to construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width in the R-1-S (Single Family Suburban Residential) zoning district, at 1310 Bay Laurel Drive. The proposal includes an attached accessory dwelling unit, which is not subject to discretionary review.

Recommendation

Staff recommends that the Planning Commission adopt a resolution approving a use permit to construct a new two-story, single-family residence 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

The project site is located at 1310 Bay Laurel Drive in the West Menlo neighborhood at the intersection of Bay Laurel Drive and Hermosa Way. A lot line adjustment was approved in February 2023 between the subject property and the adjacent property at 1414 Bay Laurel Drive. The existing residence on the subject property was required to be demolished as a condition of the lot line adjustment, and therefore the property is currently vacant. All properties in the immediate vicinity are also located in the R-1-S zoning district. This area of Bay Laurel Drive and Hermosa Way features primarily one-story ranch and craftsman style homes, with a few more modern one- and two-story homes throughout the broader neighborhood. A location map is included as Attachment B.

Analysis

Project description

The applicant is proposing to construct a new two-story residence with a basement and attached ADU. The project plans and project description letter are included as Attachment A, Exhibits A and B, respectively.

The proposed residence would be a six-bedroom, five-and-one-half-bathroom residence. The required parking for the primary dwelling would be provided by a new attached, front-loading, two-car garage accessed from Hermosa Way. The proposed residence would meet all Zoning Ordinance requirements for setbacks, lot coverage, floor area limit (FAL), daylight plane, parking, and height. Of particular note, the project would have the following characteristics with regard to the Zoning Ordinance requirements:

- The proposed floor area would be approximately 4,337 square feet, including the 3,613.6 square feet of main dwelling and 723.5 square feet of attached ADU, where 3,624.8 square feet is the maximum. The main dwelling would comply with the maximum floor area limit. ADUs are allowed to exceed the maximum floor area limit by up to 800 square feet, and therefore, the total floor area on the lot would be compliant with zoning regulations.
- The proposed building coverage would be 33.6 percent where 35 percent is the maximum.
- The proposed second floor, including floor area in attic spaces over five feet in height, would be approximately 39.7 percent of the total allowable floor area where 50 percent is the maximum.
- The height of the residence would be approximately 27 feet, eight inches, where 28 feet is the maximum permitted height.
- The proposed balcony would be located approximately 32 feet from the right side and 45 feet, nine inches from the rear, and would be compliant with the minimum balcony setbacks of 20 feet and 30 feet from the side and rear, respectively.

The proposed residence would have a front setback of 20 feet, six inches and a rear setback of approximately 26 feet, nine inches, where 20 feet is required in either case. The residence is proposed to have a left side (street side) setback of 12 feet, nine inches, where 12 feet is required along the street side, and a right side setback of approximately 10 feet, two inches, where 10 feet is required. The proposed second story would be stepped back from the first story on all sides. Of particular note, the second story would be stepped back to approximately 20 feet, four inches on the right side, and approximately 48 feet, eight inches from the rear property line. A data table summarizing parcel and project attributes is included as Attachment C.

Design and materials

The applicant states that the proposed residence would have a traditional architectural style. The building would be constructed with primarily horizontal wood siding with vertical wood siding accents at the gables. Additional stone veneer accents would be featured along the front and street side elevations in addition to the chimney in the rear. The roof would consist of asphalt shingle roofing material. The residence would have several wood accents, including a trellis over the garage door, porch posts, eave brackets, and garage door. Windows would be aluminum-clad windows with simulated true divided lites. Guardrails around light wells would be painted metal.

Second-story windows along the right side (interior side) would have minimum sill heights of three feet, eight inches, and three of the four windows would be at least partially obscured behind roof pitches. All other second-story windows would have a minimum sill height of two feet, five inches. Most of these windows face the street, and would not create impacts to privacy for adjacent neighbors. The remaining window is in the rear, but due to the large rear setback, the window with a sill height of less than three feet is unlikely to create privacy impacts. A balcony is proposed in the rear, and would comply with the balcony setbacks.

Trees and landscaping

The applicant has submitted an arborist report (Attachment D), detailing the species, size, and conditions of on-site and nearby heritage and non-heritage trees. There are seven trees of various size and species on and surrounding the subject property, four of which are heritage trees. One heritage grapefruit tree (Tree #4), along with a non-heritage grapefruit tree and a crabapple tree are proposed for removal. The project would include several new trees, including Saratoga laurel, Chinese pistache, eastern redbud, and lavender crape myrtle trees planted along the perimeter of the property. Several of these trees would be planted along the rear and right side property lines creating additional screening for neighboring properties. The remainder of the property would be landscaped with a mix of ground cover and stone or gravel pathways. As part of the project review process, the arborist report was reviewed by the City Arborist. Implementation of all recommendations to mitigate impacts to the heritage trees identified in the arborist report would be ensured as part of condition 1h.

Correspondence

The applicant has indicated that they discussed the project with several of their neighbors and generally received positive feedback. Staff has received one item of written correspondence, included as Attachment E, expressing support for the proposed project.

Conclusion

Staff believes that the design, scale, and materials of the proposed residence are generally compatible with the surrounding neighborhood. The traditional style would be generally attractive and well proportioned. The large second story setbacks on the rear and right side, in addition to proposed screening trees, would help alleviate any potential privacy concerns. Staff recommends that the Planning Commission approve the use permit request.

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 Adopting Findings of Approval 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
- E. 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.

Exhibits to Be Provided at Meeting

None

Report prepared by:
Chris Turner, Associate Planner

Report reviewed by:
Kyle Perata, Planning Manager

PLANNING COMMISSION RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING A USE PERMIT FOR THE CONSTRUCTION OF A NEW TWO-STORY, SINGLE-FAMILY RESIDENCE ON A VACANT 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 construct a new two-story residence on a vacant substandard lot with regard to minimum lot width in the Single Family Suburban Residential (R-1-S) zoning district (the “Project”) from Caitlin Darke and Peter Hartwell (“Applicants”), on behalf of the owners DWD Properties LLC (“Owners”) located at 1310 Bay Laurel Drive (APN 071-383-010) (“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 Applicant submitted one heritage tree removal permit for development-based removal, numbered HTR2023-00097, which was reviewed by the City Arborist and found to be in compliance with the Heritage Tree Ordinance, upon which the notice was sent out on July 19, 2023, with the appeal period ending August 3, 2023 and with no appeals filed; 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 August 28, 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 Revisions.

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 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.

Section 3. Conditional Use Permit. The Planning Commission approves Use Permit No. PLN2023-00014, 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 August 28, 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 August, 2023

PC Liaison Signature

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

Exhibits

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



NEW RESIDENCE FOR
CAITLIN DARKE & PETER
HARTWELL

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

PROJECT DATA	
OWNER:	CAITLIN DARKE & PETER HARTWELL
ADDRESS:	1310 BAY LAUREL DRIVE MENLO PARK, CA 94025
A.P.N.#:	071-383-010
ZONE:	R-1-S
LOT AREA :	10,290.0 S.F.
BUILDING COVERAGE = 30% =	3,087.0 S.F.
FLOOR AREA LIMIT (FAL) 2800 S.F. + 25%(LOT AREA - 7000) =	3,834.5 S.F.
PROPOSED FLOOR AREA LIMIT (FAL) CALCULATION	
(X) GROUND FLOOR AREA	2,175.1 S.F.
(X) SECOND FLOOR AREA	1,376.5 S.F.
(X) TOTAL FLOOR AREA	3,551.6 S.F.
(X) ATTIC SPACE OVER 5 FEET HIGH	62.0 S.F.
(X) TOTAL FLOOR AREA	3,613.6 S.F.
PROPOSED FLOOR AREA LIMIT (FAL) FOR ADU(800 S.F. EXEMPT)	
(X) GROUND FLOOR ADU (ACCESSORY DWELLING UNIT) EXEMPT	725.5 S.F.
PROPOSED BUILDING COVERAGE CALCULATION	
(X) PROPOSED GROUND FLOOR FOOTPRINT(INCLUDING ADU)	2,898.8 S.F.
(X) FRONT COVERED PORCH	87.3 S.F.
(X) SIDE PORCH	62.6 S.F.
(X) REAR COVERED PATIO	375.6 S.F.
(X) FIREPLACE	18.9 S.F.
(X) FIREPLACE @ ADU	18.9 S.F.
(X) FRONT COVERED PORCH @ ADU	29.8 S.F.
(X) TOTAL BUILDING COVERAGE	33.6% = 3,455.5 S.F.
(X) BASEMENT FLOOR AREA	2,884.8 S.F.
GENERAL INFORMATION	
OCCUPANCY GROUP:	R-3/U
TYPE OF CONSTRUCTION:	TYPE Y-B
STORIES:	1
FIRE SPROINKLERS:	SI-YES <input type="checkbox"/> NO
BASEMENT (HEATED):	2,884.8 S.F. (FIRE MUFFS, INSTALL SFPFA 150 FIRE SPROINKLERS)
GROUND FLOOR (HEATED):	1,730.6 S.F.
GARAGE:	444.5 S.F.
SECOND FLOOR(HEATED):	1,376.5 S.F.
ATTACHED ADU(HEATED):	725.5 S.F.
TOTAL BUILDING AREA:	6,359.9 S.F.

SHEET LIST	
GENERAL INFORMATION	
A-0	FRONT ELEVATION, PROJECT DATA SHEET INDEX, VICINITY MAP, & STREETSCAPE
ARCHITECTURAL	
A-0.1	AREA PLAN
A-1.1	TREE PROTECTION PLAN
A-1.2	SITE PLAN
A-1.3	NEW FLOOR AREA DIAGRAMS & AREA CALCULATIONS
A-2	BASEMENT FLOOR PLAN
A-3	GROUND FLOOR PLAN
A-4	SECOND FLOOR PLAN
A-5	ROOF PLAN
A-6	FRONT ELEVATION & RIGHT SIDE ELEVATION & SECTION A-A
A-7	REAR ELEVATION & LEFT SIDE ELEVATION & SECTION B-B
A-8	SECTION C-C AND SECTION D-D
CIVIL	
5418-TOPO	BOUNDARY & TOPOGRAPHIC SURVEY
LANDSCAPE	
1A	LANDSCAPE PLAN
VICINITY MAP	

PROJECT TITLE & LOCATION

NEW RESIDENCE FOR
Caitlin Darke & Peter Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

REVISION
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△
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J MALIKSI & ASSOC.
ARCHITECTURE + INTERIOR DESIGN
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MENLO PARK, CA 94025
TEL. NO. 650 323 2902
FAX NO. 650 323 6433



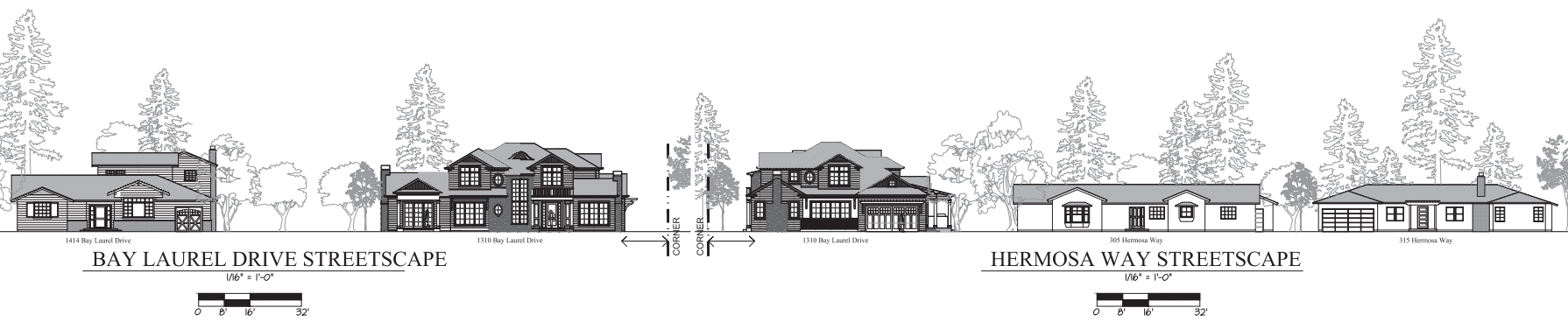
NO.	DATE	ISSUE
01th	1-12-23	USE PERMIT
01th	5-2-23	USE PERMIT

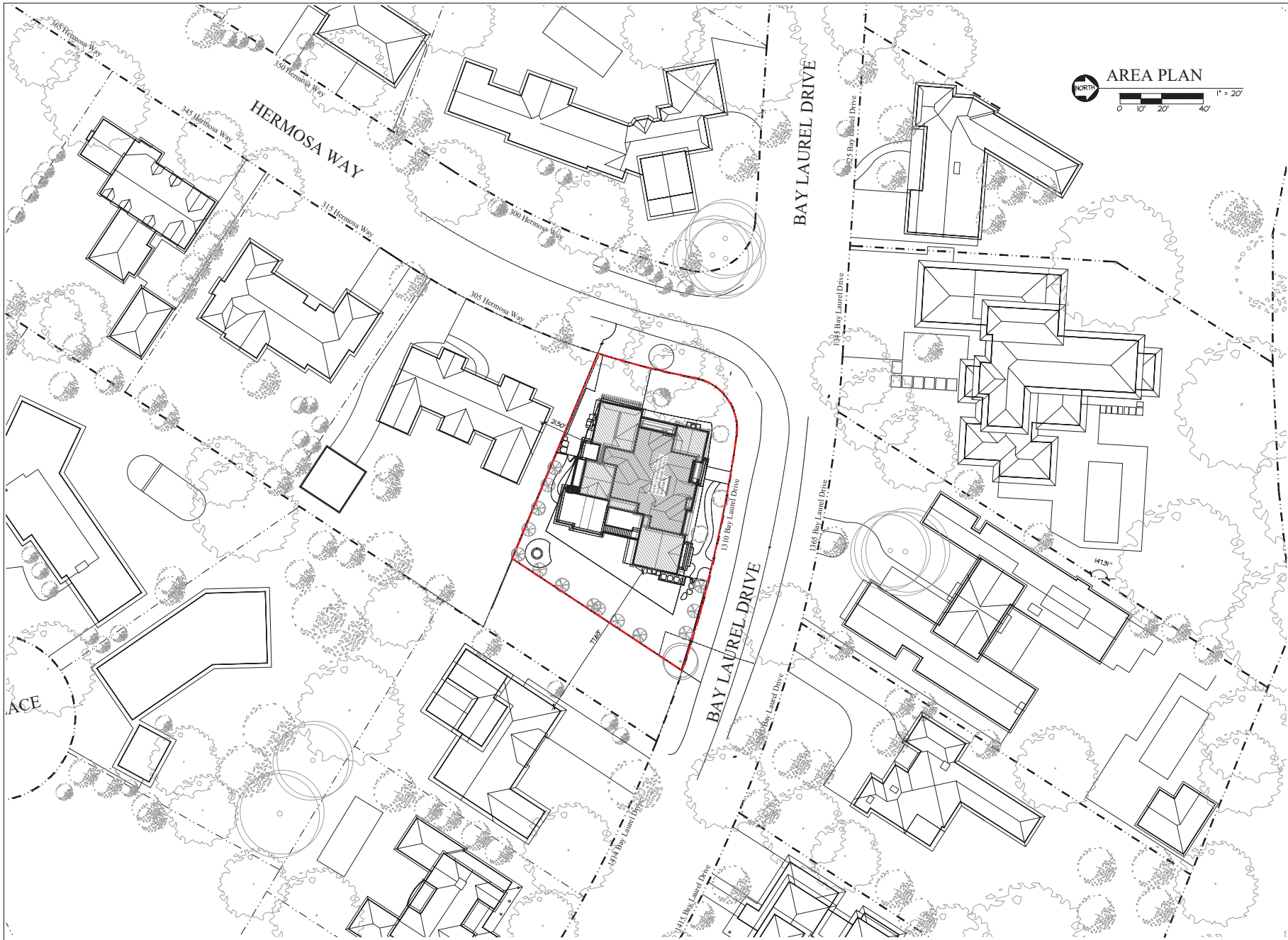
ALL DRAWINGS AND SPECIFICATIONS APPLICABLE HEREIN CONSTITUTE THE OFFICIAL AND UNREVOKED WORK OF THE ARCHITECT AND MAY NOT BE REPRODUCED, COPIED OR OTHERWISE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
DRAWING TITLE

PROJECT DATA
SHEET INDEX,
VICINITY MAP &
STREETSCAPE

SCALE: AS NOTED
PROJECT NAME: DWG PROP.
CADD FILE NO.
DRAWING NO.

A-0





PROJECT TITLE & LOCATION

NEW RESIDENCE FOR

Caitlin Darke & Peter Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025



REVISION

- △
- △
- △
- △
- △



J MALIKSI & ASSOC.

ARCHITECTURE + INTERIOR DESIGN

675 MENLO AVENUE
MENLO PARK, CA 94025
TEL. NO. 650 323 2902
FAX NO. 650 323 6433



NO. DATE ISSUE

07M 7-12-25 USE PERMIT

07M 5-2-25 USE PERMIT

ALL DIMENSIONS AND SPACINGS APPLICABLE UNLESS OTHERWISE NOTED. THE OWNER AND ARCHITECT ASSUME RESPONSIBILITY FOR THE ACCURACY AND COMPLETION OF ALL INFORMATION AND DATA PROVIDED WITHOUT LIABILITY TO THE ARCHITECT.

DRAWING TITLE

AREA PLAN

SCALE: AS NOTED

PROJECT NAME: DVD PROJ.

CADD FILE NO.

DRAWING NO.

A-0.1

TREE PROTECTION NOTES

- Recommendations**
- Obtain Heritage Tree Removal Permit from the City of Menlo Park prior to removing Tree #4.
 - Place tree numbers and protection fencing locations on all the site Plan. Also include Tree Protection Guidelines (Appendix A) into plan set.
 - Place tree protection fence around the trees to exclude personnel, materials, and equipment from accessing the area. Use Type 1 fence. Existing property line fencing may be used in place of chain-link fencing where feasible.
 - Under no circumstances are ANY roots of ANY tree to be severed within a distance less than 3 times the trunk diameter. If such a need arises, an inspection and report by a Certified Arborist is required to assess impacts to tree and provide additional mitigation measures for review by the City of Menlo Park.
 - Refer to Appendix A for tree protection guidelines including recommendations for arborist assistance while working under trees, trenching, or excavation within any tree protection zone.
 - Provide a copy of this report to all construction and project managers, including the architect, civil engineer, and landscape designer or arborist. It is the responsibility of the owner to ensure all parties are familiar with this document.
 - 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 distance.

- Preconstruction Meeting with Project Arborist**
- Prior to beginning work, all contractors involved with the project should attend a pre-construction meeting with the Project Arborist to review the tree protection guidelines. Access routes, storage areas, and work procedures will be discussed.

- Monitoring**
- Schedule for Project Arborist monitoring on a monthly basis, and when trenching over protected trees or working inside the Tree Protection Zone.

- Tree Protection Zone (TPZ)**
- Tree protection locations should be marked before any fencing contractor arrives.
 - Prior to the arrival of construction equipment or materials on site, six-foot high chain-link fence shall be erected along the perimeter of all Tree Protection Zones (TPZ).
 - 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 repaired periodically for damage and proper function.
 - 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 as to be attached. Signs should be spaced no more than 10 feet apart. Text on the signs should be in both English and Spanish.
 - The area beyond the fencing in the Tree Protection Zone (TPZ)
 - TPZ fencing may only be moved, crossed or altered with permission of the Project Arborist.
- 18. Tree Protection Zone (TPZ) Restrictions**
- NO operation, storage, or parking of vehicles or heavy equipment.
 - NO storage or disposal of building materials, refuse, soil, excavated spoils, or chemicals of any kind.
 - NO cutting of tree roots by utility trenching, foundation digging, or any miscellaneous excavation without prior approval of the Project Arborist.
 - NO use of TPZ as a rest/lunch/break area by project staff.
 - NO grade changes of any kind, except as expressly designed or approved by the Project Arborist.
 - NO alterations or disturbances, for any duration, of the ground inside the TPZ.
- All work within the TPZ is to be approved by the Project Arborist prior to commencement of the work.

- Grading Limitations**
- Grade changes outside of the TPZ shall not significantly alter drainage to any tree.
 - Grade changes under specifically approved circumstances shall not allow more than 6 inches of fill soil added or allow more than 4 inches of existing soil to be removed from natural grade unless mitigated.
 - Grade cuts exceeding 4 inches shall incorporate retaining walls or an appropriate erosion control equipment.

- Root Pruning and Trenching**
- Roots over 1 inch in diameter should be pruned, rather than crushed or torn. Prune roots clean and square at rectangular bases using hand pruners or a saw.
 - Roots 2 inches and greater must remain injury free.
 - Pruning of roots 2 inches or greater is unavoidable, this pruning must be monitored and documented by the Project Arborist or a qualified ISA Certified Arborist.
 - Roots should be cut beyond anker roots or outside root branch junctions. Once covered, exposed roots and repair 3 feet of branch walls should be kept moist with several liters of water or backfilled within one hour.
 - Any trenching, excavation or demolition that is expected to damage or encounter tree roots 2 inches or greater, or inside the TPZ, should be monitored and documented by the Project Arborist or a qualified ISA Certified Arborist.

- Excavation**
- Excavation, demolition or extraction of material shall be performed by equipment sitting outside the TPZ. Other methods permitted are hand digging, hydraulic or pneumatic air excavation technology.
 - Avoid excavation within the TPZ during hot, dry weather.
 - If excavation or trenching for drainage, utilities, irrigation lines, etc., it is the duty of the contractor to trench under any roots 2 inches or greater in diameter.

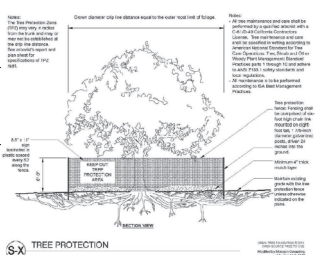
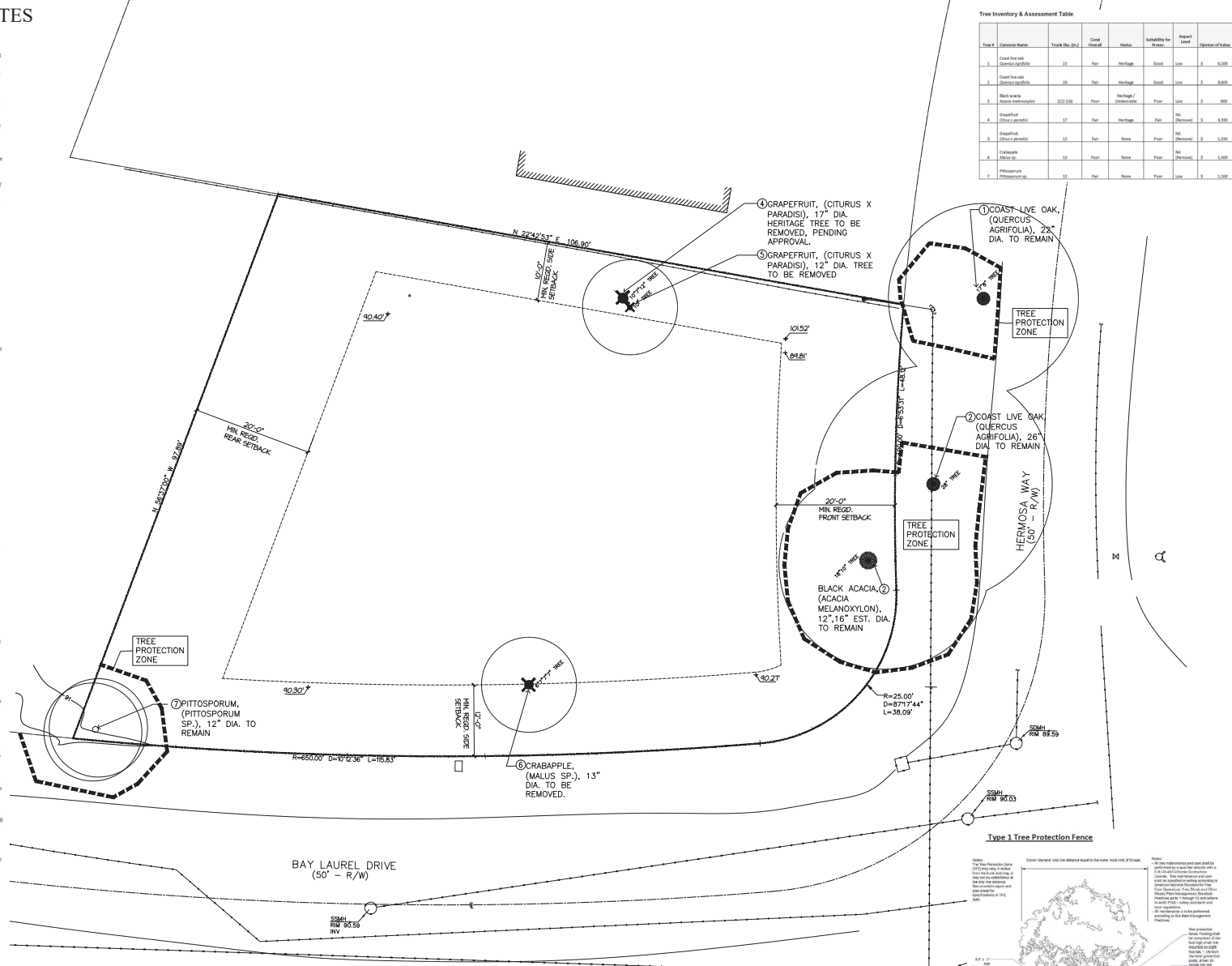
- Boring or Tunneling**
- Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dig or excavated with an Air Spigot or similar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

- Timing**
- If the construction is to occur during the warmer months supplemental watering and bark soaker 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-161-D-49 California Contractor License.
 - Tree pruning should be specified according to ANSI A-300A pruning standards and adhere to ANSI Z33.1 safety standards.
 - Trees that need to be removed or pruned should be identified in the pre-construction walk through.

Tree Inventory & Assessment Table

Tree #	Common Name	Trunk Dia. (in.)	Cond. Class.	Status	Subsidiary to Street	Height (ft)	Quality of Value
1	Coast Live Oak (Quercus agrifolia)	22"	Fair	Heritage	Good	50'	5,000
2	Coast Live Oak (Quercus agrifolia)	26"	Fair	Heritage	Good	50'	8,000
3	Black acacia (Acacia melanoxylon)	12"	Fair	Heritage / Melanoxylon	Fair	50'	900
4	Pittosporum (Pittosporum sp.)	17"	Fair	Heritage	Fair	N/A	4,500
5	Pittosporum (Pittosporum sp.)	12"	Fair	None	Fair	N/A	2,500
6	Crabapple (Malus sp.)	13"	Fair	None	Fair	N/A	1,500
7	Pithecolobium	11"	Fair	None	Fair	50'	1,000



TREE PROTECTION PLAN



PROJECT TITLE & LOCATION

NEW RESIDENCE FOR
Caitlin Darke & Peter Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

REVISION



J MALIKSI & ASSOC.
ARCHITECTURE + INTERIOR DESIGN
675 MENLO AVENUE
MENLO PARK, CA 94025
TEL. NO. 650 323 2902
FAX NO. 650 323 6433



NO. DATE ISSUE

6TH	1-12-25	RESP. TO PLANNING
6TH	5-2-25	USE PERMIT

ALL DRAWING AND SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE AND WITHOUT LIABILITY TO THE ARCHITECT.
DRAWING TITLE

TREE PROTECTION PLAN

SCALE: 1/8" = 1'-0"
PROJECT NAME: DWG PROP.
CADD FILE NO.
DRAWING NO.

A-1.1

Tree #	Common Name	Trunk Dia. (in.)	Code	Status	Health	Height (ft)	Species	Value
1	Coast live oak	22"	Heritage	Good	Low	5'	Q. agrifolia	\$ 6,000
2	Coast live oak	26"	Heritage	Good	Low	5'	Q. agrifolia	\$ 8,000
3	Black acacia	12" (DBH)	Heritage / Substandard	Fair	Low	5'	A. melanoxylon	\$ 300
4	Daylight plane	17"	Fair	Heritage	Fair	NA	Heritage	\$ 4,000
5	Daylight plane	12"	Fair	None	Fair	NA	Heritage	\$ 1,000
6	Crabapple	13"	Fair	None	Fair	NA	Heritage	\$ 1,000
7	Pittosporum	12"	Fair	None	Fair	NA	Heritage	\$ 1,000

TREE PROTECTION NOTES

SEE SHEET A-1J FOR TREE PROTECTION NOTES AND DETAILS.

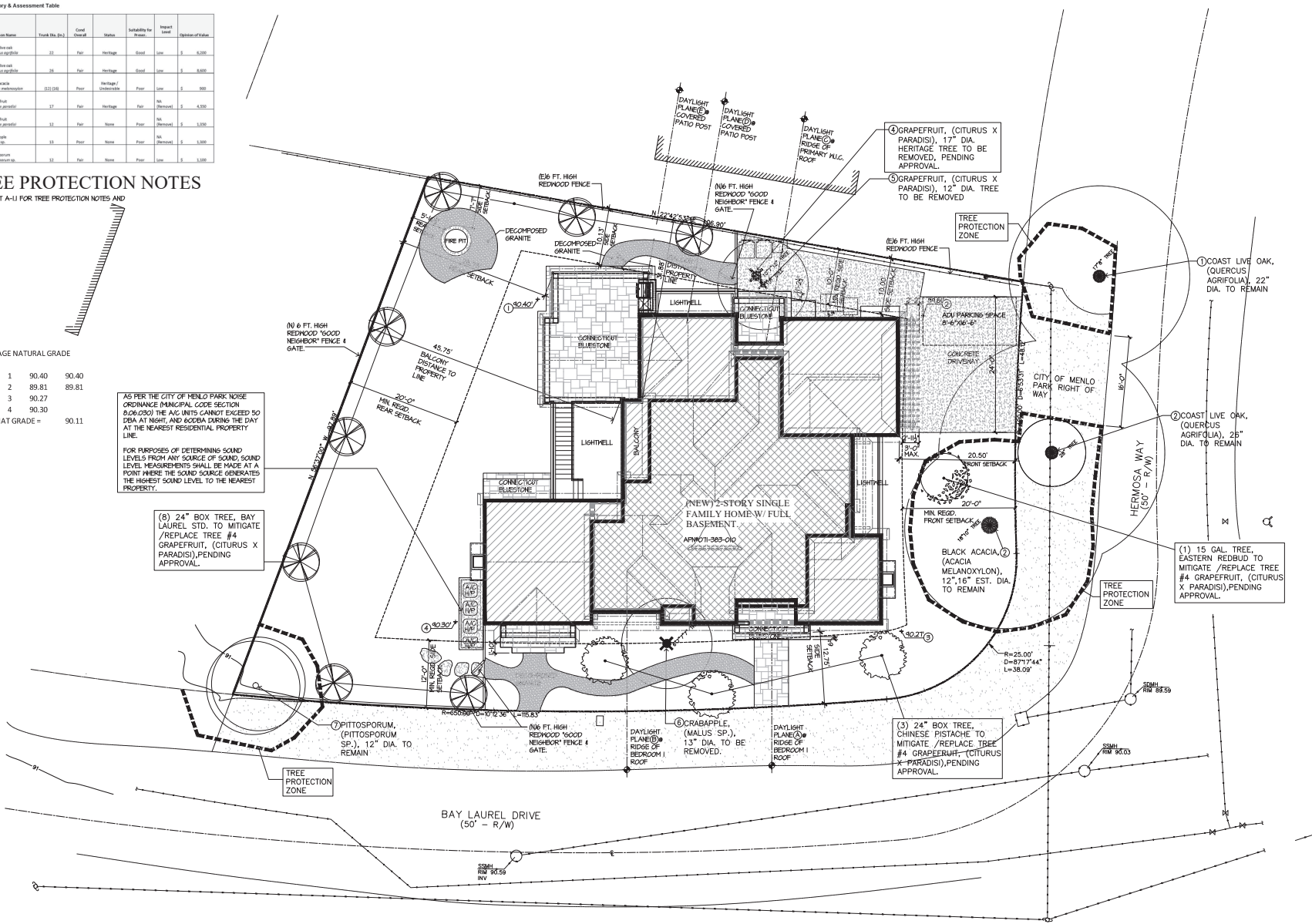
AVERAGE NATURAL GRADE

1	90.40	90.40
2	89.81	89.81
3	90.27	
4	90.30	
AVG NAT GRADE =	90.11	

AS PER THE CITY OF MENLO PARK NOISE ORDINANCE (MUNICIPAL CODE SECTION 8.06.030) THE A.C. UNITS CANNOT EXCEED 50 DBA AT NIGHT, AND 60DBA DURING THE DAY AT THE NEAREST RESIDENTIAL PROPERTY LINE.

FOR PURPOSES OF DETERMINING SOUND LEVELS FROM ANY SOURCE OF SOUND SOUND LEVEL MEASUREMENTS SHALL BE MADE AT A POINT WHERE THE SOUND SOURCE GENERATES THE HIGHEST SOUND LEVEL TO THE NEAREST PROPERTY.

(8) 24" BOX TREE, BAY LAUREL STD. TO MITIGATE /REPLACE TREE #4 GRAPEFRUIT, (CITURUS X PARADISI), PENDING APPROVAL.



PROJECT TITLE & LOCATION

NEW RESIDENCE FOR
Caitlin Darke & Peter
Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

REVISION
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△
△
△

J MALIKSI & ASSOC.
ARCHITECTURE + INTERIOR DESIGN

675 MENLO AVENUE
MENLO PARK, CA 94025
TEL. NO. 650 323 2902
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NO.	DATE	ISSUE
01M	7-12-23	RESP. TO PLANNING
01M	5-2-23	USE PERMIT

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DRAWING TITLE

SITE PLAN

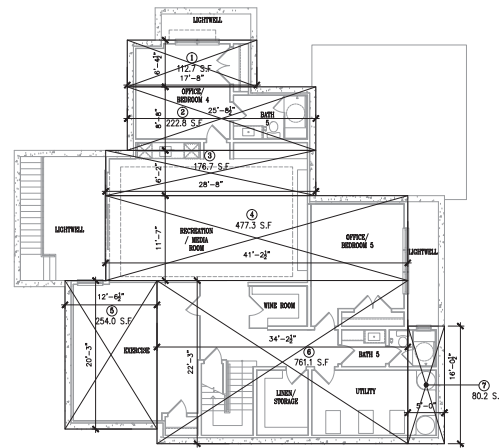
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PROJECT NAME: DND PROP.
CADD FILE NO.
DRAWING NO.

A-1.2

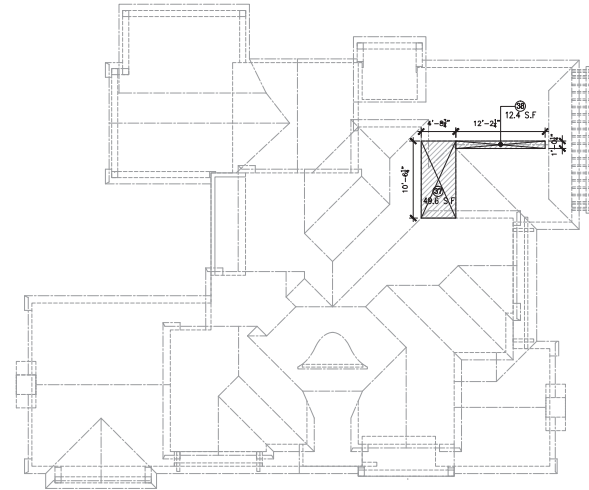
AREA CALCULATIONS

(FAL) FLOOR AREA LIMIT CALCULATIONS

SECTION LOCATION	DIMENSIONS	AREA
BASEMENT		
1 OFFICE/ BEDROOM 4	17'-8" X 6'-4 1/2"	112.7 S.F.
2 OFFICE/ BEDROOM 4 BATH 5	29'-8 1/2" X 6'-0"	222.8 S.F.
3 RECREATION MEDIA ROOM	28'-8" X 6'-2"	176.7 S.F.
4 RECREATION MEDIA ROOM/ BDRM 5	41'-2 1/2" X 11'-7"	473.5 S.F.
5 EXERCISE	12'-6 1/2" X 20'-7"	254.0 S.F.
6 EXERCISE/ WINE RM/ BATH 5/ UTIL.	34'-2 1/2" X 22'-3"	761.1 S.F.
7 UTILITIES/ BATH 5	5'-0" X 16'-0 1/2"	80.2 S.F.
TOTAL BASEMENT AREA:		2048.8 S.F.
GROUND FLOOR		
8 FAMILY ROOM	17'-8" X 15'-0 1/2"	265.8 S.F.
9 BREAKFAST KITCHEN	20'-7 1/2" X 17'-9"	369.0 S.F.
10 MUDROOM/ PANTRY	7'-6" X 33'-1 3/4"	254.8 S.F.
11 GARAGE	21'-1" X 21'-1"	444.5 S.F.
12 DINING ROOM	13'-1" X 17'-3"	225.7 S.F.
13 FOYER	7'-6 1/2" X 3'-6"	26.4 S.F.
14 KITCHEN	13'-1" X 24'-10"	324.4 S.F.
15 KITCHEN	7'-0" X 2'-4"	16.3 S.F.
16 POWDER	5'-6 1/2" X 9'-4 1/2"	52.0 S.F.
17 STAR	7'-3 1/2" X 16'-6 1/2"	122.3 S.F.
18 FOYER	9'-11" X 12'-0 1/2"	119.4 S.F.
19 LIVING ROOM	16'-7" X 43'-0 1/4"	726.6 S.F.
20 LIVING ROOM	16'-0 1/2" X 16'-4"	263.3 S.F.
21 LIVING ROOM	15'-7" X 41'-0 1/4"	756.9 S.F.
TOTAL GROUND FLOOR AREA:		2175.1 S.F.
SECOND FLOOR		
22 PRIMARY BEDROOM/ LAUNDRY	23'-1 1/2" X 14'-1 1/4"	357.3 S.F.
23 PRIMARY WIC	8'-7" X 7'-5 1/4"	63.8 S.F.
24 BEDROOM 3	12'-6 1/2" X 12'-11 1/2"	162.5 S.F.
25 WIC	7'-0 1/2" X 9'-4 1/2"	65.8 S.F.
26 BEDROOM 1/ JACK & JILL BATH	12'-7" X 17'-0 1/2"	222.2 S.F.
27 HALL	4'-1 1/2" X 9'-7"	39.5 S.F.
28 HALL	9'-6 1/2" X 11'-11 1/2"	112.3 S.F.
29 HALL	23'-1 1/2" X 4'-2 1/2"	100.8 S.F.
30 PRIMARY BATH	7'-10" X 2'-3 1/2"	18.0 S.F.
31 PRIMARY BATH	4'-8 1/2" X 7'-0 1/2"	33.2 S.F.
32 BEDROOM 2	13'-1" X 16'-7"	216.7 S.F.
33 BATH 2	5'-0" X 15'-7"	77.9 S.F.
34 STAR	8'-1" X 9'-0 1/2"	64.4 S.F.
35 STAR (DOES NOT COUNT TWICE)	3'-1 1/2" X 10'-4 1/2"	43.3 S.F.
36 STAR (DOES NOT COUNT TWICE)	4'-1 1/2" X 10'-6"	41.1 S.F.
TOTAL SECOND FLOOR AREA:		1376.5 S.F.
ATTIC SPACE OVER 5 FEET IN HEIGHT		
37 ATTIC	4'-8 3/4" X 12'-3 1/4"	49.6 S.F.
38 ATTIC	12'-2 1/4" X 1'-0 1/4"	12.4 S.F.
TOTAL ATTIC SPACE OVER 5 FEET:		62.0 S.F.
TOTAL MAIN HOUSE FLOOR AREA:		3613.6 S.F.
FAL (FLOOR AREA LIMIT)		3624.8 S.F.
BUILDING COVERAGE CALCULATIONS		
COVERED PORCHES AND FIREPLACES (DOES NOT COUNT TOWARDS F.A.L.)		
39 FRONT COVERED PORCH	9'-11" X 4'-0"	39.6 S.F.
40 FRONT COVERED PORCH	13'-1" X 14'-1 1/4"	177.5 S.F.
41 FIREPLACE	2'-8" X 6'-4"	16.9 S.F.
42 SIDE PORCH	8'-10 1/2" X 2'-8 1/4"	23.8 S.F.
43 SIDE PORCH	0'-8 1/4" X 0'-6"	0.5 S.F.
44 SIDE PORCH	7'-6" X 6'-0 1/4"	37.7 S.F.
45 REAR PORCH	12'-0 1/2" X 7'-11"	95.4 S.F.
46 REAR PORCH	4'-0" X 7'-1 1/4"	33.7 S.F.
47 REAR PORCH	13'-6 1/2" X 14'-10 1/2"	201.4 S.F.
48 REAR PORCH	15'-0 1/2" X 2'-11 1/2"	44.5 S.F.
MAIN HOUSE TOTAL AREA - PORCHES & FIREPLACES		511.2 S.F.
GROUND FLOOR FOOTPRINT		2175.1 S.F.
TOTAL BUILDING COVERAGE AREA:	26.1%	2668.3 S.F.
ALLOWABLE BUILDING COVERAGE = 35%		
LOT AREA		10299.0 S.F.
ADU (ACCESSORY DWELLING UNIT) (ADU FLOOR AREA MAY EXCEED THE MAXIMUM FAL)		
49 ADU LIVING/ DINING/ KITCHEN	24'-1 1/2" X 7'-11 1/2"	198.0 S.F.
50 ADU LIVING/ DINING	16'-10 1/2" X 6'-4"	109.5 S.F.
51 ADU LIVING/ DINING	19'-5" X 7'-11 1/2"	154.5 S.F.
52 ADU KITCHEN/ HALL	7'-0" X 9'-6"	66.2 S.F.
53 ADU BEDROOM	12'-0" X 8'-2"	98.0 S.F.
54 ADU BEDROOM	5'-6 1/2" X 4'-1 1/2"	22.9 S.F.
55 ADU BATH	6'-1" X 10'-2"	61.8 S.F.
TOTAL ADU FLOOR AREA:		723.5 S.F.
COVERED PORCHES AND FIREPLACES (DOES NOT COUNT TOWARDS F.A.L.)		
56 FRONT COVERED PORCH	13'-1 1/2" X 2'-3 1/4"	29.8 S.F.
57 FIREPLACE	2'-8" X 6'-4"	16.9 S.F.
ADU AREA - PORCHES & FIREPLACES		46.7 S.F.
MAIN BUILDING & ADU FOOTPRINT		2898.6 S.F.
TOTAL BUILDING COVERAGE AREA:	33.6%	3456.5 S.F.
ALLOWABLE BUILDING COVERAGE = 35%		
LOT AREA		10299.0 S.F.



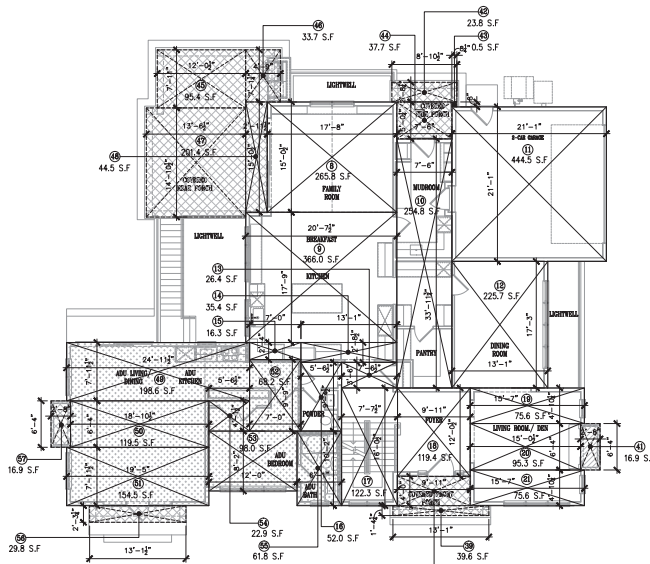
BASEMENT AREA DIAGRAM



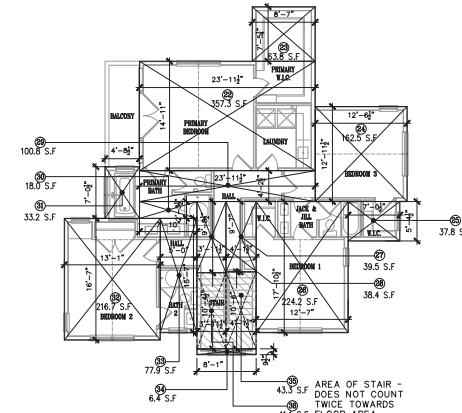
ATTIC AREA DIAGRAM

LEGEND

- AREA DOES NOT COUNT TOWARDS FLOOR AREA BUT COUNTS AS LOT COVERAGE
- AREA OF STAIR - DOES NOT COUNT TWICE TOWARDS FLOOR AREA
- AREA OF ATTIC SPACE OVER 5 FEET
- ADU FLOOR AREA MAY EXCEED FAL



GROUND FLOOR AREA DIAGRAM



SECOND FLOOR AREA DIAGRAM

PROJECT TITLE & LOCATION

NEW RESIDENCE FOR

Caitlin Darke & Peter Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

REVISION

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J MALIKSI & ASSOC.
ARCHITECTURE + INTERIOR DESIGN
675 MENLO AVENUE
MENLO PARK, CA 94025
TEL. NO. 650 323 2902
FAX NO. 650 323 6433



NO.	DATE	ISSUE
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NEW FLOOR AREA DIAGRAM AND AREA CALCULATIONS

SCALE: 1/8" = 1'-0"
PROJECT NAME: DVD PROP.
CADD FILE NO.
DRAWING NO.

A-1.3

NEW RESIDENCE
FOR
Caitlin Darke
& Peter
Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

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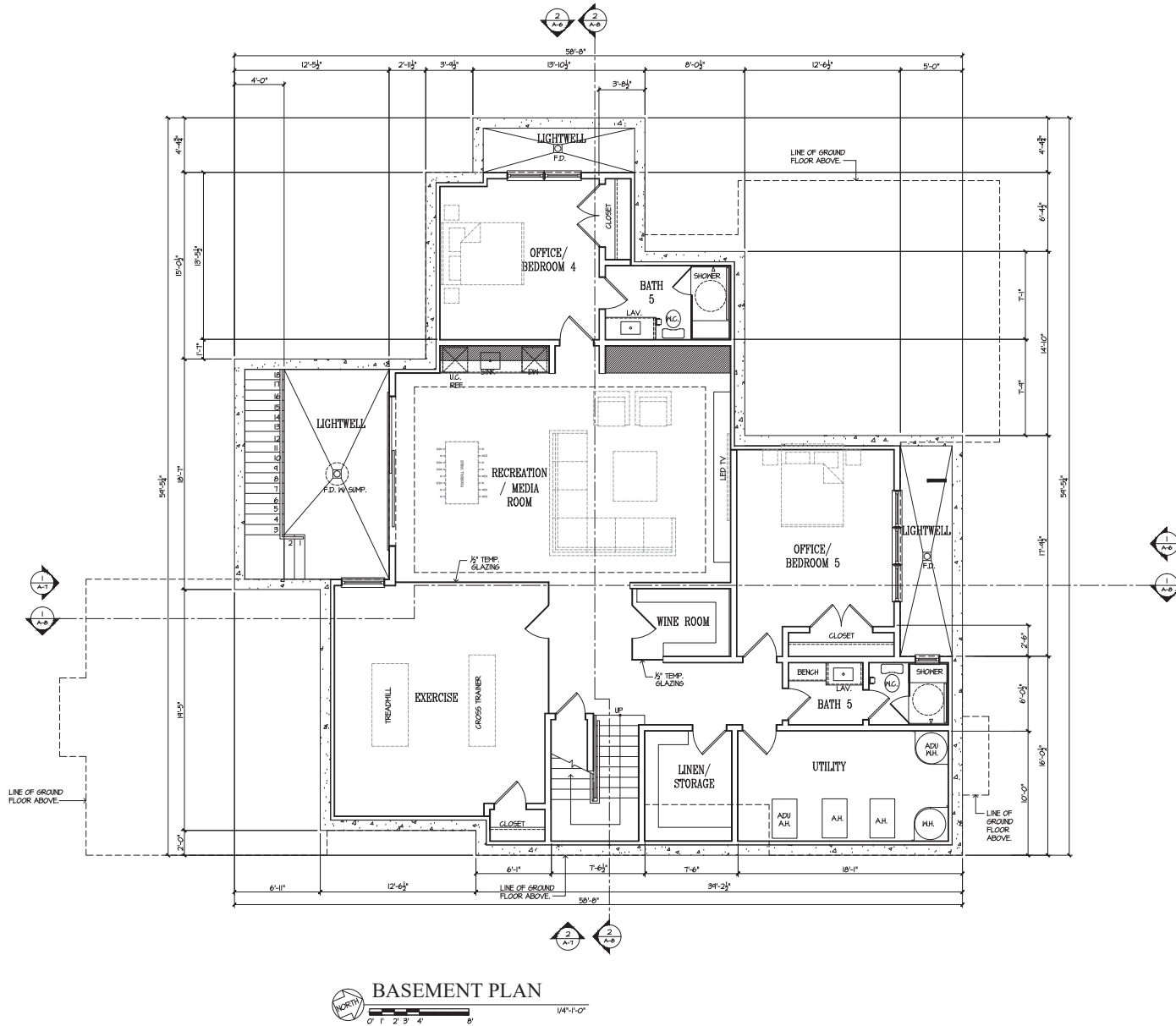
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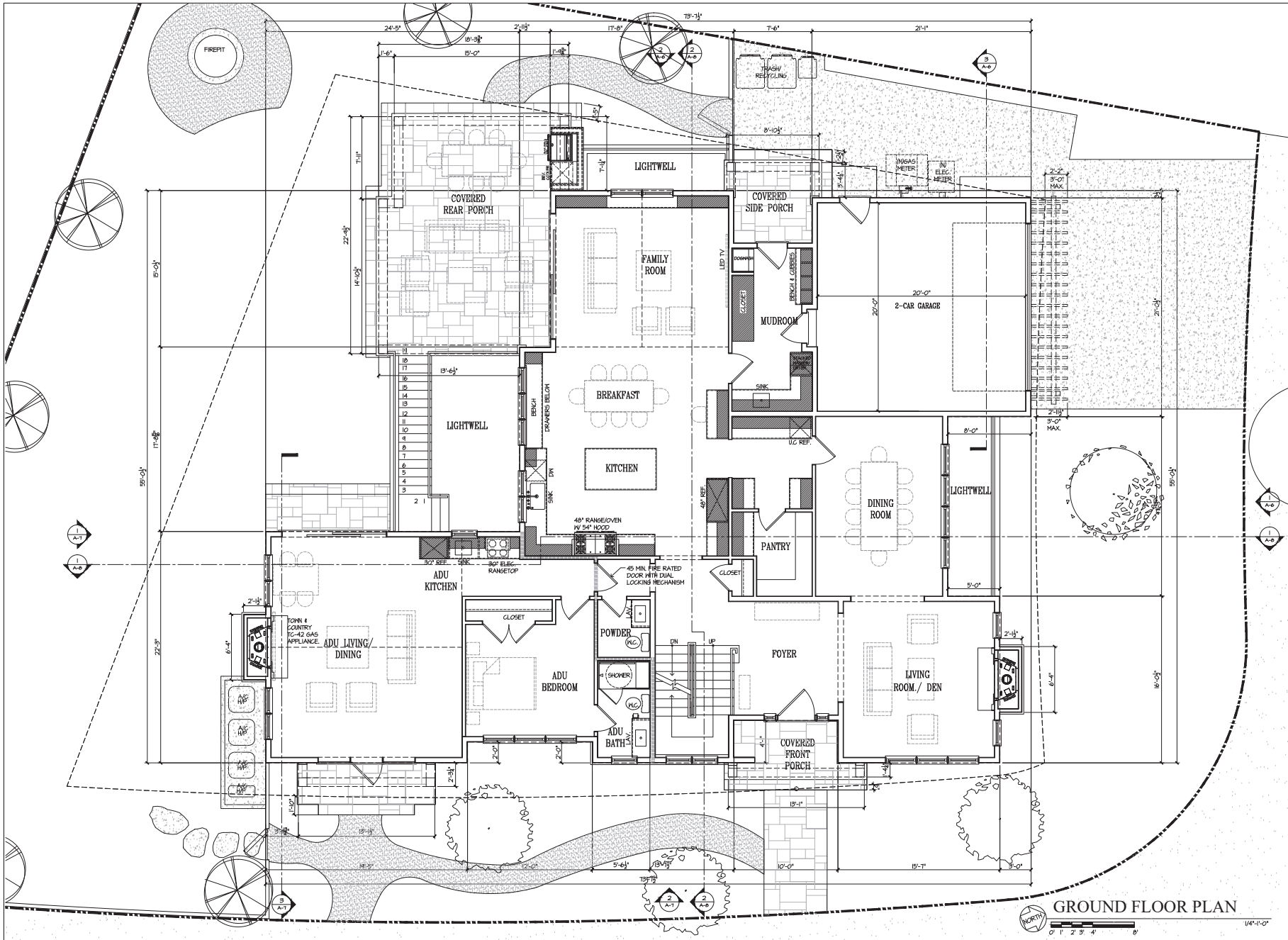
DRAWING TITLE

BASEMENT PLAN

SCALE: 1/4" = 1'-0"
PROJECT NAME: DND PRDP.
CADD FILE NO.
DRAWING NO.

A-2





PROJECT TITLE & LOCATION

NEW RESIDENCE
FOR
Caitlin Darke
& Peter
Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

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DRAWING TITLE

GROUND FLOOR
PLAN

SCALE: 1/4" = 1'-0"
PROJECT NAME: DND PROP.
CADD FILE NO.
DRAWING NO.

GROUND FLOOR PLAN



A-3

NEW RESIDENCE
FOR
Caitlin Darke
& Peter
Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

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6TH	9-2-23	USE PERMIT

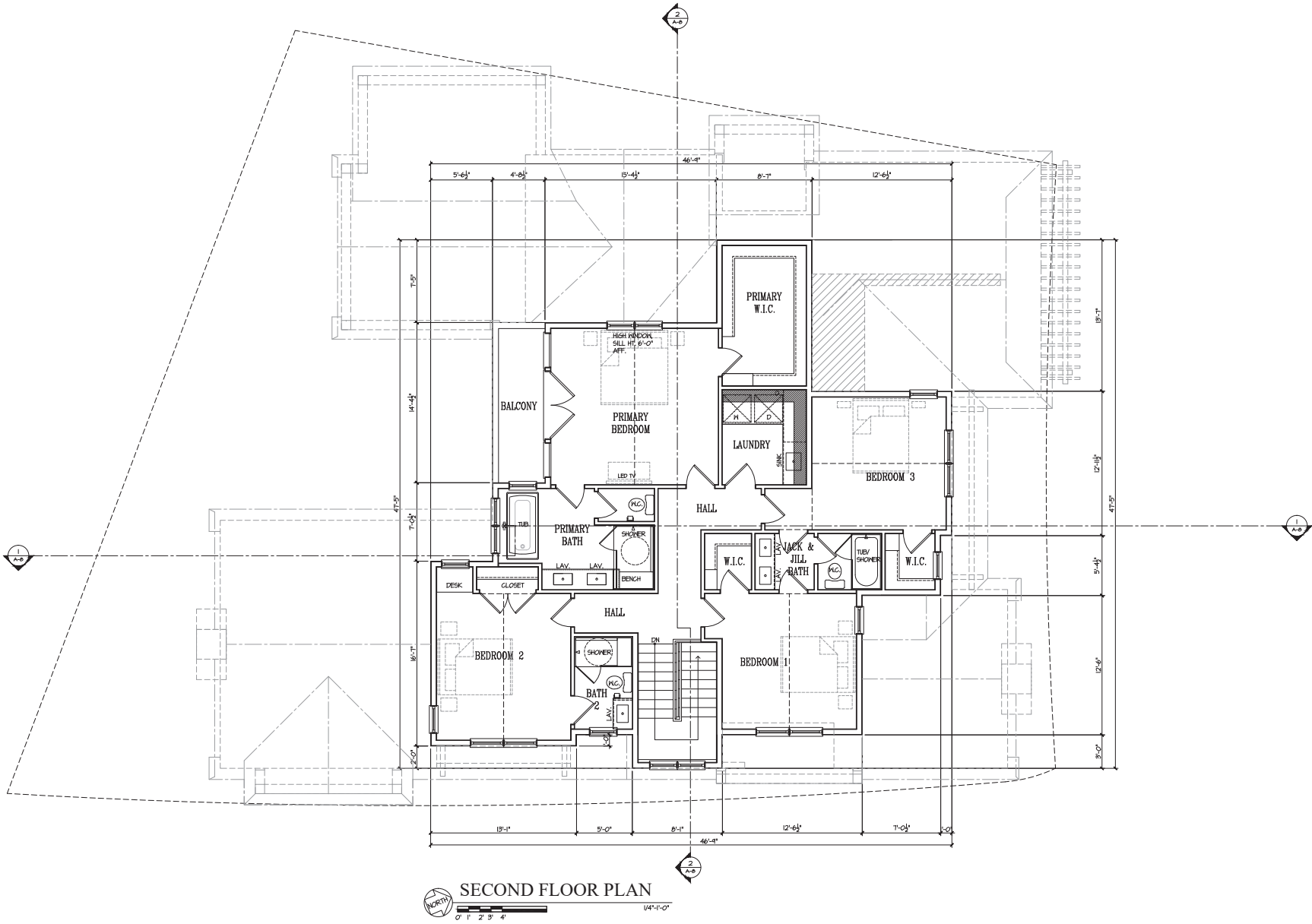
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DRAWING TITLE

SECOND FLOOR
PLAN

SCALE: 1/4" = 1'-0"
PROJECT NAME: DND PRDP.
CADD FILE NO.
DRAWING NO.

A-4



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03th	5-2-23	USE PERMIT

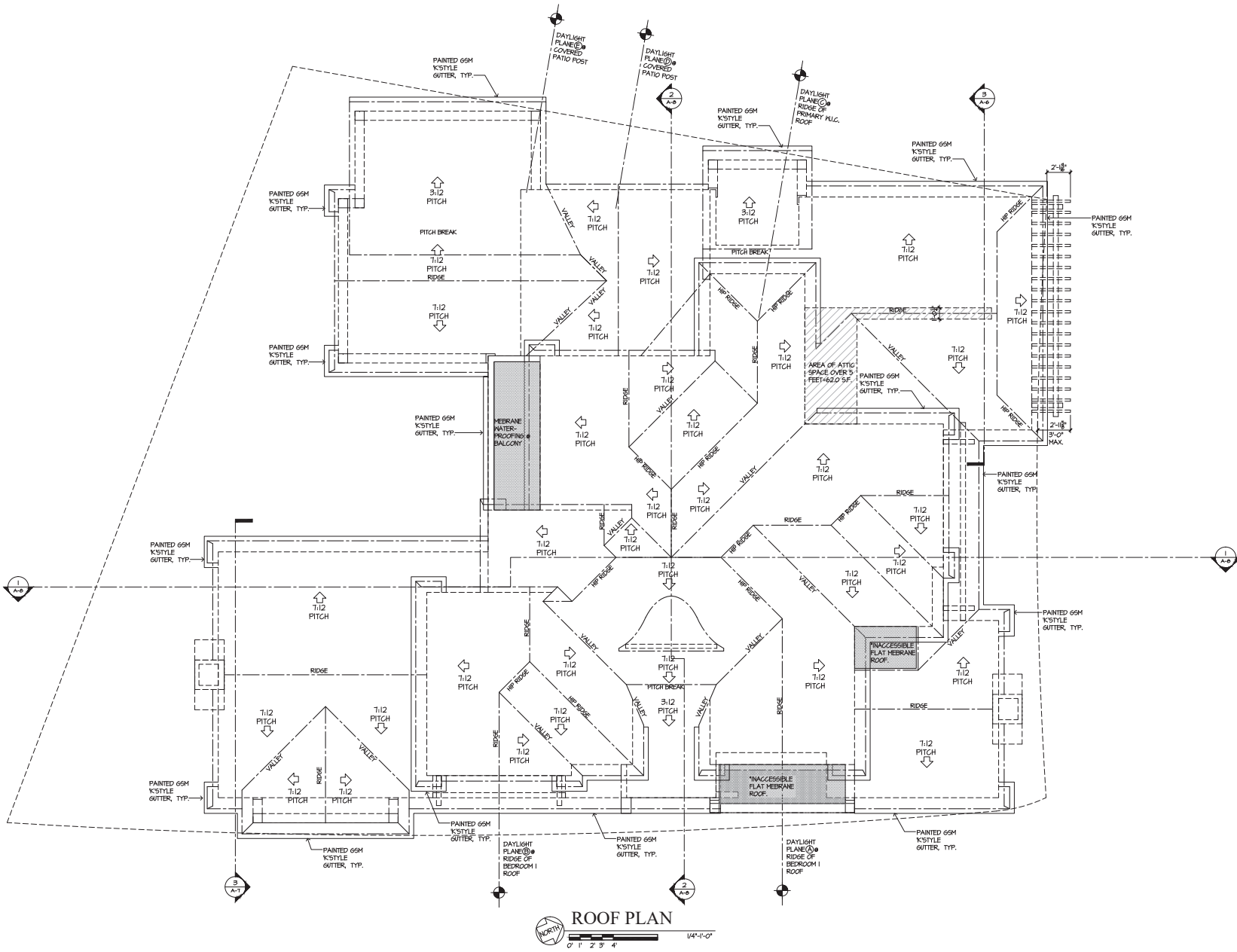
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DRAWING TITLE

ROOF PLAN

SCALE: 1/4" = 1'-0"
PROJECT NAME: DND PRDP.
CADD FILE NO.
DRAWING NO.

A-5



NEW RESIDENCE
FOR
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& Peter
Hartwell

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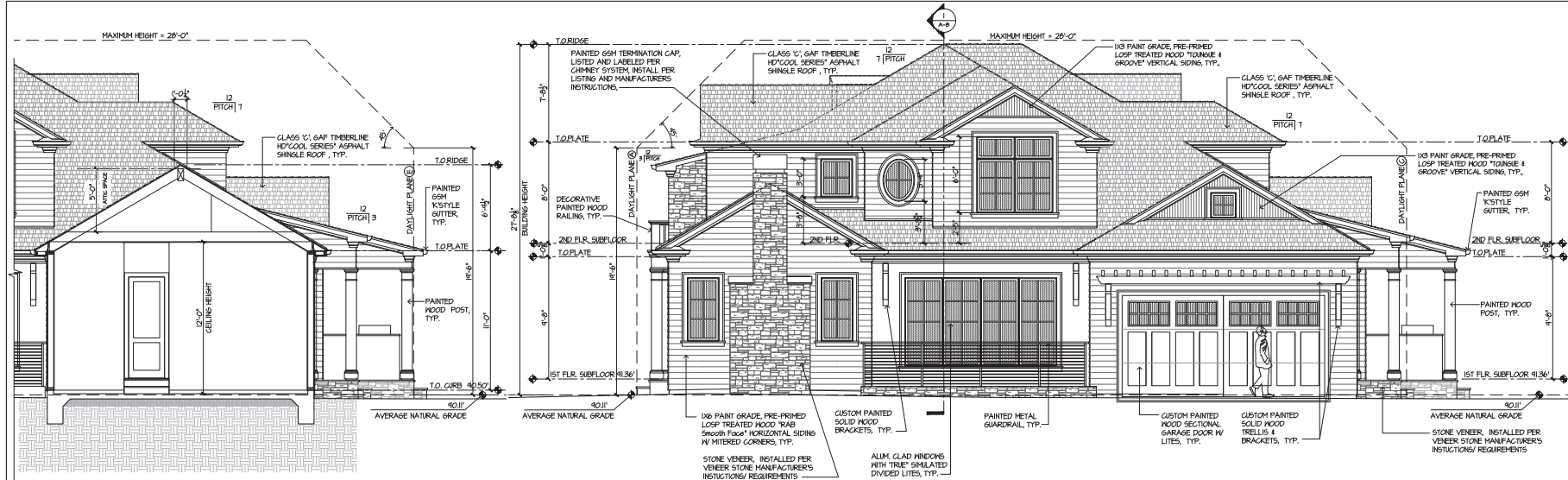
NO.	DATE	ISSUE
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6TH	5-2-25	USE PERMIT

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DRAWING TITLE
FRONT ELEVATION & RIGHT SIDE ELEVATION

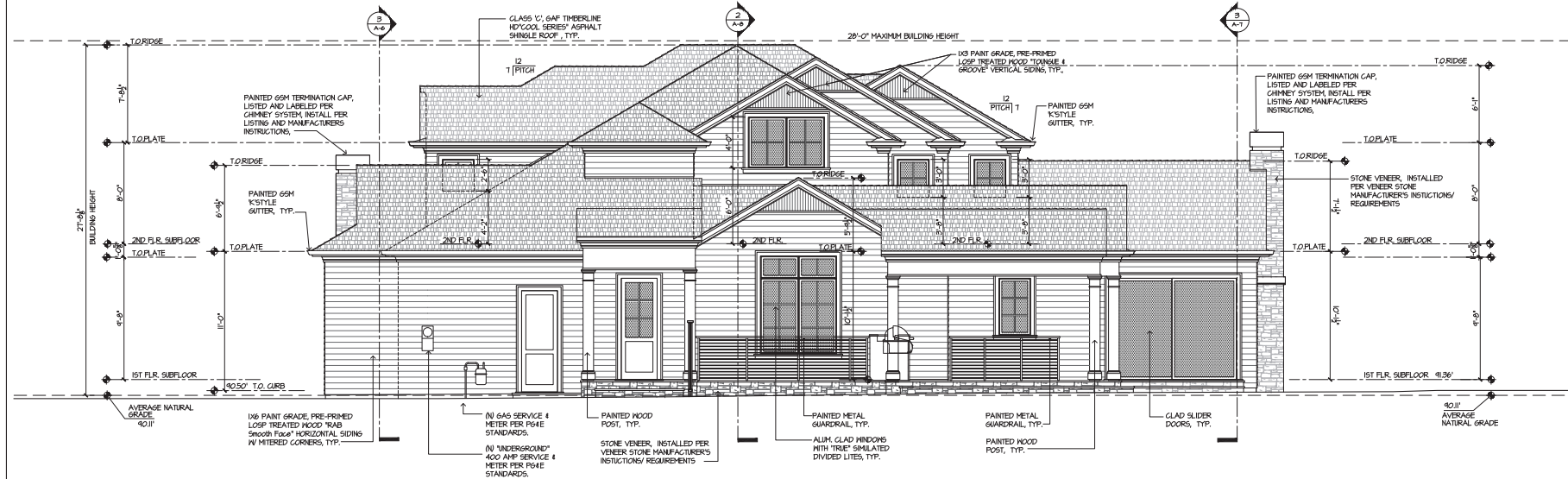
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PROJECT NAME: DND PRDP.
CADD FILE NO.
DRAWING NO.

A-6

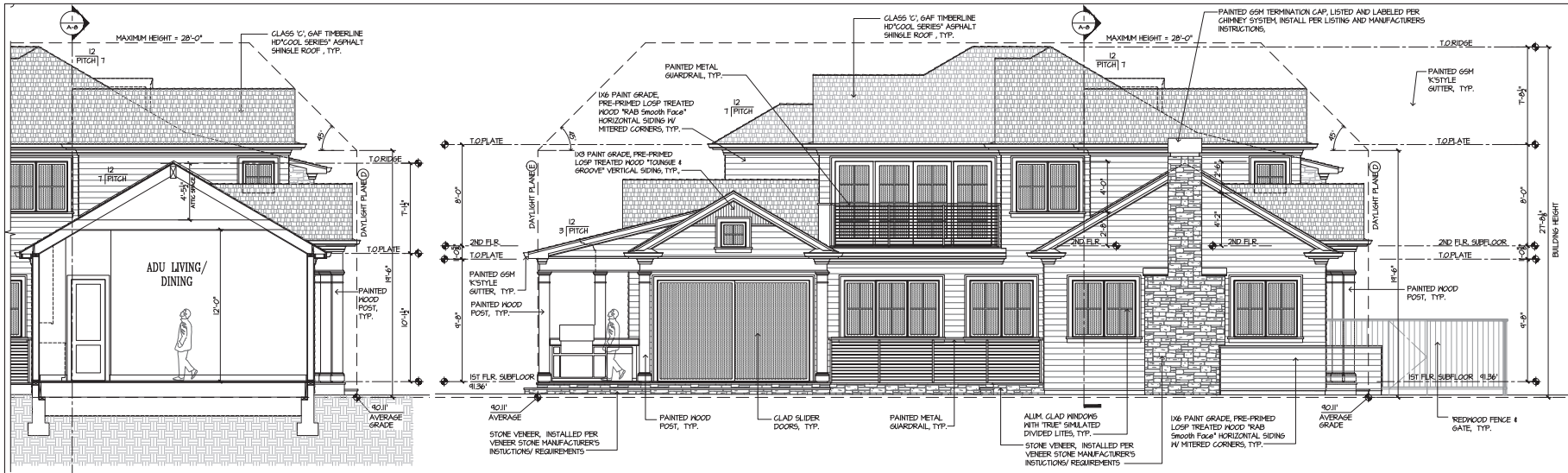


3 SECTION A-A
0' 1' 2' 3' 4' 1/4" = 1'-0"

1 FRONT ELEVATION
0' 1' 2' 3' 4' 1/4" = 1'-0"



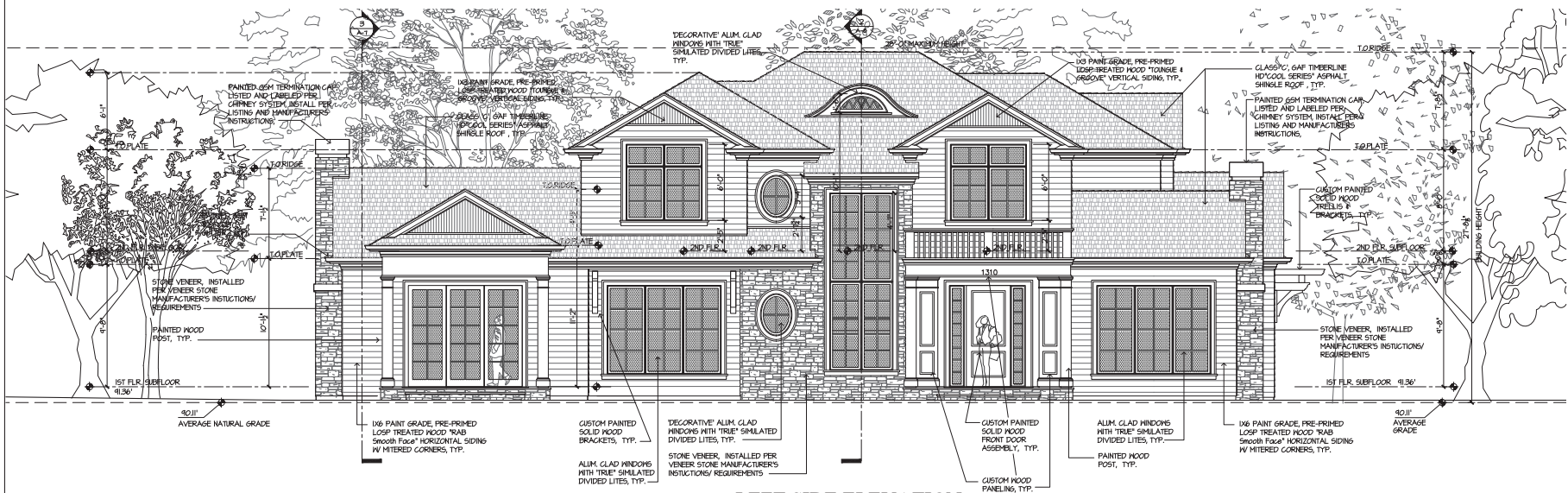
2 RIGHT SIDE ELEVATION
0' 1' 2' 3' 4' 1/4" = 1'-0"



SECTION B-B



REAR ELEVATION



LEFT SIDE ELEVATION



PROJECT TITLE & LOCATION

NEW RESIDENCE FOR
Caitlin Darke & Peter Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

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5TH	1-10-23	RESP. TO PLANNING
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DRAWING TITLE
REAR ELEVATION & LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"
PROJECT NAME: DND PRDP.
CADD FILE NO.
DRAWING NO.

A-7

NEW RESIDENCE FOR
Caitlin Darke & Peter Hartwell

1310 BAY LAUREL DRIVE
MENLO PARK, CA 94025

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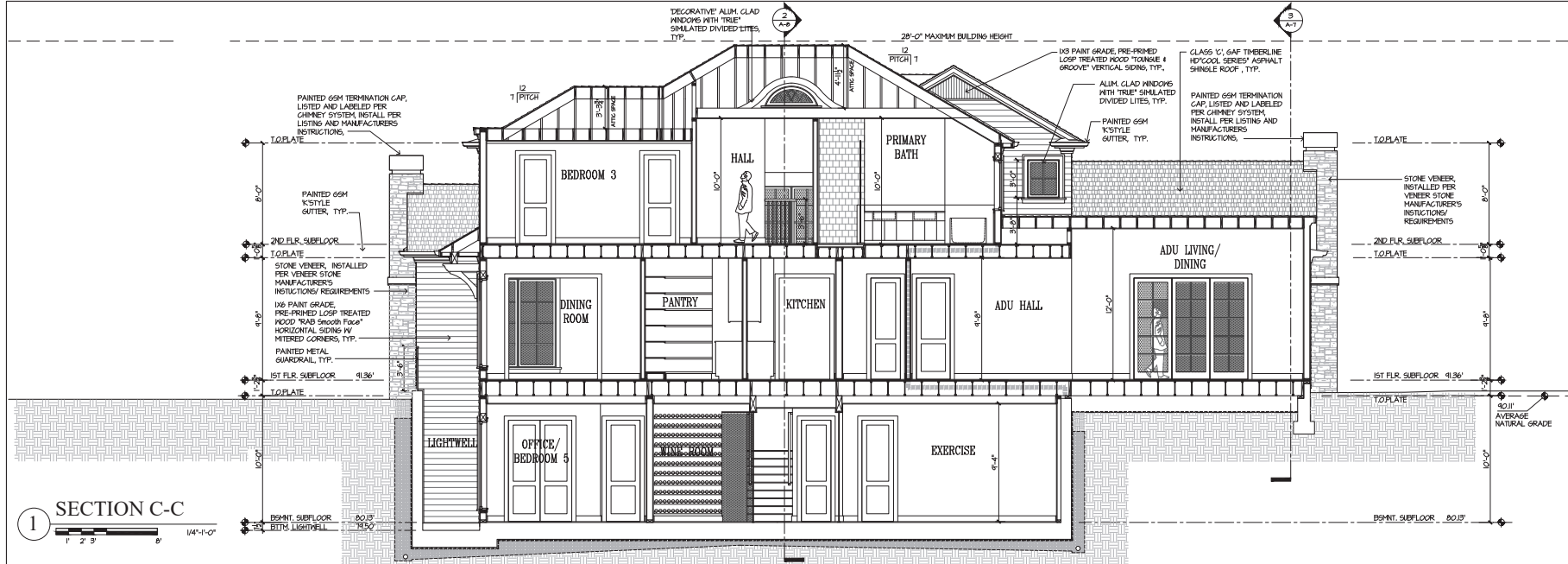


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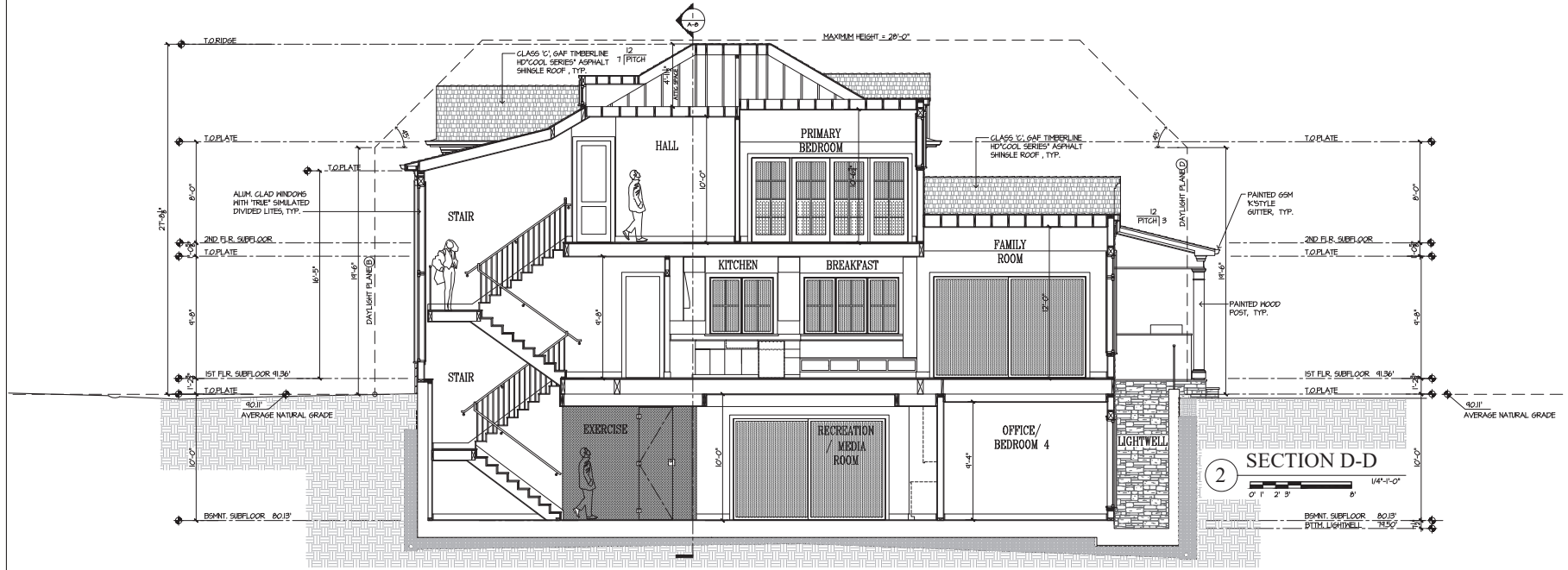
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SECTION C-C & SECTION D-D

SCALE: 1/4" = 1'-0"
PROJECT NAME: DND PROP.
CADD FILE NO.
DRAWING NO.



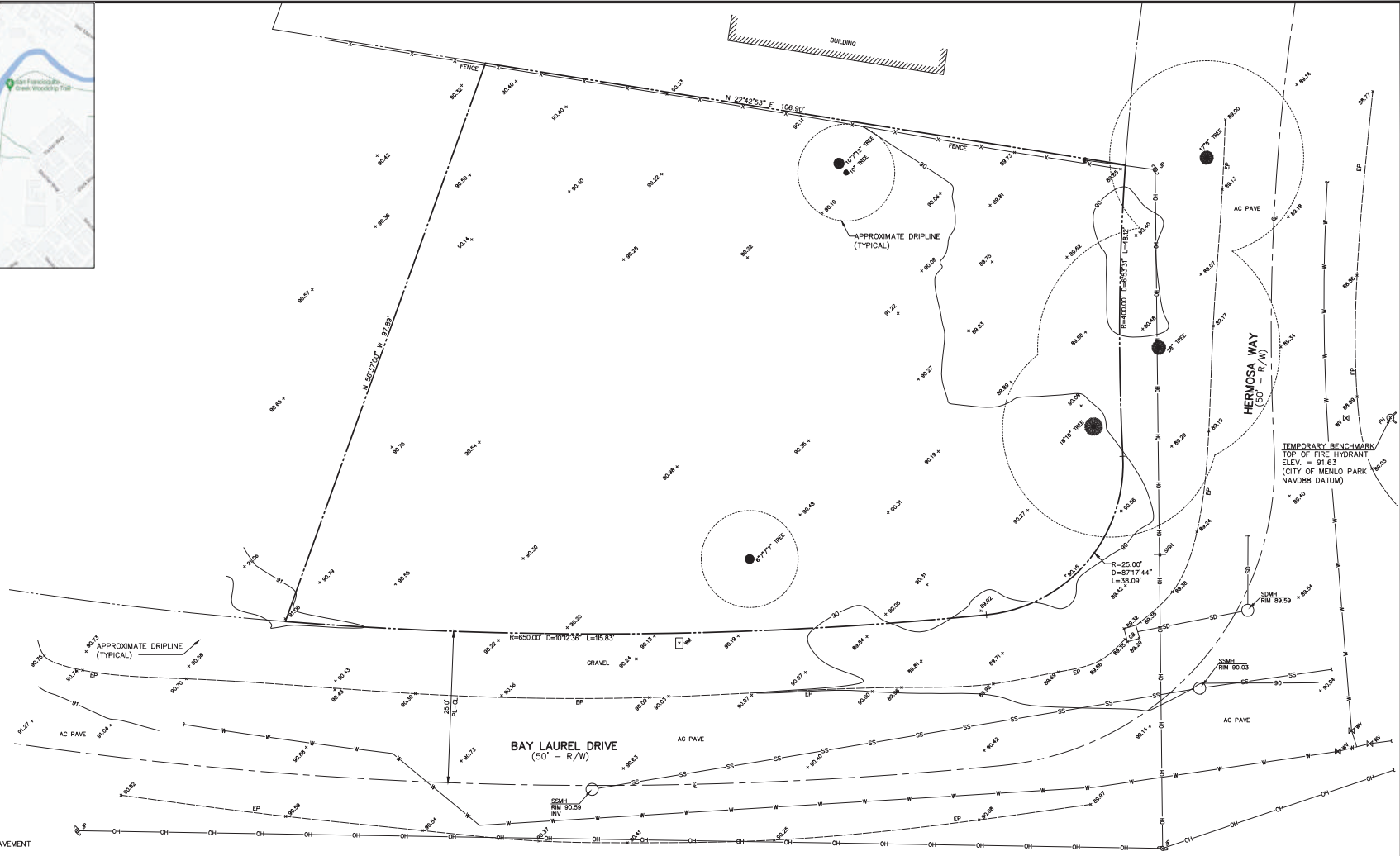
1 SECTION C-C
1/4" = 1'-0"
1" = 2' 0"



2 SECTION D-D
1/4" = 1'-0"
1" = 2' 0"

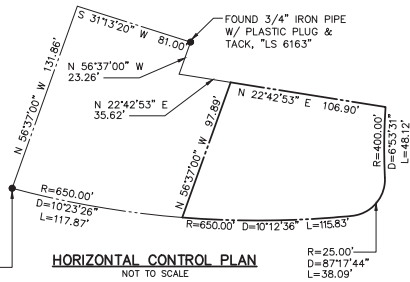


VICINITY MAP
(NOT TO SCALE)



- LEGEND**
- AC PAVE ASPHALT CONCRETE PAVEMENT
 - CB CATCH BASIN
 - CL CENTER LINE
 - EP EDGE OF PAVEMENT
 - FH FIRE HYDRANT
 - JP JOINT UTILITY POLE
 - PL PROPERTY LINE
 - SDMH STORM DRAIN MANHOLE
 - SSMH SANITARY SEWER MANHOLE
 - WM WATER METER
 - WV WATER VALVE
 - TREE TREE
 - FENCE FENCE
 - OH OVERHEAD UTILITY LINE

FOUND 3/4" IRON PIPE
W/ PLASTIC PLUG &
TACK, "LS 6163"



LOT AREA:

= 10,299 SQ. FT. ±
= 0.236 ACRES ±

BUILDING SETBACKS:

FRONT: 20'
REAR: 20'
INTERIOR SIDE: 10'
CORNER SIDE: 10'

BUILDING SETBACK LINES WERE TAKEN FROM THE CITY ZONING DISTRICT SUMMARY SHEET. REQUIRED BUILDING SETBACKS SHOULD BE CONFIRMED BY ARCHITECT.

UTILITY NOTE:

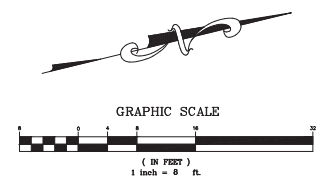
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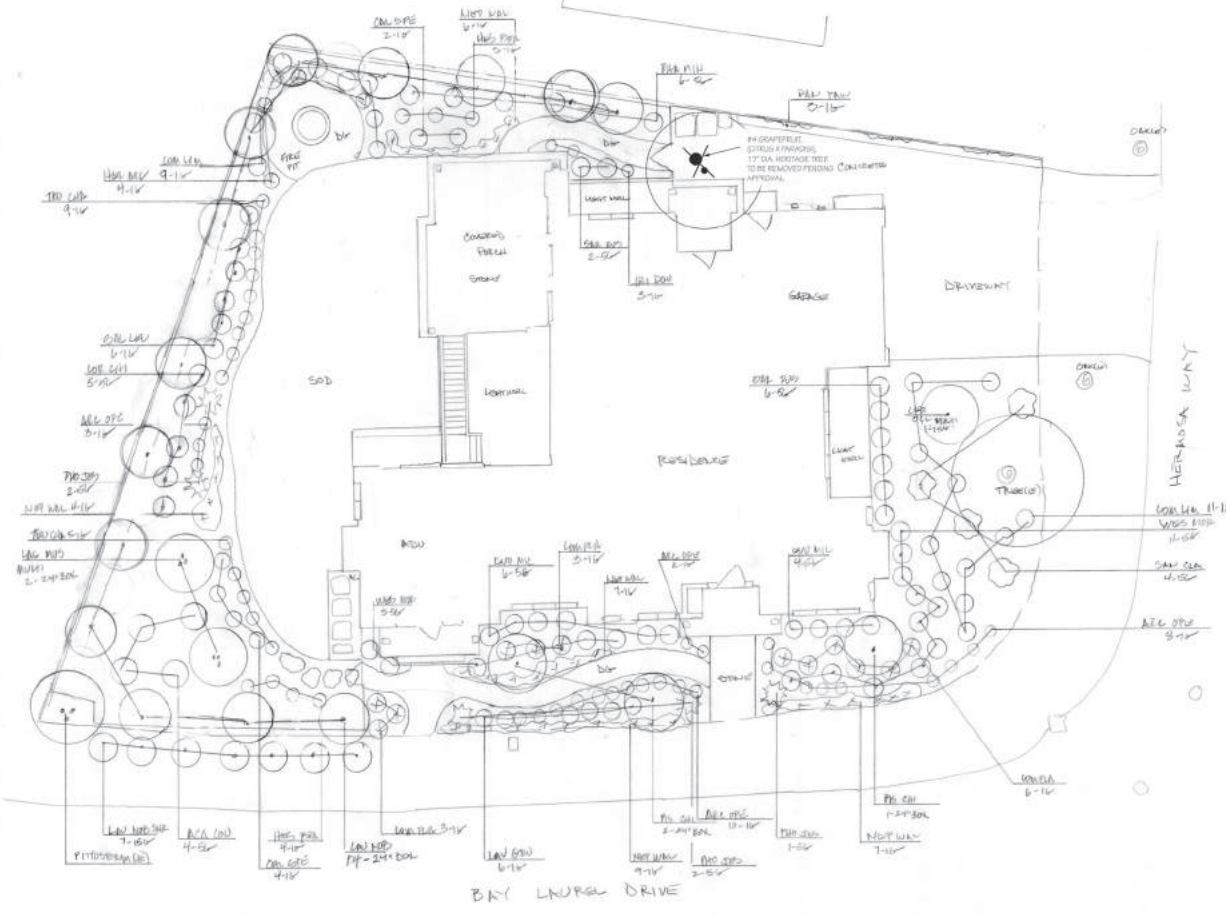


04/10/23
DATE



<p>MACLEOD AND ASSOCIATES CIVIL ENGINEERING • LAND SURVEYING 965 CENTER STREET • SAN CARLOS, CA 94070 • (650) 593-8550</p>									
<p>PREPARED FOR:</p> <p>CATILIN DARKE</p>	<p>REVISIONS:</p> <table border="1"> <tr> <th>REV.</th> <th>DESCRIPTION</th> <th>BY:</th> <th>DATE:</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	REV.	DESCRIPTION	BY:	DATE:				
REV.	DESCRIPTION	BY:	DATE:						
<p>TOPOGRAPHIC SURVEY PLAN 1310 BAY LAUREL DRIVE DOC. NO. 2023-01515 SAN MATEO COUNTY, CALIFORNIA MENLO PARK</p>									
<p>DRAWN BY: EM/ML DESIGNED BY: --- CHECKED BY: DGM SCALE: 1"=8' DATE: 04-10-23 DRAWING NO.: 5418-TOP SHEET</p>	<p>1 OF 1</p>								

FOR REFERENCE ONLY



PLANT LEGEND

legend	botanical name	common name	qty.	size
TREES				
CER OCC	<i>Cercis occidentalis</i> multi	Eastern redbud multi	1	15g
LAG MLS	<i>Lagerströmia l.</i> Muskogee multi	Lavender crape myrtle multi	3	24' box
LAU NCS	<i>Laurus nobilis grandif.</i>	Bay laurel shrub	14	24' box
PS CH	<i>Platanus chinensis</i> Linn. Dorey	Chinese plane tree	3	24' box
SHRUBS PERENNIALS GROUND COVERS				
ACA COU	<i>Asclepias tuberosa</i> var.	Warble plant	4	5g
ARC OPE	<i>Arctostaphylos</i> Rose	Pink African daisy	23	1/2
CAL EPE	<i>Calandrinia spectabilis</i>	Pink scurvy	6	1/2
EUC MC	<i>Eucalyptus m. macrophylla</i>	Bowwood eucalyptus	10	5g
HEL ARS	<i>Helianthus argenteiflorus</i>	Coronation helianthus	4	1/2
HES SPA	<i>Hesperaloe parviflora</i> Brakelights	Brakelights red succa	7	1/2
IRI DOU	<i>Irigoienia douglasii</i>	Pacific iris - white, blue	3	1/2
LAUR NOE	<i>Laurus nobilis shrub</i>	Bay laurel shrub	7	15g
LAV GRO	<i>Lavandula</i> Grasses	French lavender	6	1/2
LCH LPT	<i>Limonium</i> Lime Tuft	Lime tuft	20	1/2
LCH PLA	<i>Limonium</i> Platinum Beauty	Violet mar tuft	13	2g
LOR CH	<i>Loropetalum chinense</i> Jazz Hands	White loropetalum shrub	5	5g
NIP WAL	<i>Nipponia f. Walker's Low</i>	Camellia	33	1/2
PHI JES	<i>Phlox</i> Premium Jewel	Red beach fox	5	5g
RHA HN	<i>Rhaphanistrum un. Minor</i>	Dwarf raphanistrum	6	5g
SAN CLA	<i>Sargolium</i> Coronet	Pink ribes	4	5g
TEU CHA	<i>Teucrium chamaedrys</i>	NCN	14	1/2
WES MOR	<i>Wesleya</i> Morning Star	Violet Coastal rosemary	10	5g
VINES				
PAN PAN	<i>Pandanus paniculatus</i> atalae	Wargo wargo vine	3	1/2

REVISIONS	BY
Rev 4.20.15	KS

Tom Heron
Garden Design
650.923.1762

New Residence for Corin Drake and Peter Hamwell
130 Bay Laurel Drive
Menlo Park, CA 94025

Date: 04.24.25
Scale: 1/8" = 1'-0"
Drawn: A.H.
Job: 1510 - East Lake
Sheet: 1
Of: 5 Sheets

PROJECT DESCRIPTION

New Residence for Caitlin Darke & Peter Hartwell
1310 Bay Laurel Drive
Menlo Park, CA
APN # 071-383-010

PROPOSAL

The applicant is requesting approval for a use permit to allow a new two-story single-family home w/ basement and an attached Accessory Dwelling unit on a lot which is substandard with respect to Width, the minimum lot width is 77.25 feet where 80 feet is the minimum.

ANALYSIS

Site Location

The project site is a 10,299 square foot corner lot with a min. width of 77.25 feet measured at the front setback and calculated average depth of 118.07 feet located at the corner of Bay Laurel Drive and Hermosa Avenue in the R-1-S Zoning district.

Project Description

The applicant is proposing a new 2 story single family home with a basement and attached accessory dwelling unit. The basement area will be 2,086.5 s.f. with two lightwells for daylight. The ground floor will be 2,175.1 s.f.. The Second floor will be 1,376.5 s.f. This brings the total area of the residence to 3,613.6 s.f which is less than the FAL (Floor Area Limit) of 3,604.7 s.f., note the basement does not count towards the floor area limit.

The Attached Accessory Dwelling Unit (ADU) is 732.5 s.f. , California law AB 881 and the City of Menlo Park allow up to 800 s.f. of area to be exempt from the FAL (Floor Area Limit), for this reason the ADU is not counted in the calculation of the FAL.

The new residence as well as the attached ADU will be constructed within the required front (20 feet), rear(20 feet), side(10 feet), and corner side(12 feet) setbacks and within the required daylight planes and Height limit of 28' for the R-1-S zoning district.

Design and Materials

The proposed residence is designed in a traditional architectural style, the eaves will be soffited cornice type with painted crown molding and painted wood frieze, the exterior will have painted bevel siding with painted wood panel accents and rustic stone veneer accents. The house will have asphalt shingle roof with slopes of 7:12 and 3:12.

The front entry and covered porchs will have painted wood "Classic" Post & beam details proportional to the house and neighborhood.

The garage will have a painted wood trellis and rustic barn style painted wood garage door with lites at the top of each divided panel.

All the windows will be aluminum clad exterior with wood painted interiors and will be simulated full divided lites. The windows and doors will have painted wood casings with decorative crown molding.

Site & Landscape Design

The orientation of the house, design and landscaping is designed to enhance and express the “Corner location” of the house and best utilize the enjoyment of the site and be in harmony with the neighboring properties with respect to front setback and garage location and to preserve scale of the neighborhood.

Neighborhood Outreach

The owners will have met with the neighbors and presented their proposed design for the new residence, here are the correspondence.

Neighbor at 1414 Bay Laurel Drive

From: TJ Bianchi <tj@deerfieldrealty.com>
Date: Thursday, July 13, 2023 at 1:20 PM
To: Caitlin Darke <caitlin@caitlindarke.com>, peter hartwell <ph1@comcast.net>
Cc: Shane Stent <shane@shanestent.com>, Tracy Bianchi <tracybianchi@menlocochicago.com>
Subject: RE: 1310 Plans

Peter and Caitlin...

Thanks for showing us the plans. Seems like you have a very nice project on tap.

All the best,
Tito & Tracy Bianchi 1414
Bay Laurel

TJ Bianchi President
Deerfield Realty
3715 Haven Ave., #210
Menlo Park, CA 94025 PH:
650.999.8888

From: Caitlin Darke <caitlin@caitlindarke.com>
Sent: Thursday, July 13, 2023 10:41 AM
To: TJ Bianchi <tj@deerfieldrealty.com>; peter hartwell <ph1@comcast.net>
Cc: Shane Stent <shane@shanestent.com>; Tracy Bianchi <tracybianchi@menlocochicago.com>
Subject: Re: 1310 Plans

Hi thanks so much for your time in reviewing the plans for 1310 Bay Laurel Menlo Park! Enjoy the remainder of your summer

Neighbor across the street @ Bay Laurel Drive

From: William L. McClure <[REDACTED]>
Sent: Thursday, July 13, 2023 5:37 PM
To: Caitlin Darke <[REDACTED]>
Cc: christinahmcclure@gmail.com <[REDACTED]>
Subject: RE: Hi

Totally makes sense – thx for the clarification. I have to say that you did design the house to be very respectful to them with the second floor set back, no windows close to their house...and overall, I appreciate the design/view from our house as well as the street view on Bay Laurel. Will share the plans with Christina and then will send you a letter. When will the PC hearing likely be held? wlm

From: Caitlin Darke <[REDACTED]>
Sent: Thursday, July 13, 2023 4:39 PM
To: William L. McClure <[REDACTED]>
Cc: [REDACTED]
Subject: Re: Hi

Hi Bill

The window sill (bottom) begins at 6ft. That is why it is not shown on the floor plan.

No one will see out of this window it acts as a skylight for all intensive purposes!

We went over this with Honor. The windows are over 30 ft from her house and so high up she won't "see" them

In fact she won't see much of the house from her back yard maybe just the back corner!

At any rate take a look at let us know thanks

Get [Outlook for iOS](#)

From: William L. McClure <[REDACTED]>
Sent: Thursday, July 13, 2023 2:18:37 PM
To: Caitlin Darke <[REDACTED]>
Cc: [REDACTED]
Subject: RE: Hi

Caitlin – It looks like there is a discrepancy in the window on the rear wall of the primary bedroom – sheet A-4 shows a small side window, while the rear elevation on sheet A-7 shows a large double window on that same rear wall of the primary bedroom. I assume the elevation is in error? Have not reviewed with Christina, but will do so and then will provide our comments/approval assuming she agrees with me. Best, Bill

From: Caitlin Darke <[REDACTED]>
Sent: Thursday, July 13, 2023 1:29 PM
To: William L. McClure <[REDACTED]>
Cc: [REDACTED]
Subject: Re: Hi

Hi – attached is the architects rendering as well as the plans.

Its really best to walk through them with us but seems everyone is so short on time.

If you have questions after review please let me know.

The one question Honor had was about a window in the master bedroom...that windows bottom sill height is 6 ft off the ground and acts more like a skylight than a window.

We tried hard not to make it seem massive hiding the second story as much as possible.

We care about the designs of the homes we build and know we affect neighborhoods in a positive way.

If you like to see some of our projects:

745 Hobart St. (between Middle and Santa Cruz – closest to you)

1760 Poppy Ave (cross street is Magnolia/Oakdell/Stanford)

2141 Mills Ave (off Alameda)

2151 Mills Ave (off Alameda)

From: William L. McClure [mailto:william.mccclure@cityofalameda.com]

Date: Thursday, July 13, 2023 at 11:51 AM

To: Caitlin Darke [mailto:caitlin.darke@cityofalameda.com]

Cc: [mailto:william.mccclure@cityofalameda.com]

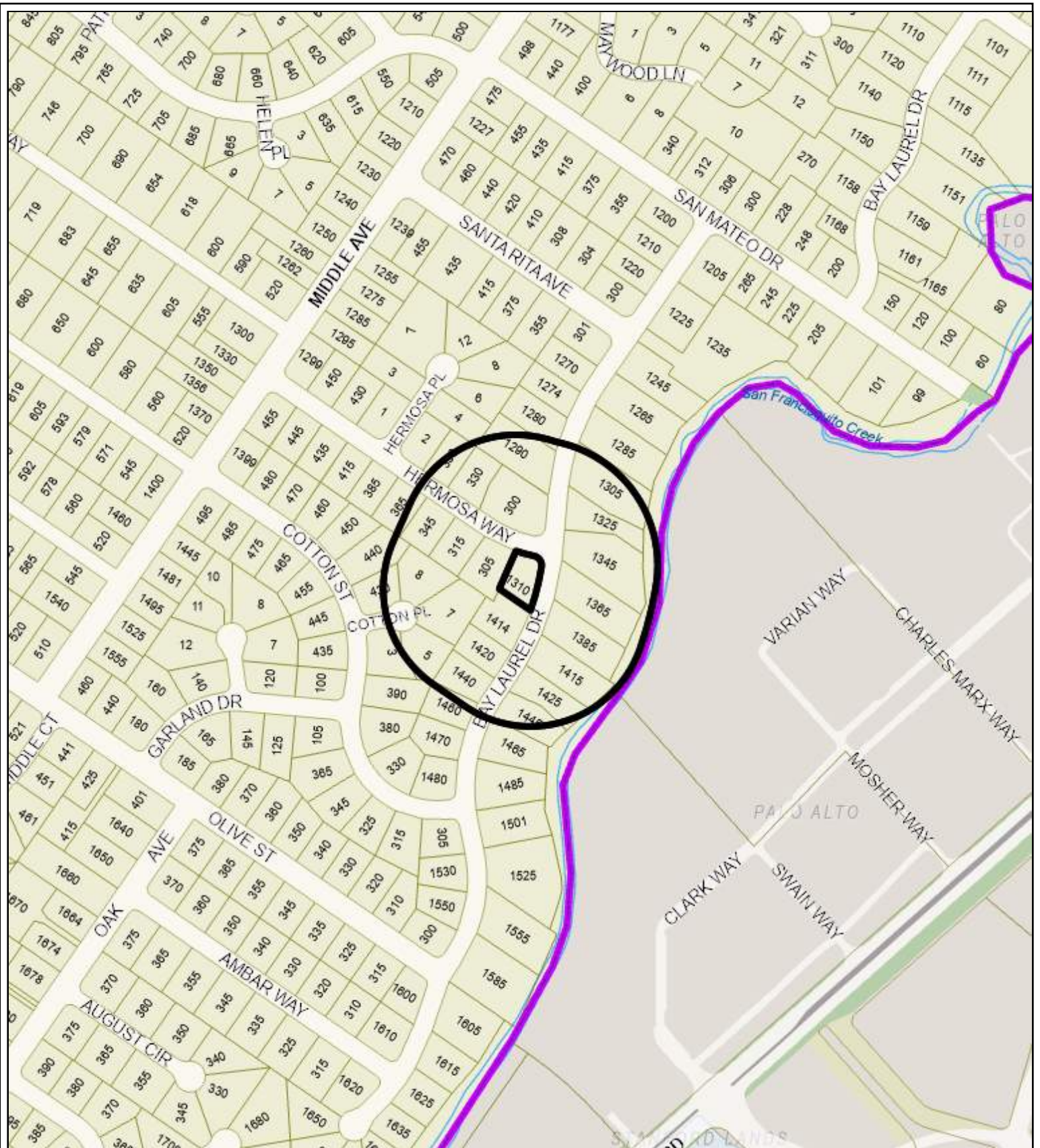
Subject: RE: Hi

Happy to do that – please send copy of the plans electronically so that I can go over with Christina. Honor had shared what she pulled from the City website and she (Honor) and I had reviewed those before she met with you. And they looked good to me, but would love to have Christina review as well. Any idea when this will go to the PC? Will an email from me and Christina suffice or would it be better to generate a letter and scan and email that to you/the City?
Best, Bill

LOCATION: 1310 Bay Laurel Drive	PROJECT NUMBER: PLN2023-00014	APPLICANT: Caitlin Darke and Peter Hartwell	OWNER: DWD Properties LLC
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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 August 28, 2024) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Jim Maliksi & Associates consisting of 14 plan sheets, dated received August 15, 2023 and approved by the Planning Commission on August 28, 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 applicant 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 applicant 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 applicant shall construct a new asphalt parking strip along the entire project frontage conforming to neighboring properties. 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 July 9, 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.



City of Menlo Park
 Location Map
 1310 BAY LAUREL DRIVE



Scale: 1:4,000

Drawn By: CRT

Checked By: CDS

Date: 8/28/2023

Sheet: 1

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	10,299 sf	10,299 sf	10,000 sf min
Lot width	77.3 ft	77.3 ft	80 ft min
Lot depth	118 ft	118 ft	100 ft min
Setbacks			
Front	20.5 ft	N/A ft	20 ft min
Rear	26.8 ft	N/A ft	20 ft min
Side (left)	12.8 ft	N/A ft	12 ft min
Side (right)	10 ft	N/A ft	10 ft min
Building coverage*	3,456.5 sf 33.6 %	N/A sf %	3,604.7 sf max 35 % max
FAL (Floor Area Limit)*	4,337.1 sf	N/A sf	3,624.8 sf max
Square footage by floor	2,084.8 sf/basement 1,730.6 sf/1 st 1,376.5 sf/2 nd 444.5 sf/garage 723.5 sf/ADU 524.1 sf/porches 62 sf/attic >5 feet in height 33.8 sf/fireplace	N/A	
Square footage of buildings	6,979.8 sf	N/A sf	
Building height	27.7 ft	N/A ft	28 ft max
Parking	2 covered spaces	N/A	1 covered and 1 uncovered space
Note: Areas shown highlighted indicate a nonconforming or substandard situation			
Trees	Heritage trees 4**	Non-Heritage trees 3	New trees 20
	Heritage trees proposed for removal 1	Non-Heritage trees proposed for removal 2	Total Number of trees 24

* 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

** Of these trees, two are located on the subject property and two are located in the public right-of-way.

Tree Inventory, Assessment, and Protection

1310 Bay Laurel Drive
Menlo Park, CA 94025

Prepared for:
Caitlin Darke

July 9, 2023

Prepared by:



San Francisco, CA
650.542.8733

ASCA - Registered Consulting Arborist® #651
ISA - Certified Arborist® MA-4851A

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Summary

Six (7) trees were inventoried including four (4) Heritage Trees. One protected tree is proposed for removal. If Tree Protection Zones are established as described in this report and the Tree Protection Guidelines are followed, impacts to all trees to be preserved are estimated to be LOW.

Assignment

- Visit site and collect the following attributes for all protected trees onsite: species, trunk diameter, overall condition, and suitability for preservation.
- Prepare a numbered tree map (not-to scale).
- Review all available project drawings.
- Develop tree protection guidelines for all trees to be retained.

Limits of Assignment

- The information in this report is limited to the tree and site conditions during my inspections on April 22, 2023 and July 2, 2023 and my review of the following project documents
 - Tree Protection Plan A-1.1. by J. Maliksi & Assoc. (7/7/23)
 - Site Plan A-1.2 by J. Maliksi & Assoc. (5/2/23)
 - Landscape Plan L1 by Toni Heren (4/30/23)
 - Basement Plan A-2. by J. Maliksi & Assoc. (5/2/23)
 - Ground Floor Plan A-3 by J. Maliksi & Assoc. (5/2/23)
- No tree risk assessments were performed.
- Trunk diameters and heights of off-property trees are visual estimates.

Purpose and Use of this Report

The information in this report is a record of existing tree and site conditions at the subject property. It is to be used by the client and their agents to aid in tree preservation planning.



Observations

Seven (7) trees were inventoried including four Heritage Trees. See Tree Map and Tree Inventory and Assessment Table. An opinion of value for each tree is listed in the Tree Assessment Table. These values are based on the methods and guidance in the *Guide to Plant Appraisal* (10th Edition).

Description of Site

The site is a vacant corner parcel with no structures.

Proposed Development Activities

The project includes new a two-story home with a basement, driveway, exterior patios, and landscaping.

One protected tree (#4) is proposed for removal to accommodate proposed improvements.

Two non-protected trees (#5 and #6) are proposed for removal.

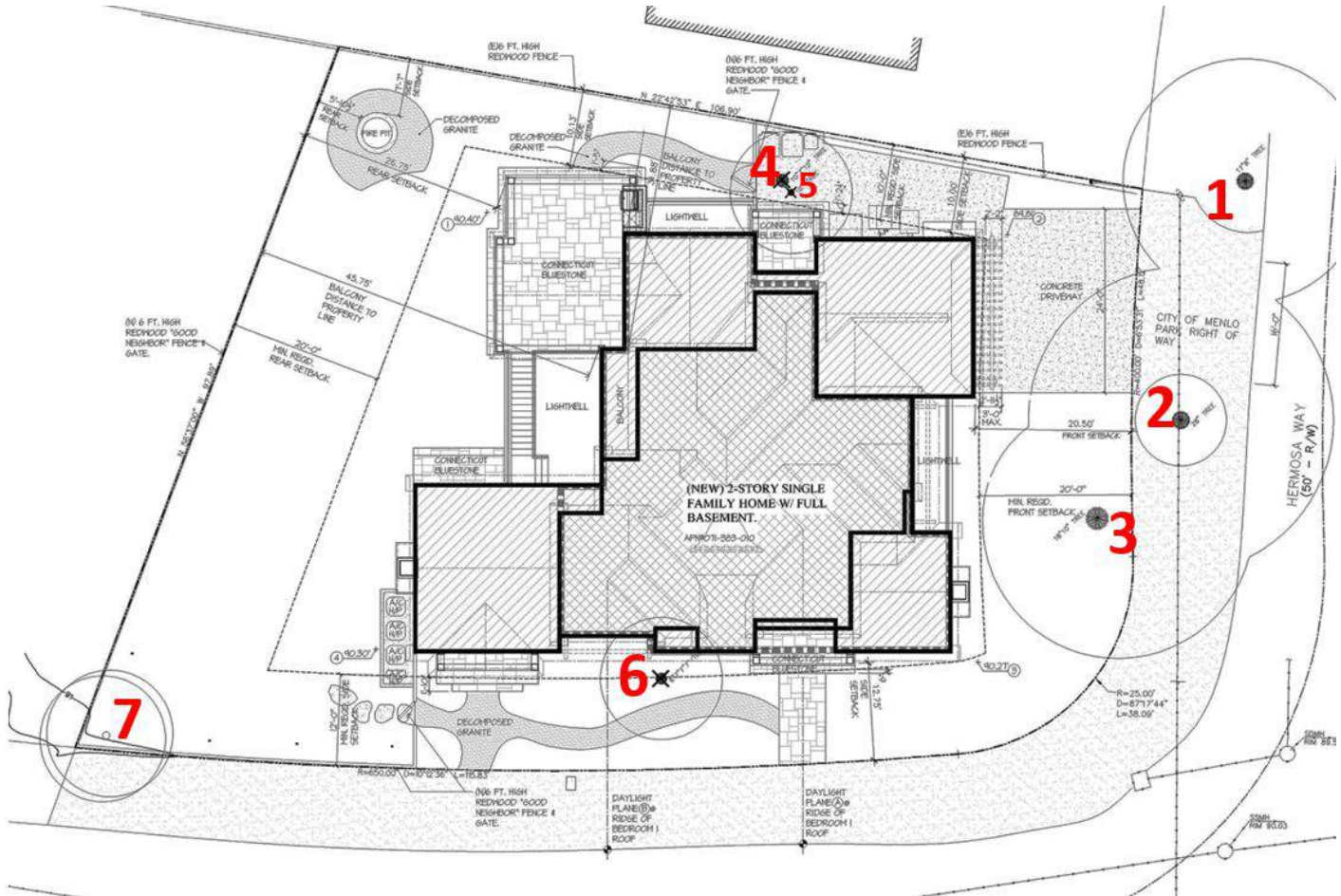
Heritage Tree Ordinance – City of Menlo Park

Heritage Trees:

- A. All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade.
- B. An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade.
- C. A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council.



Tree Map – 1310 Bay Laurel Drive. Menlo Park, CA



A preliminary version of this report had only inventoried six trees. On a subsequent site visit, it was determined that the grapefruit tree previously recorded as #4 was actually two distinct trees, now represented as #4 and #5.

The opinion of value for Tree #4 has been adjusted to \$4,550.



Tree Inventory & Assessment Table

Tree #	Common Name	Trunk Dia. (in.)	Cond Overall	Status	Suitability for Preser.	Impact Level	Opinion of Value
1	Coast live oak <i>Quercus agrifolia</i>	22	Fair	Heritage	Good	Low	\$ 6,200
2	Coast live oak <i>Quercus agrifolia</i>	26	Fair	Heritage	Good	Low	\$ 8,600
3	Black acacia <i>Acacia melanoxylon</i>	(12) (16)	Poor	Heritage / Undesirable	Poor	Low	\$ 900
4	Grapefruit <i>Citrus x paradisi</i>	17	Fair	Heritage	Fair	NA (Remove)	\$ 4,550
5	Grapefruit <i>Citrus x paradisi</i>	12	Fair	None	Poor	NA (Remove)	\$ 1,350
6	Crabapple <i>Malus sp.</i>	13	Poor	None	Poor	NA (Remove)	\$ 1,300
7	Pittosporum <i>Pittosporum sp.</i>	12	Fair	None	Poor	Low	\$ 1,100



Discussion

Suitability for Preservation

A tree's suitability for preservation is determined based on Functional and External Limitations¹ as follows (ISA, 2019):

Good = Trees with good health, structural stability, and longevity.

Fair = Trees with fair health and/or structural defects that may be mitigated through treatment. These trees require more intense management and monitoring and may have shorter life spans than those in the good category.

Poor = Trees in poor health with significant structural defects that cannot be mitigated and will continue to decline regardless of treatment. The species or individual may possess characteristics that are incompatible or undesirable in landscape settings or unsuited for the intended use of the site.

The complete suitability ratings are listed in the Tree Inventory and Assessment Table.

¹ Functional Limitations are based on factors associated with the tree's interaction to its planting site affecting plant condition, limiting plant development, or reducing the utility in the future and include genetics, placement, and site conditions for the individual tree (ISA, 2019). External Limitations are outside the property, out of control of the owner and also affect plant condition, limit plant development, or reduce the utility in the future (i.e power lines, municipal restrictions, drought adaptations, or species susceptibility to pests) (ISA, 2019).



Tree Protection

The objective of tree protection is to reduce the negative impacts of construction on trees to a less than significant level. Trees vary in their ability to adapt to altered growing conditions. Mature trees have established stable biological systems in the preexisting physical environment. Disruption of this environment by construction activities interrupts the tree's physiological processes causing depletion of energy reserves and a decline in vigor, often resulting in tree death. The Tree Protection Guidelines (Appendix A) in this report are designed to guide the project team and ensure that appropriate practices will be implemented in the field to eliminate undesirable consequences that may result from uninformed or careless acts.

Tree Protection Zone

The tree protection zone (TPZ) is the defined area in which certain activities are prohibited to minimize potential injury to the tree. Some municipalities strive for an idealized TPZ in which activities are restricted within a radius of 10 times the trunk diameter (10X TPZ) in all directions. This "10x diameter" TPZ is largely impracticable for densely populated areas on the San Francisco Peninsula. Literature supporting a 10x TPZ is predicated on construction activities occurring on all sides of a tree, which seldom occurs in infill development such as this project. Development typically occurs on one or two sides of a tree, leaving the root zone of the other two to three sides of the tree completely undisturbed.

Because it is seldom possible to build anything in this area while respecting a 10x TPZ in all directions, a more appropriate TPZ area is based on the critical root zone (CRZ) of each tree to be preserved.

Critical Root Zone

The critical root zone (CRZ) is the area of soil around the trunk of a tree where roots are located that provide stability and uptake of water and nutrients required for the tree's survival. The CRZ is the minimum distance from the trunk that trenching, or root cutting can occur, and will be defined by the trunk diameter as a distance of three times the DBH in feet, and preferably, six times (Costello, L., Watson, G., Smiley, E. 2017). For example, if the tree is two feet in diameter, the minimum recommended CRZ distance would be six to twelve feet from the stem on one side of the tree.

It is important to note that these CRZ guidelines were established for circumstances where non-selective root removal is occurring across the entire root zone on one side of a tree. On this project, non-selective root removal (i.e. trenching) will not occur within the CRZ of any tree.

For this project all work can be completed while respecting the tree protection zone fencing locations depicted on the Tree Protection Plan A-1.1. These TPZs will be installed prior to the start of construction and be removed after the project is complete.

Impact Level

Impact level defines how a tree may be influenced 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 Tree Protection Zones are established as described in this report and the Tree Protection Guidelines (Appendix A) are followed, impacts to all trees to be preserved are estimated to be LOW.

Conclusion

If Tree Protection Zones are established as described in this report and the Tree Protection Guidelines are followed, impacts to all trees to be preserved are estimated to be LOW.



Recommendations

1. Obtain Heritage Tree Removal Permit from the City of Menlo Park prior to removing Tree #4.
2. Place tree numbers and protection fencing locations on all the Site Plan. Also include Tree Protection Guidelines (Appendix A) into plan set.
3. Place tree protection fence around the trees to exclude personnel, materials, and equipment from accessing the area. Use Type 1 fence. Existing property line fencing may be used in place of chain-link fencing where feasible.
4. Under no circumstances are ANY roots of ANY tree to be severed within a distance less than 3 times the trunk diameter. If such a need arises, an inspection and report by a Certified Arborist is required to assess impacts to tree and provided additional mitigation measures for review by the City of Menlo Park.
5. Refer to Appendix A for tree protection guidelines including recommendations for arborist assistance while working under trees, trenching, or excavation within any tree protection zone.
6. 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.
7. 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.



Appendix A: Tree Protection Guidelines

Plan Sheet Details

Type 1 Tree Protection Fence

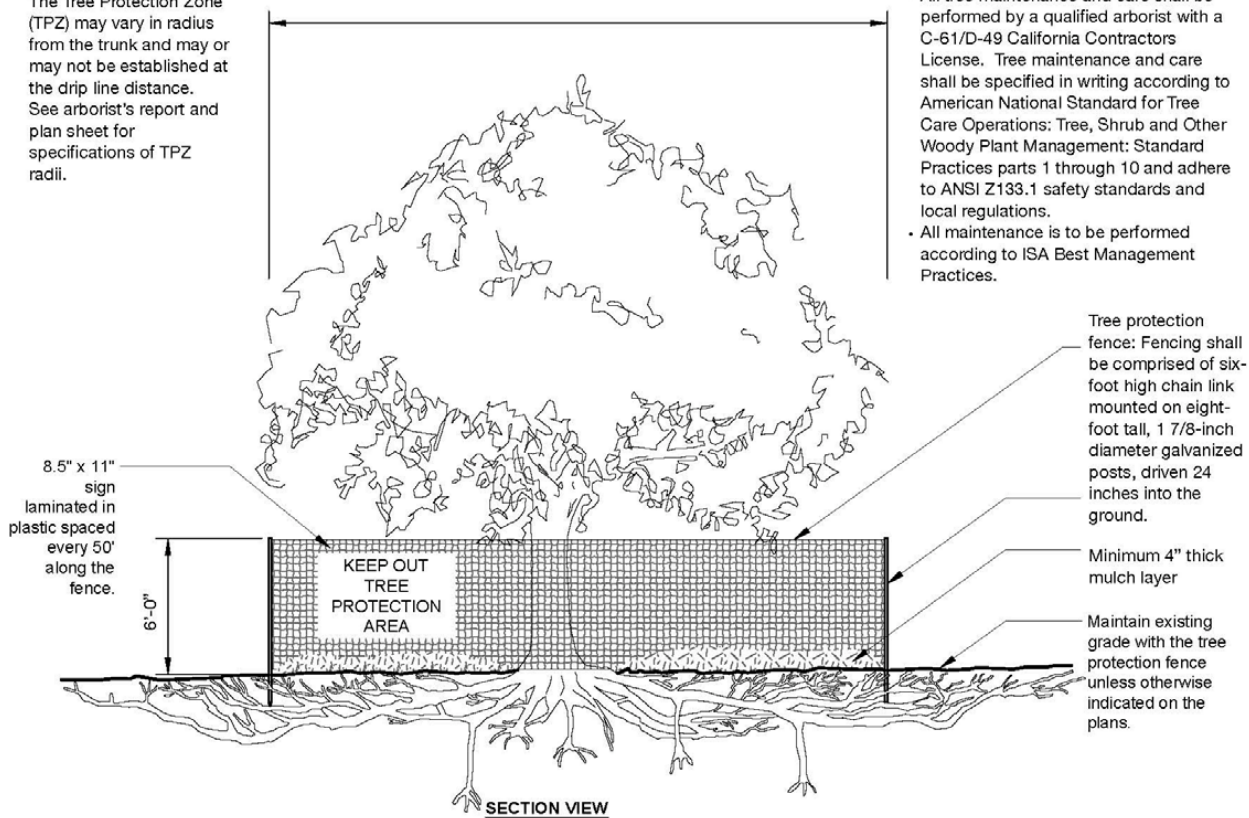
Notes:

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.



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

Project Arborist

1. A Registered Consulting Arborist® or Certified Arborist® is to be retained to act as the Project Arborist to monitor any construction activities that may impact the health of protected trees.



Preconstruction Meeting with Project Arborist

2. Prior to beginning work, all contractors involved with the project should attend a pre-construction meeting with the Project Arborist to review the tree protection guidelines. Access routes, storage areas, and work procedures will be discussed.

Monitoring

3. Schedule for Project Arborist monitoring on a monthly basis, and when trenching near protected trees or working inside the Tree Protection Zone.

Tree Protection Zone (TPZ)

4. Tree protection locations should be marked before any fencing contractor arrives.
5. Prior to the arrival of construction equipment or materials on site, six-foot high chain link fence shall be erected along the perimeter all Tree Protection Zones (TPZ).
6. 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 function.
7. 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. Signs should be spaced no more than 10 feet apart. Text on the signs should be in both English and Spanish.
8. The area beyond the fencing is the Tree Protection Zone (TPZ)
9. TPZ fencing may only be only be moved, crossed or altered with permission of the Project Arborist.

10. Tree Protection Zone (TPZ) Restrictions

- a. NO operation, storage, or parking of vehicles or heavy equipment.
- b. NO storage or disposal of building materials, refuse, soil, excavated spoils, or chemicals of any kind.



- c. NO cutting of tree roots by utility trenching, foundation digging, or any miscellaneous excavation without prior approval of the Project Arborist.
- d. NO use of TPZ as a rest/lunch/break area by project staff.
- e. NO grade changes of any kind, except as expressly designed or approved by the Project Arborist.
- f. NO alteration or disturbance, for any duration, of the ground inside the TPZ.

11. All work within the TPZ is to be approved by the Project Arborist prior to commencement of the task.

Grading Limitations

- 12. Grade changes outside of the TPZ shall not significantly alter drainage to any tree.
- 13. Grade changes under specifically approved circumstances shall not allow more than 6-inches of fill soil added or allow more than 4-inches of existing soil to be removed from natural grade unless mitigated.
- 14. Grade cuts exceeding 4-inches shall incorporate retaining walls or an appropriate transition equivalent.

Root Pruning and Trenching

- 15. Roots over 1 inch in diameter should be pruned, rather than crushed or torn. Prune roots clean and square at undamaged tissue using hand pruners or a saw.
- 16. Roots 2 inches and greater must remain injury free.
- 17. If pruning of roots 2 inches or greater is unavoidable, this pruning must be monitored and documented by the Project Arborist or a qualified ISA Certified Arborist.
- 18. Roots should be cut beyond sinker roots or outside root branch junctions. Once severed, exposed roots and upper 3 feet of trench walls should be kept moist with several layers of burlap or backfilled within one hour.
- 19. Any trenching, construction or demolition that is expected to damage or encounter tree roots 2 inches or greater, or inside the TPZ, should be monitored and documented by the Project Arborist or a qualified ISA Certified Arborist.



Excavation

20. Excavation, demolition or extraction of material shall be performed by equipment sitting outside the TPZ. Other methods permitted are hand digging, hydraulic or pneumatic air excavation technology.
21. Avoid excavation within the TPZ during hot, dry weather.
22. If excavation or trenching for drainage, utilities, irrigation lines, etc., it is the duty of the contractor to tunnel under any roots 2 inches or greater in diameter.

Boring or Tunneling

23. 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

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



Tree Pruning and Removal Operations

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



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



asca | RCA
Registered Consulting Arborist®

Turner, Christopher R

From: William L. McClure <wlm@jsmf.com>
Sent: Thursday, August 17, 2023 5:05 PM
To: Turner, Christopher R
Cc: Caitlin Darke
Subject: Use permit - 1310 Bay Laurel Drive, Menlo Park

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.

Chris/Planning Commission –

My wife Christina and I live at 300 Hermosa Way, at the intersection of Bay Laurel and Hermosa, on the opposite corner from 1310 Bay Laurel Drive. We have lived here since 1997 and intend to be here for a long time. We have reviewed the proposed plans submitted by Caitlin Darke and Peter Hartwell for the new home and ADU to be built across the street. We are in support of their application for a use permit and are very pleased with location, design and orientation of the new home and ADU on the reconfigured lot. It is certainly in keeping with other new homes in our neighborhood and think it will be a welcome addition to the neighborhood. We encourage you to approve the application as submitted.

Regards, Bill

**William L McClure, Esq.**

Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210 | Menlo Park, CA 94025
Office: (650) 324-9300 x1040 | Mobile: (650) 814-4571
Email: wlm@jsmf.com | Website: jsmf.com



STAFF REPORT

Planning Commission

Meeting Date:

8/28/2023

Staff Report Number:

23-056-PC

Public Hearing:

Consider and adopt a resolution to approve a use permit to remodel and construct first- and second-story additions to an existing nonconforming single-family residence in the R-1-U (Single Family Urban Residential) zoning district, at 1350 Delfino Way. The proposal includes an attached accessory dwelling unit (ADU), which is not subject to discretionary review.

Recommendation

Staff recommends that the Planning Commission adopt a resolution approving a use permit to remodel and construct first- and second-story additions to an existing nonconforming, one-story, single-family residence in the R-1-U (Single Family Urban Residential) zoning district, at 1350 Delfino Way. The value of the proposed project would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period and requires approval of a use permit by the Planning Commission. The proposal includes an attached accessory dwelling unit (ADU), which is 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

The subject property is located on Delfino Way, a dead-end street located off of Valparaiso Avenue. Delfino Way and areas along Valparaiso Avenue are zoned R-1-U. Properties to the rear of the subject property are zoned R-1-S (Single Family Suburban Residential). The Town of Atherton and an unincorporated area, West Menlo Park, are located along the northern side of Valparaiso Avenue. The surrounding area contains mostly single-family residences. Houses along Delfino Way include both one- and two-story residences, developed in a variety of architectural styles, including ranch, Mediterranean, and some contemporary styles. A location map is included as Attachment B.

Analysis

Project description

The subject property is developed with a one-story residence with an attached, one-car garage. The existing residence is nonconforming to the current setback requirements, with a front setback of 17.8 feet, where a minimum of 20 feet is required, a right-side setback of 7.7 feet, where a minimum of 8.1 feet is required, and a left-side setback of 8.0 feet, where a minimum of 8.1 feet is required. Since the attached ADU is proposed along the left side of the existing residence, the left side of the overall building footprint would become conforming. The minimum left side setback for an attached ADU is four feet.

The residence was originally built with an attached garage with a width of 17.7 feet, meaning the garage is considered a one-car garage. The applicant is proposing to construct first-floor and second-floor additions and conduct interior modifications. Among the first floor additions and remodeling work, an attached accessory dwelling unit (ADU) is proposed on the first floor along the left side of the main residence.

With the proposed additions and interior modifications, the residence would include a total of three bedrooms and 2.5 bathrooms. The value of the proposed work would equal 90 percent of the replacement value of the existing non-conforming residence in a 12-month period, exceeding the 50-percent use permit threshold for two-story residences.

The proposed additions would meet the required setbacks and the proposed project would comply with the lot coverage, floor area limit (FAL), daylight plane, and height requirements of the Zoning Ordinance. Of particular note with regard to Zoning Ordinance requirements:

- The second floor would be limited in size relative to the development, with a floor area of approximately 938.3 square feet, where 1,456.5 square feet is the maximum permitted.
- The proposed floor area for the main residence is 2,814.4 square feet, where the maximum allowable is 2,913.0 square feet.
- A rear-facing balcony is proposed along the rear left corner of the second floor and would meet the minimum left side balcony setback, at 23.2 feet, where 20 feet is required, and the minimum rear balcony setback, at 30.2 feet, where 30 feet is required.
- The proposed residence would be 27.5 feet in height, where 28 feet is the maximum allowed.

The residence would maintain the nonconforming encroachments at the front setback (17.8 feet) and right-side setback (7.7 feet) for the existing portions of the main residence, but all proposed additions would meet the required setback distances.

When including the 880.3-square-foot attached ADU, the proposed project would be constructed above the maximum building coverage, with a total of 40.7 percent, where 35 percent is the maximum allowable building coverage for a two-story residence. The maximum building coverage is permitted to be exceeded by up to 800 square feet to accommodate the ADU, and the building coverage would be exceeded by 426.2 square feet when including the ADU. When not including the ADU, the main residence building coverage would comprise 28.9 percent. When combining all floor area, the total floor area would exceed the maximum floor area limit by 781.7 square feet. However, the maximum FAL is permitted to be exceeded by up to 800 square feet to accommodate the ADU.

Due to a street tree located in the middle of Delfino Way, a portion of Delfino Way curves onto the subject property. Although there is no formal easement recorded for this curved area, a proscriptive easement is located in the front of the property, to accommodate a curved, paved parking strip. This creates a required front setback area that is curved in the center of the lot and closer to the existing residence. The additions for the proposed project would need to comply with both the setback from both the property line and the proscriptive easement, which, in the case of the front setback, would be 20 feet from the property line or the prospective easement, whichever is closer. All proposed additions would comply with this setback, but the existing garage is nonconforming with respect to the front setback. In addition, the Engineering Division has requested the applicant to remove and replace the parking strip and valley gutter along the project frontage, with Conditions 2a and 2b, respectively.

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 Exhibits A and B within Attachment A, respectively.

Design and materials

The applicant states in their project description letter that the proposed project is designed in the modern farmhouse style. The main entry door would be generally centered along the front elevation within a covered entry porch, and framed by a vertical series of sidelights along both sides of the door. The second floor would be setback from the first floor to reduce massing impacts.

Along much of the front elevation, wood horizontal siding would be the predominant material, with wood vertical siding along the front-facing gables and wood siding as the predominant wall material for the other elevations. In addition, two of the front-facing gables would contain a standing seam metal roofette. Apart from the aforementioned roofettes, all other roofing would be asphalt shingles. Thin stone veneer is also proposed along the front elevation as an accent material near the ground.

The new windows would contain aluminum framing, and contain simulated true divided lights, with interior and exterior grids and spacer bars between the panes. The left-side elevation would feature a pair of second-floor windows with sill heights of approximately four feet, 10 inches above the finished floor. The right-side elevation would feature two second-floor windows, with sill heights of five feet above the finished floor, and four windows with sill heights of seven feet above the finished floor. The rear elevation would feature a set of three windows with sill heights of three feet above the finished floor, and one pair of windows with sill heights of five feet above the finished floor.

Staff believes that the scale, materials, and style of the proposed residence would result in a consistent aesthetic approach, and the proposed project would be generally consistent with the broader neighborhood, given the variety of architectural styles and sizes of structures in the area. Staff believes that the proposed modern farmhouse style would be comprehensively executed, cohesive, and well-proportioned.

Trees and landscaping

There are no heritage-size trees located on the subject property, but there are neighboring heritage-size trees, with one heritage-size tree in the rear yard of 1351 North Lemon Street and one heritage-size oak

street tree in the middle of Delfino Way, in front of the subject property. The City Arborist reviewed this project and determined that due to the location of these trees and the proposed scope of work, no arborist report is needed.

Valuation

For projects involving existing nonconforming structures, the City uses standards established by the Building Division to calculate the replacement and new construction costs on which the use permit threshold is based. For context, the use permit threshold differs between 75 percent for a single-story structure and 50 percent for a two-story structure. Since the proposed residence is a two-story structure, the 50-percent threshold applies. The City has determined that the value of the proposed work for the project would exceed 50 percent of the replacement cost of the existing structure, at approximately 90 percent, and therefore requires use permit approval by the Planning Commission. As a whole, a substantial amount of demolition, including the removal of several existing walls in bedrooms 1 and 3, the dining room, the kitchen, and the living room, is proposed for the ground floor of the main residence in order to build the second floor and complete the ground floor additions to the main residence.

Correspondence

The applicant states in their project description letter that the property owner has completed outreach efforts, which involved contacting five sets of neighbors and showing them the proposed design. The applicant's project description letter documents their correspondence and summarizes the applicant's discussion with the neighbors.

Staff received a direct comment letter (Attachment D) expressing concern with potential privacy impacts resulting from the second story rear elevation. The applicant states that in response to those concerns they modified the second floor layout.

Conclusion

Staff believes that the scale, materials, and style of the proposal are generally compatible with the surrounding neighborhood, and would result in a consistent aesthetic approach. The proposed modern farmhouse style would be comprehensively executed, cohesive, and well-proportioned. The applicant has submitted and summarized emails of support from surrounding neighbors, and the applicant has revised the rear elevation along the second story to address privacy concerns from the adjoining property to the rear. The proposed project would involve a substantial amount of demolition but would retain the existing non-conforming walls and all additions would be compliant with Zoning Ordinance requirements. With the conversion of a portion of the residence into an ADU, the left-side setback is no longer non-conforming, and no correspondence was received expressing concerns about the retention of the existing 2.2-foot encroachment into the required 20-foot front setback or the 0.4-foot encroachment into the required 8.1-foot right-side. Staff recommends that the Planning Commission approve the proposed project.

Impact on City Resources

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

Environmental Review

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

Public Notice

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

Appeal Period

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

Attachments

- A. Draft Planning Commission Resolution
 - Exhibits to Attachment A
 - A. Project Plans
 - B. Project Description Letter
 - C. Conditions of Approval
- B. Location Map
- C. Data Table
- D. Correspondence

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:
Matt Pruter, Associate 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 CONSTRUCT FIRST-FLOOR AND SECOND-FLOOR ADDITIONS AND INTERIOR MODIFICATIONS TO AN EXISTING NONCONFORMING SINGLE-FAMILY RESIDENCE IN THE R-1-U (SINGLE FAMILY URBAN RESIDENTIAL) ZONING DISTRICT

WHEREAS, the City of Menlo Park (“City”) received an application requesting to construct first-floor and second-floor additions and interior modifications to an existing nonconforming one-story, single-family residence in the Single Family Urban Residential (R-1-U) zoning district, in which the proposed work would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period—(collectively, the “Project”) from Chris Kummerer (“Applicant”), on behalf of the property owners David and Monica Tompkins (“Owner”), located at 1350 Delfino Way (APN 071-014-120) (“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 Urban Residential (R-1-U) district. The R-1-U district supports single-family residential uses; and

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

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

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

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

WHEREAS, the Project is categorically except from environmental review pursuant to Cal. Code of Regulations, Title 14, §15301 et seq. (Existing Facilities); 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 August 28, 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 proposed first-floor and second-floor additions and interior modifications 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-U zoning district and the General Plan because the construction of first-floor additions and interior modifications to an existing nonconforming one-story, single-family residence are allowed to be constructed and exceed 50 percent of the replacement value of the existing nonconforming structure 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 (note: only the new portions of the residence would comply with setbacks), maximum floor area limit, and maximum building coverage.
 - b. The residence includes one off-street parking space, which is nonconforming because two covered parking spaces are required; however, this nonconformity may remain.
 - 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 proposal would be located in a single-family neighborhood and designed such that privacy concerns would be addressed through second story setbacks greater than the minimum required setbacks in the R-1-U district.

Section 3. Conditional Use Permit. The Planning Commission approves Use Permit No. PLN2022-00058, 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, §15301 et seq. (Existing Facilities)

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 August 28, 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 August, 2023

PC Liaison Signature

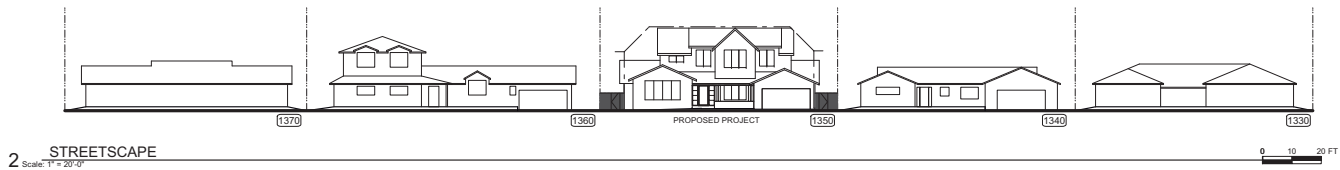
Corinna Sandmeier
Principal Planner and Planning Commission Liaison
City of Menlo Park

Exhibits

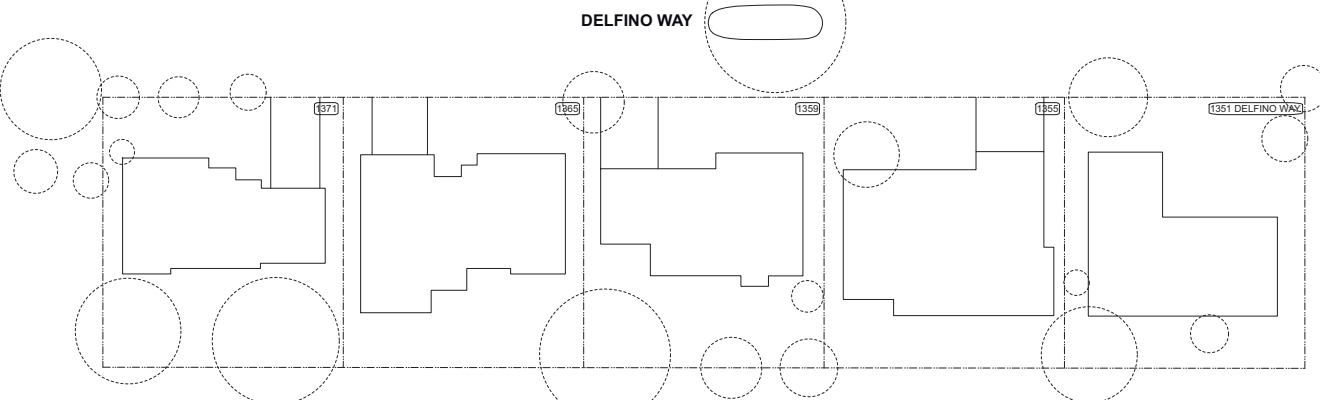
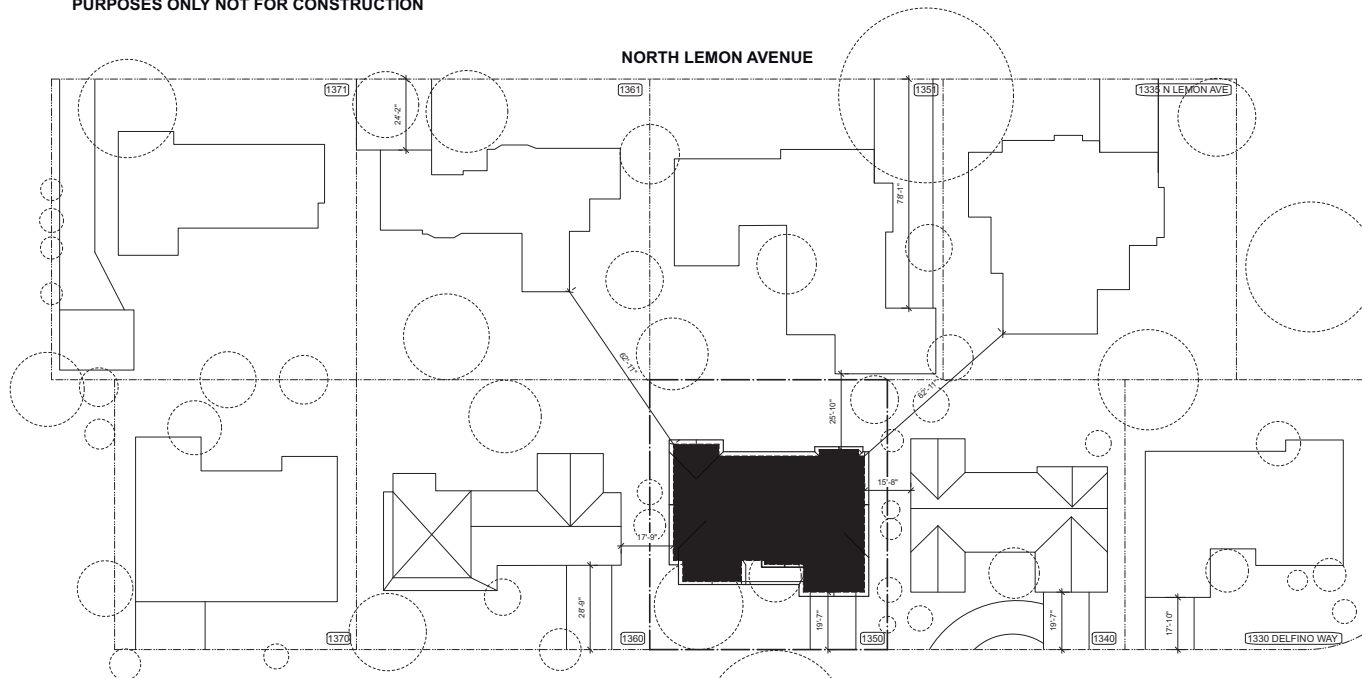
- A. Project Plans
- B. Project Description Letter
- C. Conditions of Approval

LEGEND

○ EXISTING TREES



NOTE:
DIMENSIONS SHOWN HERE ARE FOR PLANNING
PURPOSES ONLY NOT FOR CONSTRUCTION



1 AREA PLAN - 1350 DELFINO WAY
Scale: 1" = 20'-0"



5 EXTERIOR PHOTO OF (E) HOUSE @ 1360 DELFINO WAY
FRONT VIEW



4 EXTERIOR PHOTO OF (E) HOUSE @ 1340 DELFINO WAY
FRONT VIEW



3 EXTERIOR PHOTO OF (E) HOUSE @ 1350 DELFINO WAY
FRONT VIEW

cka
ARCHITECTS

CHRIS KUMMERER & ASSOCIATES
+ 650.233.0342
3859 AVE. AVENUE, MENLO PARK, CA 94025
CHRIS@CKA-ARCHITECTS.COM
TEL: 650.233.0342

REVISIONS:
2022/11/18: USE PERMIT
2023/04/03: USE PERMIT REVISIONS
2023/07/19: USE PERMIT REVISIONS
2023/08/09: USE PERMIT REVISIONS

TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-10-14-120

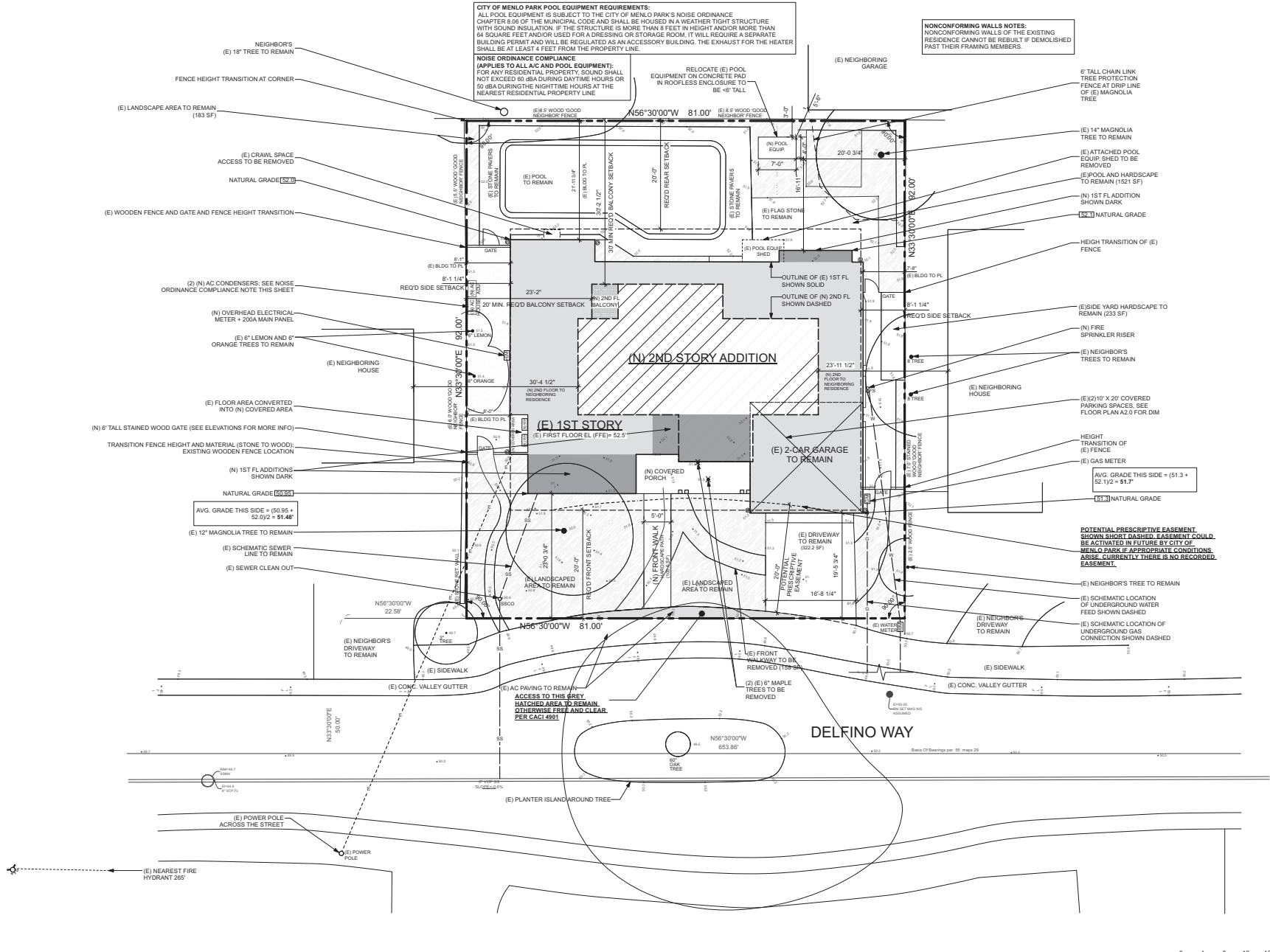
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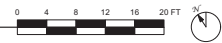
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AREA PLAN AND STREETScape



1 **PROPOSED SITE PLAN**
Scale: 1/8" = 1'-0"



TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-01-04-120

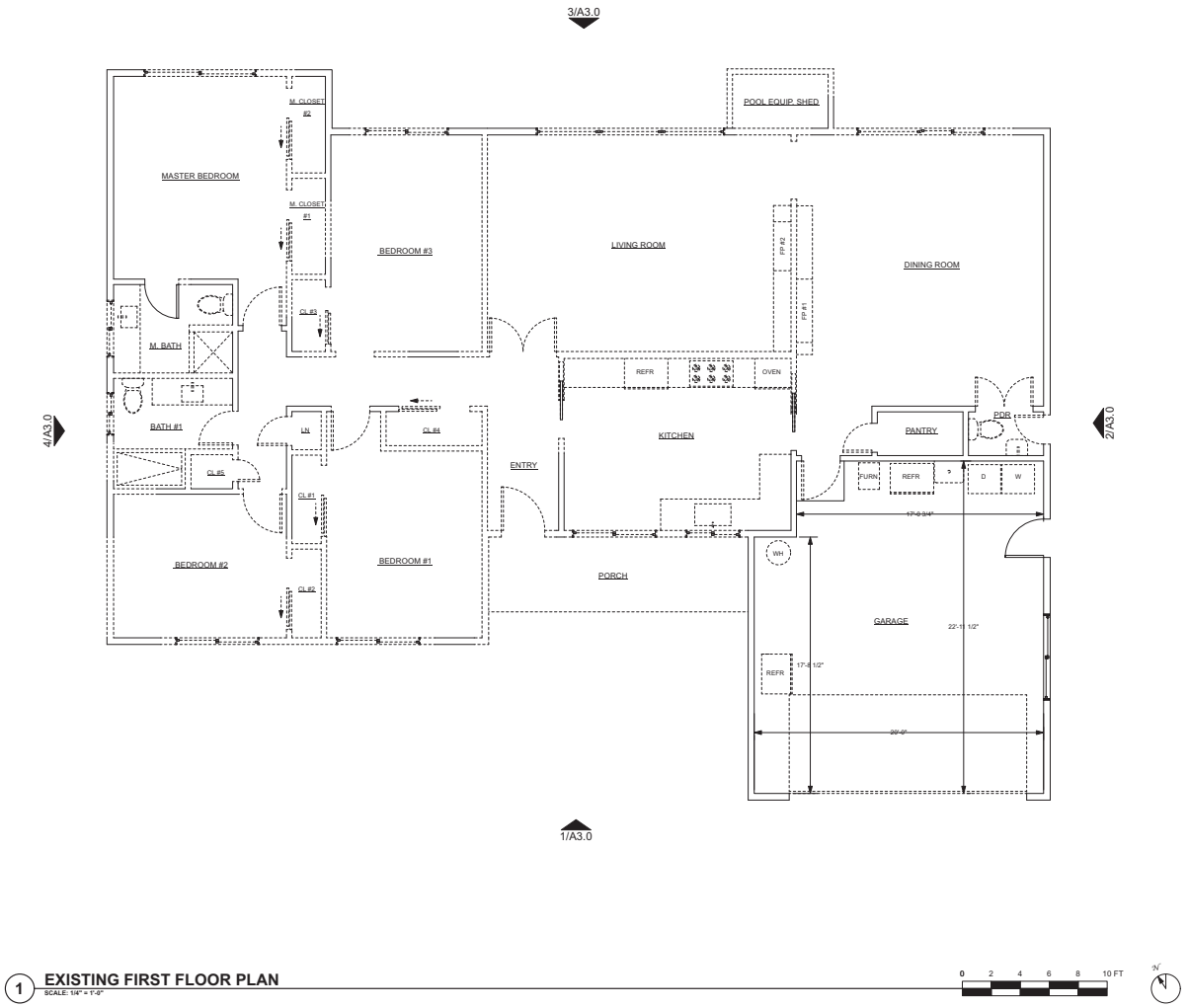
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EXISTING FLOOR PLAN



1 EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



NONCONFORMING WALLS NOTES:
NONCONFORMING WALLS OF THE EXISTING RESIDENCE CANNOT BE REBUILT IF DEMOLISHED PAST THEIR FRAMING MEMBERS.

WALL KEY (SEE DETAILS FOR ALL COMPONENTS)

- EXISTING WALLS TO REMAIN
- EXISTING WALLS TO BE DEMOLISHED

TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-01-14-120

CONSULTANTS:

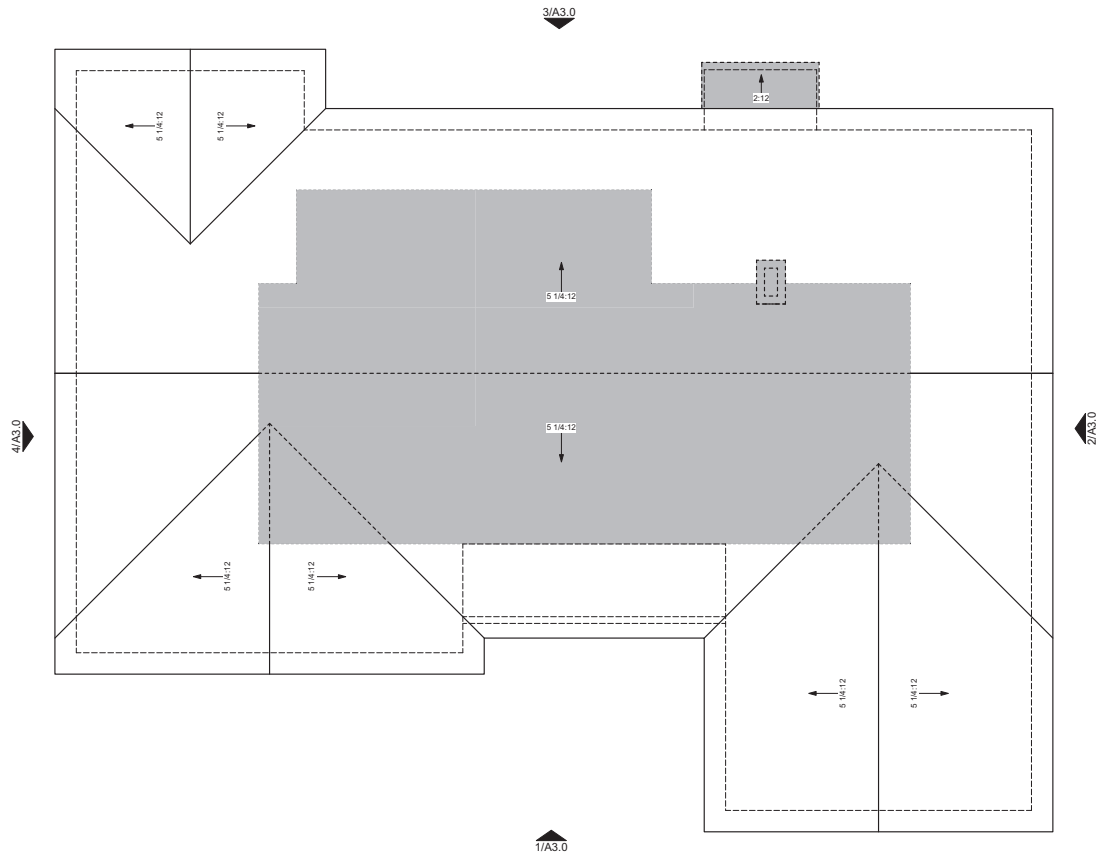
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EXISTING ROOF PLAN

NONCONFORMING WALLS NOTES:
NONCONFORMING WALLS OF THE EXISTING RESIDENCE CANNOT BE RESULT IF DEMOLISHED PAST THEIR FRAMING MEMBERS.



1 EXISTING ROOF PLAN
Scale: 1/4" = 1'-0"



TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-10-14-120

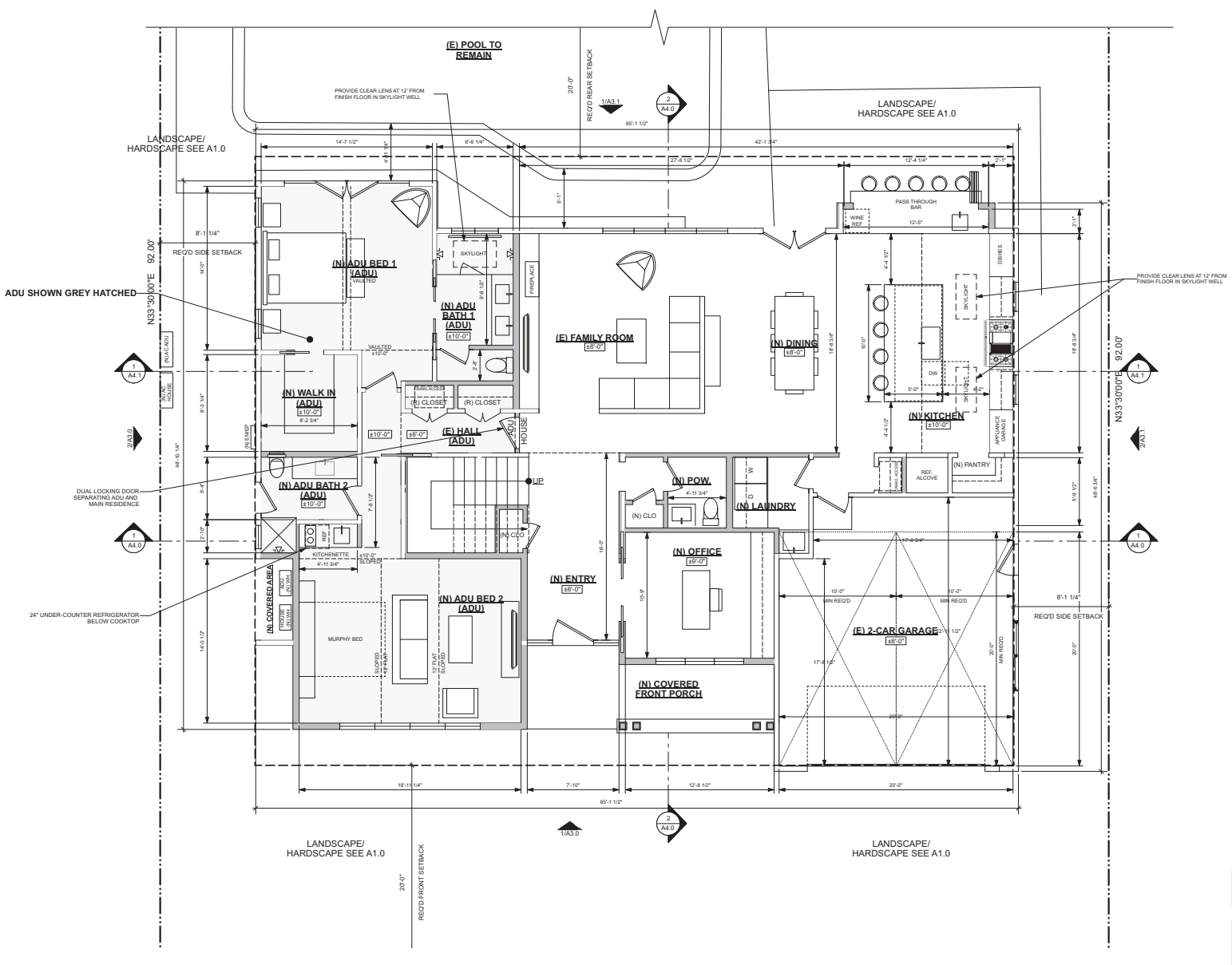
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FIRST FLOOR PLANS



1 NEW FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"



NONCONFORMING WALLS NOTES:
NONCONFORMING WALLS OF THE EXISTING RESIDENCE CANNOT BE REBUILT IF DEMOLISHED PAST THEIR FRAMING MEMBERS.

WALL KEY

	EXISTING WALLS TO REMAIN
	NEW WALLS

TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-10-14-120

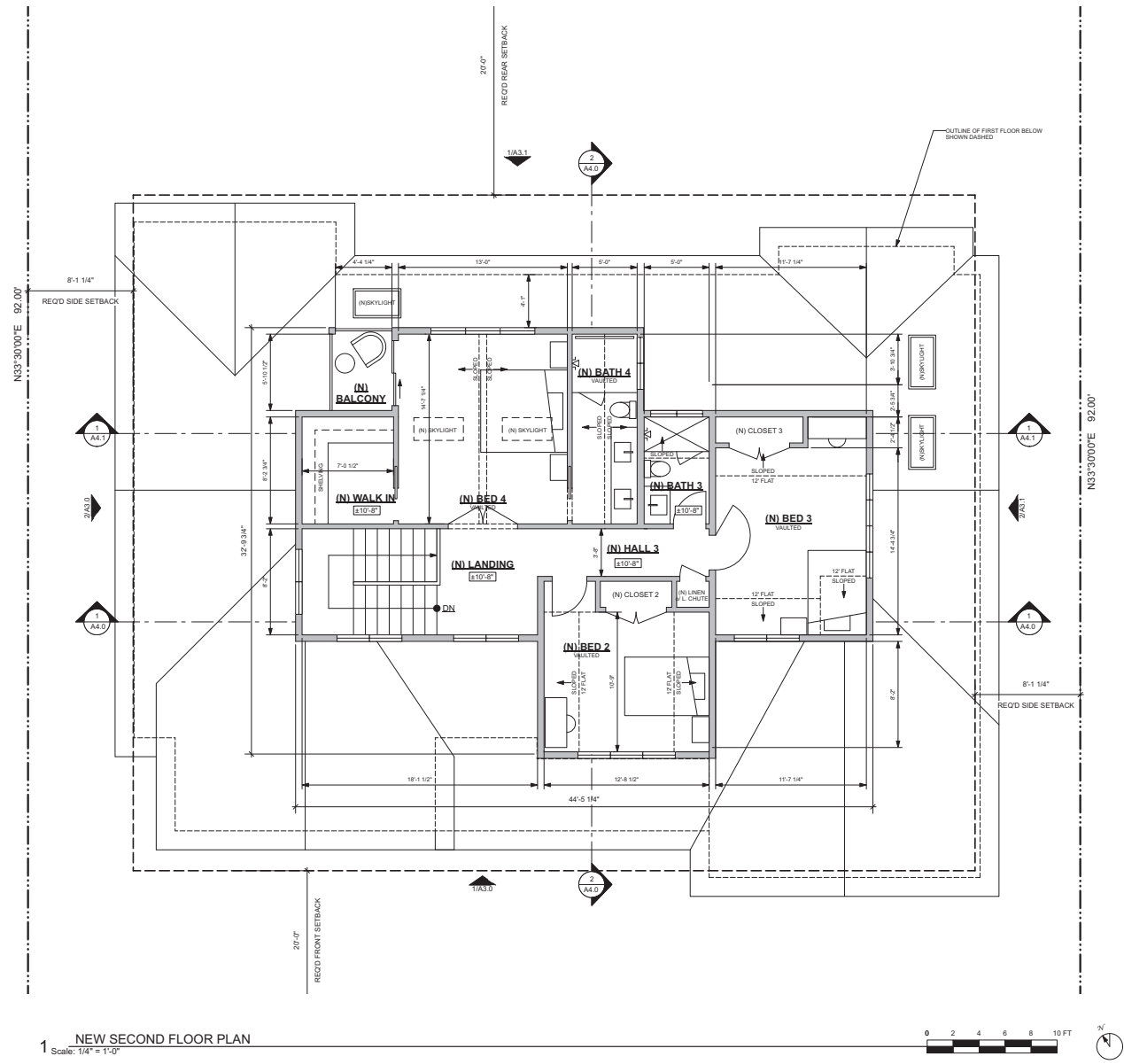
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SECOND FLOOR PLANS



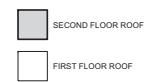
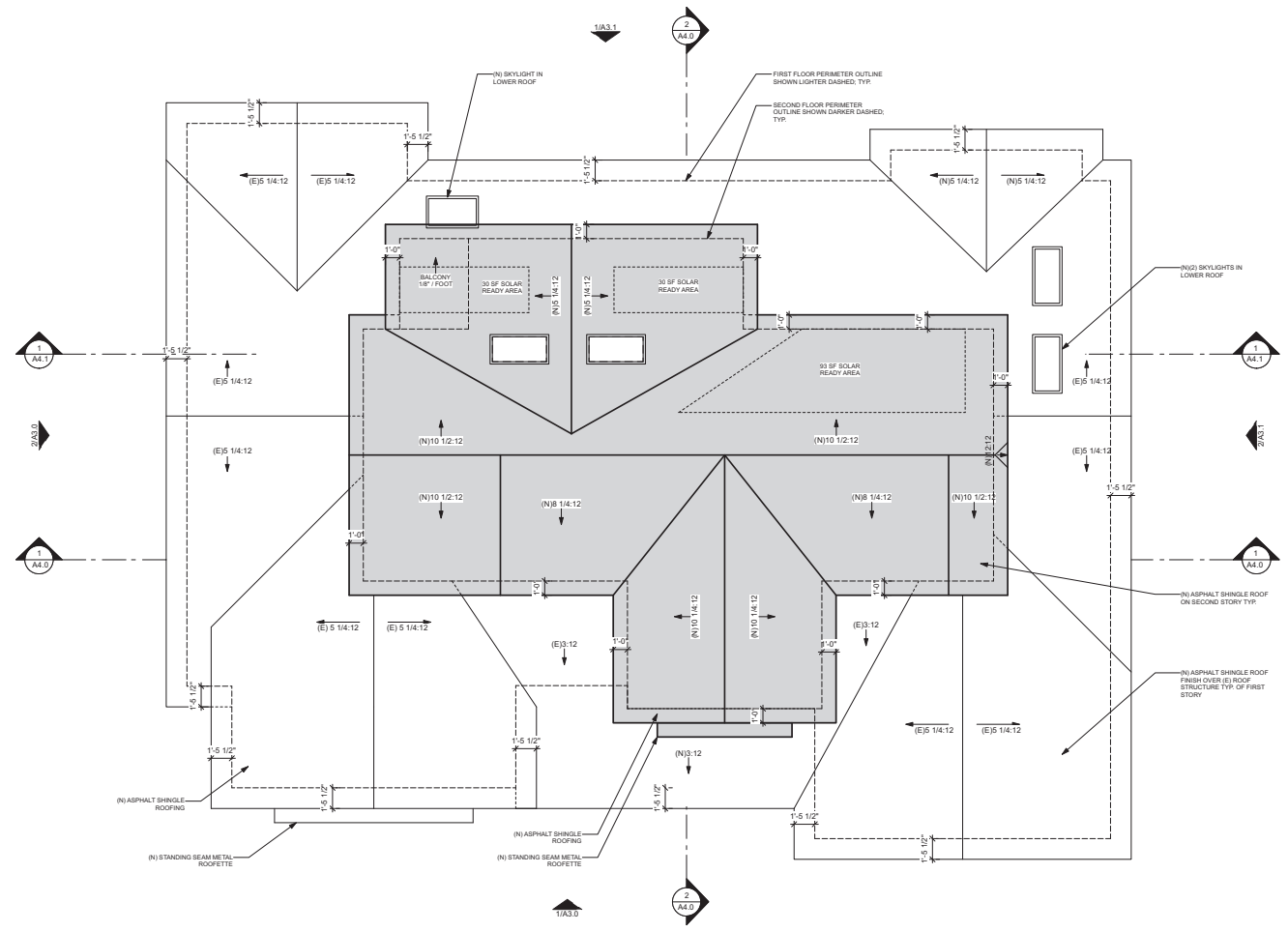
WALL KEY (SEE DETAILS FOR ALL COMPONENTS)

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----	EXISTING WALLS TO BE DEMOLISHED
—	NEW WALLS

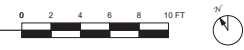
NONCONFORMING WALLS NOTES:
NONCONFORMING WALLS OF THE EXISTING RESIDENCE CANNOT BE REBUILT IF DEMOLISHED PAST THEIR FRAMING MEMBERS.

NONCONFORMING WALLS NOTES:
NONCONFORMING WALLS OF THE EXISTING RESIDENCE CANNOT BE RESULT IF DEMOLISHED PAST THEIR FRAMING MEMBERS.

SKYLIGHT NOTE:
PROVIDE TRANSPARENT LENS AT THE CEILING LEVEL FOR ALL SKYLIGHT WELLS IF THE RESULTING HEIGHT BENEATH THE SKYLIGHT GLASS TO FINISH FLOOR IS GREATER THAN 12"



1 NEW ROOF PLAN
Scale: 1/4" = 1'-0"



TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-10-14-120

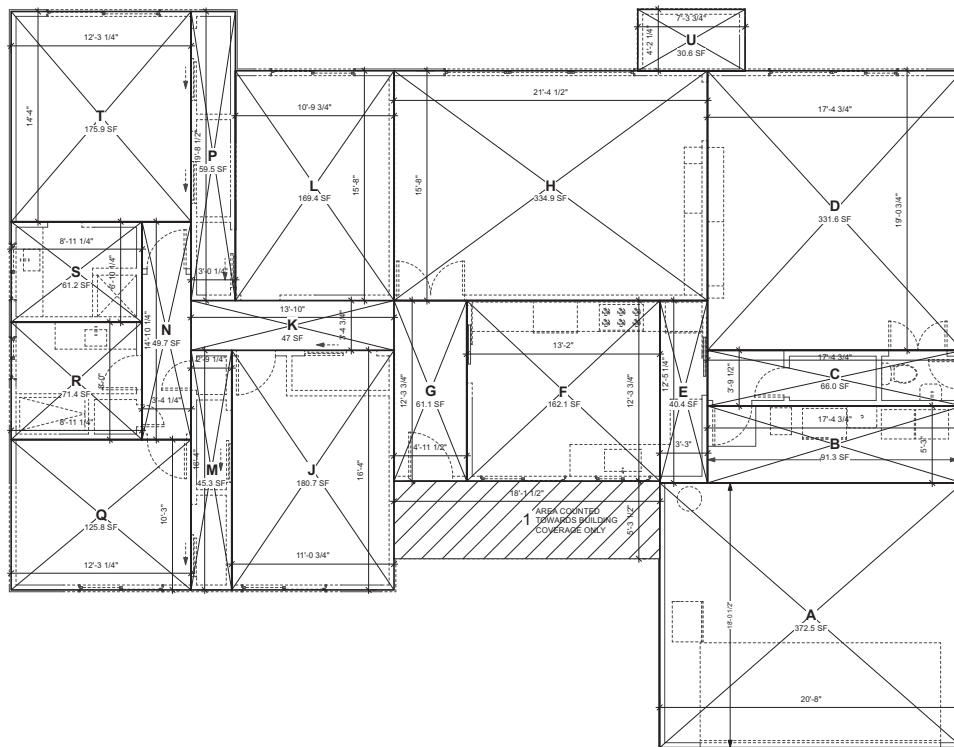
CONSULTANTS:

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A2.4

NEW ROOF PLAN



FLOOR AREA AND COVERAGE CALCULATIONS

First Floor	FT.	IN.	FT.	IN.	SQ.FT.				
A	GARAGE	20	8	X	18	1/2	372.9		
B	GARAGE	17	4	3/4	X	5	3	91.3	
GARAGE AREA (HOUSE)						464.2 SF			
C	HOUSE	17	4	3/4	X	3	9	1/2	66.0
D	HOUSE	19	3	4	X	17	4	3/4	331.6
E	HOUSE	3	3	X	12	5	1/4	40.4	
F	HOUSE	13	2	X	12	3	3/4	162.1	
G	HOUSE	12	3	3/4	X	4	11	1/2	61.0
H	HOUSE	21	4	1/2	X	15	8	334.9	
J	HOUSE	11	3	4	X	16	4	180.7	
K	HOUSE	13	10	X	3	4	3/4	47.0	
L	HOUSE	15	8	X	10	9	3/4	169.4	
M	HOUSE	2	9	1/4	X	16	4	45.3	
N	HOUSE	3	4	1/4	X	14	10	1/4	49.8
P	HOUSE	19	8	1/2	X	3	1/4	59.5	
Q	HOUSE	12	3	1/4	X	10	3	125.8	
R	HOUSE	8	11	1/4	X	8	0	71.5	
S	HOUSE	8	11	1/4	X	6	10	1/4	63.3
T	HOUSE	14	4	X	12	3	1/4	175.9	
U	HOUSE	7	3	3/4	X	4	2	1/4	30.6
FIRST FLOOR AREA (EXISTING HOUSE)						2,012.7 SF			
TOTAL FIRST FLOOR AREA (EXISTING HOUSE + GARAGE)						2,476.9 SF			
BUILDING COVERAGE	FT.	IN.	FT.	IN.	SQ.FT.				
1	ENTRY PORCH	18	1	1/2	X	5	3	1/2	95.9
ADDITIONAL EXISTING BUILDING COVERAGE						95.9 SF			
TOTAL EXISTING COVERAGE						2572.8 SF			

TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-10-14-120

CONSULTANTS:

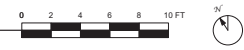
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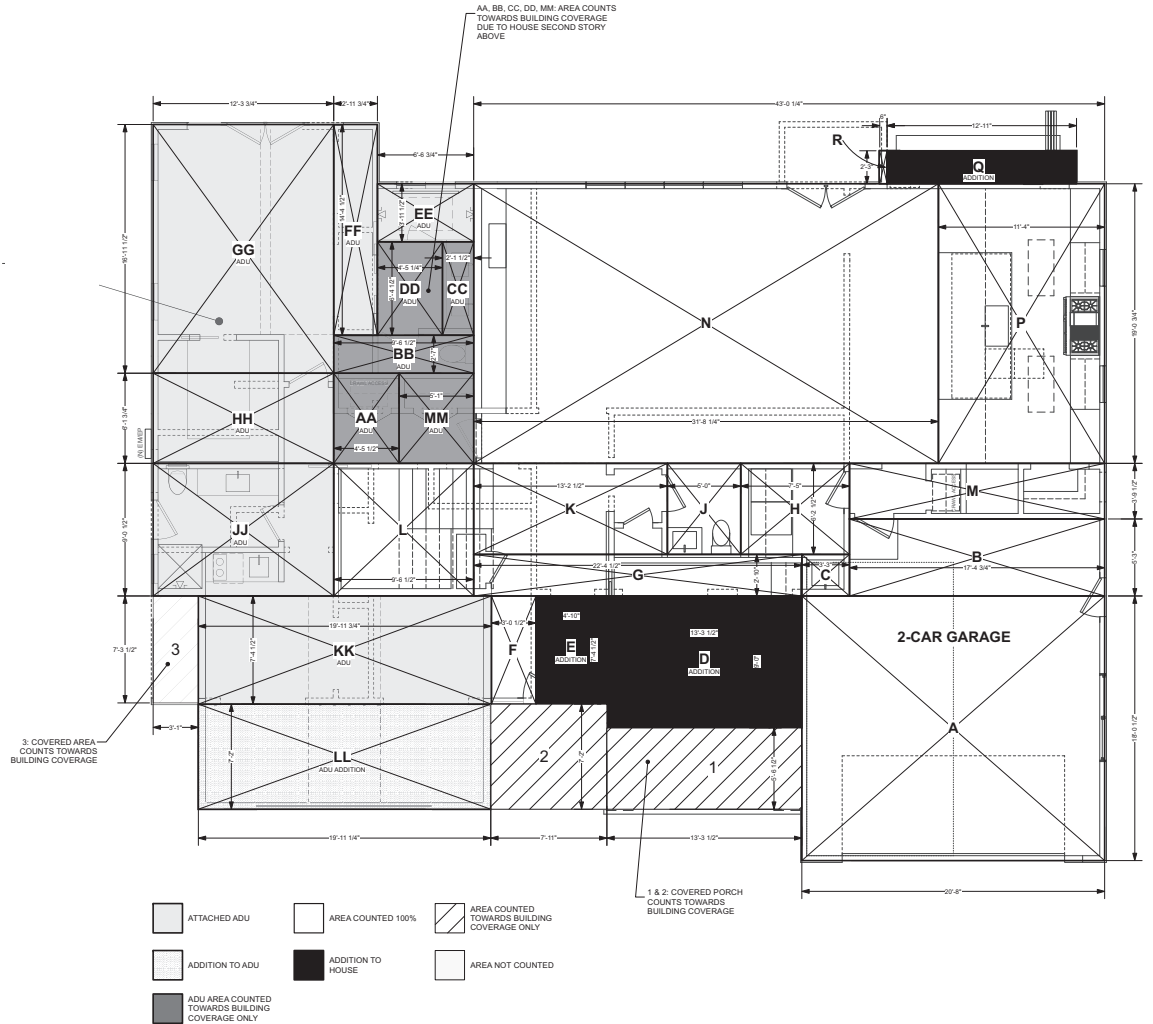
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A2.5

(E) FIRST FLOOR AREA PLANS

1 (E) FIRST FLOOR AREA DIAGRAM
Scale: 1/4" = 1'-0"





FLOOR AREA AND COVERAGE CALCULATIONS

First Floor	FT	IN	FT	IN	SQ FT		
A HOUSE - GARAGE	20	8	X	18	1/2	372.9	
B HOUSE - GARAGE	17	4	3/4	X	5	3	91.3
GARAGE AREA (HOUSE)						464.2	
C HOUSE	3	3	X	2	10	9.2	
D HOUSE - ADDITION	13	3	1/2	X	9	0	119.6
E HOUSE - ADDITION	4	10	X	7	4	1/2	35.6
F HOUSE	3	1/2	X	7	4	1/2	22.4
G HOUSE	22	4	1/2	X	2	10	63.4
H HOUSE	7	5	X	6	2	1/2	46.0
J HOUSE - BATHROOM	5	0	X	6	2	1/2	31.0
K HOUSE	13	2	1/2	X	6	2	82.0
L HOUSE	9	6	1/2	X	9	1/2	86.3
M HOUSE	17	4	3/4	X	3	1/2	66.0
N HOUSE	31	8	1/4	X	19	3/4	604.0
P HOUSE - KITCHEN	11	4	X	10	3/4	216.0	
Q HOUSE - ADDITION	12	11	X	2	3	7/8	29.1
R HOUSE	0	6	X	2	3	1/2	1.1

FIRST FLOOR ADDITIONS 184.3 SF
REMODEL OF BATHROOM 31.0 SF
REMODEL OF KITCHEN 216.0 SF
REMODEL OF OTHER AREAS 980.5 SF
FIRST FLOOR AREA (HOUSE) 1,411.9 SF
TOTAL FIRST FLOOR AREA (HOUSE) 1,876.1 SF

Second Floor	FT	IN	FT	IN	SQ FT			
S HOUSE - ADDITION	13	1	1/4	X	17	1/4	215.1	
T HOUSE - ADDITION	13	8	1/2	X	36	9	1/4	367.0
U HOUSE - ADDITION	7	9	X	9	1/2	70.1		
V HOUSE - ADDITION	7	5	X	8	3/4	64.7		
W HOUSE - ADDITION	11	2	1/2	X	15	1	1/4	169.3
X HOUSE - ADDITION	8	2	X	6	4	1/2	52.1	

SECOND FLOOR AREA (HOUSE) 938.3 SF
TOTAL FLOOR AREA (HOUSE) 2,814.3 SF

ATTACHED ADU	FT	IN	FT	IN	SQ FT			
AA ADU / HOUSE COVERAGE	4	5	1/2	X	6	3	3/4	27.4
BB ADU / HOUSE COVERAGE	9	6	1/2	X	2	2	24.6	
CC ADU / HOUSE COVERAGE	2	1	1/2	X	6	4	1/2	13.5
DD ADU / HOUSE COVERAGE	4	1	1/2	X	6	4	1/2	28.3
EE ADU CONVERSION	6	1	3/4	X	3	11	1/2	26.0
FF ADU CONVERSION	2	11	3/4	X	14	4	1/2	42.8
GG ADU CONVERSION	12	3	3/4	X	16	11	1/2	208.8
HH ADU CONVERSION	12	3	3/4	X	6	1	3/4	75.7
II ADU CONVERSION	12	3	3/4	X	9	1/2	111.3	
KK ADU CONVERSION	10	11	3/4	X	7	4	1/2	147.3
LL ADU ADDITION	10	11	3/4	X	7	2	2	143.2
MM ADU / HOUSE COVERAGE	5	1	X	6	1	3/4	31.2	

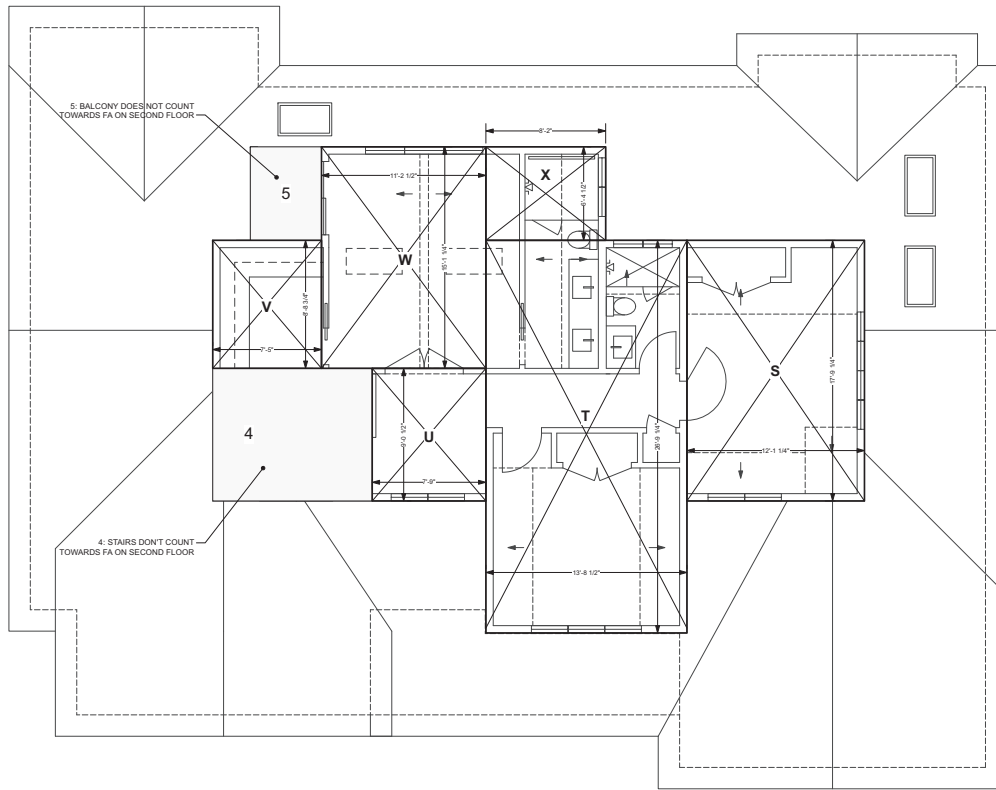
TOTAL FLOOR AREA (HOUSE + ADU) 880.3 SF
TOTAL FLOOR AREA (HOUSE + ADU) 3,694.7 SF

BUILDING COVERAGE	FT	IN	FT	IN	SQ FT			
1 ENTRY PORCH	13	1	1/2	X	5	6	1/2	73.7
2 ENTRY PORCH	7	11	X	7	2	56.7		
3 COVERED AREA	3	1	X	7	3	1/2	22.5	
AA 2ND STORY COVERAGE	4	5	1/2	X	6	3	3/4	27.4
BB 2ND STORY COVERAGE	9	6	1/2	X	2	2	24.6	
CC 2ND STORY COVERAGE	2	1	1/2	X	6	4	1/2	13.5
DD 2ND STORY COVERAGE	4	1	3/4	X	6	4	1/2	28.3
MM 2ND STORY COVERAGE	5	1	X	6	1	3/4	31.2	

ADDITIONAL BUILDING COVERAGE 278.0 SF
TOTAL PROPOSED SITE COVERAGE (FIRST STORY HOUSE + ADDITIONAL) 2154.1 SF

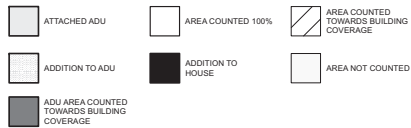
1 (N) FIRST FLOOR AREA DIAGRAM
Scale: 1/4" = 1'-0"





Second Floor	FT.	DL.	TT	IN.	SQFT	
S HOUSE - ADDITION	12	1 3/4	8	17	9 3/4	213.1
T HOUSE - ADDITION	19	9 1/2	8	26	9 3/4	307.0
U HOUSE - ADDITION	7	8	8	8	1/2	31.1
V HOUSE - ADDITION	7	5	8	8	3/4	94.7
W HOUSE - ADDITION	11	2 1/2	8	15	1 3/4	168.8
X HOUSE - ADDITION	8	7	8	4	1/2	15.1
SECOND FLOOR AREA (HOUSE)					938.3 SF	
TOTAL FLOOR AREA (HOUSE)					2,814.9 SF	

SEE SHEET A2.6 FOR GRAND TOTALS



① (N) SECOND FLOOR AREA DIAGRAM
Scale: 1/4" = 1'-0"



TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-10-14-120

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A2.7

(N) SECOND FLOOR AREA PLANS

HOUSE DEMO CALCULATIONS

EXISTING WALLS (TO REMAIN)	FT.	IN.
A	15	6 1/2
B	9	3/4
C	39	8 1/4
D	6	8 3/4
E	9	3/4
F	3	7 3/4
G	3	1 1/2
H	12	4 3/4
I	16	5 1/2
J	14	10 1/4
K	2	9 3/4
L	26	4 1/4
M	3	11 1/2
N	19	10
O	10	11
P	11	9 1/2
Q	3	3/4
R	3	3/4
S	19	10
T	34	7 1/2
U	2	6 1/2
V	9	1 1/2
W	3	4
X	46	4 3/4
Y	18	7 1/2
Z	20	10 1/4
AA	12	3 3/4
AB	17	6 1/4
AC	3	5
AD	3	5

TOTAL EXISTING TO REMAIN 417 2 3/4

DEMO WALLS	FT.	IN.
DA	3	8 1/2
DB	1	10 1/4
DC	2	4 1/4
DD	6	7 1/2
DE	15	7 1/2
DF	2	7
DG	2	2 3/4
DH	14	11 1/2
DI	4	8
DJ	12	8 1/2
DK	3	3 1/2
DL	16	1/2
DM	18	8 3/4
DN	12	5
DP		

TOTAL DEMO 117 9 1/2

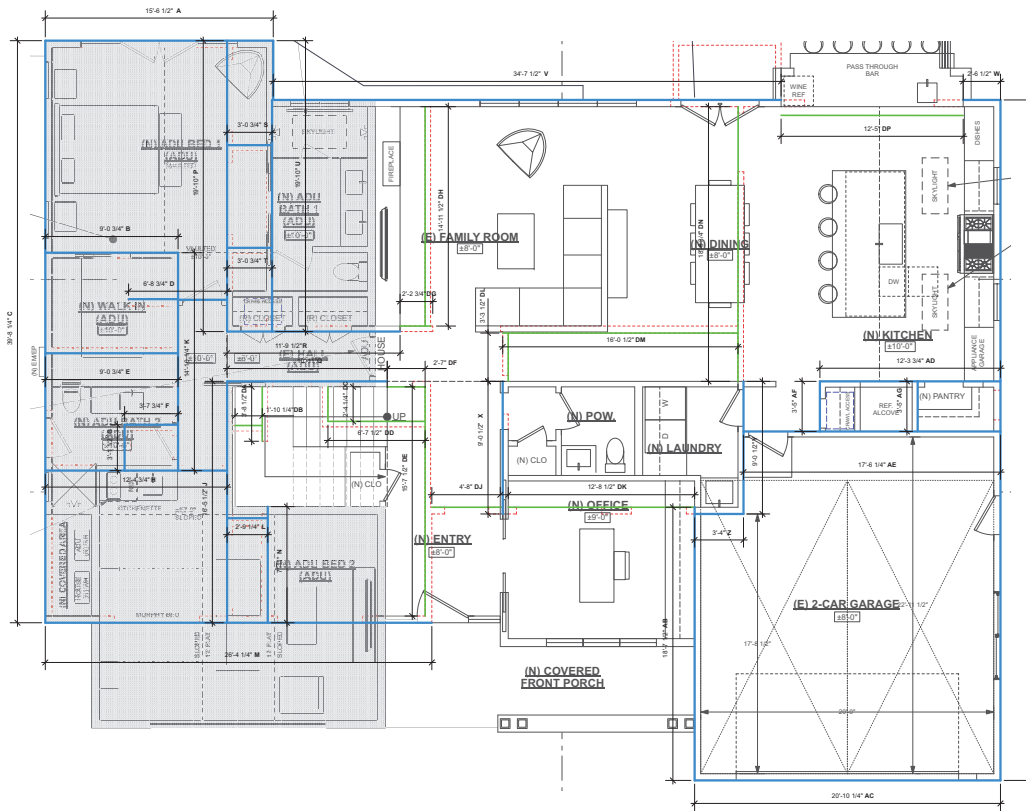
TOTAL TO REMAIN 299 5 1/4

TOTAL EXISTING WALLS TO REMAIN 71.8%

TOTAL EXISTING EXTERIOR WALLS TO REMAIN 84.9%

ADU SHALL NOT BE CONSIDERED IN EVALUATION OF DEMOLITION CALCULATIONS BY STATE LAW

ADU HATCHED GREY ON DIAGRAM BELOW



LEGEND
 — WALLS TO REMAIN
 — WALLS TO BE REMOVED

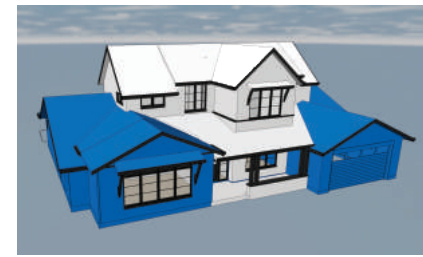
MENLO PARK MUNICIPAL CODE 16.80.030
 EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, NONCONFORMING STRUCTURES MAY CONTINUE AND MAY BE MAINTAINED, REPAIRED, ALTERED AND EXPANDED, PROVIDED THAT NO INCREASE IN THE NONCONFORMITY RESULTS. ALL OTHER APPLICABLE REGULATIONS ARE MET, AND THE COST OF SUCH MAINTENANCE, REPAIR, ALTERATION, AND/OR EXPANSION, WHEN EXPRESSED AS A PERCENT OF REPLACEMENT COST OF THE EXISTING STRUCTURE, SHALL NOT EXCEED IN ANY TWELVE (12) MONTH PERIOD THE PERCENTAGE SHOWN IN THE FOLLOWING TABLE FOR THE APPLICABLE ZONING DISTRICT AND PROJECT TYPE, UNLESS A CONDITIONAL USE PERMIT IS OBTAINED.

Zoning District	Single-Family Development—Single-Story	Single-Family Development—Two Story	All Other Development
R-E, R-E-S, R-1-S, R-1-S (FG), R-1-U	75%	50%	50%
R-1-U (LM)	100%	100%	NA
All Other Districts	50%	50%	50%

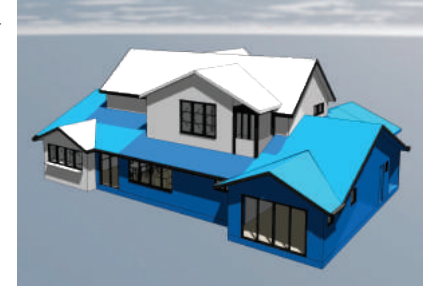


2 FLOOR PLAN – DEMO CALCULATIONS
 Scale: 1/4" = 1'-0"

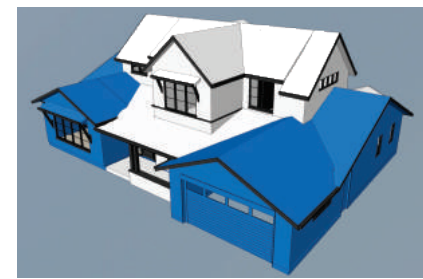
NOTE: EXHIBIT FOR PLANNING PURPOSES ONLY



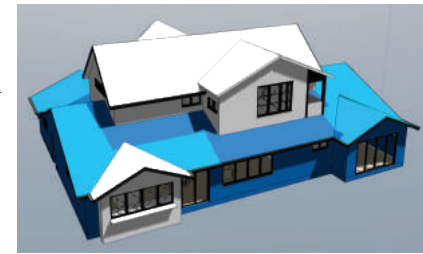
VIEW 4



VIEW 3



VIEW 2



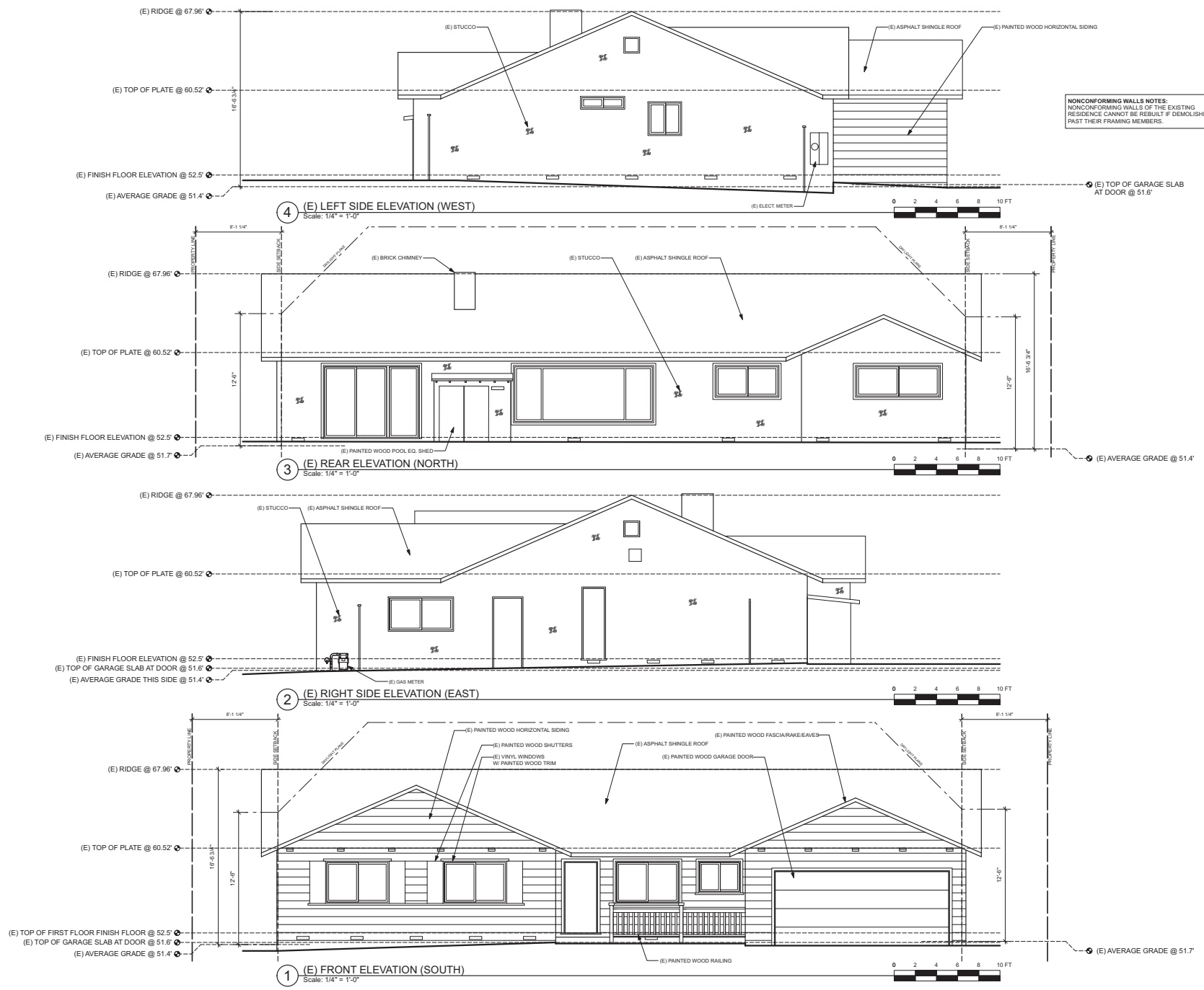
VIEW 1

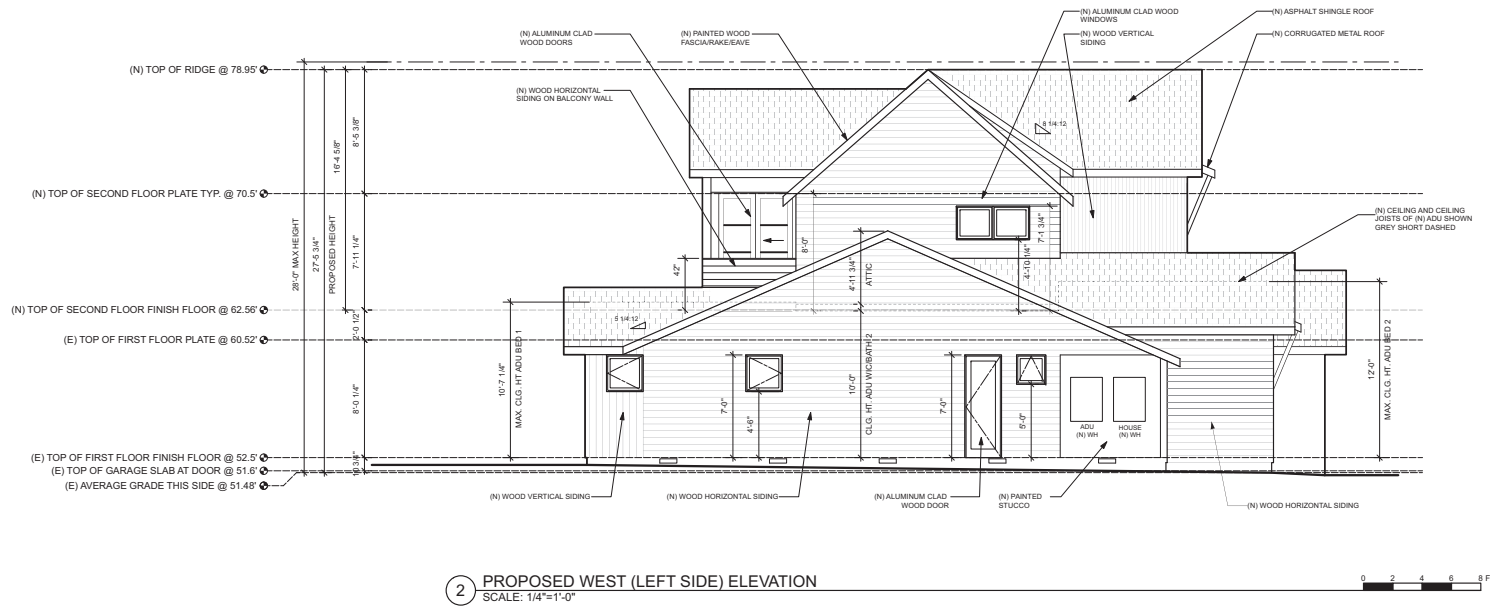
■ BLUE = EXISTING TO REMAIN
 □ WHITE = NEW

NOTE: MODEL SNAPSHOTS ABOVE SHOW PROPOSED PLAN WITH EXISTING AND NEW WALLS AND ROOF COLOR CODED.

1 EXHIBIT — EXISTING VS. NEW
 Scale: 1/4" = 1'-0"

NOTE: EXHIBIT FOR PLANNING PURPOSES ONLY

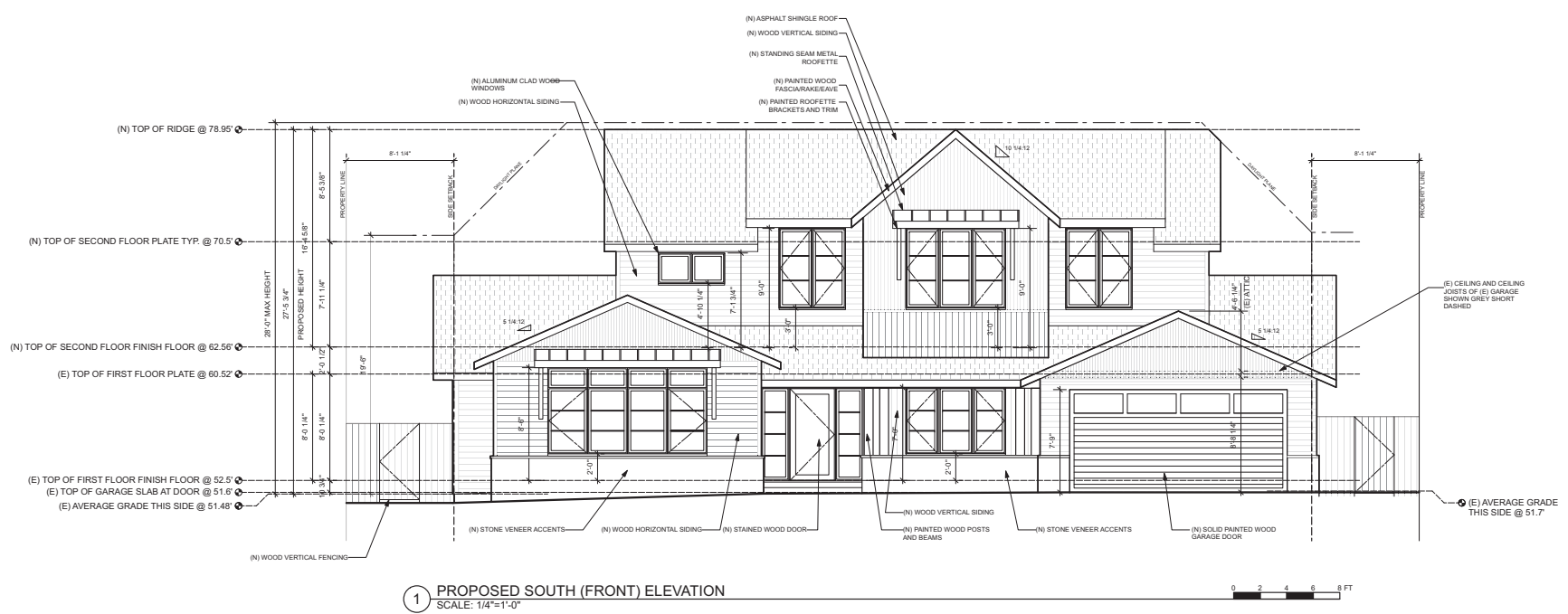


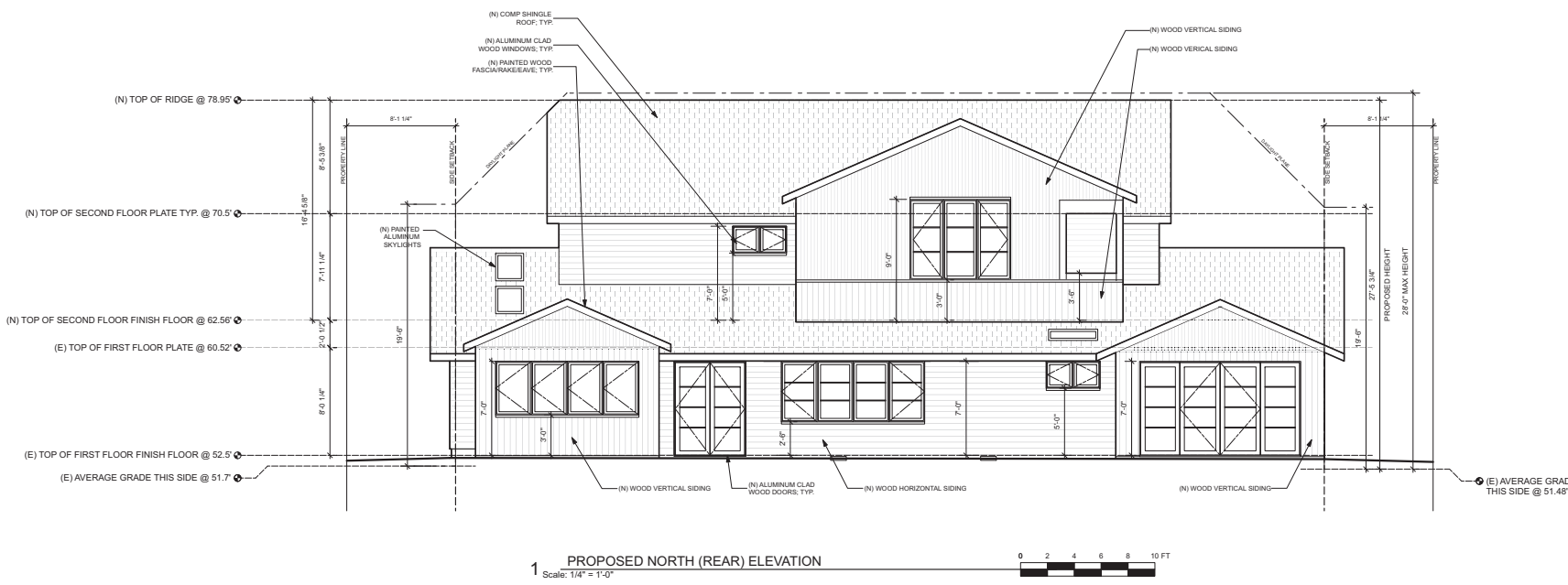
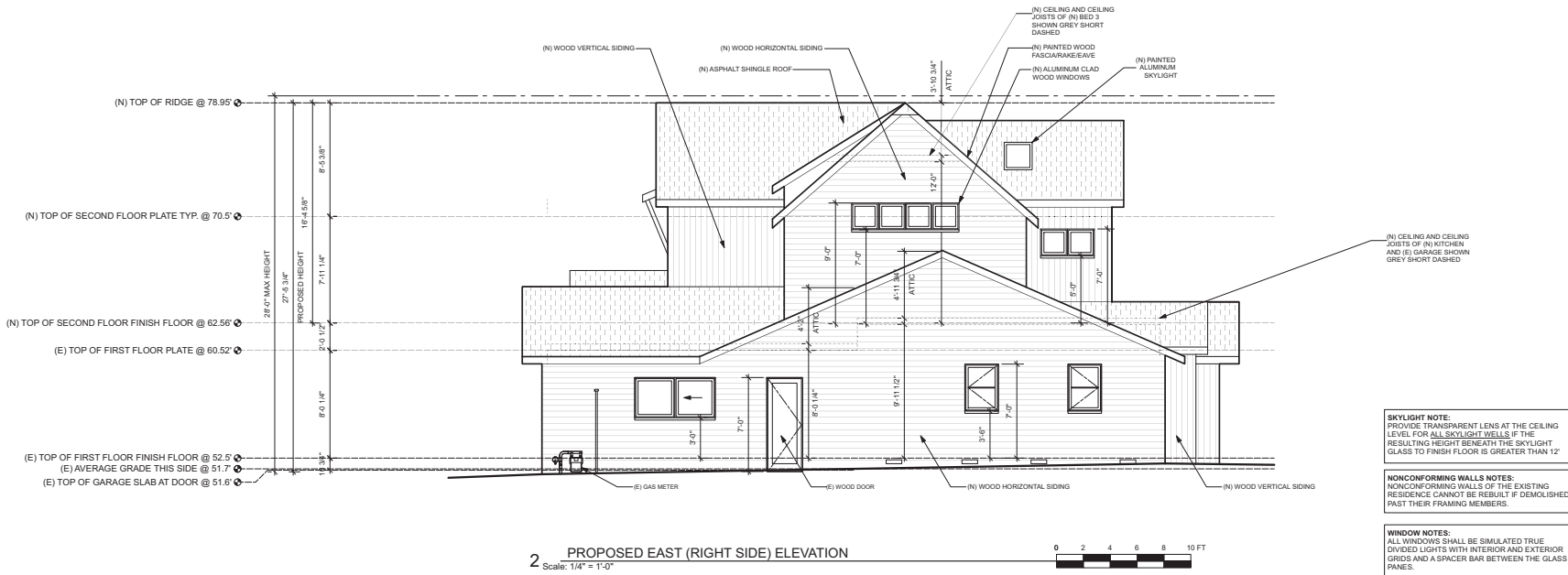


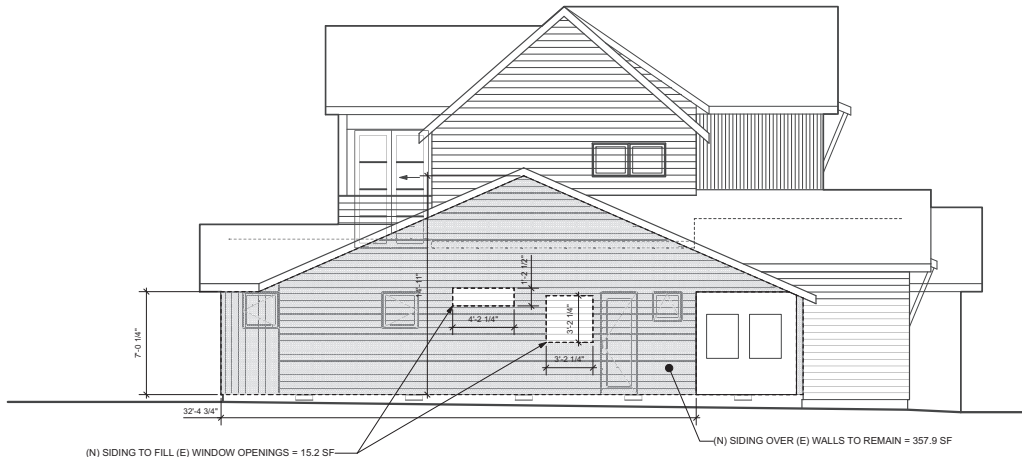
SKYLIGHT NOTE:
PROVIDE TRANSPARENT LENS AT THE CEILING LEVEL FOR ALL SKYLIGHT WELLS IF THE RESULTING HEIGHT BENEATH THE SKYLIGHT GLASS TO FINISH FLOOR IS GREATER THAN 12"

NONCONFORMING WALLS NOTES:
NONCONFORMING WALLS OF THE EXISTING RESIDENCE CANNOT BE REBUILT IF DEMOLISHED PAST THEIR FRAMING MEMBERS.

WINDOW NOTES:
ALL WINDOWS SHALL BE SIMULATED TRUE DIVIDED LIGHTS WITH INTERIOR AND EXTERIOR GRIDS AND A SPACER BAR BETWEEN THE GLASS PANE.







(N) SIDING TO FILL (E) WINDOW OPENINGS = 15.2 SF (N) SIDING OVER (E) WALLS TO REMAIN = 357.9 SF

NOTE: EXHIBIT FOR PLANNING PURPOSES ONLY

② WEST ELEVATION - NONCONFORMING NEW WORK CALCULATIONS
SCALE: 1/4"=1'-0"



(N) SIDING OVER (E) WALLS TO REMAIN = 26.0 SF (N) SIDING OVER (E) WALLS TO REMAIN = 94.8 SF

NOTE: EXHIBIT FOR PLANNING PURPOSES ONLY

① SOUTH ELEVATION - NONCONFORMING NEW WORK CALCULATIONS
SCALE: 1/4"=1'-0"



TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-10-14-120

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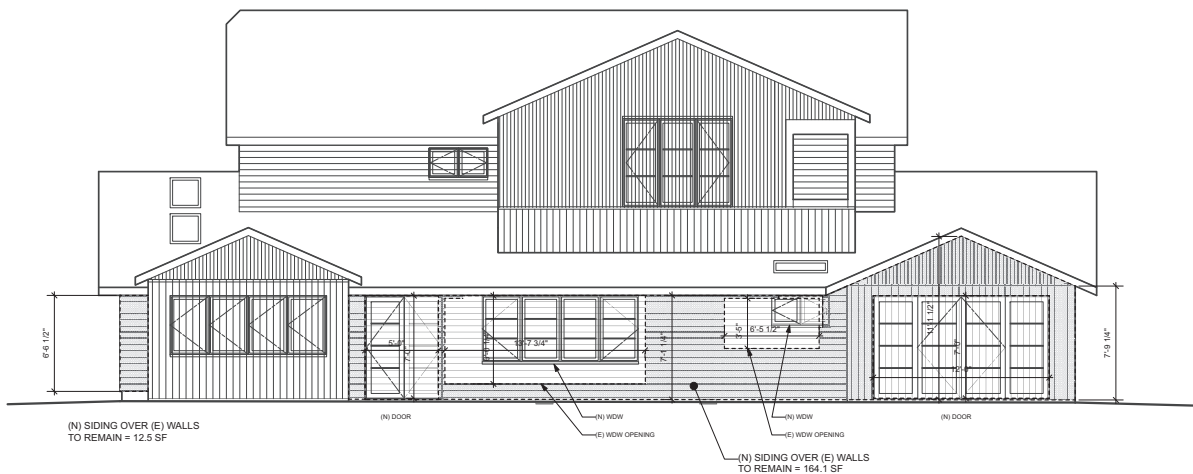
A3.3

NEW WORK CALCULATIONS



NOTE: EXHIBIT FOR PLANNING PURPOSES ONLY

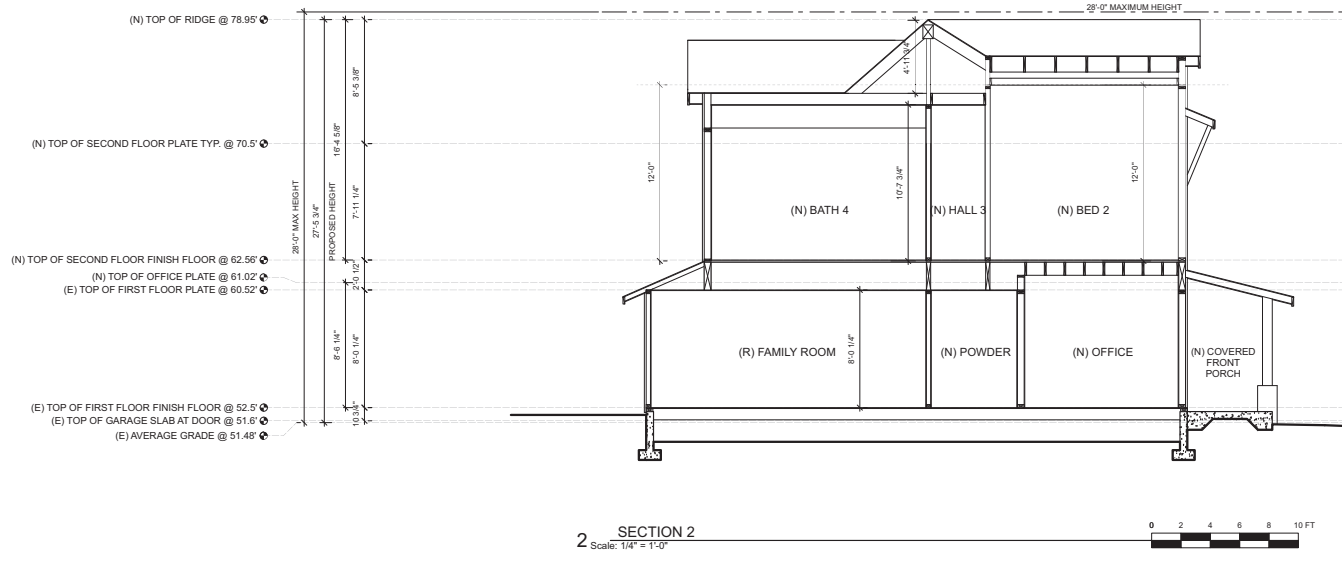
2 EAST ELEVATION - NONCONFORMING NEW WORK CALCULATIONS
SCALE: 1/4"=1'-0"



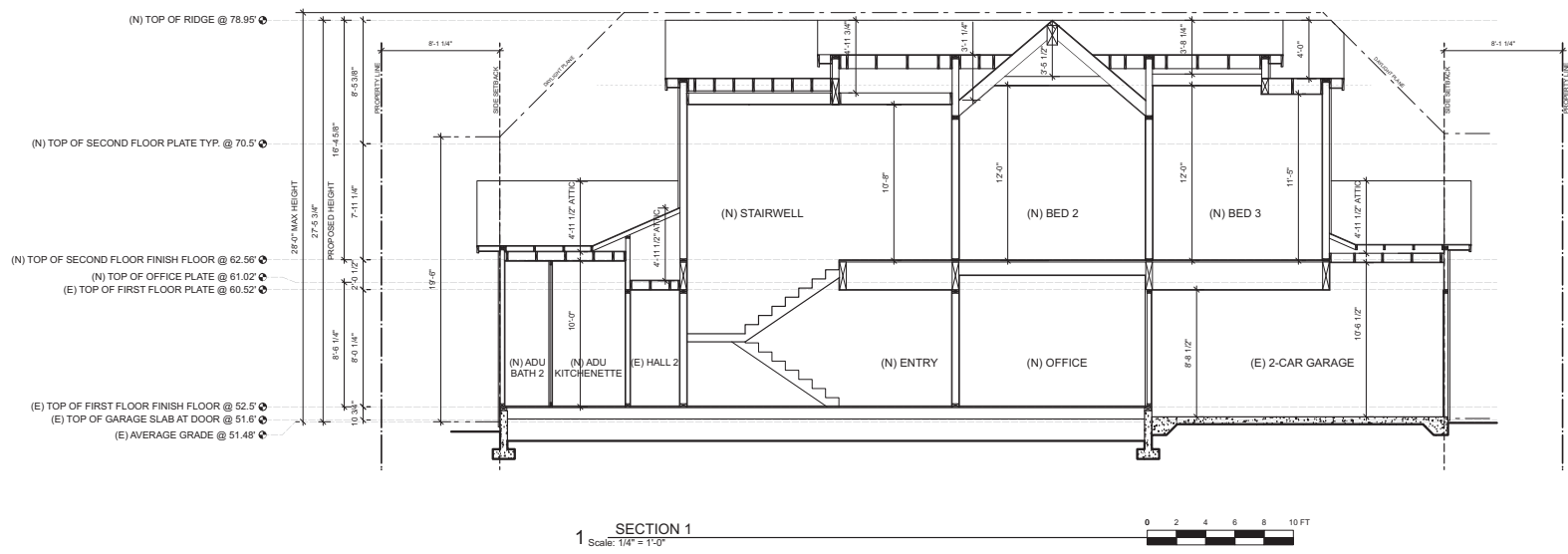
NOTE: EXHIBIT FOR PLANNING PURPOSES ONLY

1 NORTH ELEVATION - NONCONFORMING NEW WORK CALCULATIONS
SCALE: 1/4"=1'-0"





NONCONFORMING WALLS NOTES:
NONCONFORMING WALLS OF THE EXISTING RESIDENCE CANNOT BE REBUILT IF DEMOLISHED PAST THEIR FRAMING MEMBERS.



TOMPKINS RESIDENCE

1350 DELFINO WAY
MENLO PARK, CA 94025
APN: 07-03-04-120

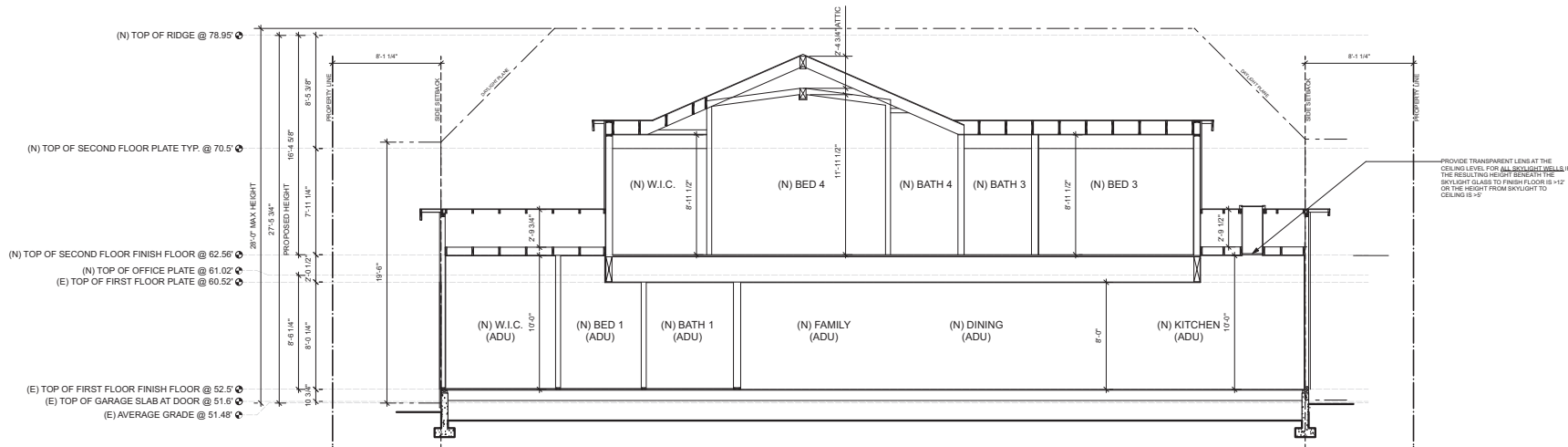
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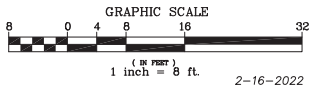
A4.1

SECTIONS



1 SECTION 1
Scale: 1/4" = 1'-0"





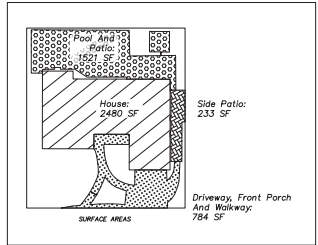
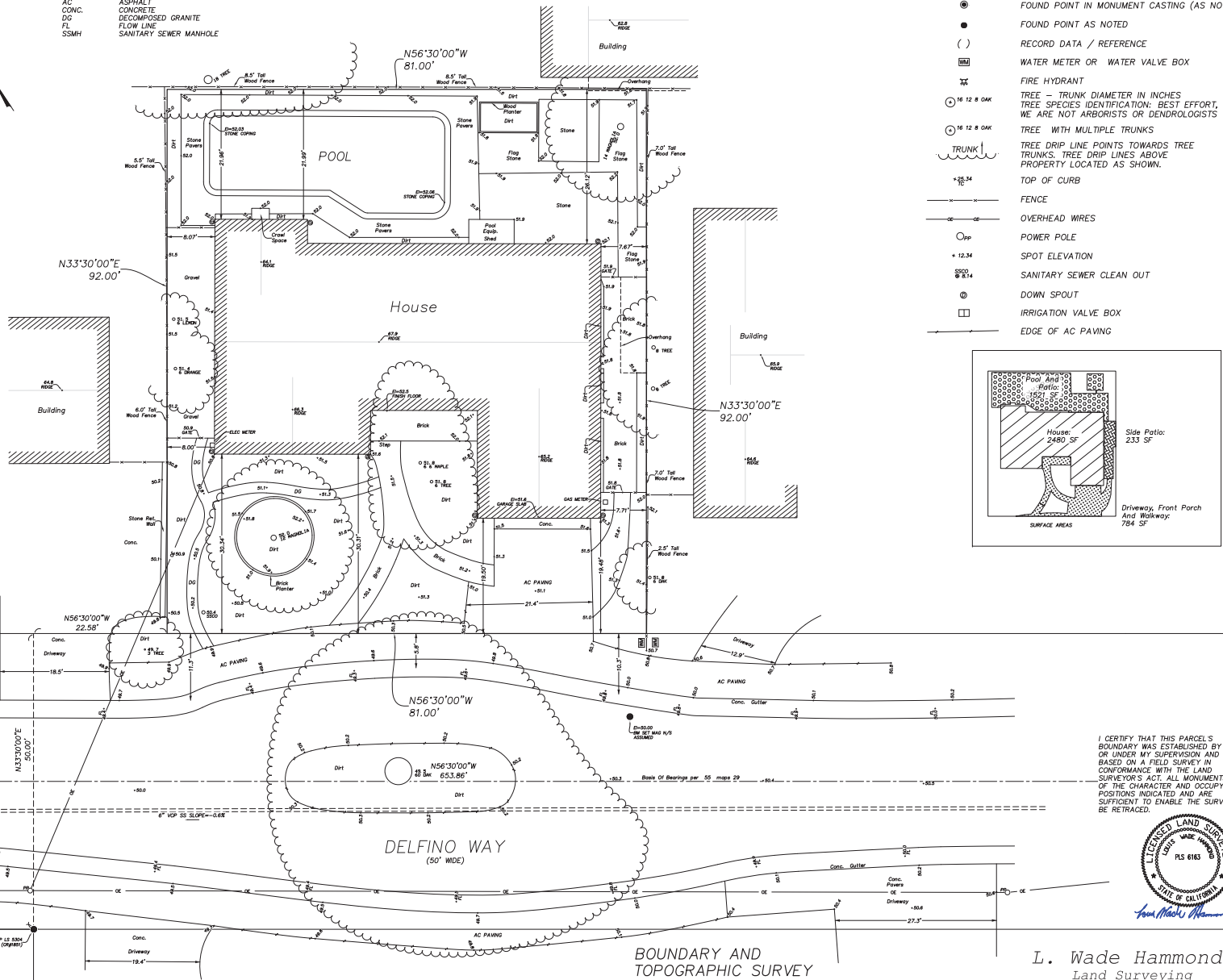
ABBREVIATIONS
 AC ASPHALT
 CONC. CONCRETE
 DG DECOMPOSED GRANITE
 FL FLOW LINE
 SSMH SANITARY SEWER MANHOLE

LEGEND

- FOUND POINT IN MONUMENT CASTING (AS NOTED)
- FOUND POINT AS NOTED
- () RECORD DATA / REFERENCE
- ⊠ WATER METER OR WATER VALVE BOX
- ⊠ FIRE HYDRANT
- 16 12 8 OAK TREE - TRUNK DIAMETER IN INCHES, TREE SPECIES IDENTIFICATION; BEST EFFORT, WE ARE NOT ARBORISTS OR DENDROLOGISTS
- 16 12 8 OAK TREE WITH MULTIPLE TRUNKS
- ~ TREE DRIP LINE TOWARDS TREE TRUNKS. TREE DRIP LINES ABOVE PROPERTY LOCATED AS SHOWN.
- TOP OF CURB
- FENCE
- OVERHEAD WIRES
- POWER POLE
- + 12.34 SPOT ELEVATION
- ⊠ SANITARY SEWER CLEAN OUT
- DOWN SPOUT
- ⊠ IRRIGATION VALVE BOX
- EDGE OF AC PAVING

NOTES

- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.
- UNDERGROUND UTILITY - LOCATION IS BASED ON SURFACE EVIDENCE.
- BUILDING LOCATION DIMENSIONS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.
- DIMENSIONS TO THE BUILDING ARE TAKEN AT THE EXTERIOR FINISHED SURFACE. THE BUILDING EXTERIOR FINISHED SURFACE IS STUCCO AND VARIES APPROXIMATELY 0.05"-0.10" IN THICKNESS.
- FINISH FLOOR ELEVATION TAKEN AT DOOR THRESHOLD (EXTERIOR).
- BENCHMARK: ASSUMED DATUM, POINT AS SHOWN
- A BOUNDARY SURVEY WAS PERFORMED TO ACCURATELY LOCATE THE LEGAL PROPERTY LINES IN RELATION TO THE EXISTING IMPROVEMENTS (BUILDING).
- A CURRENT TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY L. WADE HAMMOND LAND SURVEYOR. EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.
- TREE SPECIES IDENTIFICATION: BEST EFFORT, WE ARE NOT ARBORISTS OR DENDROLOGISTS.
- TREES SHOWN ARE 6" TRUNK DIAMETER OR LARGER, MEASURED 5' ABOVE GRADE



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.



BOUNDARY AND TOPOGRAPHIC SURVEY
 1350 DELFINO WAY
 MENLO PARK
 APN: 071-014-120
 LOT 14, 55 MAPS 29
 LOT AREA: 7,452 SQ. FT.

L. Wade Hammond
 Land Surveying
 Civil Engineering
 36660 Newark Blvd. Suite C
 Newark, California 94560
 Tel: (510) 579-6112
 wade@whlandsurveyor.com www.wadshammondpls.com



Project Description – 1350 Delfino Way

07/09/2023

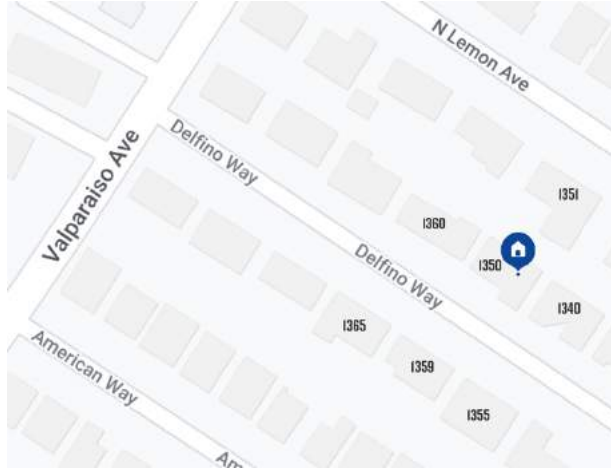
The design for the remodeled and expanded home at 1350 Delfino Way has been conceived as an update of the 'modern farmhouse' style to complement other homes in the neighborhood. Elements have been incorporated to diminish the perception of bulk as seen from the front and sides of the property. The design includes a first floor porch to break up the massing and provide a soft, shadow-filled look for the entrance from the street. The design of the gable at the left on the first story has been included to provide balance to the existing garage. Wood siding is included to bring texture to the look of the home and emphasize the horizontal and vertical elements of the massing. New stone accents on the first story will ground the design.

The house is designed around a second story that sits centrally balanced above the existing first story. A rear-facing second-story balcony provides the ability for the upstairs suite to access fresh air while being nestled behind the gable roof of the downstairs suite as to minimize privacy conflicts with adjacent neighbors. The second story has been designed with primarily front and rear facing windows and the few side facing windows on the second story have high sills to avoid privacy conflicts with the adjacent properties. The proposal includes an attached accessory dwelling unit (ADU), which is not subject to discretionary review. Care has been taken to keep existing landscaping at the side and rear of the property so that privacy can be maintained throughout the project.

The design was conceived to be sensitive to the adjacent homes and fit within the neighborhood aesthetically. Homeowners have shown the project to their immediate neighbors at 1360, 1340, 1365, 1359, and 1355 Delfino Way as well as the rear neighbor at 1351 N Lemon Ave. All neighbors on Delfino way (except 1355) voiced their support for the project. The neighbor at 1355 confirmed receipt but did not respond either for or against the project. The rear neighbor requested changes to the design and we have done our best to accommodate them. It is our hope that the resulting design is a thoughtful looking home that will be an asset to the neighborhood for years to come.

Sincerely,
Chris Kummerer, Principal
CKA Architects, Menlo Park

Log of neighbor communications



Rick and Colleen McCulloch, 1351 N. Lemon Ave.

11.28.2022: email notifying McCollochs of remodel plans with link to plan submission, with request to forward any questions

12.8.2022: follow-up email after no response to original email, checking if original caught in spam folder

12.8.2022: response from Rick McCulloch, information resent with link to plan submission, Rick wished us good luck with the remodel

5.19.2023: Received comments from Rick and Colleen via Project Planner requesting changes to design.

Carter and Donna Busse, 1360 Delfino Way

11.30.2022 : sent email with link to plan submission

11.30.2022: response from Carter, said the plans looked awesome

8.06.2023: letter in support received from Carter to be forwarded to Planning Commission

Kim Osborn, 1340 Delfino Way

11.29.2022: talked to Kim, shared info about project and got email address to send plans 11.30.2022: sent email with link to plan submission

1.3.2023: talked with Kim, she said she loved the design and wished us good luck.

Stan and Peg Ogren, 1359 Delfino Way

11.30.2022 : sent email with link to plan submission

12.1.2022: response from Peg, expressed excitement, also had followup street conversations

Bill and Kelly Griggs, 1365 Delfino Way

11.30.2022 : sent email with link to plan submission

11.30.2022: Response from Kelly, said they were super excited and had no worries.

8.06.2023: letter in support received from Kelly to be forwarded to Planning Commission

Dean and Elaine White, 1355 Delfino Way

11.29.2022: talked to Dean, shared info about project and got email address to send plans

11.30.2022: sent email with link to plan submission

Pruter, Matthew A

From: Travis Wood <travis@cka-architects.com>
Sent: Monday, August 21, 2023 1:31 PM
To: Pruter, Matthew A
Cc: Chris Kummerer
Subject: Fwd: 1350 Delfino Way, Menlo Park - Project Support

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 Matt,

Here is the first comment letter.

Also, checking in to see if your department has had any further communications with the rear neighbors (on North Lemon) in recent weeks?

Thank you,

Travis Wood
Design Partner
CKA Architects
o. 650-233-0342

----- Forwarded message -----

From: Griggs, Kelly <Kelly.Griggs@cbnorcal.com>
Date: Mon, Jul 31, 2023 at 20:15
Subject: 1350 Delfino Way, Menlo Park - Project Support
To: Monica Tompkins <monicatary@gmail.com>

Community Development Department

Planning Division

[701 Laurel Street](#)

[Menlo Park, CA 94025](#)

Dear Planning Commissioner,

Our names are Bill and Kelly Griggs and we have lived at [1365 Delfino Way, Menlo Park](#) since 2011. Our neighbors at 1350 Delfino Way, the Tompkins Family, shared with us that they would like to remodel their home to add a second story. They reviewed the plans with us, and we don't have any objections to it. We support their improvement project and hope it is approved. The Tompkins are wonderful Menlo Park community members and have always been very considerate neighbors. Please give their project every consideration.

Thank you,

Kelly & Bill Griggs

[1365 Delfino Way](#)

[Menlo Park, CA 94025](#)

KELLY GRIGGS

Cell: 650.464.1965

Email: kelly.griggs@cbnorcal.com

This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system.

Pruter, Matthew A

From: Travis Wood <travis@cka-architects.com>
Sent: Wednesday, August 9, 2023 1:07 PM
To: Pruter, Matthew A
Cc: Perata, Kyle T; Chris Kummerer
Subject: Fwd: Letter for Planning Commissioner

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Hi Matt,

Here is another letter in support from one of the neighbors at 1350 Delfino.

Thank you,

Travis Wood
Design Partner
CKA Architects
o. 650-233-0342

Begin forwarded message:

From: Monica Tompkins <monicatary@gmail.com>
Subject: Fwd: Letter for Planning Commissioner
Date: August 6, 2023 at 14:44:25 PDT
To: Chris Kummerer <chris@cka-architects.com>, David Tompkins <dt@dt.org>, Travis Wood <travis@cka-architects.com>

Next one

----- Forwarded message -----

From: Carter Busse <carterbusse@gmail.com>
Date: Sun, Aug 6, 2023 at 14:30
Subject: Letter for Planning Commissioner
To: Monica Tompkins <monicatary@gmail.com>

*Community Development Department
Planning Division
[701 Laurel Street](#)
[Menlo Park, CA 94025](#)*

Dear Planning Commissioner,

Our neighbors at [1350 Delfino Way](#), the Tompkins Family, shared with us that they would like to

remodel their home to add a second story. They reviewed the plans with us, and we don't have any objections to it. We support the project and hope it is approved.

Thank you,

Carter and Donna Busse
[1360 Delfino Way](#)
[Menlo Park, CA 94025](#)

Pruter, Matthew A

From: Travis Wood <travis@cka-architects.com>
Sent: Monday, August 21, 2023 8:35 AM
To: Pruter, Matthew A
Cc: Perata, Kyle T; Chris Kummerer
Subject: Fwd: Letter to planning commission

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 Matt,

Please see attached for another support letter from another neighbor.

Best regards,

Travis Wood
Design Partner
CKA Architects
o. 650-233-0342

----- Forwarded message -----

From: White, Elaine <ewhite@cbnorcal.com>
Date: Sat, Aug 19, 2023 at 09:36
Subject: Re: Letter to planning commission
To: Monica Tompkins <monicatary@gmail.com>

Community Development Department
Planning Division
[701 Laurel Street](#)
[Menlo Park, CA 94025](#)

Dear Planning Commissioner,

We reside at [1355 Delfino Way](#). Our neighbors across the street, the Tompkins, have shared with us their desire to remodel their home and their plans to do so. Many of our neighbors have expanded their homes by adding a second story, particularly on that side of the street. We support the project and feel that it would increase the value of all the homes in our neighborhood. The addition of a second story is typical in our neighborhood. Our home backs to American Way and many of those homes have either been torn down and a new two story home added in their place or a second story added. We feel that a custom remodel, like the ones proposed by the Tompkins, is more valuable to the neighborhood than some of the cookie cutter spec built homes that have been popping up around the area.

Thanks,

Elaine and Dean White

[1355 Delfino Way, Menlo Park CA 94025](https://www.elainewhite.com)

Elaine Berlin White

Broker Associate, Attorney at Law

Top 1% of Coldwell Banker Realty

License #01182467

(650) 465-4663

www.elainewhite.com

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COLDWELL BANKER HAS NOT AND WILL NOT VERIFY INFORMATION FROM OTHER SOURCES.

|

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

August 20, 2023

Community Development Department
Planning Department
701 Laurel Street
Menlo Park, CA 94025

Dear Planning Commissioner,

Our neighbors, the Tompkins Family at 1350 Delfino Way, shared with us that they would like to remodel their home and add a second level. We have seen the plans, and we have no objections. We support the project and hope it is approved.

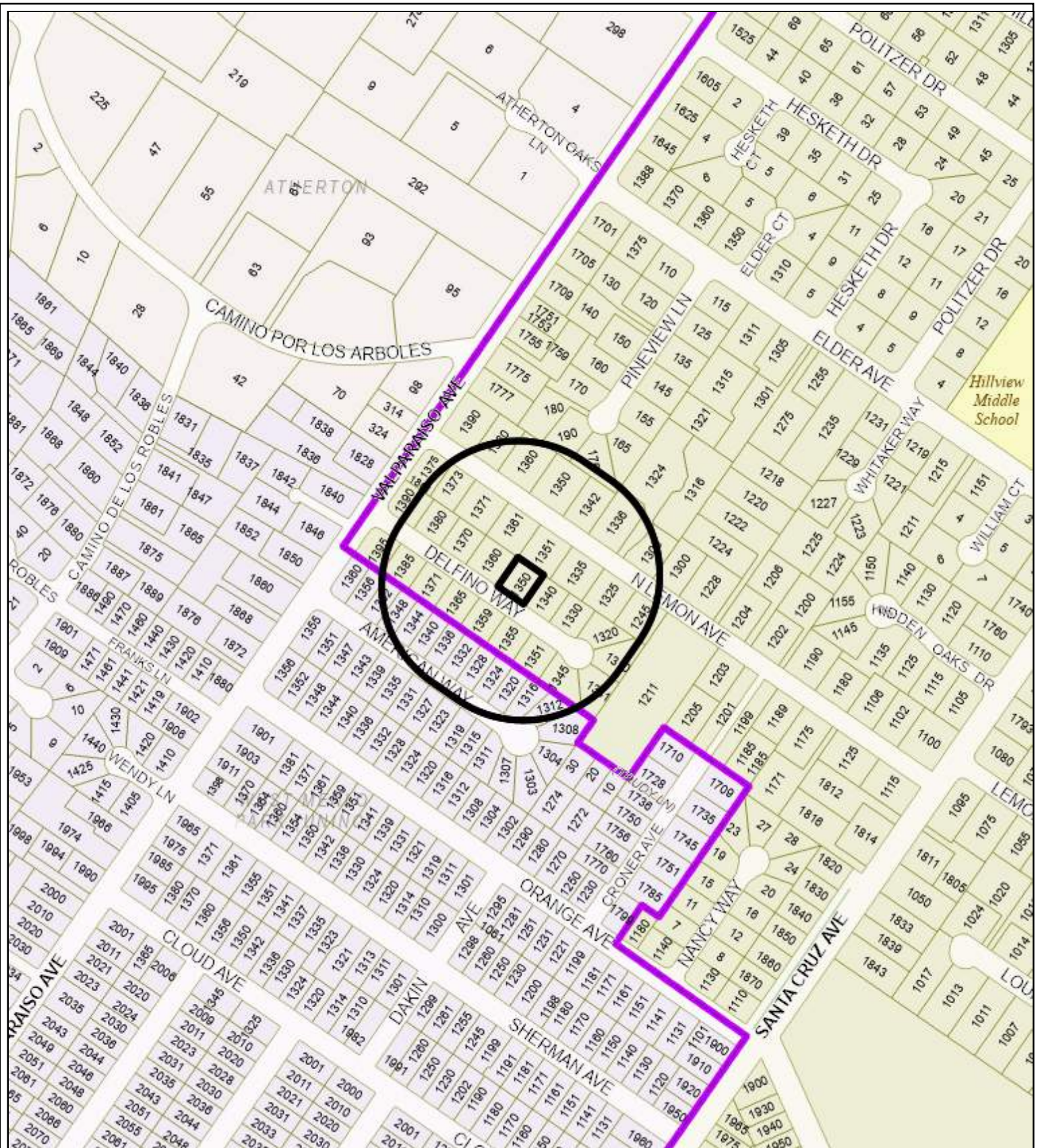
We look forward to the completion of their project and their return to our wonderful neighborhood.

Thank you.

Kim Asborn
1340 Delfino Way
Menlo Park, CA 94025

LOCATION: 1350 Delfino Way	PROJECT NUMBER: PLN2022-00058	APPLICANT: Chris Kummerer	OWNER: David and Monica Tompkins
<p>PROJECT CONDITIONS:</p> <ol style="list-style-type: none"> 1. The use permit shall be subject to the following standard conditions: <ol style="list-style-type: none"> a. The applicant shall be required to apply for a building permit within one year from the date of approval (by August 28, 2024) for the use permit to remain in effect. b. Development of the project shall be substantially in conformance with the plans prepared by CKA Architects, consisting of 20 plan sheets, dated received August 9, 2023 and approved by the Planning Commission on August 28, 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. Prior to building permit issuance, the applicant shall pay all fees incurred through staff time spent reviewing the application. i. 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. j. 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 			

LOCATION: 1350 Delfino Way	PROJECT NUMBER: PLN2022-00058	APPLICANT: Chris Kummerer	OWNER: David and Monica Tompkins
PROJECT CONDITIONS: <p>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.</p> <p>2. The use permit shall be subject to the following project-specific conditions:</p> <ul style="list-style-type: none">a. Remove and replace the parking strip along the entire project frontage prior to building permit final inspection, to the satisfaction of the Public Works Department.b. Remove and replace concrete valley gutter along entire project frontage prior to building permit final inspection, to the satisfaction of the Public Works Department.			



Hillview Middle School



City of Menlo Park
 Location Map
 1350 Delfino Way



Scale: 1:4,000

Drawn By: MAP

Checked By: CDS

Date: 8/28/2023

Sheet: 1

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	7,452.0 sf	7,452.0 sf	7,000 sf min.
Lot width	81.0 ft.	81.0 ft.	65 ft. min.
Lot depth	92.0 ft.	92.0 ft.	100 ft. min.
Setbacks			
Front	17.8 ft. (Main House)	17.8 ft.	20 ft. min.
	21.3 ft. (ADU)		
Rear	24.0 ft. (Main House) 22.0 ft. (ADU)	22.0 ft.	20 ft. min.
Side (left)	20.6 ft.* (Main House) 8.0 ft. (ADU)	8.0 ft.	8.1 ft. min.
Side (right)	7.7 ft. (Main House)	7.7 ft.	8.1 ft. min.
	49.7 ft. (ADU)		
Building coverage	3034.4** sf 40.7 %	2,572.8 sf 34.5 %	2,608.2 sf max. 35 % max.
FAL (Floor Area Limit)	3,694.7** sf	2,476.9 sf	2,913.0 sf max.
Square footage by floor	1,411.9 sf/1st 938.3 sf/2nd 464.2 sf/garage 880.3 sf/ADU 278.0 sf/porches	2,012.7 sf/1st 464.2 sf/garage 95.9 sf/porches	
Square footage of buildings	3,972.7 sf	2,572.8 sf	
Building height	27.5 ft.	16.6 ft.	28 ft. max.
Parking	1 covered	1 covered	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			

Trees			
Heritage trees***	2	Non-Heritage trees	4
Heritage trees proposed for removal	0	Non-Heritage trees proposed for removal	0
		New Trees	0
		Total Number of Trees	6

* The proposed ADU would be attached on the left side of the main residence, which would change the left side setback to conforming, as attached ADUs have a required left side setback of four feet.

** Floor area and building coverage for the proposed project includes the ADU, which is 880.3 square feet in size. Only 800 square feet of the ADU is allowed to exceed the floor area limit and maximum building coverage. With the ADU and main residence combined, the floor area limit would be exceeded by 781.7 square feet and the building coverage would be exceeded by 426.2 square feet.

*** Both heritage trees are located in neighboring properties.

8/20/23

ATTACHMENT D

Attached is a picture of our yard @ 1351 N. Lemon with the residence of 1350 Delfino in the background. The arrows indicate where we would like the owners of 1350 Delfino to plant trees* in order to help maintain our privacy. (We planted the 3 trees you see on our side 7 years ago when our neighbors removed our common back fence and tall ivy, thus taking away our privacy.) We would greatly appreciate this.

Regards,

Rick and Kristine Mc Colloch
Krisrccolloch@yahoo.com
(450) 326-4285

RECEIVED

AUG 21 2023

CITY OF MENLO PARK
PLANNING DIVISION

* Evergreen, mature (possibly 24" x 24" box) such as English laurels.

Places where we
would like to see some
trees planted.



Pruter, Matthew A

From: Kristine McColloch <krismccolloch@yahoo.com>
Sent: Sunday, February 26, 2023 1:15 PM
To: Pruter, Matthew A
Subject: 1350 Delfino Way, Menlo Park

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.

Matt Pruter, Associate Planner of Menlo Park, We wrote to you approximately two months ago, on Jan 2, in regards to a use permit @ 1350 Delfino Way, MP. This residence is directly behind our home @ 1351 North Lemon Ave. After two months of careful thought, we have come up with a few suggestions/changes that would help us retain privacy, retain the value of our property, and the quality of our lives.

One request would be to move the second story addition towards Delfino Way (approximately 10-15 feet) and move it over towards/above their garage, thus not lessening the square footage, but giving us much more privacy. (This would move the addition towards our garage as well.) It would also help in not removing the sunlight in our yards.

Another request is to reduce the number and size of windows facing our yard. By this we mean raising the sill height to reduce visibility into our yard.

Thirdly, require planting of mature trees along the fence in their yard (approximately 24 inch containers). Five-six trees (maybe English laurel) would be needed to fill in the existing gaps in the fence to help cover the addition.

Making some changes or conditions of approval would go a long way towards addressing our concerns.

Please notify us as to the date of the public meeting when it has been determined.

Thank you.

Regards,
Rick and Kristine McColloch

.

Sent from my iPad

Pruter, Matthew A

From: Kristine McColloch <krismccolloch@yahoo.com>
Sent: Tuesday, January 3, 2023 5:10 PM
To: Pruter, Matthew A
Subject: Use permit @ 1350 Delfino Way

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.

Matt Pruter, Associate Planner of Menlo Park, We are writing in response to a notice sent to us regarding a request for a use permit to add a second story and ADU @ 1350 Delfino Way, Menlo Park. Our address is 1351 North Lemon Ave, directly behind the residence in question. We are extremely distraught regarding the building of this structure. As 1350 Delfino is a substandard lot, their existing house is very close to our shared property line/fence. A second story addition would greatly affect our privacy and quality of our yard. Along with the closeness in proximity and huge size of this addition looming in our yard, there are a series of windows which would all be facing into our yard. (At night, it would be a series of lights shining on us!) Furthermore, the height of this second story addition may very well be higher than the winter afternoon sun as it moves across the sky thus shading our entire yard.

We would certainly appreciate the commission taking careful review as to the impact on our yard and home and possibly revising the size and/or placement of the addition, removing windows, or helping us in some manner so that we can retain the privacy and quality of our yard/home that we have enjoyed for 40 years. If anyone in the planning commission wishes to come into our yard to see the extent of our concern, please feel free to do so. We will appreciate a response when convenient.

Thank you.
Regards,
Rick and Kristine McColloch
650-326-4285

Sent from my iPad



STAFF REPORT

Planning Commission

Meeting Date:

8/28/2023

Staff Report Number:

23-057-PC

Public Hearing:

Consider and adopt a resolution to approve a use permit to construct a new two-story, single-family residence on a substandard lot with regard to lot width and area in the R-1-U (Single Family Urban Residential) zoning district, at 2035 Santa Cruz Avenue. The proposal includes an attached accessory dwelling unit which is not subject to discretionary review.

Recommendation

Staff recommends that the Planning Commission adopt a resolution approving a use permit to demolish an existing one-story, single-family residence and detached garage, and construct a new two-story, single-family residence on a substandard lot with regard to lot width and area in the R-1-U (Single Family Urban Residential) zoning district. The proposal includes an attached accessory dwelling unit (ADU), which is 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

The subject property is located on Santa Cruz Avenue. Using Santa Cruz Avenue in the north-south orientation, the subject property is located on the eastern side of Santa Cruz, near the intersection of Santa Cruz Avenue and Alameda de las Pulgas. The subject property is located at the Menlo Park City Limit. Within the City, immediately adjacent parcels are zoned R-1-U near. An unincorporated area, West Menlo Park, is located along the western side of Santa Cruz Avenue and immediately south of the subject site along Santa Cruz Avenue. The surrounding area is comprised of single family residences. Houses along Santa Cruz Avenue include both one- and two-story residences, developed in a variety of architectural styles, including ranch and some contemporary styles. A location map is included as Attachment B.

Analysis

Project description

The subject property is currently occupied by a one-story residence with a detached two-car garage. The property has a substandard lot width of 50 feet, where 65 feet is required, and a substandard lot area of 5,625 square feet, where 7,000 square feet is required. The applicant is proposing to demolish the existing residence and detached garage and construct a new two-story, single-family residence, along with an attached front-loading two-car garage. The proposed project would also include an attached ADU, which is not subject to discretionary review.

The proposed residence would include a total of four bedrooms and 4 bathrooms, not including the ADU. The ADU would be located in the rear left corner of the ground floor. The required parking for the residence would be provided by an attached two-car garage. The proposed two-car garage would be located in line with the front façade of the building and face the street.

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

- The proposed floor area would be 2,800 square feet, where 2,800 square feet is the FAL for the site.
- The second floor would be limited in size relative to the development, with a floor area of 1,147.7 square feet, where 1,400 square feet is the maximum permitted.
- The attached ADU would be approximately 564.9 square feet and would exceed the maximum floor area limit. However, the maximum FAL is permitted to be exceeded by up to 800 square feet to accommodate the ADU.
- Including the ADU, the proposed building coverage would be 2,497.2 square feet, approximately 44.4 percent of the lot area, where 35 percent is the maximum allowed. The maximum building coverage is also permitted to be exceeded by up to 800 square feet to accommodate the ADU.
- The proposed residence would be 24.3 feet in height, where 28 feet is the maximum allowed.

The proposed residence would be set back 20.8 feet from the front property line and 29.6 feet from the rear property line, where a minimum 20-foot setback is required for both. The left and right sides would have a five-foot setback. In the R-1-U zoning district, the minimum side setbacks are 10 percent of the lot width, but no less than five feet and no greater than 10 feet. As such, the required setback for each side of the property is five feet. The proposed second story would be stepped back from the first story on portions of both 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 Exhibits A and B within Attachment A, respectively.

Design and materials

The applicant states in their project description letter that the proposed new residence is designed in a

transitional contemporary style. The exterior of the proposed residence would predominantly feature cement plaster (stucco), with some wood doors to provide some accent. The roof would contain concrete tiles.

The front façade features a covered porch that highlights the front entry, with a separate pathway into the residence, parallel with the driveway. The front porch also reduces the visual prominence of the street facing, two-car garage. The front elevation includes a bay window on the first level, to the left of the entry and within the covered porch, and a second story bay window. The bay windows provide visual interest on the front façade.

The window frames would be fiberglass. The left-side elevation would feature five second-floor windows with sill heights of approximately four feet above the finished floor, and one second-floor window with a sill height of five feet, six inches. The right-side elevation would feature two second-floor windows, with sill heights of four feet and four feet, six inches above the finished floor. The staircase would have a sill height of three feet, six inches above the stair landing.

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. In addition, the raised sill heights provide additional privacy screening facing side properties along the second floor.

Trees and landscaping

The applicant has submitted an arborist report (Attachment D), 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. Table 1 below summarizes the project trees by species, size, condition, and whether the trees are proposed to be preserved or removed.

Tree Number	Species	Size (DBH, in inches)	Condition	Removal/Reason
1	Coast live oak	12.6	Fair	To be removed
2	Olive	12.4	Fair	To be preserved
3	Coast live oak	34.2	Poor	To be preserved
4	Coast live oak	14.0	Fair	To be preserved
5	Deodar cedar	18.0	Fair	To be preserved
6	Italian stone pine	10.7	Fair	To be preserved
7	Blue oak	22.2	Fair	To be preserved

* Of the five heritage trees, two are located on neighboring properties.

** Of the two non-heritage trees, one is a street tree located in front of the subject property.

The City Arborist reviewed the application and conditionally approved the removal permit for one onsite heritage tree (tree #1) based on Criteria 5 (development) pursuant to the Heritage Tree Ordinance. The City did not receive an appeal of the City Arborist's decision. The applicant is required to replace the full value of the tree and would achieve this by paying the replacement value of the tree, \$700, as an in-lieu fee. The City Arborist has approved of this in-lieu fee.

To protect the heritage and non-heritage trees on site, the arborist report has identified such measures as tree protection fencing, limiting grading operations within close proximity to trunk areas, root pruning, tree irrigation via soaking, soil injection, and using wood chips for mulch. All recommended tree protection measures identified in the arborist report would be implemented and ensured as part of condition 1h.

Correspondence

The applicant states in their project description letter that the property owner has completed outreach efforts, which involved emailing and communicating project details to neighbors. The applicant attached correspondence received from one neighbor to the project description letter, and describes feedback received from neighbors and steps the applicant has taken to address the feedback.

As of the writing of this report, staff has received no direct correspondence.

Conclusion

Staff believes that the scale, materials, and style of the proposal are generally compatible with the surrounding neighborhood, and would result in a consistent aesthetic approach. The proposed transitional contemporary style would be cohesive and designed to reduce the massing and potential impacts to neighbors. The applicant has submitted emails of support from surrounding neighbors. 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
 - 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:
Matt Pruter, Associate 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 FOR CONSTRUCTION OF A NEW TWO-STORY, SINGLE-FAMILY RESIDENCE ON A SUBSTANDARD LOT WITH REGARD TO MINIMUM LOT WIDTH AND AREA IN THE R-1-U (SINGLE FAMILY URBAN RESIDENTIAL) ZONING DISTRICT

WHEREAS, the City of Menlo Park (“City”) received an application requesting to demolish an existing one-story, single-family residence, and detached garage, and construct a new two-story residence on a substandard lot with regard to minimum lot width and area in the Single Family Urban Residential (R-1-U) zoning district (collectively, the “Project”) from Mike Ma (“Applicant”), on behalf of the property owner Abdul Kabbani (“Owner”), located at 2035 Santa Cruz Avenue (APN 074-092-240) (“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 Urban Residential (R-1-U) district. The R-1-U district supports single-family residential uses; and

WHEREAS, the proposed Project complies with all objective standards of the R-1-U 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 McClenahan Consulting, LLC, 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 Applicant submitted one heritage tree removal permit for development-based removal, numbered HTR2022-00084, which was reviewed by the City Arborist and found to be in compliance with the Heritage Tree Ordinance, upon which the notice was sent out on June 22, 2023, with the appeal period ending July 7, 2023 and with no appeals filed; 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 August 28, 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-U 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 in a cohesive architectural style and designed to reduce the massing and potential impacts to neighbors.

Section 3. Conditional Use Permit. The Planning Commission approves Use Permit No. PLN2022-00024, 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 August 28, 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 August, 2023

PC Liaison Signature

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

Exhibits

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

NEW RESIDENCE NEW SINGLE FAMILY RESIDENCE+ ADU

2035 SANTA CRUZ AVENUE
MENLO PARK, CA 94025



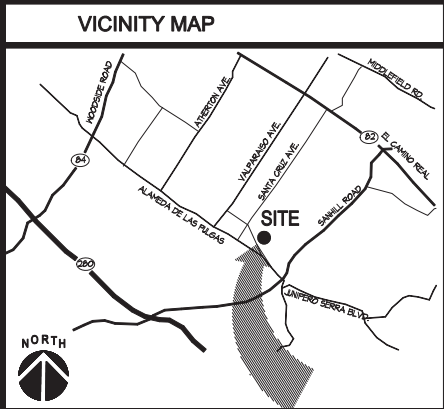
REVISIONS
REVISION PER PLANNING COMMENTS
SEPTEMBER 16, 2022



SYMBOL / LEGEND	
	ELEVATION LETTER DIRECTION OF ELEVATION SHEET NUMBER
	ELEVATION HEIGHT
	DOOR NUMBERS
	DETAIL REFERENCE
	GRID NUMBERS
	DATA POINT
	REFERENCE NOTE
	ROOM NAME
	ROOM NUMBER
	ADDENDUM
	PLAN CHANGE

PROJECT SCOPE

- NEW 2- STORY HOUSE, w/ 2TH & 3RD F. INCLUDING ATTACHED 2-CAR GARAGE
- NEW ATTACHED 564 SF. ADU.



PROJECT CONTACT

OWNER ABD KABBANI & TOUFIC KABBANI 2035 SANTA CRUZ AVENUE MENLO PARK, CA 94025 EMAIL: akabbani@gmail.com	ARCHITECT MARCH DESIGN 111 MAIN STREET, SUITE 215 LOS ALTOS, CA 94022 (650) 502-1907 (650) 510-0516 FAX EMAIL: mmo.01@gmail.com
CIVIL ENGINEER KEC & ASSOCIATES 2625 MIDDLEFIELD ROAD, #650 PALO ALTO, CA 94306 (650) 825-6466 (650) 891-0232 FAX EMAIL: ed@keceng.com	GENERAL CONTRACTOR SIX SIGMA CONSTRUCTION, INC. 5028 SCOTT BLVD, SUITE C SANTA CLARA, CA 95054 (408) 894-1261 EMAIL: kturnamb@sixsigmaconstruction.com
ARBORIST MCGLENANAHAN CONSULTING, LLC 1 ARASTRADERO ROAD PORTOLA VALLEY, CA 94028 (650) 526-8718 (650) 864-1261 FAX EMAIL: john@spmcclenahan.com	

DRAWING INDEX

ARCHITECTURAL	
A1.0	TITLE SHEET
A1.1	AREA MAP, STREETSCAPE & TREE PRESERVATION GUIDELINES
A1.2	PROPOSED SITE PLAN
A2.0	EXISTING FLOOR AND ROOF PLANS
A2.1	PROPOSED FLOOR PLANS
A2.2	PROPOSED ROOF PLAN
A2.3	FLOOR AREA & LOT COVERAGE CALCULATIONS
A3.0	EXISTING EXTERIOR ELEVATIONS
A3.1	PROPOSED EXTERIOR ELEVATIONS
A3.2	BUILDING SECTIONS
CIVIL	
C.0	TOPOGRAPHIC SURVEY

PROJECT SUMMARY

1. OWNER:	ABD KABBANI & TOUFIC KABBANI		
2. PROJECT SITE:	2035 SANTA CRUZ AVE, MENLO PARK, CA 94025		
3. APN:	074-092-240		
4. ZONING:	R-1-U		
5. OCCUPANCY CLASSIFICATION:	RS/ U		
6. CONSTRUCTION TYPE:	V-B		
7. NUMBER OF STORIES:	2		
8. LOT SIZE:	5628 S.F.		
9. SETBACK:		REQUIRED:	PROPOSED:
	FRONT:	20'-0"	20'-0"
	REAR:	20'-0"	28'-11"
	RIGHT SIDE:	9'-0"	9'-0"
	LEFT SIDE:	9'-0"	9'-0"
10. BUILDING HEIGHT:	24'-8"		
11. MAXIMUM FLOOR AREA LIMIT (FAL):	2800 S.F.		
12. MAXIMUM ALLOWED BLDG. COVERAGE:	1944 S.F.		
13. FLOOR AREA CALCULATION:	GARAGE:	4519 S.F.	
	FIRST FLOOR:	1248 S.F.	
	SECOND FLOOR:	1471 S.F.	
	TOTAL FLOOR AREA:	2800 S.F.	
	ATTACHED ADU:	564 S.F.	
14. BLDG. SITE COVERAGE CALCULATION:	GARAGE:	456.8 S.F.	
	FIRST FLOOR:	1281 S.F.	
	ENTRY PORCH:	156.4 S.F.	
	COVERED PATIO:	(2) 1 S.F.	
	TOTAL:	1514.4 S.F.	

APPLICABLE CODES

2019 CBC, CPC, CFC, CMG, CEC, CALIFORNIA ENERGY CODE AND CITY OF MENLO PARK MUNICIPAL CODES & ORDINANCES

2019 CALIFORNIA BUILDING CODE (CBC)
2019 CALIFORNIA RESIDENTIAL CODE (CRC)
2019 CALIFORNIA MECHANICAL CODE (CMC)
2019 CALIFORNIA PLUMBING CODE (CPC)
2019 CALIFORNIA ELECTRICAL CODE (CEC)
2019 CALIFORNIA GREEN BUILDING CODE (CALGREEN)
2019 CALIFORNIA FIRE CODE (CFR) WITH LOCAL AMENDMENTS
2019 STATE OF CALIFORNIA TITLE 24 ENERGY REGULATIONS
2019 NFPA 9

15. INSTALL A NFPA 13-D AUTOMATIC FIRE SPRINKLER SYSTEM INCLUDING ATTIC SPACE AND COVERED PORCH PATIO

NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU
 2035 SANTA CRUZ AVENUE
 MENLO PARK, CA 94025
 APN: 074-092-240

CLIENT

DATE	06/28/22
CHECKED	
DRAWN	MM
JOB NO.	

TITLE SHEET

A1.0



COMMUNITY DEVELOPMENT DEPT.
701 Laurel Street
Menlo Park, CA 94025
650.320.6704
2/23/2011

TREE PROTECTION SPECIFICATIONS

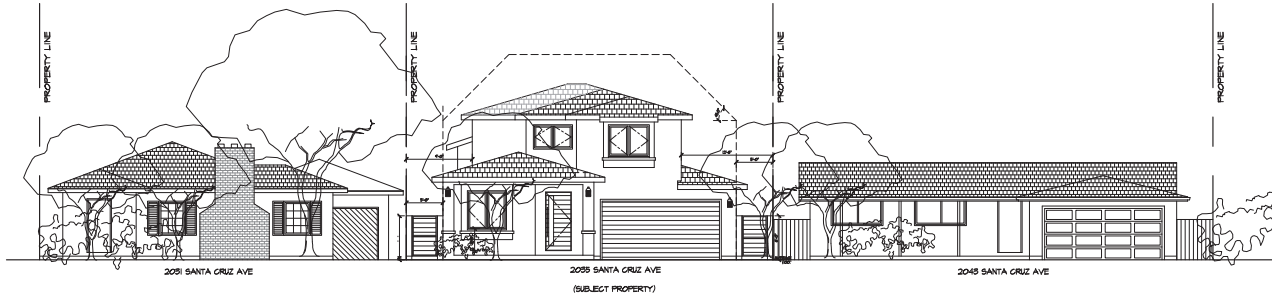
- A 6" layer of coarse mulch or woodchips is to be placed beneath the dripline of the protected trees. Mulch is to be kept 12" from the trunk.
- A protective barrier of 6" chain link fencing shall be installed around the dripline of protected trees. The fencing can be moved within the dripline if authorized by the Project Arborist or City Arborist but not closer than 2' from the trunk of any tree. Fence posts shall be 1.2" in diameter and are to be driven 2' into the ground. The distance between posts shall not be more than 10'. The enclosed area is the Tree Protection Zone (TPZ).
- Monthly barriers of chain link fencing secured in cement blocks can be substituted for "Trunk" Fencing if the Project Arborist and City Arborist agree that the Fencing will have to be moved to accommodate certain phases of construction. The builder may not move the fence without authorization from the Project Arborist or City Arborist.
- Where the City Arborist or Project Arborist has determined that tree protection fencing will interfere with the safety of work crews, Tree Wrap may be used as an alternative form of tree protection. Wooden slats at least one inch thick are to be bound securely, edge to edge, around the trunk. A single layer or more of orange plastic construction fencing is to be wrapped and secured around the outside of the wooden slats. Major scaffold limbs may require protection as determined by the City Arborist or Project Arborist. Straw waddle may also be used as a trunk wrap by coating the waddle around the trunk up to a minimum height of six feet from grade. A single layer or more of orange plastic construction fencing is to be wrapped and secured around the straw waddle.
- Avoid the following conditions:
DO NOT:
 - Allow run off of spillage of damaging materials into the area below any tree canopy.
 - Store materials, stockpiles, rock, or park or drive vehicles within the TPZ.
 - Cut, break, skin, or bruise roots, branches, or trunks without first obtaining authorization from the City Arborist.
 - Allow fires under and adjacent to trees.
 - Discharge exhaust into foliage.
 - Secure cable, chain, or rope to trees or shrubs.
 - Trench, dig, or otherwise excavate within the dripline or TPZ of the tree(s) without first obtaining authorization from the City Arborist.
 - Apply soil sterilants under pavement near existing trees.
- Only excavation by hand or compressed air shall be allowed within the dripline of trees. Machine trenching shall not be allowed.
- Avoid injury to tree roots. When a ditching machine, which is being used outside of the dripline of trees, encounters roots smaller than 2" in diameter, the wall of the trench adjacent to the trees shall be hand finished, making clean, clear cuts through the roots. All damaged, torn and cut roots shall be given a clean cut to remove ragged edges, which promote decay. Trenches shall be filled within 24 hours, but where this is not possible, the side of the trench adjacent to the tree shall be kept shaded with four tiers of dampened, untreated burlap, wetted as frequently as necessary to keep the burlap wet. Roots 2" or larger, when encountered, shall be reported immediately to the Project Arborist, who will decide whether the Contractor may cut the root as mentioned above or shall excavate by hand or with compressed air under the root. Roots cut to be protected with dampened burlap.
- Route pipes outside of the area that is 10 times the diameter of a protected tree to avoid conflict with roots.
- Where it is not possible to reroute pipes or trenches, the contractor shall bore beneath the dripline of the tree. The boring shall take place not less than 3" below the surface of the soil in order to avoid encountering "Tocks" roots.
- Trees that have been identified as the arborist's report as being in poor health and/or posing a health or safety risk, may be removed or pruned by more than one-third, subject to approval of the required permit by the Planning Division. Pruning of existing limbs and roots shall only occur under the direction of a Certified Arborist.
- Any damage due to construction activities shall be reported to the Project Arborist or City Arborist within six hours so that remedial action can be taken.
- An ISA Certified Arborist or ASCA Registered Consulting Arborist shall be retained as the Project Arborist to monitor the tree protection specifications. The Project Arborist shall be responsible for the preservation of the designated trees. Should the builder fail to follow the tree protection specifications, it shall be the responsibility of the Project Arborist to report the matter to the City Arborist as an issue of non-compliance.
- Violation of any of the above provisions may result in sanctions or other disciplinary action.

MONTHLY INSPECTIONS

It is required that the site arborist provide periodic inspections during construction. Four-week intervals would be sufficient to access and monitor the effectiveness of the Tree Protection Plan and to provide recommendations for any additional care or treatment.

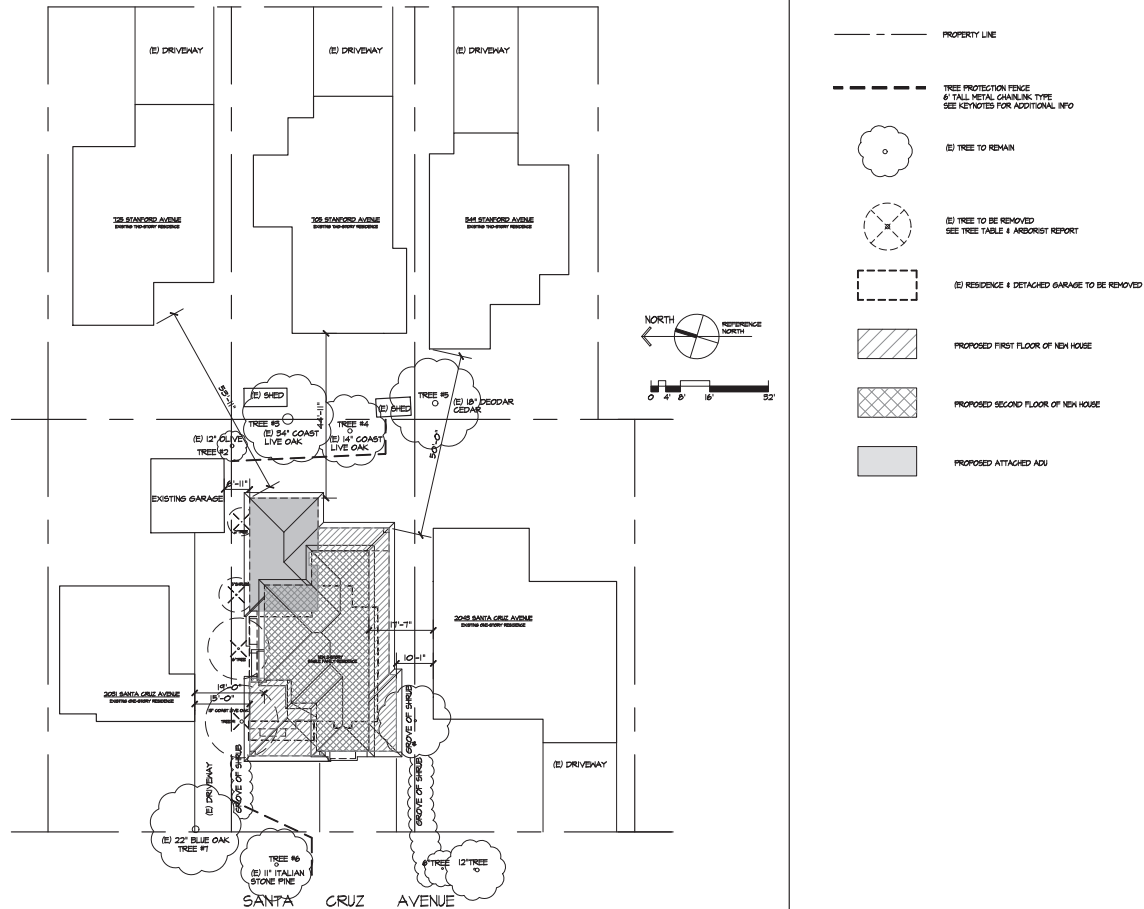
W:\AR\001700\Approved Tree Protection Specifications 10/01.doc

Page 2 of 2



1 STREETScape

1/8"=1'-0"



2 AREA MAP

1/16"=1'-0"

LEGEND

3 TREE PRESERVATION GUIDELINES



REVISIONS
REVISION PER PLANNING COMMENTS
JULY 14, 2022

**NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU**
2055 SANTA CRUZ AVENUE
MENLO PARK, CA 94025
APN: 074-082-240

CLIENT

DATE 06/28/22

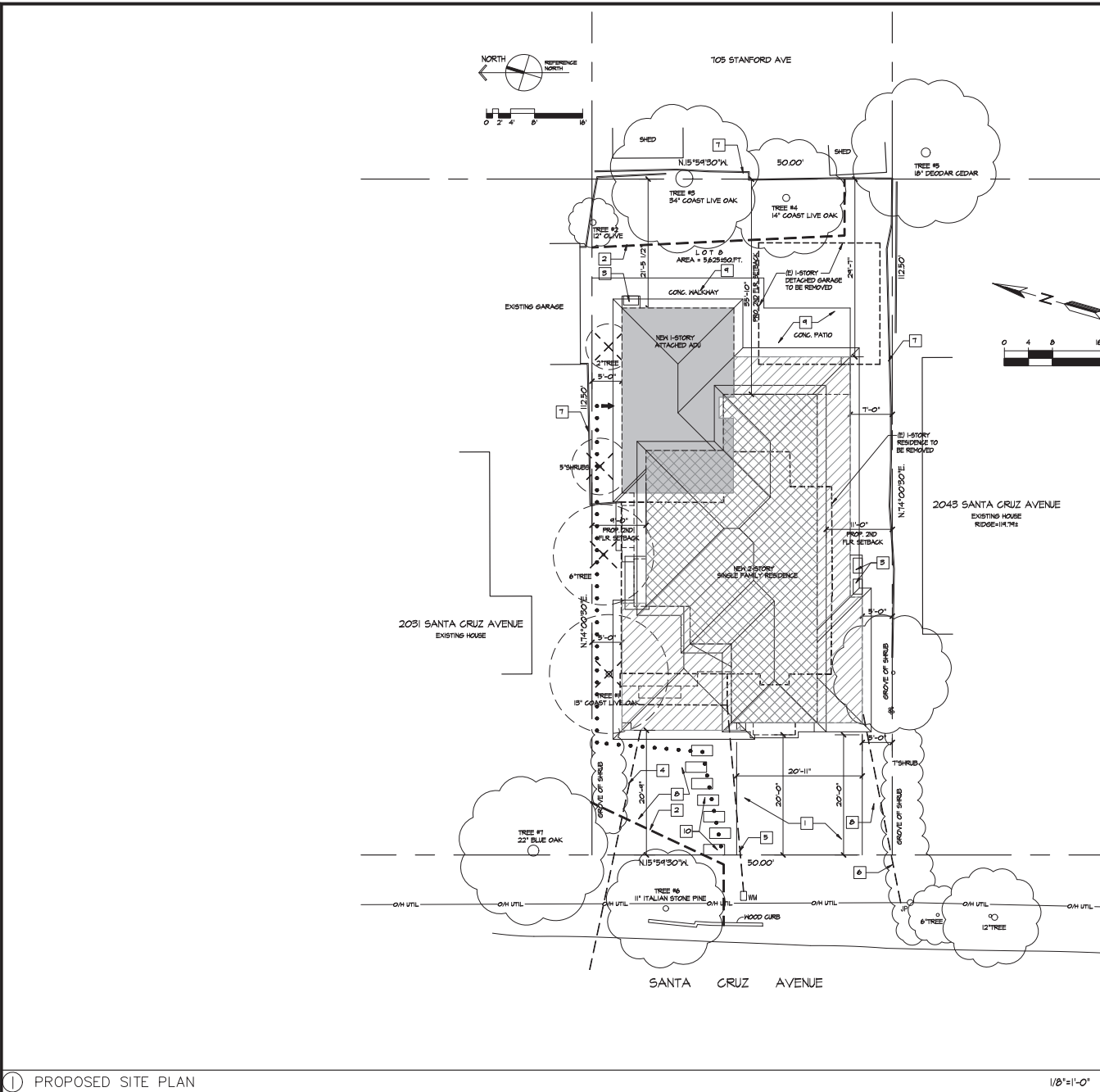
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JOB NO.

**AREA MAP
STREETSCAPE &
TREE PRESERVATION**

A1.1



PROPERTY LINE

TREE PROTECTION FENCE
6" TALL METAL CHAINLINK TYPE
SEE KEYNOTES FOR ADDITIONAL INFO

(E) TREE TO REMAIN

(R) TREE TO BE REMOVED
SEE TREE TABLE & ARBORIST REPORT

(G) RESIDENCE & DETACHED GARAGE TO BE REMOVED

PROPOSED FIRST FLOOR OF NEW HOUSE

PROPOSED SECOND FLOOR OF NEW HOUSE

PROPOSED ATTACHED ADU

PATH OF TRAVEL FRONT PUBLIC RIGHT OF WAY TO ATTACHED ADU AT THE REAR.

- LEGEND**
- BUILDING SETBACK VERIFICATION: PRIOR TO FOUNDATION INSPECTION BY THE CITY, THE LLS OF RECORD SHALL PROVIDE A WRITTEN CERTIFICATION THAT ALL BUILDING SETBACKS ARE PER THE APPROVED PLANS.
 - ALL REMAINING EXISTING LANDSCAPE TO BE PROTECTED FROM DAMAGE DURING CONSTRUCTION, TYPICAL.
 - REMOVE EXISTING LANDSCAPE WHERE NEW CONSTRUCTION OCCURRED. VERIFY WITH OWNER FOR ITEM TO BE SAVED AND REUSE.
 - REMOVE EXISTING FENCE WHERE NEW CONSTRUCTION OCCURRED.
 - SEE SOIL REPORT FOR SITE & FOUNDATION CONSTRUCTION & GRADING REQUIREMENTS.
 - ANY CONSTRUCTION WITHIN THE CITY RIGHT-OF-WAY MUST HAVE AN APPROVED PERMIT FOR CONSTRUCTION IN THE PUBLIC STREET PRIOR TO COMMENCEMENT OF WORK. APPLY FOR THIS PERMIT AT THE PUBLIC WORKS ENGINEERING (PWE) DIVISION. THE PERFORMANCE OF THIS WORK IS NOT AUTHORIZED BY THE BUILDING PERMIT ISSUANCE BUT SHOWN ON THE BUILDING PERMIT FOR INFORMATION ONLY.
 - REFER TO SHEET C-1 FOR DOWNPOUT/ SPLASH BLOCK LOCATIONS.
 - REMOVE ALL (E) ON-SITE SUBGRADE SENSITIVE LINE & REPLACE WITH NEW.
 - FOR ALL SOURCES OF SOUND MEASURED FROM ANY RESIDENTIAL PROPERTY (i.e. HVAC, HEAT PUMP, ETC.), SOUNDS CANNOT EXCEED 50 dBA AT DURING NIGHT THE HOURS NOR 60dBA DURING DAYTIME HOURS.

- GENERAL NOTES**
- NEW CONC. DRIVEWAY.
 - TREE PROTECTION FENCE: 6" TALL METAL CHAINLINK TYPE SUPPORTED BY 2" METAL POLES DRIVEN INTO THE GROUND BY NO LESS THAN 2'. SEE TREE PROTECTION ON ARBORIST REPORT.
 - HEAT PUMP ON NEW CONC. PAD. NEW HVAC EQUIPMENT SHALL NOT EXCEED 50dBA AT NIGHT AND 60 dBA DURING THE DAY AT THE NEAREST RESIDENTIAL PROPERTY LINE.
 - APPROX. LOCATION OF NEW 4" SANITARY SEWER LINE.
 - APPROX. LOCATION OF NEW 2" WATER LINE.
 - APPROX. LOCATION OF NEW 400AMP ELEC. DROP.
 - (E) NO. FENCE TO REMAIN. VERIFY WITH OWNER.
 - NO LANDSCAPING.
 - NO CONC. WALKWAY & PATIO.
 - NO CONC. STEPPING STONE.

KEYNOTES

EXISTING	SPECIES	DBH	HEIGHT	RETAINED OR REMOVED
1	COAST LIVE OAK	18"	4'-20'	REMOVED
2	OLIVE	12"	4'-25'	RETAINED
3	COAST LIVE OAK	54"	4'-50'	RETAINED
4	COAST LIVE OAK	14"	4'-8'	RETAINED
5	DEODAR CEDAR	18"	4'-50'	RETAINED
6	ITALIAN STONE PINE	18"	4'-50'	RETAINED
7	BLUE OAK	22"	4'-20'	RETAINED

SEE ARBORIST REPORT FOR DETAILED INFORMATION.

TREE TABLE (EXISTING TREES)



- REVISIONS**
- REVISION PER PLANNING COMMENTS SEPTEMBER 16, 2022
 - REVISION - ALTERNATIVE DESIGN MAY 29, 2023
 - REVISION PER PLANNING COMMENTS JULY 14, 2023

**NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU**
2043 SANTA CRUZ AVENUE
MENLO PARK, CA 94025
APN: 074-092-240

CLIENT

DATE 06/28/22

CHECKED

DRAWN

JOB NO.

**PROPOSED
SITE PLAN**

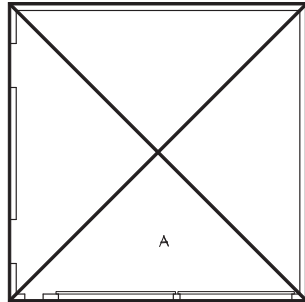
A1.2

PROPOSED SITE PLAN

1/8"=1'-0"

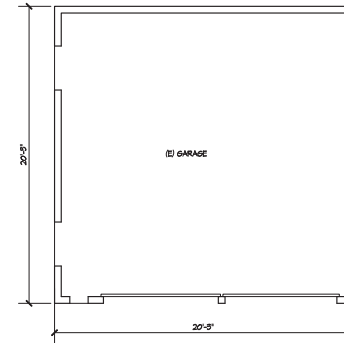
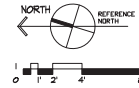
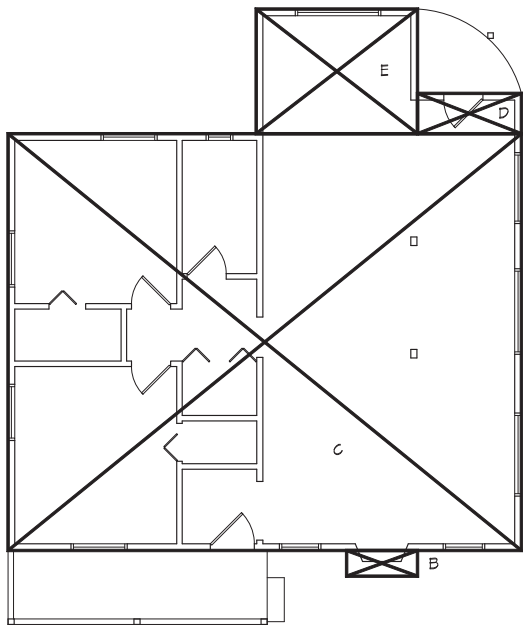
FLOOR AREA CALCULATION

SECTION	DIMENSIONS	AREA
A	20'-5" X 20'-5"	410.1
C	35'-0" X 28'-5"	994.6
D	7'-1" X 2'-4"	19.5
E	11'-0" X 8'-6"	95.5
TOTAL		1519.7

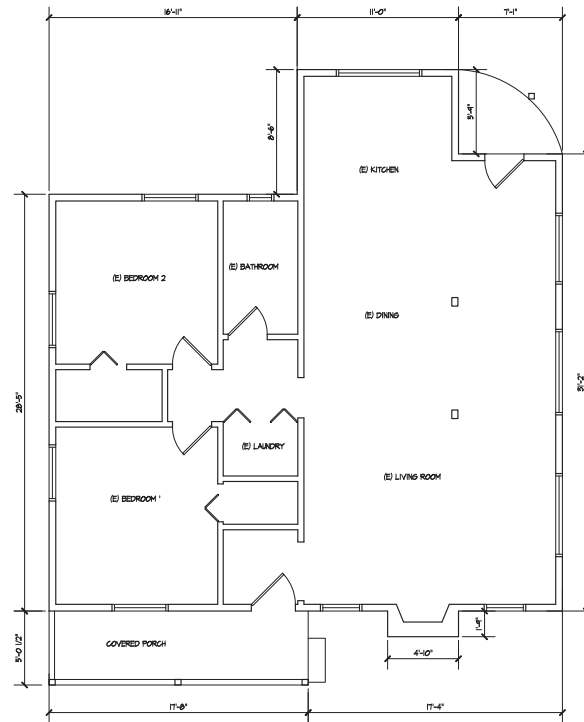


BUILDING COVERAGE CALCULATION

SECTION	DIMENSIONS	AREA
A	20'-5" X 20'-5"	410.1
B	4'-10" X 1'-4"	8.5
C	35'-0" X 28'-5"	994.6
D	7'-1" X 2'-4"	19.5
E	11'-0" X 8'-6"	95.5
TOTAL		1528.2



NOTES:
EXISTING RESIDENCE & ITS DETACHED GARAGE
TO BE DEMOLISHED ENTIRELY.



ARCHITECTURE | INTERIOR | PLANNING
114 MAIN STREET, SUITE 215
LOS ALTOS, CA 94022
650.562.1807
info@marchdesign.com

REVISIONS
REVISION FOR PLANNING COMMENTS
JULY 14, 2022

NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU
2095 SANTA CRUZ AVENUE
MENLO PARK, CA 94025
APN: 074-092-240

CLIENT

DATE 06/28/22

CHECKED

DRAWN MM

JOB NO.

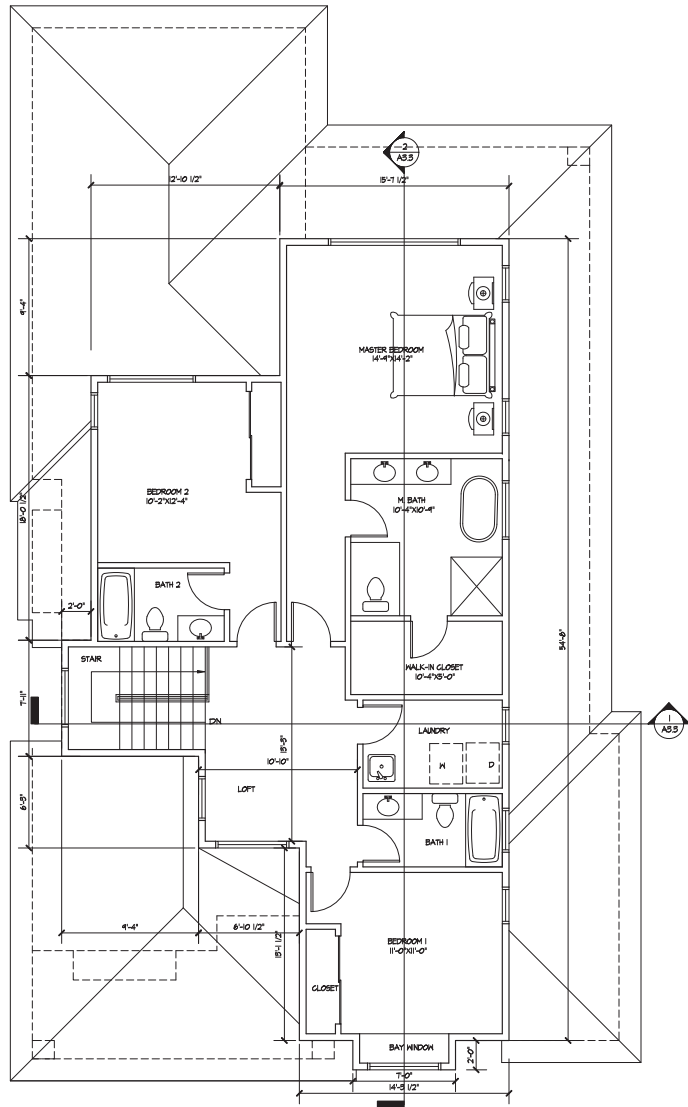
EXISTING
FLOOR PLANS
& AREA CALC.

A2.0

② FLOOR AREA CALCULATIONS

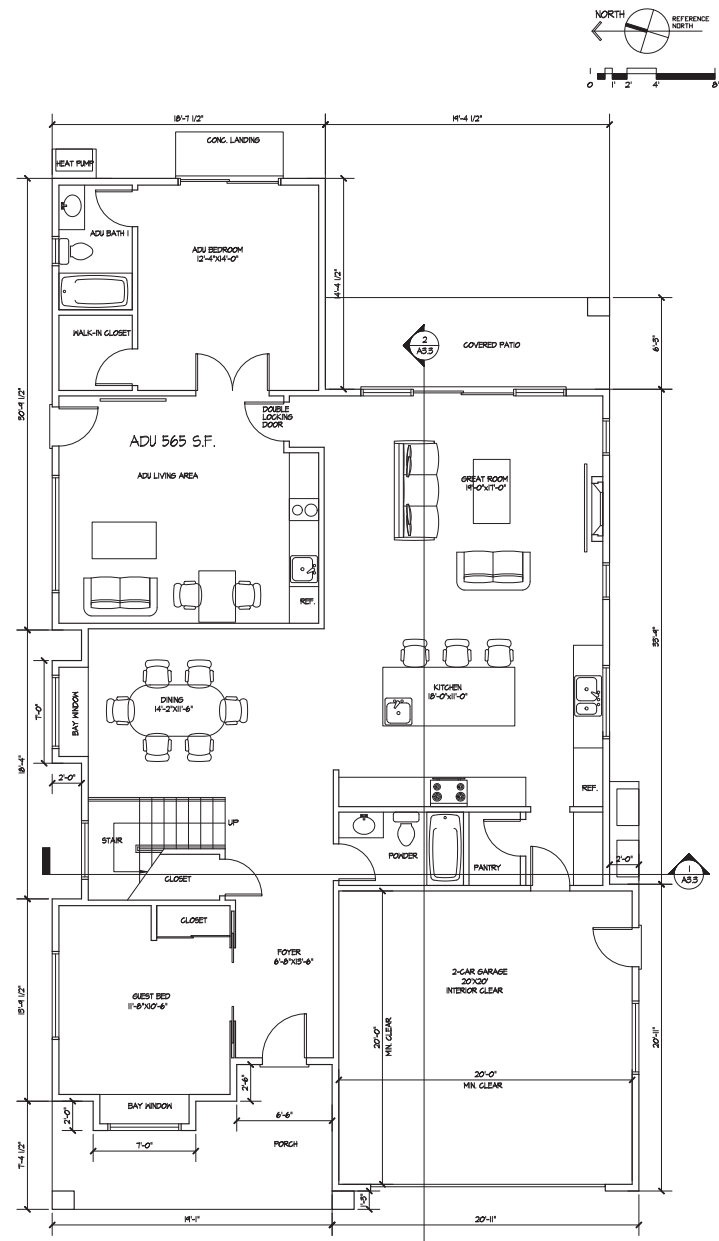
① EXISTING FLOOR PLANS

1/4" = 1'-0"



② PROPOSED UPPER FLOOR PLAN

1/4" = 1'-0"



① PROPOSED GROUND FLOOR PLAN

1/4" = 1'-0"



REVISIONS

**NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU**
2085 SANTA CRUZ AVENUE
MENLO PARK, CA 94025
APN: 074-082-240

CLIENT

DATE 06/28/22

CHECKED

DRAWN MM

JOB NO.

**PROPOSED
FLOOR PLANS**

A2.1



MARCH
DESIGN
ARCHITECTURE | INTERIOR | PLANNING
111 MAIN STREET, SUITE 215
LOS ALTOS, CA 94022
650.952.2607
info@marchdesign.com

REVISIONS

NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU
2095 SANTA CRUZ AVENUE
MENLO PARK, CA 94025
APN: 074-092-240

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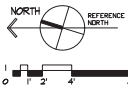
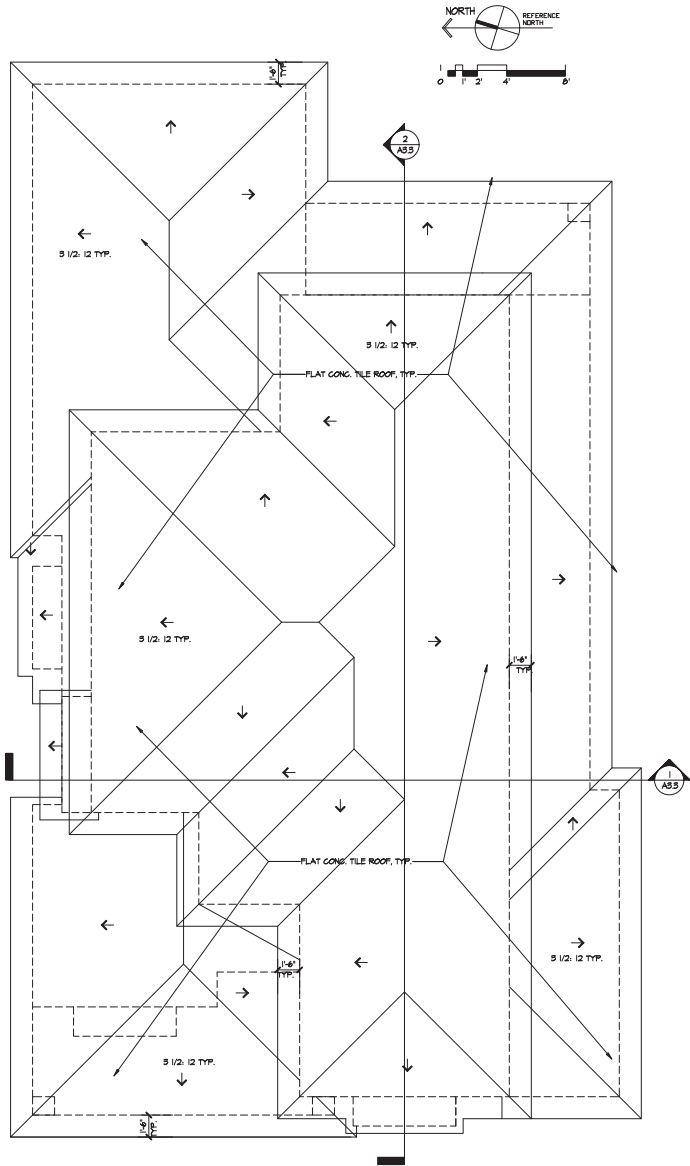
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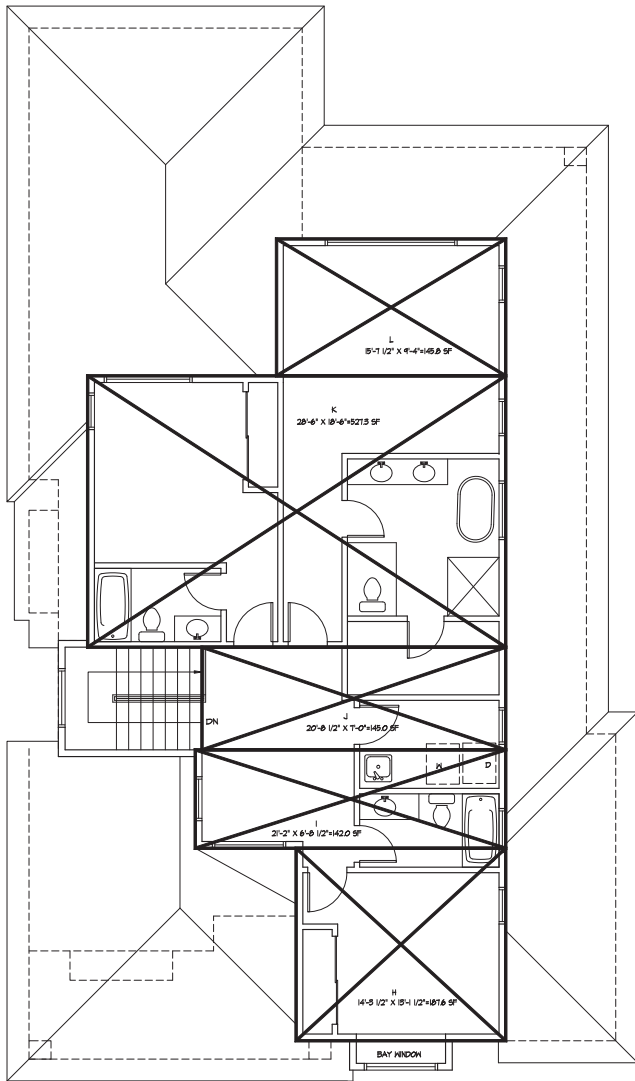
**PROPOSED
ROOF PLAN**

A2.2



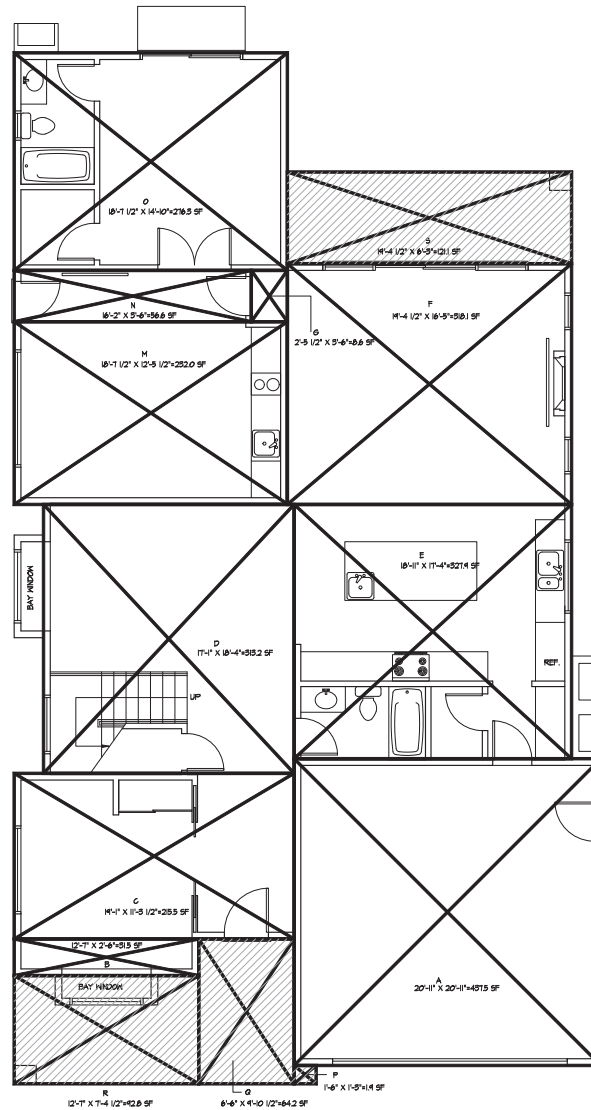
① PROPOSED ROOF PLAN

1/4" = 1'-0"



② PROPOSED SECOND FLOOR AREA CALCULATION

1/4" = 1'-0"



① PROPOSED GROUND FLOOR AREA CALCULATION

1/4" = 1'-0"

FLOOR AREA CALCULATION

FIRST FLOOR		
SECTION	DIMENSIONS	AREA
A	20'-11" X 20'-11"	431.5
B	12'-7" X 2'-6"	31.5
C	14'-1" X 11'-3 1/2"	215.5
D	17'-1" X 18'-4"	313.2
E	18'-11" X 17'-4"	327.4
F	11'-4 1/2" X 18'-5"	318.1
G	2'-5 1/2" X 8'-6"	21.6
SUBTOTAL		1652.3

SECOND FLOOR		
SECTION	DIMENSIONS	AREA
H	14'-5 1/2" X 13'-1 1/2"	187.6
I	21'-2" X 6'-8 1/2"	142.0
J	20'-8 1/2" X 7'-0"	145.0
K	23'-6" X 18'-6"	521.3
L	15'-1 1/2" X 8'-4"	145.8
SUBTOTAL		1147.7

TOTAL FLOOR AREA 2,800.0 SF ± 2,800 SF

ATTACHED ADU		
SECTION	DIMENSIONS	AREA
M	18'-1 1/2" X 12'-5 1/2"	232.0
N	16'-2" X 3'-6"	56.6
O	18'-1 1/2" X 14'-10"	276.3
SUBTOTAL		564.9

FLOOR COVERAGE CALCULATION

FIRST FLOOR AREA		
SECTION	DIMENSIONS	AREA
P	1'-6" X 1'-5"	11.4
Q	6'-6" X 4'-10 1/2"	64.2
R	12'-7" X 7'-4 1/2"	92.8
S	11'-4 1/2" X 8'-3"	121.1
TOTAL		193.4

TOTAL COVERAGE 1,931.4 SF < 1,967 SF



REVISIONS
REVISION FOR PLANNING COMMENTS
SEPTEMBER 16, 2022

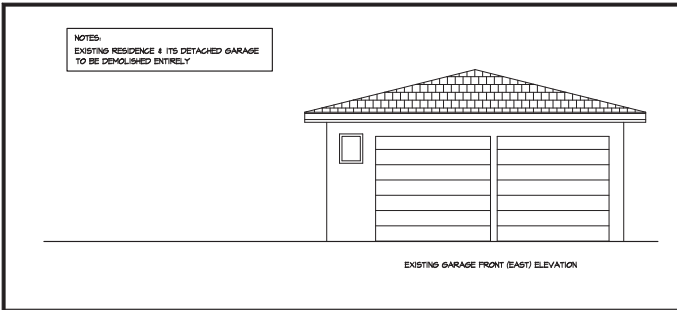
NEW RESIDENCE
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2055 SANTA CRUZ AVENUE
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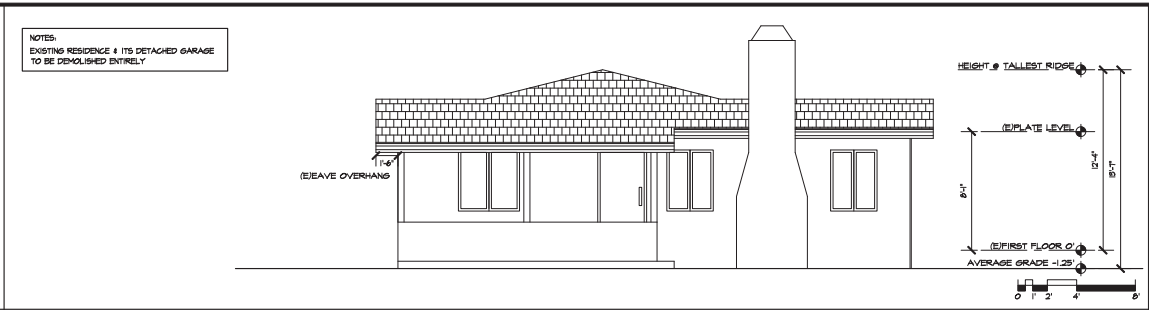
DATE 06/28/22
CHECKED
DRAWN MM
JOB NO.

FLOOR AREA & COVERAGE CALCULATIONS

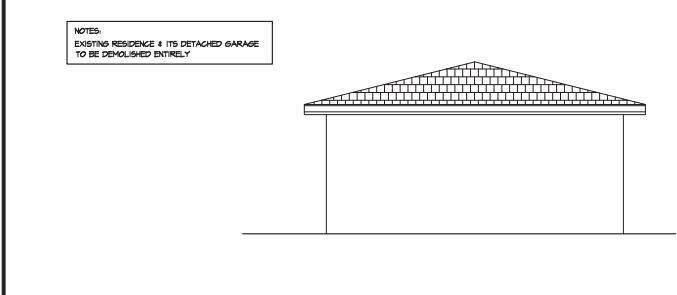
A2.3



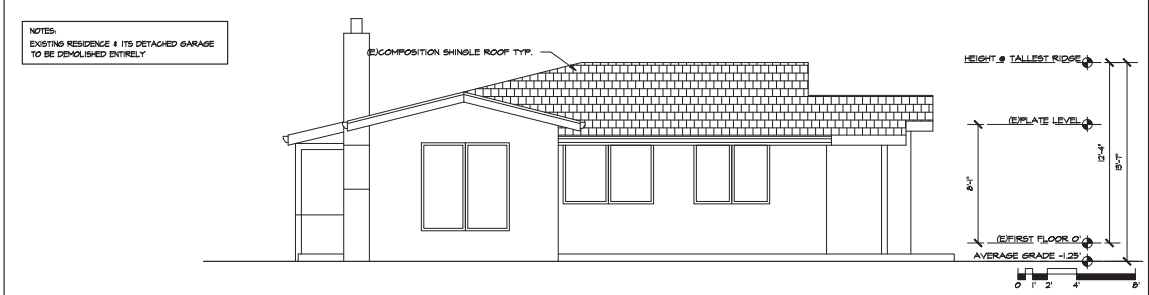
⑤ EXISTING GARAGE FRONT ELEVATION (WEST) 1/4" = 1'-0"



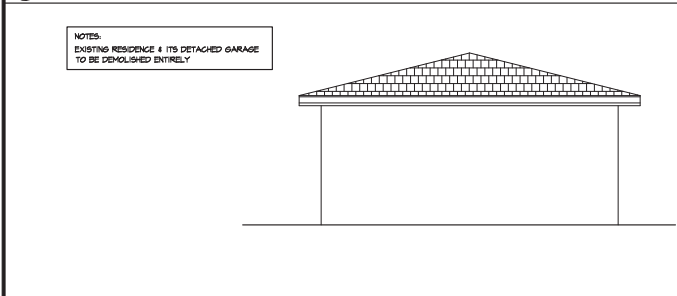
① EXISTING HOUSE FRONT (STREET) ELEVATION (WEST) 1/4" = 1'-0"



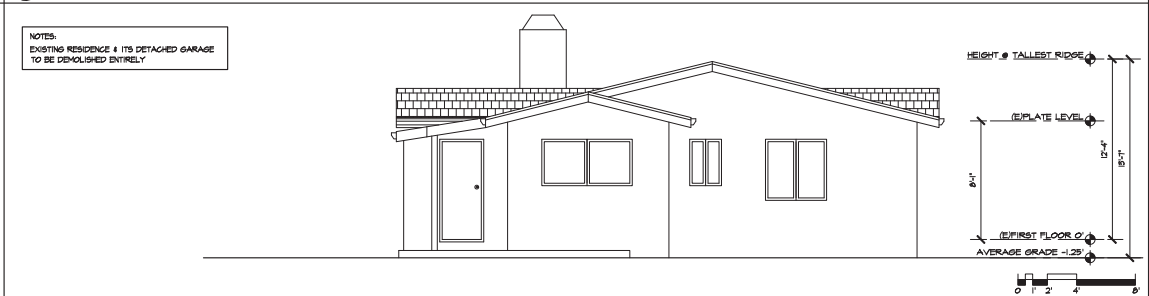
⑥ EXISTING GARAGE LEFT SIDE ELEVATION (NORTH) 1/4" = 1'-0"



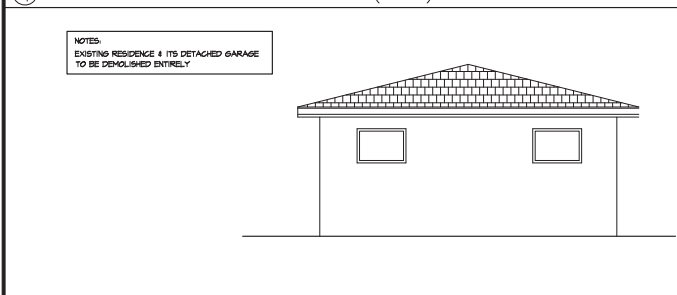
② EXISTING HOUSE LEFT SIDE ELEVATION (NORTH) 1/4" = 1'-0"



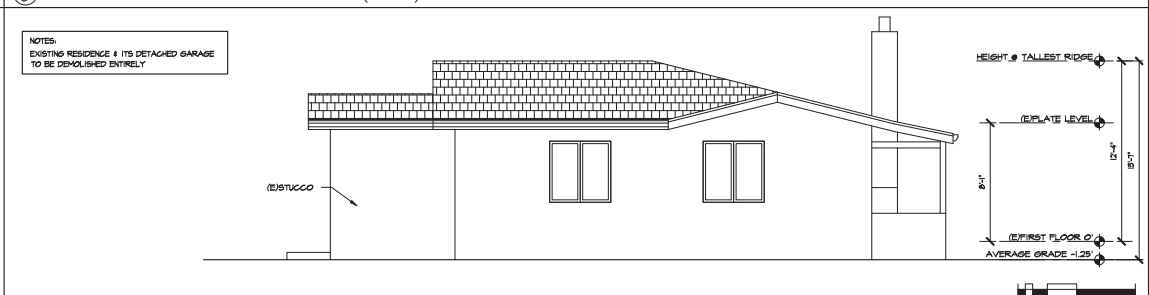
⑦ EXISTING GARAGE REAR ELEVATION (EAST) 1/4" = 1'-0"



③ EXISTING HOUSE REAR ELEVATION (EAST) 1/4" = 1'-0"



⑧ EXISTING GARAGE RIGHT SIDE ELEVATION (SOUTH) 1/4" = 1'-0"



④ EXISTING HOUSE RIGHT SIDE ELEVATION (SOUTH) 1/4" = 1'-0"



REVISIONS
 △ REVISION PER PLANNING COMMENTS
 SEPTEMBER 16, 2022

NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU
 2035 SANTA CRUZ AVENUE
 MENLO PARK, CA 94025
 APN: 074-082-240

CLIENT

DATE 06/28/22
 CHECKED
 DRAWN MM
 JOB NO.

EXISTING EXTERIOR ELEVATIONS

A3.0



MARCH
DESIGN
ARCHITECTURE | INTERIOR | PLANNING
111 MAIN STREET, SUITE 219
LOS ALTOS, CA 94022
650.952.9887
info@march.design

REVISIONS

▲	REVISION PER PLANNING COMMENTS	SEPTEMBER 16, 2022
▲	REVISION PER PLANNING COMMENTS	JULY 14, 2022

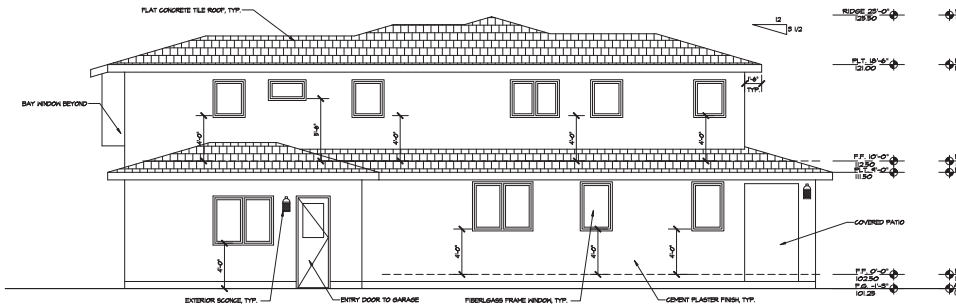
NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU
2055 SANTA CRUZ AVENUE
MENLO PARK, CA 94025
APN: 074-092-240

CLIENT

DATE	06/28/22
CHECKED	
DRAWN	MM
JOB NO.	

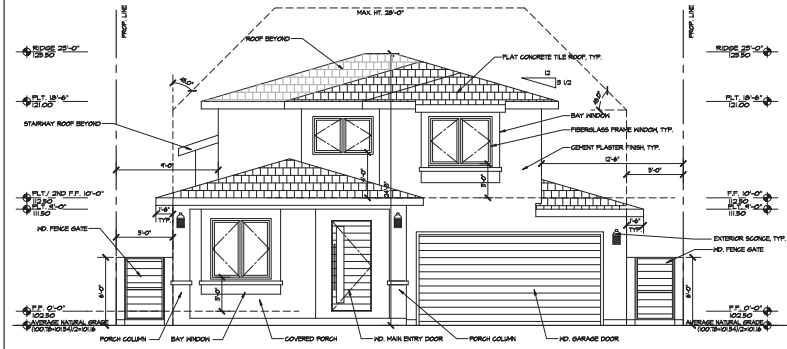
PROPOSED
EXTERIOR
ELEVATIONS

A3.1



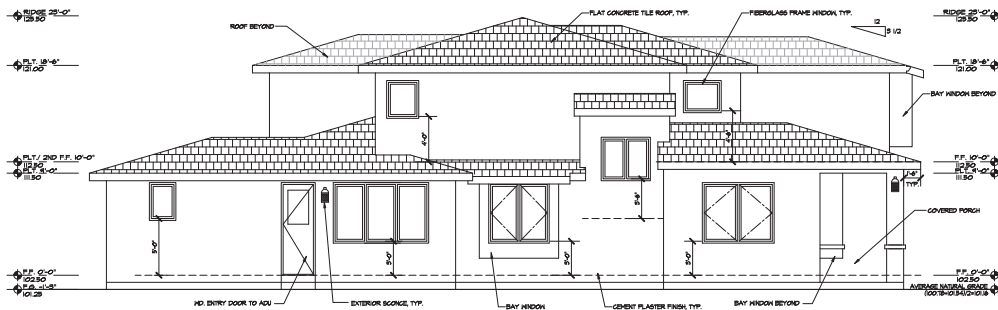
③ PROPOSED LEFT SIDE ELEVATION (NORTH)

1/4" = 1'-0"



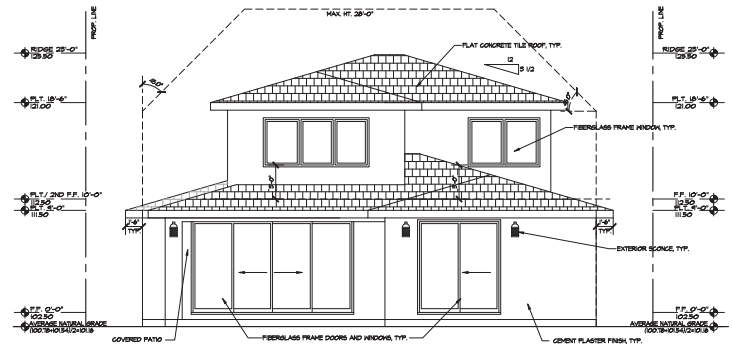
① PROPOSED FRONT (STREET) ELEVATION (WEST)

1/4" = 1'-0"



④ PROPOSED RIGHT SIDE ELEVATION (SOUTH)

1/4" = 1'-0"



② PROPOSED REAR ELEVATION (EAST)

1/4" = 1'-0"



**March
DESIGN**
ARCHITECTURE | INTERIOR | PLANNING
111 MAIN STREET, SUITE 210
LOS ALTOS, CA 94022
650.562.1807
info@marchdesign.com

REVISIONS
 A REVISION FOR PLANNING COMMENTS
 JULY 14, 2022

NEW RESIDENCE
NEW SINGLE FAMILY RESIDENCE + ADU
 2095 SANTA CRUZ AVENUE
 MENLO PARK, CA 94025
 APN: 074-092-240

CLIENT

DATE 06/28/22

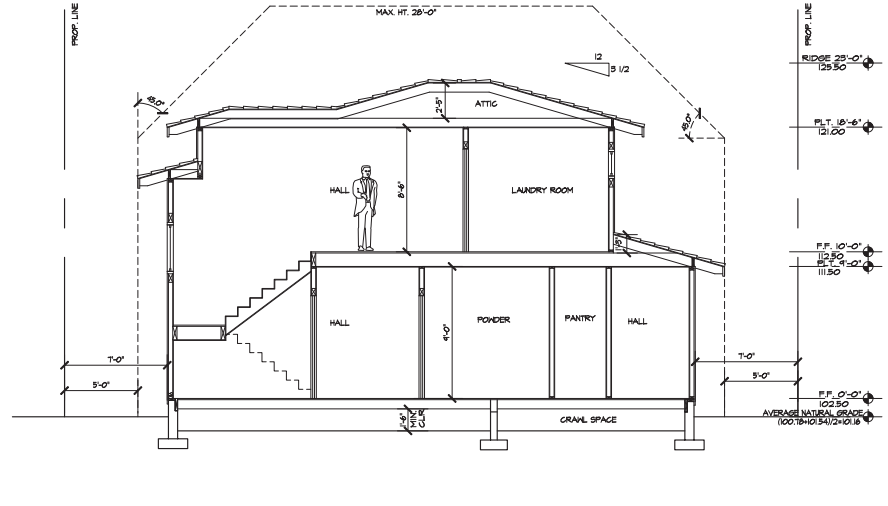
CHECKED

DRAWN MM

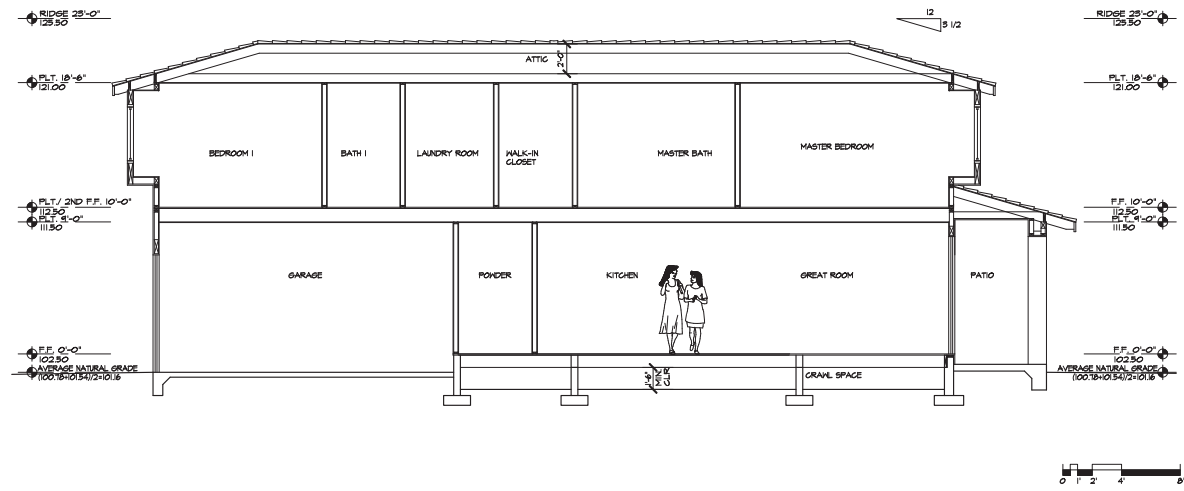
JOB NO.

**BUILDING
SECTIONS**

A3.2



① BUILDING SECTION (THROUGH NORTH-SOUTH FACING EAST)



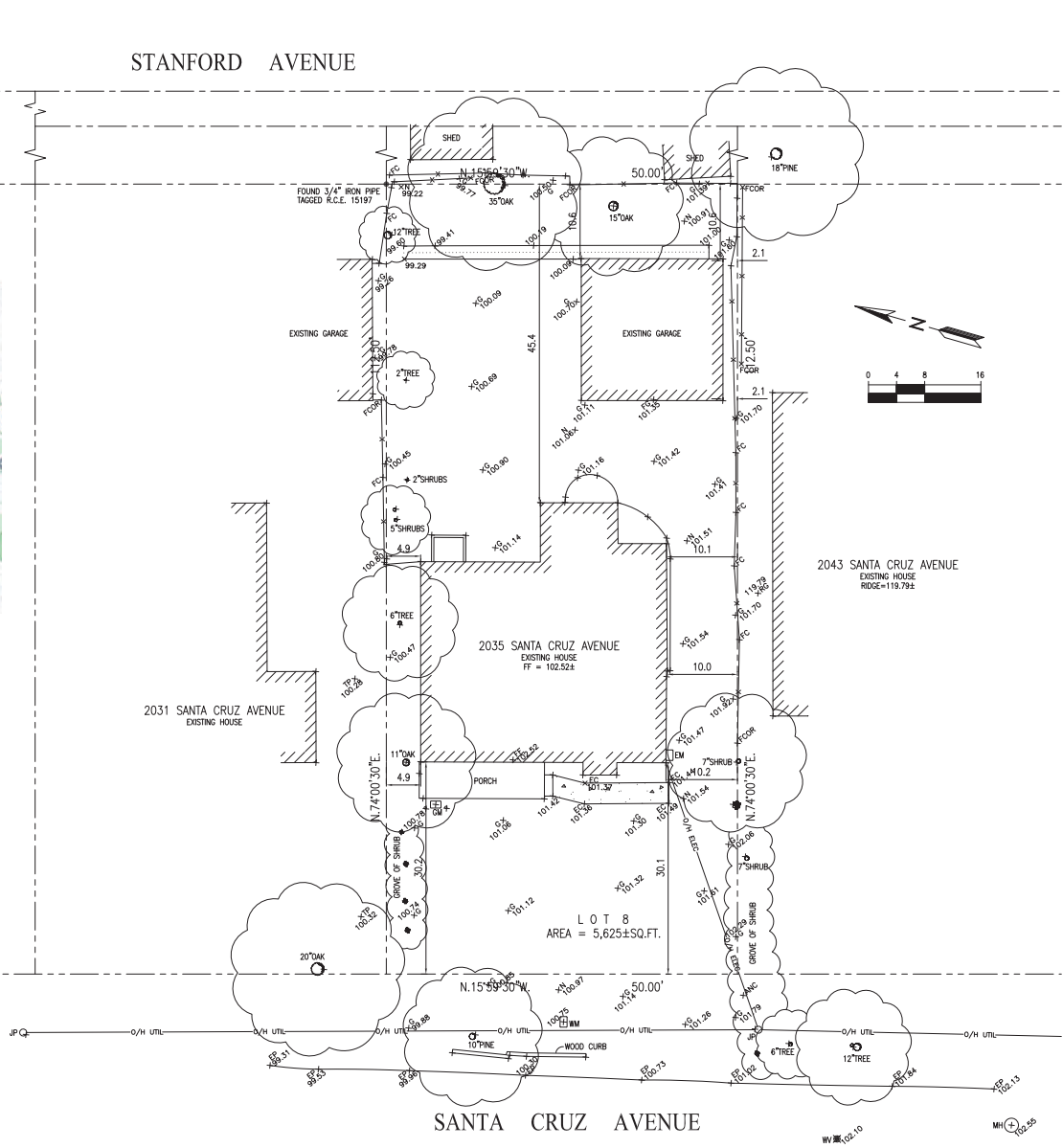
② BUILDING SECTION (THROUGH EAST-WEST FACING NORTH)

OAKDELL DRIVE

STANFORD AVENUE



VICINITY MAP
NOT TO SCALE



LEGEND:

- AC ASPHALT CONCRETE
- BC BUILDING CORNER
- BW BACK OF WALK
- OB CATCH BASIN
- CMP CORRUGATED METAL PIPE
- CO CLEAN OUT
- CRN CROWN
- DW DRIVEWAY
- EC EDGE OF CONCRETE
- EM ELECTRIC METER
- EP EDGE OF PAVEMENT
- FC FENCE CORNER
- FO FOUND
- FF FINISHED FLOOR
- FL FLOW LINE
- FI FIRE HYDRANT
- FW FRONT OF WALK
- G GROUND
- GC GARAGE CORNER
- GF GARAGE FACE/FRONT
- GI GROUND AT FENCE
- GM GAS METER
- HCR HANDICAP RAMP
- HW INVERT
- IP IRON PIPE
- JR JOINT ROLE
- LG LIP OF GUTTER
- O/H OVERHEAD
- PC PROPERTY CORNER
- RE RETAINING WALL
- SL STREET LIGHT
- SSO SANITARY SEWER CLEANOUT
- SSMH SANITARY SEWER MANHOLE
- SDM STORM DRAIN MANHOLE
- TBC TOP BACK ROLLED CURB
- TC TOP OF CURB
- TBR TOP OF BANK
- TOE TOP OF BANK
- TP TOP OF PAVEMENT
- TBC TOP OF ROLLED CURB
- TW TOP OF WALL
- U/G UNDERGROUND
- VCP VITRIFIED CLAY PIPE
- WV WATER VALVE
- WM WATER METER BOX
- CIV- CABLE TELEVISION LINE
- E- ELECTRICAL LINE
- G- GAS LINE
- SS- SANITARY SEWER LINE
- SD- STORM DRAIN LINE
- T- TELEPHONE LINE
- W- WATER LINE

BASIS OF BEARINGS

THE BEARING, S15°59'30"E, OF THE CENTER LINE OF STANFORD AVENUE, AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, IN BOOK 10 OF MAPS AT PAGE 4, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

BASIS OF ELEVATION

TBM ELEV=100.00 (ASSUMED)

UTILITY NOTE

UNDERGROUND UTILITIES: SHOWN PER SURFACE EVIDENCE AND RECORDED MAPS. MAY BE DIFFERENT THAN AS SHOWN. BEFORE EXCAVATION, CALL UNDERGROUND SERVICE ALERT (USA) 1-800-642-2444.

LEGAL DESCRIPTION

LOT 8, BLOCK 1, MAP REF: BOOK 4 PAGE 28

NOTE

1. MEASUREMENT OF BUILDING LINE IS TO THE FACE OF STUCCO OR SIDING
L. YI-RAN WILL 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 SURVEYORS ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED

NEW RESIDENCE

2035 SANTA CRUZ AVENUE
MENLO PARK, CA
APN: 074-092-240



2035 MIDDLEFIELD RD #688
PALO ALTO, CA 94306
TEL: (650) 823-6466
FAX: (650) 887-1294

LICENSE STAMPS AND SIGNATURE



ISSUED		
No.	Description	Date

DATE: SEPT 24, 2021
SCALE: 1/8"=1'-0"
DRAWN: BG
JOB: 10078

BOUNDARY & TOPOGRAPHIC SURVEY

SHEET NO.

C.0

Project: New 2-story single family residence
2035 Santa Cruz Avenue, Menlo Park, Calif.

PROJECT DESCRIPTION

The 5,625 s.f. lot is a substandard size parcel located at 2035 Santa Cruz Avenue. A Use Permit is required for the proposed two-story single family residence. The property is located in R-1-U zoning district in the neighborhood consists mainly of single family homes. The proposed development will reinforce the same neighborhood pattern and character.

The existing one-story single family residence to be demolished is a Ranch style home built in 1946. It has 1,116 of habitable area with a detached 2-car garage at the rear yard.

A new two-story single family home with attached two-car garage and attached accessory dwelling unit are being proposed. The proposed two-car garage will be located on the right side. The proposed new home will be located 20 feet from the front property line, and 31'-7" from the rear property line. The 2nd floor has further setbacks from the ground floor and the daylight planes. Along with the covered porch at the front, the overall mass of the new house will be minimized.

Besides, all the ground floor plate height is kept at 9'-0" and the 2nd floor is at 8'-6". The overall building height is significantly below the maximum height limit of 28'-0".

The new house style is a transitional contemporary with pitched roof and cement plaster finish, which are compatible with the general house style in the neighborhood.

The primary exterior finishes and materials include 3-coat cement plaster, flat concrete roof tiles, fiberglass frame windows, and garage door with painted wood siding finish.

Existing & Proposed Uses:

The existing use is one-story single family residence. The proposed home will also be a two-story single family residence with an attached accessory dwelling unit.

The existing landscaping screen trees in the front and rear yard will be mostly preserved to protect the neighbors' privacy.

Project Outreach:

The property owner reached out to the adjacent left, right, and rear neighbors about this project. The following is a summary:

705 Stanford (rear neighbor)- The neighbor originally had some privacy concern. After learning about all the matured existing trees along the rear lot line are to remain, and the proposed balcony has eliminated, the neighbor is happy now.

2031 Santa Cruz (left side neighbor)- The current residents are tenants. They do not have any comments or concerns; they also do not want to provide the owner's contact.

2043 Santa Cruz (right side neighbor)- has not expressed much concerns or comments, after my client/ property owner contacted him.

See attached for additional email communications with the adjacent neighbors.

Please contact me at (650) 302-1987 or mma.aia@gmail.com if you have any questions regarding this project description

Michael Ma, AIA
Project Architect
CA #27656

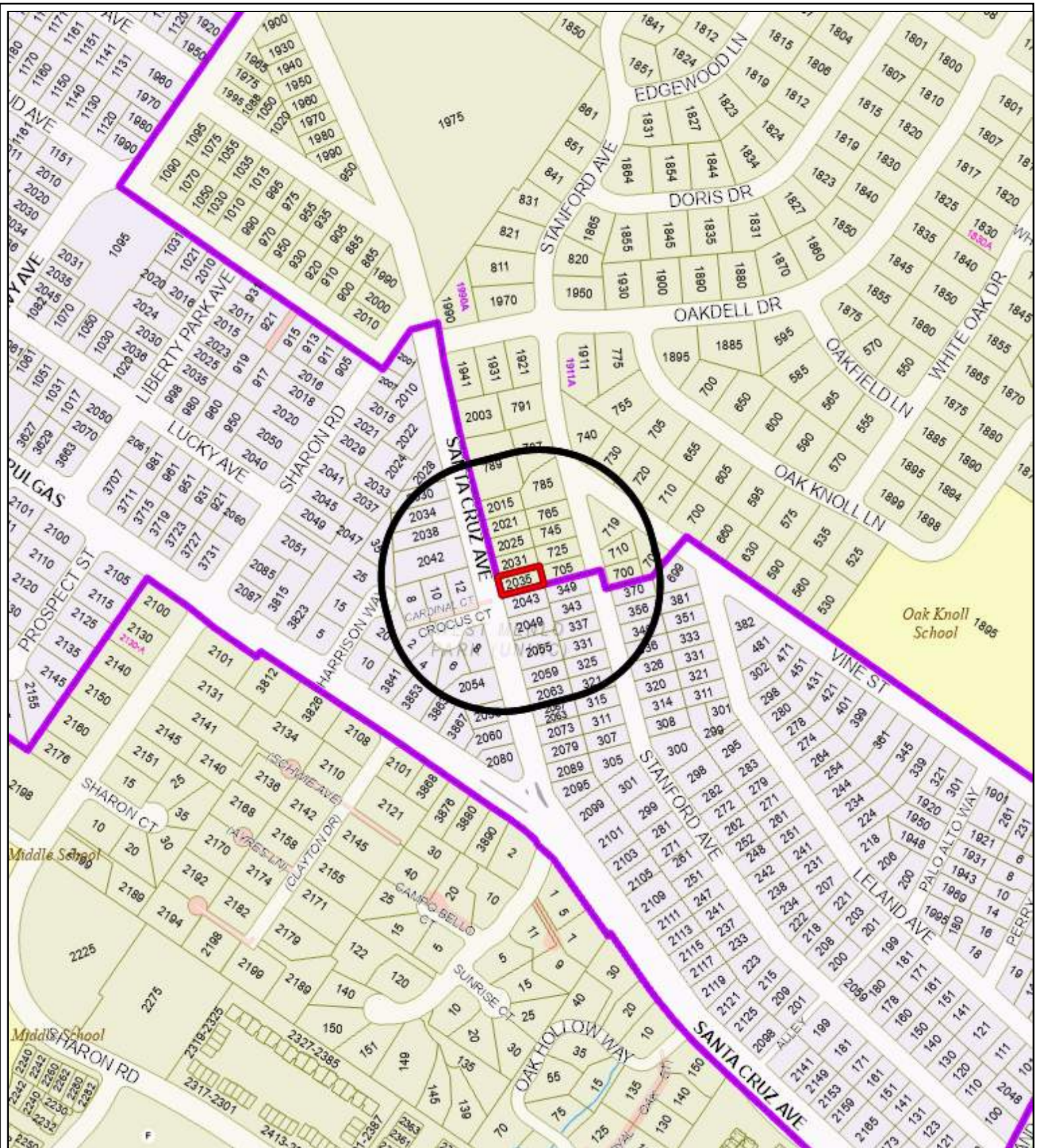
LOCATION: 2035 Santa Cruz Avenue	PROJECT NUMBER: PLN2022-00024	APPLICANT: Mike Ma	OWNER: Abdul Kabbani
---	--------------------------------------	---------------------------	-----------------------------

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 August 28, 2024) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by M Arch Design, consisting of 11 plan sheets, dated received July 20, 2023 and approved by the Planning Commission on August 28, 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 McClenahan Consulting, LLC, dated received May 12, 2022.
 - 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.

2035 Santa Cruz Avenue – Attachment A, Exhibit C

LOCATION: 2035 Santa Cruz Avenue	PROJECT NUMBER: PLN2022-00024	APPLICANT: Mike Ma	OWNER: Abdul Kabbani
PROJECT CONDITIONS: <ul style="list-style-type: none">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.			



City of Menlo Park
 Location Map
 2035 Santa Cruz Avenue



Scale: 1:4,000

Drawn By: MAP

Checked By: CDS

Date: 8/28/2023

Sheet: 1

2035 Santa Cruz Avenue – Attachment C: Data Table

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	5,625.0 sf	5,625.0 sf	7,000 sf min.
Lot width	50.0 ft.	50.0 ft.	65 ft. min.
Lot depth	112.5 ft.	112.5 ft.	100 ft. min.
Setbacks			
Front	20.8 ft. (Main House) 61.1 ft. (ADU)	30.1 ft.	20 ft. min.
Rear	24.6 ft. (Main House) 21.5 ft. (ADU)	45.4 ft.	20 ft. min.
Side (left)	5.0 ft.* (Main House) 5.0 ft. (ADU)	4.9 ft.	5 ft. min.
Side (right)	5.0 ft. (Main House) 26.8 ft. (ADU)	10.0 ft.	5 ft. min.
Building coverage	2,497.2* sf 44.4 %	1,615.3 sf 28.7 %	1,968.8 sf max. 35 % max.
FAL (Floor Area Limit)	3,364.9* sf	1,517.7 sf	2,800 sf max.
Square footage by floor	1,214.8 sf/1st 1,147.7 sf/2nd 437.5 sf/garage 564.9 sf/ADU 280.0 sf/porches	1,107.6 sf/1st 410.1 sf/garage 89.1 sf/porches 8.5 sf/chimneys	
Square footage of buildings	3,644.9 sf	1,615.3 sf	
Building height	24.3 ft.	13.6 ft.	28 ft. max.
Parking	2 covered	2 covered	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			

Trees	Heritage trees**	Non-Heritage trees***	New Trees
	5	2	0
	Heritage trees proposed for removal	Non-Heritage trees proposed for removal	Total Number of Trees
	1	0	6

* Floor area and building coverage for the proposed project includes the ADU, which is 880.3 square feet in size and is allowed to exceed the floor area limit and maximum building coverage.

** Of the five heritage trees, one is in the front left side of the subject property, two are located in the rear of the subject property, one is located in the front of a neighboring property to the left of the subject property, and one is located in the rear of a neighboring property near the rear right corner of the subject property.

*** Of the two non-heritage trees, one is located in the rear left corner of the subject property and one is a street tree located in front of the subject property.



McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

Telephone (650) 326-8781

Fax (650) 854-1267

www.spmcclenahan.com

December 15, 2021

Six Sigma Construction
c/o Mr. Humair Raza
 3028 Scott Blvd. Suite C
 Santa Clara, CA

Re: 2035 Santa Cruz Ave.
Menlo Park, CA

Assignment

As requested, I performed a visual inspection of seven trees to determine species, size and condition and define tree protection zones (TPZ) appraise tree values for impacted trees and to provide tree preservation guidelines.

Summary

Proposed site improvements include demolition of existing house followed by construction of a new single-family residence with an ADU. Any grading or excavation within a Tree Protection Zone must be accomplished by hand or air digging. Project arborist must supervise and approve any cutting of roots within the TPZ. Any tree on-site protected by the City's Municipal Code will require replacement according to its appraised value if it is damaged beyond repair because of construction. Tree one is proposed for removal due to proximity to existing foundation and proposed foundation conflicts. The required replacement is one 5 gallon tree or \$100 per City of Menlo Park Section 13.24.090(2)

Methodology

No root crown exploration, climbing or plant tissue analysis was performed as part of this survey. For purposes of identification, trees have been numbered on the preliminary site plan shown in Figure 1.

In determining the monetary value, **the trunk formula technique** of appraisal has been adopted. **The trunk formula technique** determines the basic value and then adjusting that value depending on the trees condition, functional and external limitations. Percentages for condition, functional and external limitations and basic reproduction cost are then multiplied to create the Depreciated Reproduction Cost. For purposes of this inventory this will be the appraised value. The value per square inch or feet of trunk height is in accordance with the Western Chapter ISA Species Classification and Group Assignment "A Regional Supplement to the CTLA Guide for Plant Appraisal, 9th Edition" 2004 and current available nursery stock.

Please be advised that the Council of Tree and Landscape Appraisers representing The American Association of Nurserymen, American Society of Consulting Arborists, Landscape Contractors of America, International Society of Arboriculture and Tree Care Industry Association who have approved and adopted this method of plant valuation authored this method of plant appraisal. The Guide for Plant Appraisal 10th Edition was used to determine value. Some factors from the 9th Edition are included.

In determining **condition** rating, factors considered include:

- Health
- Structure
- Form

In determining functional limitations rating, factors considered such as:

- Site conditions
- Placement
- Genetic limitations

In determining external limitations rating, factors considered such as:

- Outside control of property owner that affect plant condition
- Limit plant development
- Reduce utility of plant

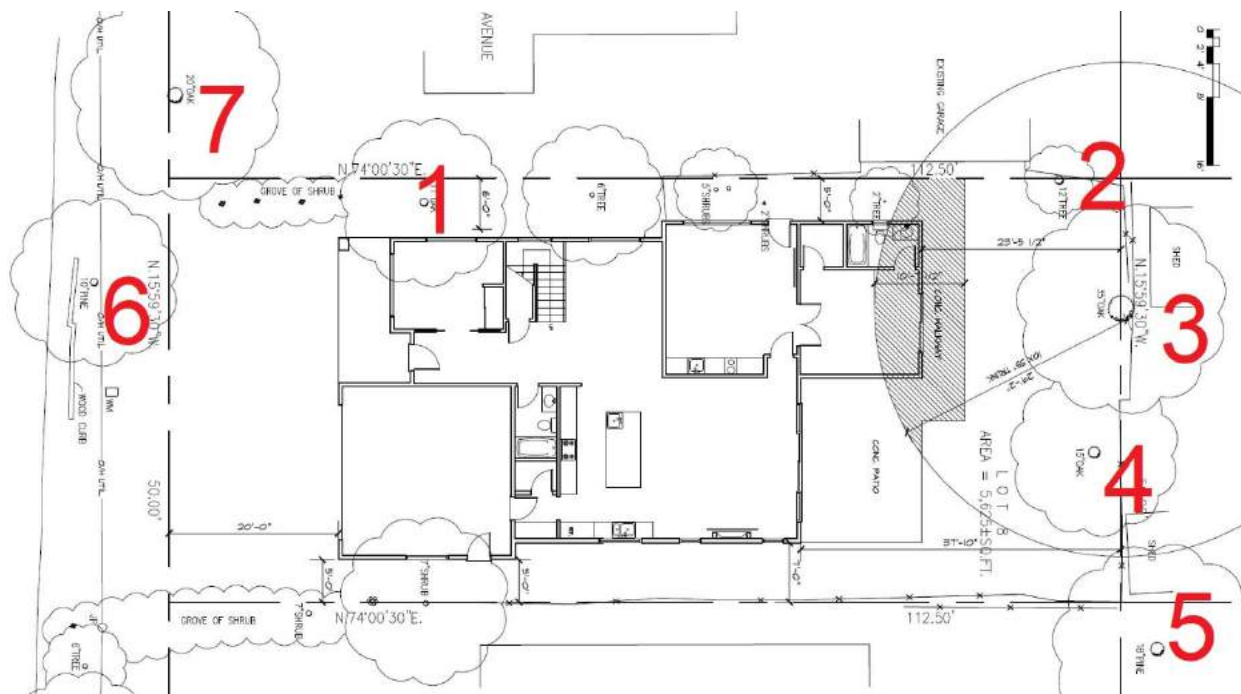


Figure 1: Proposed site plan

Observations

Number	Name	Diameter	TPZ	Disposition	Preservation Suitability	Height	Condition	Appraised Value
1	Coast live oak	12.6	11-feet	Remove	No	20'	0.5	\$700
2	Olive	12.4	11-feet	Retain	No	25'	0.5	\$1,100
3	Coast live oak	34.2	29-feet	Retain	No	30'	0.35	\$4,400
4	Coast live oak	14	12-feet	Retain	No	16'	0.45	\$300
5	Deodar cedar	18	15-feet	Retain	Yes	50'	0.5	\$29
6	Italian stone pine	10.7	9-feet	Retain	Yes	20'	0.6	\$1,000
7	Blue oak	22.2	19-feet	Retain	Yes	20'	0.5	\$7,500

Observations

Tree one (*Quercus agrifolia*) is adjacent to existing house foundation. It grows to a slight lean and has a clear wing borer infestation in the tension wood.

Tree two (*Olea europaea*) competes with two larger trees and is considered subdominant.

Tree three (*Quercus agrifolia*) is at the rear fence and has a significant clear wing borer infestation and numerous old cankers in the lower 5-feet. Neighbor removed a significant portion of the canopy.

Tree four (*Quercus agrifolia*) appears to have been topped by the rear neighbor.

Trees five (*Cedrus deodara*) and six (*Pinus pinea*) are neighboring trees.

Tree six (*Quercus douglasii*) is a street tree and under high voltage lines with inadequate space to achieve mature height.

Tree seven (*Quercus douglasii*) is at least 20 feet from the proposed corner of the house.

Discussion

Proposed ADU and house are beyond the TPZ of trees two, four, five and seven. Tree three will sustain impacts to less than 25 percent of root environment from proposed ADU construction.

Proposed house and drainage improvement will encroach no closer than 15-feet from the trunk.

Proposed driveway should impact less than 20 percent of the TPZ of tree six. Utilities will enter property through the driveway and will be outside the TPZ of city protected trees. A root collar inspection is recommended for tree three to determine the presence/extent of collar rots and borers.

TREE PRESERVATION GUIDELINES

Tree Preservation and Protection Plan

In providing recommendations for tree preservation, we recognize that injury to trees as a result of construction include mechanical injuries to trunks, roots and branches, and injury as a result of changes that occur in the growing environment.

To minimize these injuries, we recommend grading operations encroach no closer than ten times the trunk diameter, (i.e. 36" diameter tree x 10=360" distance). At this distance, buttress/anchoring roots would be preserved and minimal injury to the functional root area would be anticipated. Should encroachment within the area become necessary, hand digging is **mandatory**.

Barricades

Prior to initiation of construction activity, temporary barricades should be installed around all trees in the construction area. Six-foot high, chain link fences are to be mounted on steel posts, driven 2 feet into the ground, at no more than 10-foot spacing. The fences shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. These barricades will be placed around individual trees and/or groups of trees as the existing environment dictates.

The temporary barricades will serve to protect trunks, roots and branches from mechanical injuries, will inhibit stockpiling of construction materials or debris within the sensitive 'drip line' areas and will prevent soil compaction from increased vehicular/pedestrian traffic. No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground around the tree canopy shall not be altered. Designated areas beyond the drip lines of any trees should be provided for construction materials and onsite parking.

Root Pruning (if necessary)

During and upon completion of any trenching/grading operation within a Tree Protection Zone, clean pruning cuts of exposed, damaged or severed roots greater than one inch diameter should be accomplished under the supervision of a qualified Arborist to minimize root deterioration beyond the soil line ***within twenty-four (24) hours.***

Pruning

It does not appear that any pruning of heritage trees will be needed for construction.

Irrigation

A supplemental irrigation program is recommended for the trees and should be accomplished at regular three to four-week intervals during the period of May 1st through October 31st. Irrigation is to be applied at or about the 'drip line' in an amount sufficient to supply approximately ten (10) gallons of water for each inch in trunk diameter. Irrigation is most important for the continued establishment of tree six, the city owned pine tree.

Irrigation can be provided by means of a soil needle, 'soaker' or permeable hose. When using 'soaker' or permeable hoses, water is to be run at low pressure, avoiding runoff/puddling, allowing the needed moisture to penetrate the soil to feeder root depths.

Fertilization

A program of fertilization by soil injection is recommended with applications in spring and summer for tree three. Fertilizer should include organic blends and components such as mycorrhizae and bio stimulants. This treatment is suitable for trees two, three, four and six.

Such fertilization or the use of a tree growth regulator will serve to stimulate feeder root development, offset shock/stress as related to construction and/or environmental factors, encourage vigor, alleviate soil compaction and compensate for any encroachment of natural feeding root areas.

Inception of this fertilizing program is recommended prior to the initiation of construction activity and should continue for 3 years after construction.

Mulch

Mulching with wood chips (maximum depth 3") within tree environments (outer foliar perimeter) will lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction. Mulching will not occur around neighboring trees and can be placed within a reasonable distance of trees two, three and four.

Inspection

Periodic inspections by the **Site Arborist** are recommended during construction activities, particularly as trees are impacted by trenching/grading operations.

Inspections at approximate four (4) week intervals would be sufficient to assess and monitor the effectiveness of the Tree Preservation Plan and to provide recommendations for any additional care or treatment.

All written material appearing herein constitutes original and unpublished work of the Arborist and may not be duplicated, used or disclosed without written consent of the Arborist.

We thank you for this opportunity to be of assistance in your tree preservation concerns.

Should you have any questions, or if we may be of further assistance in these concerns, kindly contact our office at any time.

McCLENAHAN CONSULTING, LLC



By: **John H. McClenahan**
ISA Board Certified Master Arborist, WE-1476B
member, American Society of Consulting Arborists

JHMc: cm



McClenahan Consulting, LLC
Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012
Telephone (650) 326-8781
Fax (650) 854-1267
www.spmcclenahan.com

ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like a medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

A handwritten signature in black ink that reads "John H. McClenahan". The signature is fluid and cursive.

Arborist: _____
Date: John H. McClenahan
December 15, 2021















STAFF REPORT

Planning Commission

Meeting Date:

8/28/2023

Staff Report Number:

23-058-PC

Public Hearing:

Consider and adopt resolutions 1) certifying the final environmental impact report (Final EIR), adopting California Environmental Quality Act (CEQA) Findings, and adopting the Mitigation Monitoring and Reporting Program (MMRP), 2) approving use permits and architectural control permit for a bonus level development project and modifications to the bird friendly design requirements, and 3) recommending the City Council approve the below market rate (BMR) housing agreements and vesting tentative map for the proposed 123 Independence Drive Project with 316 rental apartment units and 2,000 square feet of commercial space within the proposed apartment building, and 116 for-sale townhome condominium units with associated open space and other improvements located at 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive

Recommendation

Staff recommends that the Planning Commission adopt resolutions for the following:

- Certification of the Final Environmental Impact Report (Attachment A) that analyzes the potential environmental impacts of the proposed project and adoption of the CEQA findings to address impacts that would result from the proposed project (Attachment A, Exhibit B), and approval of the mitigation monitoring and reporting program (MMRP) for the proposed project to mitigate impacts to less than significant with mitigation (Attachment A, Exhibit C); and
- Use permit approval for bonus-level development in exchange for the provision of community amenities, and to modify bird friendly design requirements and approval of architectural control for the design of the new buildings and associated site improvements (Attachment B).

Staff also recommends that the Planning Commission adopt a resolution recommending approval to the City Council of the following (Attachment C):

- Below market rate housing agreements for provision of 56 rental apartment BMR units (including eight rental BMR units provided as community amenities) and 18 for-sale BMR townhome units, affordable to low-income households (draft agreements in Attachment C, Exhibits C, D, and E), and the proposed vesting tentative map governing the phasing of the proposed project.

The proposed project also includes a request for a heritage tree removal permit to remove 29 heritage trees

that conflict with the proposed development and plant heritage tree replacements per the City's municipal code requirements that were in effect when the proposed project's application was filed under the provisions of the Housing Crisis Act of 2019, also called Senate Bill 330 (SB 330). The City Arborist tentatively approved the heritage tree removal permits. No appeals to the City Arborist Action were received.

Policy Issues

The proposed project requires the Planning Commission to consider the merits of the project, including project consistency with the City's general plan, municipal code, and other adopted policies and programs. As part of the use permit request for bonus level development, the Planning Commission will need to consider the applicant's community amenities proposal to develop the project utilizing bonus level development allowances (increased FAR, density, and height) in exchange for community amenities. The Planning Commission will also need to consider the use permit request to modify bird friendly design requirements to allow the use of fritted glass railings for some of the apartment and townhome balconies. For the architectural control request, the Planning Commission will need to consider approval of the design of the new buildings and associated site improvements, including review of the requested concessions and waivers associated with the development of for-sale inclusionary housing units pursuant to the State Density Bonus Law. Moreover, the Planning Commission and City Council will need to consider the project's compliance with the requirements of the subdivision map act and the BMR Housing Program and Guidelines and proposed modifications to the BMR Guidelines. Lastly, as part of the project review, the Planning Commission will need to make findings regarding the project's environmental effects pursuant to the California Environmental Quality Act (CEQA), and adopt the MMRP. The Planning Commission is the recommending body on the requested BMR housing proposal including the modifications to the BMR Guidelines and the vesting tentative map and decision making body on the remaining policy issues associated with the project. The policy issues summarized here as discussed in detail in the staff report.

In addition, the City prepared the following documents to analyze the proposed project and inform reviews by community members, the Planning Commission, and the City Council:

- Housing Needs Assessment (HNA), including an analysis of the multiplier effect for indirect and induced employment from the proposed project, in compliance with the terms of the 2017 settlement agreement between the City of Menlo Park and the City of East Palo Alto (Attachment D);
- Fiscal Impact Analysis (FIA) to inform decision makers and the public of the potential fiscal impacts of the proposed project (Attachment E);
- Appraisal to identify the required value of the community amenity in exchange for bonus level development (Attachment F); and
- Community amenities proposal evaluation to determine if the community amenities proposal meets the minimum required value (Attachment B, Exhibit B).

Background

Site location

The project site consists of five parcels zoned R-MU-B (Residential Mixed Use-Bonus) with a total of approximately 8.15 acres, which is currently developed with five office/industrial buildings totaling approximately 103,000 square feet in size. The existing buildings would be demolished as part of the redevelopment of the project site.

For the purposes of this staff report, Bayfront Expressway (California State Route 84) is considered to have an east-west orientation, and all compass directions referenced will use this orientation. The project site is located south of Bayfront Expressway. The parcels to the north and south of the project site are located in

the commercial business park (M-3-X) zoning district and are part of the Menlo Gateway project. The parcels to the west are also in the R-MU-B zoning district and are being redeveloped with residential and office uses as part of the approved Menlo Portal project. The parcels to east and across Chrysler Drive are in the R-MU-B zoning district and Office (O-B) zoning district and currently contain office and industrial buildings. A location map is provided in Attachment G.

Project history

A mixed-use version of the project which included the development of the project site with 316 rental apartment units, 67 for-sale townhomes, and approximately 88,750 square feet of office space was reviewed by the Planning Commission on January 25, 2021. On June 30, 2021, the applicant revised the application to develop a 100 percent residential project with 316 rental apartment units and 116 for-sale townhomes. A brief summary of previous Planning Commission meetings is provided in Table 1 below:

Table 1: Previous Planning Commission Reviews				
Meeting Date	Meeting Purpose	Key Project Components	Changes Since Previous Review	Commission Comments
January 25, 2021	Study Session	<ul style="list-style-type: none"> 316 rental units 67 for-sale townhome units 88,750 sq.ft. office space 	---	<ul style="list-style-type: none"> Explore 100% residential project Provide a mix of very low, low, and moderate income BMR units Design comments
September 27, 2021	EIR Scoping for revised project/ Study Session	<ul style="list-style-type: none"> 316 rental units 67 for-sale units 	<ul style="list-style-type: none"> 100% residential project 	<ul style="list-style-type: none"> Request for more affordable housing Traffic impacts Pedestrian bridge across Dumbarton corridor to Kelly Park
December 12, 2022*	Draft EIR (Draft EIR) Public Hearing/ Study Session	<ul style="list-style-type: none"> 316 rental units 67 for-sale units 74 BMR units 	<ul style="list-style-type: none"> Refined the community amenities proposal Updated the BMR proposal Refined the paseo area 	<ul style="list-style-type: none"> General support for project design and materials General support for the community amenities and BMR proposals General support for level of service (LOS) intersection improvements that would not induce more traffic

* On September 16, 2022, the applicant provided the City with a waiver of the five-hearing rule to allow the City to hold a sixth meeting to review the project at regularly scheduled Housing Commission, Planning Commission, and City Council meetings.

A Notice of Preparation (NOP) of an EIR for a prior version of the project including office buildings along with residential uses was released on January 8, 2021. The City reissued the NOP for a revised 100 percent residential project on September 10, 2021. The Draft Environmental Impact Report (Draft EIR) (Attachment H) for the project was released on November 28, 2022 with a minimum 45-day circulation and comment period ending on January 17, 2023. The Planning Commission held a public hearing to solicit comments on the Draft EIR on December 12, 2022 as summarized in the above table. The staff report for

the most recent Planning Commission public hearing and study session is available in Attachment I, and an excerpt of the meeting minutes is available as Attachment J.

Project updates since the last PC meeting

Since the Draft EIR public hearing and study session, the applicant has updated the project to include a phased vesting tentative map and required improvements, provided updated information on the anticipated construction schedule for delivery of affordable units, and modified the apartment building to include an approximately 2,000-square-foot commercial space on the ground floor by converting space previously identified for resident amenities.

Housing Commission recommendation

In compliance with the City’s BMR Housing Program Ordinance and Guidelines, the applicant is proposing to provide 48 (or 15 percent) rental apartment units and 18 (or 15 percent) for-sale townhome units as inclusionary units affordable to low-income households. Additionally, the applicant is also proposing to provide eight rental apartment units also affordable to low-income households as part of the project’s community amenities proposal. The project would therefore provide a total of 17 percent of the units as inclusionary units. The project is also proposing to modify the BMR Housing Program Guidelines with equivalent alternatives to the characteristics of the proposed for-sale BMR units’ sale and financing parameters pursuant to Section 13 of the BMR Guidelines. On June 7, 2023, the Housing Commission unanimously recommended approval of the applicant’s proposal and the draft BMR Housing agreements to the Planning Commission and City Council. A hyperlink to the June 7, 2023 Housing Commission staff report is available in Attachment K.

Analysis

Project overview

The applicant proposes to comprehensively redevelop the project site with a four-story, multifamily 316-unit rental apartment building including an approximately 2,000 square feet of commercial space located on the ground floor and 116 for-sale condominium units in three-story townhomes with project attributes listed in Table 4 below. The proposed project would be developed in phases in 23 separate residential buildings along with associated parking, recreational open spaces, and landscaping. The project plans including materials and color board are included in Attachment A, Exhibit D.

The applicant is proposing to develop a predominantly residential project utilizing the bonus level provisions identified in the Zoning Ordinance. Residential units proposed as part of the development as summarized in the Tables 2 and 3 below:

Unit type	Type	Average size	Market-rate count by unit type	BMR count by unit type	Total unit count by type
Studio	Rental (Market-rate & BMR)	539	72	16	88
One-bedroom	Rental (Market-rate & BMR)	725	152	33	185
Two-bedroom	Rental (Market-rate & BMR)	1,006	36	7	43
Average Sq.ft./Total Apartment Count		711	260	56*	316

* Includes additional inclusionary units to fulfill the community amenities requirements of the project

Table 3: Unit breakdown for for-sale townhome units

Unit type	Type	Average size	Market-rate count by unit type	BMR count by unit type	Total unit count by type
Three-bedroom townhome (TH 1)	Ownership-Market-rate	1,749	34	-	34
Two-bedroom townhome (TH 2)	Ownership-Market-rate	1,199	34	-	34
Three-bedroom townhome (TH 3)	Ownership-Market-rate	2,052	10	-	10
Three-bedroom townhome (TH 3.1)	Ownership-Market-rate	2,052	20	-	20
Three-bedroom townhome (TH 4)	Ownership-BMR	1,480	-	6	6
Four-bedroom townhome (TH 4.1)	Ownership-BMR	1,514	-	3	3
Four-bedroom townhome (TH 4.2)	Ownership-BMR	1,416	-	3	3
Two-bedroom townhome (TH 4.3)	Ownership-BMR	958	-	3	3
Four-bedroom townhome (TH 5)*	Ownership-BMR	1,581	-	3	3
Average Sq.ft./Total Townhome Count		1,613	98	18	116

*Includes three four-bedroom units that are mobility compliant.

No additional square footage is proposed to be added as part of the redesign to include commercial space within the proposed apartment building. To ensure viability and leasing flexibility, the applicant has not specified the prospective tenant of the proposed commercial space. However, the R-MU-B zoning district allows for a variety of uses including, but not limited to, administrative or professional offices, retail sales, financial institutions, personal services, community education/training center, or recreational facilities.

Site layout

The proposed four-story apartment building would consist of 316 multi-family residential units located over two levels of structured parking, one level of which is underground. Stairs and pedestrian ramps at the northwest corner of the building would bring pedestrians from the sidewalk to the front doors of the lobby on Constitution Drive. A driveway from Constitution Drive would provide access to the garage entrance located along the northern side of the building. Residential units are proposed to line the north, west, and south sides of the building and would have direct access from Constitution Drive and the publicly accessible paseo located along the western property line via residential stoops and entries. The commercial space would be located along the paseo at the southwestern corner of the apartment building. The commercial space is located across from the public park and accessible via the public paseo. The commercial space would be located interior to the project site and would not be directly accessed from Constitution Drive.

The publicly accessible paseo would connect Constitution Drive and Independence Drive and would run along the western property line along the length of the proposed apartment building widening into an approximately 100 feet by 105 feet publicly accessible park before meeting Independence Drive. The paseo is proposed to be used for emergency vehicle access (EVA) on the project site as permitted by the Zoning Ordinance. The paseo bifurcates the southern portion of the site where the proposed 116 for-sale townhome units are located within 22 separate buildings. The paseo would provide a bicycle and pedestrian

connection from Constitution Drive to Independence Drive.

Eight three-story townhome buildings would front on Independence Drive and Chrysler Drive, two buildings and a portion of the third building would have frontages on the park, and remaining buildings would have frontages on interior meandering landscaped areas and pathways. The townhome units fronting Independence Drive and Chrysler Drive would be assessed directly from the street by pedestrian pathways, with vehicular access provided from interior driveways. The townhome units would be accessible from Independence Drive via two vehicular access points. One vehicular access would be located along Chrysler Drive. The proposed residential buildings would comply with the minimum and maximum setbacks permitted at the street frontages. Consistent with the requirements of the applicable development standards, the buildings would comply with the maximum 25-foot required setback. Table 4 summarizes the proposed development at the site.

Development standards

The R-MU-B (Residential Mixed Use Bonus) district allows for a mix of land uses with the purpose to provide high density housing and encourage mixed-use development.

Density, floor area ratio (FAR), and gross floor area (GFA)

Table 4 below provides a comparison between the existing and proposed development as it relates to the R-MU-B development standards.

Table 4: Proposed project data			
	Existing development	Proposed project	Zoning Ordinance bonus level (maximums)*
Residential dwelling units	0	432 units	815 units
Residential square footage	0	473,171 sq.ft.	798,782 sq.ft.
Residential floor area ratio	0	134%	225%
Office square footage	103,900 sq.ft.	2,000 sq.ft.	88,754 sq.ft.
Office floor area ratio	29.3%	0.005%	25%
Total square footage	103,900 sq.ft.	475,171 sq.ft.	887,535 sq.ft.
Total floor area ratio	29.3%	134%	250%
Height (maximum)	25 feet	67 feet	95 feet**
Height (average)	19.7 feet	58.2 feet	62.5 feet**

*This maximum is based on a density of 100 dwelling units per acre

**Maximum height and average height do not include roof-mounted equipment, utilities, or parapets used to screen mechanical equipment; maximum height and average height include a 10-foot increase for properties in the flood zone.

For the purposes of this project, all five parcels are considered as one project site. In the R-MU-B zoning district, base level development has a maximum FAR of 90 percent at 30 dwelling units per acre and at the bonus level the maximum FAR increases on an even gradient to 225 percent at 100 dwelling units per acre (approximately 2.25 percent FAR for each unit). The proposed project would be developed at a bonus-level FAR of approximately 134 percent, which complies with the maximum permitted FAR for the proposed density.

Height

The proposed apartment building would have a maximum height of 67 feet, where 95 feet is the maximum height permitted at the project site. The proposed townhome buildings would have a maximum height of approximately 44 feet.

Design standards

In the R-MU-B zoning district, all new construction must meet specific 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. The proposed project would comply with all objective design standards from the Zoning Ordinance, with the exception of the waivers for the minimum parking requirement for the commercial space and minimum dimensions of the common open space for the affordable for-sale townhome units.

Architectural style and building design

The proposed apartment building would be designed in a contemporary architectural style, incorporating elements of glass storefront along the Constitution Drive frontage, which is also the area that serves as the lobby and ancillary uses for the tenants. To account for potential flooding and sea level rise (and in compliance with the City's Zoning Ordinance requirements), the main lobbies and residential ancillary uses would be elevated at least 24 inches above the base flood elevation of the site.

The apartment facades would predominantly consist of cement plaster, fiber cement siding, porcelain tile, and dark colored vinyl windows. The garage on the east side of the multi-family apartment building would be screened with a vegetated green screen. The stucco portions of the façade would be smooth troweled and would be limited to 50 percent of the façade area. Balconies and patio areas would be designed with metal and glass railings. Apartments on the first level would be designed with stoops with direct entrances to the apartment units from the paseo or the public street. These units would help to screen the first level garage from the public right-of-way. The commercial space is designed with full length store-front windows and is directly accessible to pedestrians and bicyclists via the public paseo.

The for-sale townhomes would be located in the southern portion of the site in groups of four to 12 units distributed across 22 building that are separated by pedestrian walkways, driveways, meandering landscaping, and publicly accessible open space. The townhome units would be designed as three-stories in height, but would have three different architectural styles with similarities like fenestration, roof design, and application of materials tying them together. The townhome facades would be designed in a varying combination of cement plaster, fiber cement paneling, brick veneer, metal and asphalt shingle roofs, dark vinyl windows, panelized garage doors, and vertical metal railings. Similar to the ground floor apartment unit design, the townhome units would be designed with direct entrances from the paseo or public streets, and parking would be designed to face away from the public rights-of-ways and accessed via screened driveway isles. The for-sale BMR units would be designed to be located on a separate parcel within the project site with exterior finishes including cement plaster, fiber cement panels, vinyl windows, panel garage doors, metal railings, and asphalt shingle roof.

Building mass and scale, ground floor transparency, and building design

Attachment L provides a summary of the proposed project's compliance with the design standards related to building mass and scale and ground floor transparency, as required by the Zoning Ordinance bonus level development regulations. The project has demonstrated compliance with all applicable plans, programs,

policies, ordinances, standards, and requirements.

Open space

The proposed project would be required to provide open space equivalent to 25 percent of the project site area and would be required to provide 25 percent of the required open space as publicly accessible open space. The project would provide 38 percent or approximately 3.10 acres of the site as open space of which 56 percent or approximately 1.72 acres is designed as publicly accessible open space.

Common and private open space

The project would provide an approximately 23,360-square-foot landscaped podium courtyard area which includes a pool, club house, fitness room, lounge area, seating, games and barbeque areas as part of the apartment building common space. Additionally, the apartment building would incorporate private balconies and terraces totaling approximately 8,486 square feet. The project would therefore include approximately 31,847 square feet of private and common open space within the multi-family apartment building where 31,600 square feet is required.

For the townhome units, the project would provide approximately 15,518 square feet of common landscaped areas between townhome buildings and approximately 12,710 square feet of private open space in the form of balconies, decks, and patio areas, totaling approximately 28,228 square feet of common and private open space for the townhomes where 11,600 square feet is required. The overall common and private open space for the townhome component of the project would comply with the requirements of the zoning district, although Lot C where the for-sale BMR units would be located does not meet the minimum 20 feet by 20 feet common open space requirement. As discussed later in this report, the applicant is requesting a waiver under the State Density Bonus Law from this requirement.

Publicly accessible open space

As defined in the Zoning Ordinance, paseos are pedestrian and bicycle paths that provide public access through one or more parcels to public streets and/or other paseos. The project would provide a paseo, as required by the General Plan and adopted Zoning Map, which would provide a mid-block pedestrian and bicycle connection between Constitution Drive and Independence Drive. The paseo width would be a minimum 20 feet wide, with certain locations increasing in width. The paseo would provide a 10-foot wide pathway designed in hardscape material, seating including benches and pedestrian level lighting provided at a minimum interval of 100 feet, appropriate landscaping along the edge of the paseo to the property lines and adjoining buildings, trees with a canopy of 25 feet planted at 40-foot intervals, and lighting at 40-foot intervals. The paseo which is part of the publicly accessible open space. In addition to the paseo, the project would provide an approximately 100 feet by 105 feet publicly accessible private park complete with bike repair station, native plant garden, soft surface with play equipment, wooden decks, rain-garden, and seating areas.

Trees and landscaping

The project is proposing to remove 85 trees of which 29 trees are considered heritage-size trees. The heritage tree replacements would be required to meet the City's Heritage Tree Replacement Procedures in place at the time the SB 330 application was filed for the proposed project (January 29, 2020). Those guidelines require a 2:1 replacement ratio for multifamily projects. The proposed project is not subject to the City's heritage tree ordinance that took effect on July 1, 2020, which modified the criteria for granting tree removals and created an appraised valuation for heritage tree removals and replacements. The applicant would plant a minimum of 58 trees as heritage tree replacements to meet the City's requirement as explained above. The project plans currently propose planting approximately 203 24-inch to 36-inch box trees as part of the development along with native drought tolerant shrubs and other landscaping. The

proposed trees include bloodgood Japanese maple, California buckeye, hercules aloe, western redbud, columnar ginkgo, shademaster honeylocust, jacaranda tree, chinese flame tree, crape myrtle, catalina ironwood, pink melaleuca, london plane, fern podocarpus, coast live oak, little leaf linden, morton/accolade elm, everygreen elm, and Mexican fan palm. The City Arborist has conditionally approved the removal of heritage trees associated with the proposed project and confirmed that the proposed heritage tree replacements are consistent with the City's requirements. The project arborist report assessing the health of all the existing trees on site is included as Attachment M.

Green and sustainable building regulations

In the R-MU 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);
- Comply with the electric vehicle (EV) charger requirements adopted by the City Council in November 2018;
- Meet water use efficiency requirements;
- Locate the finished floor of the proposed building minimum 24 inches above the Federal Emergency Management Agency (FEMA) base flood elevation (BFE) to account for sea level rise; and
- 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).

The applicant is requesting a use permit to modify bird friendly design requirements to allow the use of fritted glass railings for some of the apartment and townhome balconies, which was analyzed in the EIR. The project would otherwise comply with the bird friendly design requirements. All external non-emergency lighting on the apartment building, townhomes, landscaping, common recreational spaces, and pathways would be required to automatically shut off between the hours of 10 p.m. and sunrise. The project's Draft Environmental Impact Report found that combined with the low number of birds expected to be exposed to increased risk of collision and the fact that most birds would be urban generalists that already occur in the area, compliance with the modified bird-safe design requirements would reduce the number of potential bird collisions.

In addition, the proposed buildings 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, and would be required to install a minimum five kilowatt solar system on the apartment building, consistent with the City's reach code ordinance. Solar requirements for proposed townhomes are governed by California Energy Code 150.1(c)14.

Additionally, the project would be designed to meet the City's sea level rise and hazard mitigation requirements. The applicant has submitted preliminary documentation that the proposed buildings would achieve LEED Gold certification (Attachment N). Staff would verify project compliance with all zoning ordinance green and sustainability requirements and the reach code during the building permit review process.

Hazardous materials (diesel fuel)

The applicant anticipates utilizing a back-up diesel generator for the apartment building. Diesel generators require an administrative permit in the R-MU zoning district and the applicant submitted the application materials to the City for review, which staff is currently evaluating. The storage and use of hazardous

materials were evaluated in the Final EIR for the project. The City will evaluate and take action on the administrative permit through a separate action.

Site circulation, parking, transportation demand management

Site access and circulation

The project site would be accessible from Constitution Drive to the north with a direct access into the multi-family apartment building garage. There would be a publicly accessible paseo and pedestrian access from the north-east corner of the site which would be directly accessible from Constitution Drive. The paseo would provide north-to-south pedestrian and bicycle access through the site and connect Constitution Drive and Independence Drive and would also allow for emergency vehicle access. The townhomes include vehicular access points on Independence Drive and one access point on Chrysler Drive. The project would provide new sidewalk and other street frontage improvements such as street trees, planting buffers (including green infrastructure), and complete street improvements along Independence, Chrysler, and Constitution Drives, as required by the City’s Public Works Department.

Vehicular and bicycle parking

The following table provides a detailed overview of the parking for the proposed project:

Table 5: Parking requirements and project parking data		
	Proposed	Zoning Ordinance standards
Proposed apartment parking	330 (plus 6 guest spaces) = 336	Min. 316 and max. 474
Proposed commercial	0*	Min. 5 and max. 7
Proposed townhome parking	180 (plus 36 guest spaces) = 216	Min. 116 and max. 174
Total parking stalls	516 (plus 36 guest spaces) = 552	Min. 432 and max. 648
Total residential parking ratio (spaces/dwelling unit)	1.27	Min. 1 and max. 1.5 spaces per unit

*Applicant is requesting a State Density Bonus Law waiver

The townhomes would feature a minimum of one parking space in each garage. Approximately 34 townhomes feature two parking spaces in a tandem configuration, which for purposes of compliance with the Zoning Ordinance is considered one parking space. The parking for the apartment units would be unbundled, per the requirements of the Zoning Ordinance. In addition, as required by the R-MU-B zoning regulations, the project provided a TDM plan demonstrating that the project would reduce associated vehicle trips by least 20 percent below standard generation rates for uses on the site. The TDM plan and associated trip reduction could reduce the parking demand for the proposed project. The efficacy of the TDM plan was analyzed through the environmental review process and was found to meet the trip reduction targets required by the Zoning Ordinance.

Residential uses in the R-MU-B zoning district require 1.5 long-term bicycle parking spaces per unit plus an additional 10 percent short-term spaces for guests. Consistent with the requirements of the Zoning Ordinance, the applicant has proposed to provide 474 long-term bicycle parking spaces and 48 short-term bicycle parking spaces for the apartment building, and 174 long-term bicycle parking spaces and 18 short-term bicycle parking spaces to serve the proposed townhomes. The long-term bicycle storage would be located in the basement and on the first floor of the apartment building and for the townhomes units would be located within the garages. The short-term bicycle parking spaces would be located near the two entrances to the apartment building, near the publicly accessible open space and at various other locations in proximity to the townhome buildings.

Under the State Density Bonus Law, the applicant is eligible to request up to two concessions and waivers. Under the State Density Bonus Law, concessions are defined as a reduction in the site development standards or modifications to a development standard that result in actual, identifiable cost reductions, and waivers are modification to development standards that would physically preclude the construction of the project with its permitted density. Aside from the requested waiver described below, the applicant is requesting two concessions and two additional waivers associated to the development of the for-sale affordable units which are discussed later in this report.

*State Density Bonus Law Waiver from Section 16.45.080 of the Menlo Park Municipal Code (MPMC):
Parking Standards*

As shown in Table 5, the applicant is requesting a waiver from the City's Municipal Code Section 16.45.080, which requires minimum two and a half parking spaces per 1,000 square feet to a maximum of three and a half spaces per 1,000 square feet of commercial retail space. The applicant notes that there are six parking spaces outside the secure portion of the parking garage, but those spaces are designed to be shared with visitors to the apartments. The applicant also states that without the parking waiver, the project would need a larger parking garage, which could be created only by reducing the proposed residential density.

Staff believes that while not having dedicated vehicular parking might impact the viability of the proposed commercial space, the TDM program would be implemented to help reduce the parking demand on the site by at least 20 percent. Additionally, it is reasonable to assume that some of the open visitor parking would be available for patrons of the commercial space. The project would also provide the required bicycle parking (2 spaces) located near the entrance of the proposed commercial space, which staff anticipates would be highly utilized given the proximity of the commercial space to the publicly accessible paseo. In addition, the State Density Bonus Law defines narrow circumstances when the City may deny a requested waiver: when the waiver would violate federal or state law, when the waiver adversely impacts any real property that is listed in the California Register of Historical Resources; or when the waiver results in a specific, adverse impact to public health or safety that cannot feasibly be mitigated. There is no evidence to support a finding to deny the requested waiver to allow fewer parking spaces to serve the commercial space than are ordinarily required.

Level of service (LOS) or roadway congestion improvements

While no longer a CEQA threshold of significance, the City's transportation impact analysis (TIA) Guidelines require that the TIA analyze LOS for local planning purposes. The study intersections were selected based on the TIA Guidelines. The LOS analysis determines whether the project traffic would cause an intersection LOS to be potentially noncompliant with local policy if it degrades the LOS operational level or increases delay under near term and cumulative conditions. The LOS and delay thresholds vary depending on the street classifications as well as whether the intersection is on a State route or not. The following thresholds are from the City's TIA Guidelines:

- A project is considered potentially noncompliant with local policies if the addition of project traffic causes an intersection on a collector street operating at LOS "A" through "C" to operate at an unacceptable level (LOS "D," "E" or "F") or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first. Potential noncompliance shall also include a project that causes an intersection on arterial streets or local approaches to State controlled signalized intersections operating at LOS "A" through "D" to operate at an unacceptable level (LOS "E" or "F") or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.
- A project is also considered potentially noncompliant if the addition of project traffic causes an increase of more than 0.8 seconds of average delay to vehicles on all critical movements for intersections

operating at a near-term LOS “D” through “F” for collector streets and at a near-term LOS “E” or “F” for arterial streets. For local approaches to State controlled signalized intersections, a project is considered to be potentially noncompliant if the addition of project traffic causes an increase of more than 0.8 seconds of delay to vehicles on the most critical movements for intersections operating at a near-term LOS “E” or “F.”

Where deficiencies are identified, the TIA Guidelines require consideration of improvement measures. Any such improvement measures could be imposed on the project as conditions of approval to ensure the general health, safety and welfare of the community, provided the measures do not decrease the residential density or induce vehicle miles traveled (VMT), which would be in conflict with the requirements of CEQA. The proposed project was evaluated for intersection level changes caused both in the Near Term (2025) plus project conditions and Cumulative (2040) plus project conditions as part of the project TIA, discussed in detail below.

Near Term (2025) plus project conditions

Under the near term (2025) plus project conditions, the proposed project would increase average critical movement delay by 0.8 seconds or more during at least one peak hour (AM and/or PM) and cause five out of the 15 studied intersections to potentially exceed the City’s LOS thresholds. Table 6 below summarizes the intersections that would be impacted and summarizes the TIA’s recommended intersection improvements to bring the intersections back to pre-project conditions (including a reference to the more detailed analysis in the Draft EIR). The TIA determined that implementation of the improvements would bring the intersections to pre-project conditions with the proposed project and would not result in secondary effects or contribute to impacts under CEQA.

At the most recent Planning Commission study session, the Commission expressed interest in including feasible intersection improvements that would bring the intersection operations to a pre-project level. Staff analyzed the intersection improvements recommended in the TIA to determine if the improvements were feasible. Because transportation modifications or improvements that address LOS delay tend to add roadway capacity, which is at odds with the legislative goals identified for transitioning to VMT, if an intersection improvement could induce additional VMT it was not recommended by staff due to a conflict with local and state transportation goals, as well as CEQA.

Table 6: Potential improvements to return intersections exceeding LOS Thresholds for Near Term (2025) Plus Project conditions to Pre-Project conditions				
Intersection and jurisdiction	Affected peak-hour period	Improvement type	EIR reference	Staff's preliminary feasibility determination
#1 Marsh Road/Bayfront Expressway (State)	AM and PM	Modify signal phasing for eastbound (haven Avenue) right-turning movements to overlap phasing	Pages: 54,55, 63, 64, 71, 72	Low: Conflicts with TIF program improvements.
#9: Chrysler Drive and Constitution Drive (Menlo Park)	AM and PM	Widen and reconfigure eastbound (Constitution Drive) approach to one eastbound left-turn lane, one eastbound through lane, and one eastbound right-turn lane	Pages: 54,55, 63, 64, 71, 72	Low: Improvements likely requires roadway widening/ROW acquisition
#10: Chrysler Drive and Jefferson Drive-East Driveway (Menlo Park)	AM	Install a traffic signal	Pages: 54,55, 63, 64, 71, 72	High: Included in the City's TIF program.
#11: Chrysler Drive and Independence Drive (Menlo Park)	AM and PM	Install a traffic signal	Pages: 54,55, 63, 64, 71, 72	High: Included in the City's TIF program.
#14: Willow Road and Bayfront Expressway (State)	AM and PM	Widen the eastbound (Bayfront Expressway) approach with an additional through lane; widen the northbound approach with an additional left-turn lane	Pages: 54,55, 63, 64, 71, 72	Low: Improvements likely requires roadway widening/ROW acquisition and will need Caltrans approval.

*Bolded intersections indicate improvements recommended by staff following a feasibility analysis. Non-bolded text indicates improvements not recommended by staff due to factors listed in the feasibility determination column on the above table

Staff determined that installation of a signal at intersections #10 and #11 would be feasible to implement. Accordingly, staff is recommending conditions of approval requiring the recommended intersection improvements would be required to be constructed prior to granting of occupancy of the first building. could be required to be constructed prior to granting of occupancy of the first building.

Cumulative (2040) plus project conditions

Under cumulative (2040) plus project conditions, the proposed project would increase average critical movement delay by 0.8 seconds or more during at least one peak hour and cause the following six intersections to potentially exceed the City's LOS thresholds:

Table 7: Potential improvements to return intersections exceeding LOS Thresholds for Cumulative (2040) Plus Project to Pre-Project conditions				
Intersection and Jurisdictions	Affected Peak Hour Period	Improvement Type	EIR Reference	Staff's Preliminary Feasibility Determination
#1 Marsh Road/Bayfront Expressway (State)	AM and PM	Modify signal phasing for eastbound (haven Avenue) right-turning movements to overlap phasing	Pages: 54,55, 63, 64, 71, 72	Low: Conflicts with TIF program improvements.
#9: Chrysler Drive and Constitution Drive (Menlo Park)	AM and PM	Widen and reconfigure eastbound (Constitution Drive) approach to one eastbound left-turn lane, one eastbound through lane, and one eastbound right-turn lane	Pages: 54,55, 63, 64, 71, 72	Low: Improvements likely requires roadway widening/ROW acquisition
#10: Chrysler Drive and Jefferson Drive-East Driveway (Menlo Park)	AM and PM	Install a traffic signal	Pages: 54,55, 63, 64, 71, 72	High: Included in the City's TIF program.
#11: Chrysler Drive and Independence Drive (Menlo Park)	AM	Install a traffic signal	Pages: 54,55, 63, 64, 71, 72	High: Included in the City's TIF program.
#13: Chilco Street and Constitution Drive (Menlo Park)	AM and PM	Widen and reconfigure eastbound (Constitution Drive) approach to one eastbound left-turn lane, one eastbound through lane, and one eastbound right-turn lane; Widen and reconfigure westbound approach to one westbound left-turn lane, one westbound through lane, and one westbound right-turn lane; Modify signal phasing for east and westbound left-turning movements to protected-permitted phasing	Pages: 63,64, 71, 72	High: The project's fair share percent is approximately 0.85% for all three improvements
#14: Willow Road and Bayfront Expressway (State)	AM and PM	Widen the eastbound (Bayfront Expressway) approach with an additional through lane; widen the northbound approach with an additional left-turn lane	Pages: 54,55, 63, 64, 71, 72	Low: Improvements likely requires roadway widening/ROW acquisition and will need Caltrans approval

*Bolded intersections indicate improvements recommended by staff following a feasibility analysis. Non-bolded text indicates improvements not recommended by staff due to factors listed in the feasibility determination column on the above table

Pursuant to the conceptual geometric design (Attachment O) staff determined that the recommended improvements for intersection #13 would be feasible but the recommended improvements for intersections #9 and #14 would not be feasible. The improvements for intersection #1 would conflict with the TIF program improvements and was not further evaluated. The installation of traffic signals at intersections #10 and #11

are also feasible and are in the City’s Transportation Master Plan.

For the recommended improvements for intersection #13; staff is recommending that the applicant submit conceptual plans of the proposed improvement along with cost estimates (including design engineering) for approval by the City’s Transportation Division. Since the improvements recommended for intersection #13 are not included in the City’s TIF program, a fair share contribution for the intersection improvement, calculated at as 0.85% of the cost estimate, shall be paid by the applicant at the time of payment of the TIF. The fair share percentage is staff’s cost sharing methodology in determining the future development’s share of the costs of the transportation improvements to bring the intersection into compliance with the City policy. If these funds are not used within a five-year period, they would be returned to the applicant.

The TIA identified that implementation of the above improvements would bring these affected intersections to pre-project levels, reduce the increase in delay and address the project’s share of non-compliant operation for cumulative effects. As stated previously, the recommended improvement measures would not conflict with CEQA as the recommended measures would not induce additional VMT. The City’s General Plan Circulation Policy 3.4, states that projects should strive to maintain LOS D at City-controlled intersections during peak hours, with few exceptions. Many of the intersections in the City currently operate at LOS E or F without the proposed project. These identified improvement measures would bring the intersection operations back to pre-project levels (as required by the TIA) but would not necessarily bring these intersections to LOS D operation.

General Plan compliance

The proposed project would be consistent with the City’s general plan goals, policies, and programs, in addition to the City’s Zoning Ordinance development regulations and design standards. The following table summarizes key General Plan and Housing Element goals, policies, and programs that are applicable to the project. Attachment P includes a full summary table of General Plan goals, policies, and programs and an evaluation of project compliance.

Table 8: Key General Plan and Housing Element policies and programs compliance summary

Policy or program	Requirement	Project compliance details
General Plan Policy LU 2.9 Compatible Uses	Promote residential uses in mixed-use arrangements and the clustering of compatible uses such as employment centers, shopping areas, open space and parks, within easy walking and bicycling distance of each other and transit stops.	<ul style="list-style-type: none"> The project would redevelop an existing office/industrial buildings on the site into a mix of multifamily rental and for-sale townhome units serving the local commercial and office uses. The proposal would also provide approximately 2,000 square feet of commercial space as part of the proposed apartment building. The proposal will also provide affordable rental and for-sale units. The project would provide a publicly accessible paseo that connects Constitution Drive to Independence Drive and would run along the western property line along the length of the proposed apartment building widening into an approximately 100 feet by 105 feet publicly accessible park before connecting to Independence Drive.

<p>General Plan Policy LU 6.3 Public Open Space Design</p> <p>General Plan Program LU 6.B Open Space Requirements and Standards</p>	<p>Promote public open space design that encourages active and passive uses and use during daytime and appropriate nighttime hours to improve quality of life.</p>	<ul style="list-style-type: none"> For the apartment building, the project would provide recreational area accessible to residents of the apartment complex which would provide access to a club house, fitness center, pool, barbeque pits, and lounge spaces. The apartment building would also provide decks and balconies on the upper floors and stoops and porches on the first floor apartments to serve as private open space. The proposed townhomes would provide stoops and balconies to serve as passive private open spaces. Additionally, the project would provide approximately 15,518 square feet of common open landscapes areas between the townhome buildings. Additionally, the project proposes to provide a paseo area with a minimum 20-foot width and a publicly accessible open space approximately 15,367 square feet in size featuring a bike repair station, native plant garden, soft surface with play equipment, wooden decks, rain-garden, and seating.
<p>General Plan Policy CIRC-2.14 Impacts of New Development</p>	<p>Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per service population or other efficiency metric) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.</p>	<ul style="list-style-type: none"> The project would include a publicly accessible paseo which would provide pedestrian and bicycle access across two rights-of-way providing connectivity and improving pedestrian and bicycle infrastructure in the area. The project includes a transportation demand management (TDM) plan that would reduce project trips by 20 percent. The project would install frontage improvements to facilitate bike and pedestrian connections within the vicinity of the project site. The EIR evaluated the project's potential impact on VMT and determined that its impact would be less than significant when mitigation measures were incorporated as part of project implementation.
<p>Housing Element Policy H4.2 Housing to Address Local Housing Needs</p> <p>Housing Element Policy H4.4 Variety of Housing Choices</p>	<p>Strive to provide opportunities for new housing development to meet the City's share of its Regional Housing Needs Allocation (RHNA). In doing so, it is the City's intent to provide an adequate supply and variety of housing opportunities to meet the needs of Menlo Park's workforce and special needs populations, striving to match</p>	<ul style="list-style-type: none"> Project would provide 74 Inclusionary housing units (56 rental apartment and 18 for-sale townhome units) affordable low-income households. The BMR proposal would provide for-sale units, which would meet the City's greatest area of need in terms of meeting current RHNA numbers. Project would provide various different types of units within the project such as studio, one-, two-, and four-bedroom units addressing housing needs for various

housing types, affordability and location, with household income, and addressing the housing needs of extremely low income persons, lower income families with children, shared housing and lower income seniors.	types of households. <ul style="list-style-type: none">• The project would provide four-bedroom for-sale townhome units that are mobility compliant serving the City's special needs population.• The project proposes to allow residents to contribute "sweat-equity"
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Vesting tentative map

The phased vesting tentative map for the proposed project would merge the existing parcels then re-subdivide them to create residential and open space parcels. The applicant is proposing to develop the project in two phases by requesting two final maps (Attachment C, Exhibit I). The first phase would consist of merging all the parcels and creating four lots consisting of one lot (lot A) to receive the apartment building fronting Constitution Drive, the public paseo/park lot (lot 1) and third and fourth lots (lot B and lot C) would merge the parcels to create the lot to receive the townhomes. The second phase would further subdivide lots B and C to create lots B, C, and D and receive for-sale townhome condominiums. The two final maps are anticipated to match the proposed phasing.

The townhome component of the proposed project would allow development of 116 condominium units to be purchased and sold independently. Title 15 of the City's Municipal Code, the Subdivision Ordinance, lists certain required data and statements that must be made as part of a subdivision map to be reviewed by the Planning Commission and City Council. The required data includes defined boundaries of the subdivision; the width, approximate location, and purpose of existing and proposed easements; widths, proposed names, and grade of all streets and other rights-of-way within the subdivision proposed for dedication or not; locations of buildings and structures within the subdivision; locations of trees over six inches in diameter; and other similar requirements. Staff has determined that the proposed subdivision includes the required data and statements listed in the Subdivision Ordinance, and all information is complete and accurate.

The vesting tentative map is included in Attachment C, Exhibit H. The City Council would review and take action on the proposed subdivision following a recommendation by the Planning Commission.

Below Market Rate (BMR) Ordinance and BMR Guidelines

Proposed projects in the R-MU-B zoning district are required to design and construct the required inclusionary affordable housing units on-site as part of the project. The City's BMR Housing Program requires 15 percent of the proposed dwelling units be set aside for low-income households or an equivalent alternative.

The BMR Guidelines assess the project's BMR requirement on the entire project and not by housing product type (for-sale or rental), with the exception that the BMR units must be evenly distributed throughout the project and the unit sizes/bedroom counts must be based on similar percentages of the unit sizes/bedroom counts within the proposed project. The proposed project is required to provide 15 percent of the total number of proposed units as BMR units, which for a project of 432 units equates to 65 units. The applicant proposes to provide a total of 66 BMR housing units, which allows for a minimum of 15 percent of both the rental apartment and for-sale townhomes units to be BMR units by rounding up the partial units in each housing type. The project would provide 15 percent of housing units in both product types as inclusionary units affordable to low-income households. This breakdown would mean that out of 66 total inclusionary units, 48 units would be rental apartment units and the remaining 18 units would be for-sale

townhome units.

Additionally, as further discussed below, the project is proposing to provide eight additional inclusionary units to fulfill its community amenities obligation. These additional BMR units are proposed to be rental units; therefore, the project would provide a total of 56 BMR rental units, all affordable to low-income households. Table 9 provides the total breakdown of units type and size of the inclusionary units for both apartment and townhome components of the project.

Ownership Type	Unit Type	Average Size	Total number of BMR Units proposed
Rental*	Studio	542 sq.ft.	16
Rental*	One bedroom	720 sq.ft.	33
Rental	Two bedrooms	1,006 sq.ft.	7
For-sale	Two bedrooms	958 sq.ft.	3
For-sale	Three bedrooms	1,480 sq. ft.	6
For-sale**	Four bedrooms	1,165 sq.ft.	9
Total proposed BMR units			74

*Includes additional inclusionary units to fulfill the community amenities requirements

**Includes three four-bedroom units that are mobility compliant

On June 7, 2023 the Housing Commission reviewed the BMR proposal and unanimously voted to recommend approval of the applicant’s BMR proposal with the income limits, distribution, and unit sizes outlined in Table 9.

The project proposes to evenly distribute the inclusionary rental units throughout the proposed rental multi-family building such that the design of the rental units will be indistinguishable with the respect to size, location, design, and materials from the market-rate units. However, the project would not evenly distribute the for-sale townhome BMR units throughout the project site; instead, it proposes to cluster the for-sale BMR units on one parcel within the project site, requiring a modification to the City’s location requirements of the BMR Guidelines. Moreover, the proposed for-sale BMR units are proposed to be delivered on a different timeline that is what is specified in the BMR Guidelines, vary in average unit size, layout, bathroom and bedroom counts, and living spaces sizes; less parking; smaller windows; different exterior finishes and massing; fewer balconies; and different interior finishes, lighting and appliances, and do have common open space that complies with the objective design standards outlined in the zoning ordinance. Therefore, the applicant is requesting the below outlined concessions and waivers pursuant to State Density Bonus Law. The applicant’s BMR proposal along with the requests for concessions and waivers outline project specific alternatives to the City’s BMR Guidelines to allow Habitat for Humanity San Francisco (HGSF) develop the for-sale component of this project pursuant to HGSF’s program.

The requested concessions include:

- 1) Concession to modify Section 16.96.606 of Menlo Park Municipal Code (MPMC) and BMR Guidelines 5.1: Request for allowing the construction of the units to be clustered on a separate parcel, and

- 2) Concession to modify Section 16.96.060 of MPMC and BMR Guidelines 5.3.1: Request for allowing different construction schedule for delivery of for-sale affordable units such that Habitat for Humanity Greater San Francisco would complete the for-sale affordable townhomes within 24 months from their building permit.

The request for waivers associated with the development of for-sale townhome units include:

- 1) Waiver from Section 16.97.100 of MPMC and BMR Guidelines Section 5.2: Modifications to the for-sale units' average unit size, layout, bathroom and bedroom counts, and living spaces sizes; less parking; smaller windows; different exterior finishes and massing; fewer balconies; and different interior finishes, lighting and appliances, and
- 2) Waiver to Section 16.97.100 and BMR Guidelines Section 5.2: Modifications to the dimensions of the common open space for the affordable for-sale townhome units.

A third waiver request to allow no dedicated parking for the proposed commercial space associated with the development of the rental apartment is discussed earlier in this report. The rental affordable units comply with the City's BMR Housing Program and BMR guidelines. The BMR agreements would result in a project that meets the inclusionary requirements at full built out. The applicant's BMR proposal also requests modifications to several aspects of the City's BMR guidelines applicable to the for-sale inclusionary units and proposes alternatives commensurate with the applicable requirements outlined in the City's BMR Guidelines.

The applicant requests the concessions to allow the use of volunteer labor as sweat equity towards purchase of affordable units and to allow leveraging of certain financial opportunities that would otherwise be unavailable and the second concession to allow a delay in the development of affordable units to allow HGSF to rely on volunteer labor and a sweat equity model and use donated goods and materials for construction of the affordable for-sale units. The applicant provided the City with the following proposed schedule for delivery of the BMR townhomes:

- HGSF would obtain building permits for the for-sale affordable townhomes within six months from issuance of the first building permit for first market-rate townhomes.
- HGSF would be required to complete the townhomes within 24 months from their building permit issuance.

The applicant has also identified that if HGSF fails to pull building permits within six months of issuance of the permit for the first market rate townhome, the applicant would convert a portion of the BMR townhomes to for-sale units and provide inclusionary units in proportion to the market rate townhomes across the entire townhome development. However, there are no requirements that the market rate townhome units be delivered on a specific schedule and alternatively, the proposed BMR townhome schedule could deliver the BMR townhomes units ahead of some of the market rate units. The three draft BMR agreements memorialize these nuanced project conditions, in that, the first agreement (Attachment C, Exhibit C) governs the provision of rental affordable units within the proposed apartment building, the second agreement (Attachment C, Exhibit D) governs production of affordable housing by the applicant should HGSF is unable to pull building permits within six months of issuance of the first building permit for the market-rate townhomes and the third agreement (Attachment C, Exhibit E) governs the for-sale townhome units being delivered on a separate parcel under HGSF development model and associated modifications to the BMR Guidelines.

Detailed discussion of the applicant's BMR proposal and staff analysis available in the Housing Commission staff report (Attachment K). During the phased development there may be times when the on-site BMR

units are below the minimum requirements; however, upon completion of the stand alone for-sale inclusionary townhome located on lot C and the apartment building, the proposed project would comply with the minimum BMR requirements.

The Planning Commission should consider the Housing Commission's recommendation on the BMR proposal, inclusive of the requested concessions, waivers, and modifications to the City's BMR Guidelines. The Planning Commission is the final decision making authority on the requested concessions and waivers pursuant to the State Density Bonus Law requirements, whereas, the City Council would review and act on the draft BMR Housing Agreements as they include modification requests under Section 13 of the BMR Guidelines.

Community amenities

Bonus level development is allowed in exchange for the provision of community amenities. Community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. As part of the ConnectMenlo process, a list of community amenities was generated based on robust public input and adopted by resolution of the City Council. The Zoning Ordinance identifies several mechanisms for providing amenities, including selecting an amenity from the Council-approved list as part of the proposed project, providing an amenity not on the approved list through a development agreement, or through the payment of an in-lieu fee. The value of the amenity to be provided must equal a minimum of 50 percent of the fair market value of the additional GFA of the bonus level development. The proposed project is subject to the list of Council-approved community amenities adopted in 2016 (Attachment Q).

The process for determining the required value of the community amenities begins with an appraisal process. The applicant provides, at their expense, an appraisal performed by a licensed appraisal firm consistent with the City's appraisal instructions. Once the Community Development Director approves the appraisal based on the peer review or peer appraisal identifying the required community amenity value, the applicant will then provide the City with a proposal identifying the proposed community amenity and providing an explanation of the amenity value. City staff then hires a professional economic consultant to peer review the proposal and determine the adequacy of the amenity to satisfy the required value, and work with the applicant to make necessary modifications to the proposal to meet the requirements of the ordinance.

The City's evaluation of the applicant's community amenities appraisal determined that the project's community amenities obligation would be \$3,350,000 (Attachment F).

In response to this determination, the applicant submitted a community amenities proposal (Attachment B, Exhibit B) which proposes eight inclusionary rental apartment units affordable to low-income households. (These eight units are included in the total 74 BMR units.) The City engaged its consultant (BAE Urban Economics) to review the applicant's community amenities proposal (Attachment B, Exhibit C) that determined the value of the proposed amenity would be equal to \$4,169,795 or \$819,795 more than the required \$3,350,000. The community amenities proposal is also consistent with the latest adopted amendments to the community amenities ordinance and the previous and current community amenities list.

Fiscal impact analysis

To inform the decision makers and the community about the potential fiscal impacts that the proposed project would generate, staff also engaged BAE to prepare a FIA outlining the effects of the proposed project on local expenditures and revenues the proposed project would generate. The FIA is included in as Attachment E.

The FIA determined the anticipated net increase in revenue and expenditures and resulting net fiscal impact of the proposed for the following:

1. City of Menlo Park General Fund,
2. Menlo Park Fire Protection District,
3. School districts that serve the project area, and
4. Other special districts that serve the project site.

Table 10 outlines the findings of the FIA.

Table 10: Selected net fiscal impact findings for the proposed project				
Annual Impact for Proposed Project	City of Menlo Park General Fund	Menlo Park Fire Protection District	Sequoia Union High School District	Redwood City Elementary District
New Revenues	\$501,686	\$408,321	\$472,055	\$689,036
New Expenditure	(\$1,072,139)	(\$657,401)	(\$1,413,433)	(\$865,696)
Net Fiscal Impact	(\$570,453)	(\$249,080)	(\$941,378)	(\$176,659)
Percent of general fund	0.7%	0.4%	0.7%	0.2%

The fiscal impacts shown in the above table reflect the impacts of the proposed project itself, irrespective of other changes in the City’s population, workforce, property tax base, and other factors that could impact the City’s budget. The proposed project would not occur in isolation, and therefore other projects that have a net positive impact on the City, as well as other factors that affect the City budget, could potentially counterbalance the negative fiscal impacts of this proposed project. No action on the FIA is required by the Planning Commission, but should be considered by the Planning Commission when evaluating the proposed project.

Environmental Review

An EIR evaluates potential environmental impacts that could result from implementation of the proposed project. Under CEQA, a significant environmental effect is a potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Potential environmental impacts under CEQA are only related to the physical environment, and do not evaluate potential social or economic effects of the proposed project. Each potential impact is determined based on criteria of significance, which thresholds are set by the CEQA Guidelines and applicable City policies to determine whether an impact is potentially significant.

As stated in the CEQA Guidelines, an EIR is an informational document that is intended to provide the City, responsible and trustee agencies, other public agencies, and community members with detailed information about the potential environmental effects that could result from implementing the proposed project, examine

and implement mitigation measures to reduce or avoid potentially significant physical environmental impacts if the proposed project is approved, and consider feasible alternatives to the proposed project, including a required No Project Alternative. Members of the Planning Commission were previously provided a copy of the Draft EIR (Attachment H) for the proposed project, which was released on Monday, November 28, 2022. The Planning Commission conducted a duly noticed public hearing on December 12, 2022 to solicit public and commission comments on the Draft EIR. This meeting fell within the minimum 45-day comment period which ended on January 17, 2023.

The CEQA process recognizes that public agencies cannot produce a perfect Draft EIR and thus comments are solicited on the substantive analysis provided in the Draft EIR. Oral comments received during the public hearing and written comments received during the Draft EIR comment period will be considered while preparing the Final EIR for the proposed project. Responses to substantive comments on the Draft EIR are included in the Final EIR.

Prior to development of the Draft EIR, and in accordance with CEQA Guidelines, a Notice of Preparation (NOP) for the project was released on September 10, 2021 and the Planning Commission conducted a scoping session on September 27, 2021, to provide an opportunity early in the environmental review process for the Planning Commission and interested persons to provide comments on the scope and content of the EIR.

The project site is within the General Plan and M-2 Area Zoning Update (Connect Menlo) study area. ConnectMenlo, which updated the City's General Plan Land Use and Circulation Elements and rezoned land in the M-2 Area (now referred to as the Bayfront Area), was approved on November 29, 2016. The certified ConnectMenlo EIR included an evaluation of 4,500 residential units in the Bayfront Area, consisting of 3,000 unrestricted residential units and 1,500 corporate dormitory-style units on the Meta East Campus (also known as the Classic Campus). Because the City's General Plan is a long range planning document, the ConnectMenlo Final EIR was prepared as a program EIR, pursuant to CEQA Guidelines Section 15168. Section 15168(d) of the CEQA Guidelines provides information for simplifying the preparation of subsequent environmental documents by incorporating by reference analyses and discussions. CEQA Guidelines Section 15162(d) states that where an EIR has been prepared and 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 susceptible to substantial reduction or avoidance. The proposed project, if approved, would result in more than 3,000 unrestricted units in the Bayfront Area, therefore, a full EIR is required. Although a full EIR is required, a general plan amendment is not required.

The general plan identifies 4,500 residential units in total and does not make the distinction between types of residential units. Because the proposed number of units is consistent with the level of residential development allowed under the general plan, no amendment is necessary. The Draft EIR was prepared in accordance with the terms of the settlement agreement between the cities of Menlo Park and East Palo Alto, which allows for simplification in accordance with CEQA Guidelines Section 15168 for all topic areas, except housing and transportation. The analysis provided in the Draft EIR tiers from the certified ConnectMenlo EIR as appropriate.

While the project-level Draft EIR tiers from the ConnectMenlo program-level EIR, most CEQA topic areas were included in the Draft EIR, including the following:

- Aesthetics
- Air quality
- Biological resources
- Cultural resources
- Energy
- Geology, soils, seismicity, and paleontological resources
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology and water quality
- Land use and planning
- Noise
- Population, employment, and housing
- Public services and recreation
- Transportation
- Tribal cultural resources
- Utilities and service systems

Section 15128 of the CEQA Guidelines states that “an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not be significant and were therefore not discussed in detail in the EIR.” Implementation of the proposed project would not result in significant environmental impacts on agricultural and forestry resources, mineral resources, or wildlife and were not further analyzed in the Draft EIR.

Impact analysis

For each of the analyzed topic areas, the Draft EIR describes the existing conditions (including regulatory and environmental settings) and analyzes the potential environmental impacts (noting the thresholds of significance and applicable methods of analysis). Impacts are considered for the project both individually and cumulatively, meaning the project in combination with other reasonable environmental impacts as:

- No Impact (NI)
- Less Than Significant (LTS)
- Significant (S)
- Potentially Significant (PS)

Where a potentially significant impact is identified, mitigation measures are considered to reduce, eliminate, or avoid the adverse effects (less than significant with mitigation). If a mitigation measure cannot eliminate/avoid an impact, or reduce the impact below the threshold of significance, it is considered a significant and unavoidable impact. One of the following determinations is then applied to the impact:

- Less than Significant with Mitigation (LTS/M)
- Significant and Unavoidable (SU)

The Draft EIR identified potentially significant environmental impacts that can be mitigated to a less than significant level (LTS/M) in the following categories: air quality, biological resources, cultural resources, hazard and hazardous materials, noise, and tribal cultural resources. Detailed table providing a summary of impacts for applicable topic areas that would result from the proposed project and the level of significance of the impact after implementation of the mitigation measures is provided herein as Attachment R.

On December 12, 2022 the Commission reviewed the Draft EIR and solicited comments on the document from the members of the community. Excerpt minutes of the December 12, 2022 Planning Commission meeting are available as Attachment J.

Additionally, staff received seven written comments during the public comment period from the California Department of Transportation, Housing Action Coalition, Menlo Park Chamber of Commerce, Menlo Park

Fire Protection District, Lozano Smith, Attorney at Law representing the Sequoia Union High School District, and from community members, Lauren Bigelow and Karen Grove, which are summarized and included in the Final EIR.

Final EIR

In accordance with CEQA, staff prepared a response to all substantive comments received and made editorial changes to the Draft EIR as necessary and prepared what is referred to as a “Response to Comments” document or Final EIR (Attachment A, Exhibit A). The Final EIR was released on Friday, August 4th for a minimum 10-day public review period. The Final EIR is available on the project webpage: <https://menlopark.gov/Government/Departments/Community-Development/Projects/Under-review/123-Independence-Drive>. All the comments received during the Draft EIR public comment period are included in the Final EIR and responses are provided to all comments. The Final EIR concluded that no new analysis or changes to the current analysis included in the Draft EIR were necessary in response to any comments received on the Draft EIR prepared for the project. No additional mitigation measures or impacts were identified based on any comments received on the Draft EIR.

A summary of City initiated text revisions is attached to this report as Attachment S. Staff finds that the text revisions would not change any conclusions and findings of the Draft EIR. In addition to the above listed text changes, the FEIR also includes a section reviewing the extent to which a modified project that includes conversion of approximately 2,000 square feet of existing non-residential square footage on the first floor of the apartment building into commercial space would alter the environmental impact analysis and conclusions of the Draft EIR. The analysis concluded that the project modification would not result in any new significant environmental effects and would not increase the severity of any of the environmental effects identified in the Draft EIR. Therefore, no further environmental analysis is required for the City to take action on the modified project. All of the mitigation measures identified in the Draft EIR remain applicable to the modified project.

As part of its consideration staff requests that the Planning Commission review and consider the Mitigation Monitoring and Reporting Program (MMRP) (Attachment A, Exhibit C). The MMRP includes all feasible mitigation measures identified in the Final EIR and ensures that full implementation of the mitigation measures would reduce the environmental impacts to a less than significant level. The MMRP identifies monitoring and reporting of environmental mitigation measures and is included as part of the conditions of approval for the project. The Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of Menlo Park, the applicant, and other identified public agencies in the implementation and monitoring of measures adopted from the certified EIR.

CEQA Guidelines Section 15352(b) requires that City to comply with CEQA at the “earliest commitment” to the project’s approval. Because the Planning Commission is the final decision making body on the bulk of the entitlements, the Planning Commission is required to certify the Final EIR, make findings, and adopt the MMRP before it takes action on the project.

Correspondence

After the publication of the Final EIR, staff received one comment requesting that the Commission support the proposed project from the Housing Action Coalition (Attachment T). Public comments received on the Draft EIR which are responded to in the Final EIR are available in Attachment U.

Conclusion

The proposal complies with the requirements of the Zoning Ordinance with regard to the overall project design/style and application of the R-MU-B zoning district standards, except for the requested concessions

and waivers pursuant to the provisions of the State Density Bonus Law. The proposed project would add rental and for-sale housing units to the City, with an ancillary commercial space that would help to activate the publicly accessible open space, and redevelop an existing underutilized industrial site. Vehicular and bicycle parking requirements would be met, and the development would also provide a positive pedestrian experience through public, common, and private open spaces throughout the project site. New trees and landscaping would be planted throughout the project, and the open space for the site. The proposed project BMR housing proposal provides both for-sale and rental inclusionary units with a variety of sizes to meet different needs of the community. The project's community amenities proposal meets the minimum required value determined by the City's community amenities proposal. Staff believes that providing eight additional rental BMR units affordable to low-income households complies with the community amenities requirements for the proposed project and furthers the affordable housing available in the Bayfront Area. Therefore, staff recommends that the Planning Commission certify the EIR, make findings as required by CEQA, approve the MMRP, and approve the use permit, architectural control permit, and community amenities proposal, and recommend approval of the BMR Housing Agreement, and vesting tentative map to City Council.

Impact on City Resources

The project sponsor is required to pay Planning, Building, 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

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 a 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. Planning Commission Resolution Certifying the Final Environmental Impact Report, adopting Findings Required by the California Environmental Quality Act, and a Mitigation Monitoring and Reporting Program (MMRP) all pursuant to the California Environmental Quality Act

Exhibits to Attachment A

- A. Hyperlink Final EIR: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-final-eir-july-2023.pdf>
 - B. Statement of Findings and Facts pursuant to CEQA
 - C. Mitigation Monitoring and Reporting Program (MMRP)
 - D. Hyperlink Project Plans including materials and colors board: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/july-2023-development-plans-with-material-and-color-board.pdf>
- B. Planning Commission Resolution Adopting Findings for project Use Permit, Architectural Control, and approval of the Community Amenities Proposal including project Conditions of Approval

Exhibits to Attachment B

- A. Hyperlink Project Plans including materials and color board:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/july-2023-development-plans-with-material-and-color-board.pdf>
 - B. Hyperlink Project community amenities proposal:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-project-community-amenities-proposal.pdf>
 - C. Hyperlink BAE's evaluation of the project community amenities proposal:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/community-amenities-proposal.pdf>
 - D. Hyperlink Final EIR: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-final-eir-july-2023.pdf>
 - E. Statement of Findings and Facts pursuant to CEQA (See Attachment A, Exhibit B)
 - F. Mitigation Monitoring and Reporting Program (MMRP) (See Attachment A, Exhibit C)
 - G. Conditions of Approval
- C. Planning Commission Resolution Recommending City Council Approval of the Below Market Rate Agreements and Vesting Tentative Map

Exhibits to Attachment C

- A. Hyperlink: Project Plans including materials and color board and vesting tentative map -
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/july-2023-development-plans-with-material-and-color-board.pdf>
- B. Hyperlink: Project Below Market Rate proposal including requested concession, waivers, and modifications to the BMR Guidelines - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/below-market-rate-housing-proposal.pdf>
- C. Draft Below Market Rate Housing Agreement and Declaration of Restrictive Covenants with The Sobrato Organization
- D. Draft Below Market Rate For-Sale Housing Agreement and Declaration of Restrictive Covenants with The Sobrato Organization
- E. Draft Below Market Rate Housing Agreement and Declaration of Restrictive Covenants with Habitat for Humanity Greater San Francisco (HGSF)
- F. Hyperlink: Final EIR - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-final-eir-july-2023.pdf>
- G. Hyperlink :Vesting Tentative Map phasing narrative -
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/vesting-tentative-map-phasing-letter.pdf>
- H. Hyperlink: Vesting Tentative Map: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-drive-vesting-tentative-map-july-2023.pdf>
- I. Statement of Findings and Facts pursuant to CEQA (See Attachment A, Exhibit B)
- J. Mitigation Monitoring and Reporting Program (MMRP) (See Attachment A, Exhibit C)
- K. Vesting Tentative Map conditions of approval

- D. Hyperlink project Housing Needs Assessment (HNA): chrome-
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/consolidated-feir-appendices.pdf>
- E. Hyperlink Project Fiscal Impact Analysis (FIA):
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/20221028-123-independence-fiscal-impact-analysis-report.pdf>
- F. Hyperlink Appraisal determining the value of the project community amenities:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-appraisal-for-bonus-level-development.pdf>
- G. Location Map
- H. Hyperlink Draft Environmental Impact Report (Draft EIR):
https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/deir/deir_full-document.pdf
- I. Hyperlink Planning Commission staff report for December 12, 2022 meeting:
<https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/planning-commission/2022-meetings/agendas/20221212-planning-commission-agenda-packet.pdf>
- J. Excerpt minutes of the December 12, 2022 Planning Commission meeting
- K. Hyperlink Housing Commission staff report for June 7, 2023 meeting:
<https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/housing-commission/2023-meetings/agendas/20230606-housing-commission-agenda-packet.pdf>
- L. Project compliance with design standards pursuant to the Zoning Ordinance
- M. Project arborist report
- N. Preliminary LEED Gold documentation
- O. Near-term and long-term intersections improvements feasibility analysis
- P. Project compliance with applicable General Plan goals, policies, and programs
- Q. 2016 City Council approved community amenities list
- R. Summary of impacts and level of significance after mitigation from the Draft EIR
- S. Summary of staff initiated DEIR text changes
- T. Correspondence
- U. Hyperlink Public comments received on the Draft EIR:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/20230119-draft-environmental-impact-report-public-comments.pdf>

Report prepared by:
Payal Bhagat, Contract Principal Planner

Report Reviewed by:
Corinna Sandmeier, Principal Planner
Kyle Perata, Planning Manager
Eric Philips, Legal Counsel

DRAFT**PLANNING COMMISSION RESOLUTION NO. 2023-__**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND A MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) ALL PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, FOR THE PROPOSED 123 INDEPENDENCE DRIVE PROJECT CONSISTING OF A 316 UNIT MULTI-FAMILY RESIDENTIAL APARTMENT BUILDING WITH AN APPROXIMATELY 2,000 SQUARE FEET COMMERCIAL SPACE AND 116 TOWNHOME CONDOMINIUM UNITS AT 119 INDEPENDENCE DRIVE, 123-125 INDEPENDENCE DRIVE, 127 INDEPENDENCE DRIVE, 1205 CHRYSLER DRIVE, AND 130 CONSTITUTION DRIVE (APNS: 055-236-140, 055-236-180, 055-236-240, 055-236-300, and 055-236-280), AND ASSOCIATED OPEN SPACE AND INFRASTRUCTURE

WHEREAS, the City of Menlo Park (“City”) received an application requesting environmental review, use permit, architectural control, below market rate (BMR) housing agreement, vesting tentative map, and heritage tree removal permits from The Sobrato Organization (“Applicant”), to redevelop the properties located at 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive (APNs 055-236-140, 055-236-180, 055-236-240, 055-236-300, and 055-236-280) (“Property”), with a bonus level development project consisting of an up to 316 unit multifamily rental apartment building with approximately 2,000 square feet commercial space and 116 for-sale townhome condominium units, which development is more particularly described in the Environmental Impact Report to the Project which was prepared pursuant to the California Environmental Quality Act (hereinafter the “**Project**”). The Project is depicted in and subject to the development plans which are attached hereto as Exhibit D (“Project Plans including colors and materials board”) and incorporated herein by this reference; and

WHEREAS, the proposed Project is located in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The R-MU-B zoning district allows a mixture of land uses with the purposes of providing high density housing to complement nearby employment, encouraging mixed use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public, promoting a live/work/play environment with pedestrian activity, and blending with and complementing existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses; and

WHEREAS, the bonus level provisions identified in the City’s Zoning Ordinance allow a development to seek an increase in floor area ratio (FAR), density (dwelling units per acre), and/or height subject to approval of a use permit and the provision of community amenities equal to a minimum of 50 percent of the fair market value of the increased development potential and the applicant has submitted a community amenities proposal in compliance with the required minimum value; and

WHEREAS, the proposed Project would be developed with an increase in FAR, height, and density pursuant to City’s bonus level development allowances; and

WHEREAS, the proposed Project requests a use permit to allow modifications to the bird friendly design guidelines and allow some balcony railings in the project to be made out of fritted clear-glazed glass; and

WHEREAS, the proposed Project environmental impact report found that combined with low number of birds expected to be exposed to increases risk of collision, the fact that most birds would be urban generalists that already occur in the area, and less than ten percent of the glazing being fritted glass railing, the bird collision risk at the proposed Project would be less-than-significant; and

WHEREAS, pursuant to City’s General Plan goals and policies, the proposed Project is required to provide a publicly accessible paseo connecting Constitution Drive to Independence Drive; and

WHEREAS, the Project provides a minimum 20-foot wide paseo which increases in width at certain places. The paseo expands to create publicly open space of approximately 15,367 square feet in size before connecting Independence Drive; and

WHEREAS, the proposed Project complies with all applicable objective standards of the City’s Zoning Ordinance, including design standards, green and sustainable building standards, and is consistent with the City’s General Plan goals, policies, and programs; and

WHEREAS, pursuant to the requirements of Sections 16.45.060 and 16.96.020 of the City of Menlo Park Municipal Code and the City’s Below Market Rate (“BMR”) Housing Program, the applicant submitted a BMR proposal that would provide 48 inclusionary rental units (15 percent of total proposed 316 multi-family apartment units), 18 inclusionary for-sale units (15 percent of total proposed 116 for-sale townhome units), and eight additional inclusionary rental units to fulfill the community amenities obligation for the proposed project; and

WHEREAS, as allowed by the State Density Bonus Law and City’s Below Market Rate (BMR) Ordinance, the proposed Project requests two concessions for the development of for-sale affordable units: first from BMR Guidelines 5.1 and Section 16.96.060 of City’s Municipal Code to allow clustering of the affordable for-sale townhome units and second concession from BMR Guidelines 5.3.1 and Section 16.96.060 of City’s Municipal Code to allow a delayed construction schedule to develop the affordable units such that Habitat for Humanity Greater San Francisco (“HGSF”) would obtain building permits for the for-sale affordable townhomes within six months

from issuance of first building permit for first market-rate townhome and HGSF would be required to complete the affordable townhomes within 24 months from their building permit issuance; and

WHEREAS, the applicant requests the first concession to allow the use of volunteer labor as sweat equity towards purchase of affordable units and to allow leveraging of certain financial opportunities that would otherwise be unavailable and the second concession to allow a delay in the development of affordable units to allow HGSF to rely on volunteer labor and sweat equity model and use donated goods and materials for construction of the affordable for-sale units; and

WHEREAS, as allowed by the State Density Bonus Law and the City’s Below Market Rate (BMR) Ordinance, the proposed Project requests three waivers: first from City’s Municipal Code Section 16.97.100 and BMR Guideline Section 5.2 to allow the for-sale affordable units to differ in the following design aspects: smaller size, interior layout, fewer bathrooms, increased number of bedrooms, smaller living area, less parking, smaller windows, different exterior finishes and massing, fewer balconies, and different interior finishes, lighting, and appliances, second from City’s Municipal Code Section 16.45.120(4)(c)(iii) to allow common open space required as part of the development of the for-sale affordable units of 400 square feet that does not meet the minimum 20 feet by 20 feet dimension requirement pursuant to the code and third from City’s Municipal Code Section 16.45.080 allowing no designated vehicular parking spaces for the proposed commercial space within the proposed apartment building that includes rental affordable units; and

WHEREAS, the applicant is requesting the first waiver to allow the construction of for-sale affordable units using volunteer labor and donated materials, the second waiver to allow fit the for-townhomes as programmed and designed at the allowed density without losing any affordable units, and the third waiver to allow development of the commercial space without having to expand the garage area to accommodate dedicated commercial space parking requiring reduction in the residential density and for-rent affordable units; and

WHEREAS, at a duly noticed public meeting on June 7, 2023, the Housing Commission considered the applicant’s BMR proposal and draft BMR Housing Agreements, inclusive of the 74 inclusionary BMR units, and forwarded a recommendation of approval to the Planning Commission and City Council of the proposed BMR Housing Agreements showing unit sizes/types affordable to low-income households; and

WHEREAS, as allowed by Section 13 of the City’s BMR Guidelines, the applicant requests approval of Project specific alternate guidelines in order to allow the development of the for-sale BMR units consistent with Habitat for HGSF development model; and

WHEREAS, at the duly noticed public meeting on June 7, 2023, the Housing Commission considered the applicant’s request for Project specific alternative BMR guidelines and forwarded a recommendation of approval to the Planning Commission and City Council; and

WHEREAS, the Planning Commission has read and considered those certain Below Market Rate Housing Agreements (“BMR Agreements”) between the City and The Sobrato Organization and their affordable housing partner HGSF and finds that those satisfy the

requirements of Chapter 16.96 of the City's Municipal Code and in the BMR Housing Program Guidelines, except as modified, and would result in affordable housing that meets the City's affordable housing goals and results in a BMR program for the Project with characteristics that are a reasonable equivalent alternative to a program that strictly complied with the BMR Housing Program Guidelines; and

WHEREAS, Section 16.45.070 of the City of Menlo Park Municipal Code requires that bonus level projects that are developed at a greater level of intensity with an increase in density, FAR, and/or height shall provide one or more community amenities to address the needs that result from the effect of the increased development. The value of the community amenities to be provided shall be equal to 50 percent of the fair market value of the additional gross floor area of the bonus level development; and

WHEREAS, pursuant to the requirements of Section 16.45.070 of the City of Menlo Park Municipal Code, the City commissioned R. Blum and Associates to evaluate the appraisal provided by the applicant to determine the value of the Project's community amenities contribution. The appraisal determined the project's community amenities obligation would amount to \$3,350,000. The Community Development Director determined that the appraisal was created pursuant to the City's guidelines and approved the appraisal; and

WHEREAS, on December 6, 2022, the applicant submitted the community amenities proposal that provides eight rental units affordable to low-income households valued at approximately \$4,200,299 as part of the Project's community amenities proposal; and

WHEREAS, the City commissioned BAE urban economics to evaluate the community amenities proposal and subsequently determined that the value of the proposed eight low-income rental units, at \$4,169,795 or \$819,795 greater than the community amenities obligation of \$3,350,000 and is therefore consistent with the Zoning Ordinance requirements; and

WHEREAS, for these reasons, the community amenities proposal meets the minimum requirements of the Zoning Ordinance; and

WHEREAS, the proposed Project includes the removal of 29 heritage-size trees that have been evaluated by the City Arborist and on January 6, 2023 the City Arborist conditionally approved the heritage tree removal permit. The conditional action was posted on the site and mailed notices were sent out stating the action and no appeals were filed with the City; and

WHEREAS, the proposed project would include a minimum of 58 heritage tree replacements, per the required 2:1 replacement ratio of the Heritage Tree Ordinance in effect at the time of submittal of a complete application under the provisions of SB 330; and

WHEREAS, a phased vesting tentative map application requests to subdivision to merge the existing five legal parcels within the approximately 8.5-acre project site and create 316 multi-family apartment unit building including the proposed commercial space within one of the legal parcels, 116 townhome condominium units to be sold individually on three legal parcels, and

create one legal parcel to accommodate the publicly accessible paseo, emergency vehicle access, and park; 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, on November 29, 2016, in connection with an update to the Land Use and Circulation Elements of the City’s General Plan and related zoning changes, commonly referred to as the ConnectMenlo project, the City certified the ConnectMenlo Final EIR (ConnectMenlo EIR); 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 would be developed at the bonus level allowances of the Zoning Ordinance, and therefore, is subject to the settlement agreement between the City of Menlo Park and City of East Palo Alto (“Settlement Agreement”), which requires project-specific environmental impact reports (“EIRs”) for certain future projects. Pursuant to the Settlement Agreement, the project-specific EIR may tier from the certified program level ConnectMenlo Final EIR (“ConnectMenlo EIR”) which was certified by the City Council on November 29, 2016, as part of an update to the Land Use and Circulation Elements of the General Plan and related zoning changes, commonly referred to as ConnectMenlo, and the project-specific EIR shall include a project specific analysis for all required topic areas pursuant to CEQA Guidelines Section 15162(d). The City shall also prepare a housing needs assessment (“HNA”) to inform the population and housing topic area of the Project EIR; and

WHEREAS, the City released a Notice of Preparation (“NOP”) for a prior version of the project including office buildings along with residential uses was released for a 30-day circulation period starting on January 8, 2021 to February 8, 2021. The City reissued the NOP for a revised 100 percent residential project on September 10, 2021. Following the release of the revised NOP, the Planning Commission conducted a scoping session on September 27, 2021. Comments received by the City on the NOPs and at the public EIR scoping meeting were considered during the preparation of the Draft EIR; and

WHEREAS, on September 27, 2021, concurrently with the public NOP scoping meeting, the Planning Commission conducted a study session to review and provide comments on the Project’s conceptual design; and

WHEREAS, pursuant to the requirements of the Settlement Agreement and CEQA, the City prepared, or caused to be prepared, a project level EIR and conducted a HNA for the Project; and

WHEREAS, the Draft EIR was released on November 28, 2022 for a minimum 45-day review period that ended on January 27, 2023. The public review period included one duly noticed public meeting on December 12, 2022 to received oral and written comments on the Draft EIR; and

WHEREAS, On December 12, 2022, as part of the duly noticed public hearing to review the Draft EIR, the Planning Commission also conducted a study session and provided an opportunity for members of the public to provide comments on the proposed project design, BMR proposal, and community amenities proposal; and

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research and copies of the Draft EIR were made available at the Community Development Department, on the City’s website and at the Menlo Park Library; and

WHEREAS, on August 4, 2023, the City published a Response to Comments Document that contains all of the comments received during the public comment period, including a transcript of the public hearing, and written responses to those comments, and any text changes to the Draft EIR, prepared in accordance with CEQA and the CEQA Guidelines, and an analysis of the Project (which included minor modifications from the project as analyzed in the Draft EIR) that demonstrates that development of the Project would not result in any new or more severe environmental effects than were analyzed in the Draft EIR. The Draft EIR, Response to Comments Document, text changes to the Draft EIR, and analysis of the modified Project constitute the Final EIR, a copy of which is available in Exhibit A; and

WHEREAS, the Final EIR identified no potentially significant adverse effects on the environmental caused by the Proposed Project; and

WHEREAS, the Planning Commission specifically finds that where more than one reason for approving the Proposed Project and rejecting alternatives is given in its findings or in the record; and

WHEREAS, the City prepared or caused to be prepared the Findings of Fact as included in Exhibit B in accordance with CEQA and CEQA Guidelines Section 15091; and

WHEREAS, the City prepared or caused to be prepared a Mitigation Monitoring and Reporting Program (“MMRP”), which is incorporated herein by this reference and as part of the Final EIR, which will ensure all mitigation measures relied upon in the findings are fully implemented and that all environmental impacts are reduced to a less than significant level; and

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

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on August 28, 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

WHEREAS, the Planning Commission fully reviewed, considered, evaluated, and certified the Final EIR, along with all public and written comments, pertinent information, documents and plans prior to taking action to approve the use permit, architectural control, and community amenities proposal, and providing a recommendation to the City Council on the BMR Agreements and vesting tentative map.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park 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 of the City of Menlo Park hereby resolves as follows:

1. The Final EIR has been prepared, published, circulated, and reviewed in compliance with the California Environmental Quality Act and the CEQA Guidelines.
2. The Final EIR constitutes an adequate, accurate, objective, and complete analysis addressing all issues relevant to the approval of the proposed Project including the issuance of a use permit, architectural control permit, and heritage tree removal permit and approval of the community amenities proposal, BMR Housing agreements, and vesting tentative map for the Project.
3. The Planning Commission has been presented with, reviewed and considered the information contained in the above recitals and within the Final EIR prior to acting on the proposed Project, and the Final EIR reflects the independent judgement and analysis of the City pursuant to section 21082.1(c)(3) of the California Environmental Quality Act.
4. Notice of the Planning Commission's hearings on the Draft EIR and Final EIR have been given as required by law and the actions were conducted pursuant to the State Planning and Zoning Law, CEQA, the State CEQA Guidelines. Additionally, all individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Final EIR which met or exceeded the requirements of State Planning and Zoning Law and CEQA. All comments submitted during the public review and comment period on the Draft EIR were responded to adequately in the Final EIR.
5. As set forth in the attached Findings of Fact, the Final EIR identifies all potential significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less than significant level. All of the mitigation measures identified in the Final EIR, including

those in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as Conditions of Approval for the use permit and architectural control.

6. The monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the attached MMRP, and incorporated into the Conditions of Approval of the use permit and architectural control for the Project. All proposed mitigation measures are capable of being fully implemented by the efforts of the City, the Applicant, or other identified public agencies of responsibility, and will reduce the environmental impacts to a less-than significant level.
7. Pursuant to CEQA Guidelines Section 15091 and CEQA Section 21081.6, and in support of its approval of the Project, the Planning Commission adopts the attached Findings of Fact and MMRP as set forth in Exhibits B and C of this Resolution.
8. The Planning Commission hereby certifies the Final EIR based upon consideration of the Finding of Facts, together with the staff report (copies of which are on file in the Planning Division), public testimony presented at the hearing, and all other oral and written evidence received by the City on this Project.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

I, 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 the 28th day of August 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 August, 2023.

PC Liaison Signature

Corinna Sandmeier
Principal Planner
City of Menlo Park

Exhibits

- A. Hyperlink: Final EIR - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-final-eir-july-2023.pdf>
- B. Statement of Findings and Facts pursuant to CEQA
- C. Mitigation Monitoring and Reporting Program (MMRP)
- D. Hyperlink: Project Plans including materials and colors board - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/july-2023-development-plans-with-material-and-color-board.pdf>

Exhibit B

Statement of Findings and Facts Pursuant to the California Environmental Quality Act in Support of Certifying the Final Environmental Impact Report for the 123 Independence Drive Residential Project

Findings of Fact

The following findings, including impact statements, mitigation measures, findings, and facts in support of findings, are based on the full administrative record including but not limited to the Final EIR which contains a greater discussion of each issue. Pursuant to CEQA Guidelines Section 15091(a)(1), the mitigation measures will be required in the Project and avoid or substantially lessen the significant environmental effects identified in the Final EIR, as described herein. In addition to the following findings of fact, the City remakes each of the findings included in Resolutions No.6356 which are incorporated by reference as though fully restated in these Findings. As used herein, "Project" refers to the modified project described in Section 2 of the Final EIR, the development of which would result in the same impacts as the Project analyzed in the Draft EIR.

A. Findings Regarding Areas in Which the Project Would Have No Impact or Impacts Would Remain Less Than Significant

The City finds that, based upon substantial evidence in the record, the EIR demonstrates that the project will result in no impacts or less than significant impacts related to 12 environmental resource areas. Therefore, no mitigation measures would be required for any of the following topics:

1. AESTHETICS

Potential aesthetic impacts were analyzed in EIR Section 4.1. The project site is located within a developed portion of the Bayfront Area. The area is zoned as Residential Mixed-Use Bonus (R-MU-B) and is not part of a scenic vista. Existing development on site and in the vicinity limits the opportunity for views of scenic vistas from street-level public viewing areas. Therefore, the project will not interfere with views of any designated scenic vistas. Additionally, there are no eligible or officially designated state scenic highways in the immediate project area.

Construction related impacts will be limited to the duration of construction and will not conflict with any regulations governing scenic quality outlined in the Menlo Park General Plan or the Menlo Park Municipal Code. Building design and development plans will comply with all requirements under Municipal Code Section 16.45 for Residential Mixed Use (R-MU) zoned districts as well as the policies outlined in General Plan Goals LU-1, LU-6, and OSC-1. Further, the project is subject to the City's existing architectural control process, which will ensure the project complies

with the existing design standards outlined in the Zoning Ordinance, including light and glare standards. Therefore, the project will have no impacts related to scenic vistas or scenic resources and impacts related to scenic regulations and light and glare will be less than significant.

2. AGRICULTURAL AND FORESTRY RESOURCES

Potential impacts on Agriculture and Forestry Resources were analyzed in EIR Section 5.2. The project site and vicinity are located within an urban area of the city. The project site is located within the R-MU-B zoning district and is classified as “Urban and Built-Up Land” by the State Department of Conservation. The project site is not used for agricultural production, nor does it support forestry resources. There are no forest or woodland resources located on or near the project site, and thus the project will not result in the conversion of forestland to non-forest use. Therefore, there will be no impact to agricultural and forestry resources.

3. ENERGY

Energy consumption was analyzed in EIR Sections 4.5 and 6.2.3. Construction and operation of the project will increase the demand for electricity and consumption of gasoline. Because the existing uses at the project site use natural gas and the new buildings that will be constructed at the project site will be all-electric, the project will reduce the demand for natural gas. The project will implement energy-saving designs in compliance with state regulations as well as the City’s General Plan policies and Green Building Ordinance in the Municipal Code, which includes the City’s Reach Code. The buildings will also comply with the current Building Energy Efficiency Standards of the California Building Standards Code (California Code of Regulations, Title 24) at the time of construction. Specific energy-efficiency design features will include all electric buildings, on-site solar photovoltaic arrays, electric vehicle charging stations, bicycle and pedestrian facilities, recycled water for irrigation, and use of native/adapted species in landscaping to reduce irrigation needs. The residential buildings will be more energy efficient than the existing buildings at the project site. The project is consistent with state goals (as reflected in legislation such as Senate Bills 375 and 743) to respond to housing demand by building housing near job centers, which reduces energy consumption associated with commute related travel.

The project will not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and will incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Therefore, potential impacts related to energy use will be less than significant.

4. GREENHOUSE GAS EMISSIONS

Analysis of the project’s greenhouse gas (GHG) emissions is provided in EIR Section 4.7. The project’s emissions were determined to be within the applicable

limits established by the Bay Area Air Quality Management District's (BAAQMD) thresholds. Additionally, the project will comply with recent revisions to the Menlo Park Municipal Code Chapter 12.16, which require electricity as the only energy source for newly constructed residential buildings. It will also comply with the current Building Energy Efficiency Standards (Title 24) at the time of construction. Title 24 includes robust requirements for energy efficiency, which reduces operational GHG emissions. The project is also consistent with the Metropolitan Transportation Commission's and Association of Bay Area Government's Plan Bay Area 2050 goal of reducing GHG emissions associated with transportation. The project will provide housing for an estimated 1,110 residents, allowing them access to nearby transit services and pedestrian and bicycle facilities, thereby reducing vehicle miles traveled (VMT). The project will be consistent with the Menlo Park 2030 Climate Action Plan, the state GHG Scoping Plan, Plan Bay Area 2050, Senate Bill 32, and Executive Order S-3-05 by being consistent with VMT reduction strategies and policies, increasing the use of alternative fueled vehicles, and implementing energy efficiency strategies. The project will not conflict with any plans adopted with the purpose of reducing GHG emissions; therefore, the project's impacts with respect to GHG emissions will be less than significant.

5. HYDROLOGY AND WATER QUALITY

Analysis of potential impacts on Hydrology and Water Quality is presented in EIR Section 4.9. The project will result in a reduction of 6,739 square feet of impervious area compared to existing conditions, which will reduce the volume and rate of stormwater runoff from the project site by allowing for more water to infiltrate the soil within the project site. The project must comply with Chapter 7.42 of the City's Municipal Code, which includes the City's Stormwater Management Program, as well as General Plan Policies OSC-5.1, S-1.26, and S-1.27. Additionally, the project requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that identifies the specific stormwater treatment measures that will be implemented during construction and permanent measures that will be integrated in the project design. These measures will limit the potential for pollutants in the form of hazardous materials or sediment to enter stormwater. Once the project is operational, the project is not expected to release a substantial number of pollutants due to the residential nature of the project. The project will not consume groundwater, except in cases of severe drought, and will increase the potential for groundwater recharge by reducing the extent of impervious surfaces within the project site, thereby improving groundwater recharge conditions. The project will import fill material sufficient to ensure that the final floor elevation of all ground-level residential units will be at least 2 feet above the 5-foot FEMA floodplain, per the requirements of Menlo Park Municipal Code Section 16.45.130(4), Municipal Code Chapter 12.42 Flood Damage Prevention, and General Plan Policy S-1.28. Additionally, project designs will integrate a new drainage system to manage stormwater within the project site and the project will not alter drainage patterns

outside of the site. Currently, there are no stormwater treatment measures at the project site; however, the project design will incorporate on-site stormwater treatment measures and the project will reduce the extent of impervious surfaces at the project site. Thus, the project will improve water quality and reduce runoff compared to the existing conditions. Therefore, the project will have no impact related to causing substantial erosion, siltation, flooding, or exceeding the capacity of the existing stormwater drainage infrastructure and the project's impacts to water quality, groundwater management, impeding or redirecting flood flows, and risk of releasing pollutants in the event of a flood will be less than significant.

6. LAND USE AND PLANNING

Potential impacts on Land Use and Planning were evaluated in EIR Section 4.10. The project will not construct any barriers or new roads that could physically divide the existing and planned residential and mixed-use land uses in the project vicinity; and it will not impede pedestrian, bicycle, or vehicle movement in the Bayfront Area, as discussed in EIR Section 4.14. The project will support non-motorized travel by including a publicly accessible paseo and park that will contribute to the interconnectedness of the mixed-use community envisioned for the Bayfront Area. Furthermore, the project's residential uses are consistent with the land use and zoning designations for the project site and will be compatible with the other planned residential and mixed-use development in the vicinity. The project is consistent with the Menlo Park General Plan and will comply with all policies outlined in the City of Menlo Park Municipal Code, as shown in EIR Table 4.10-1, General Plan Land Use and Housing Consistency. The project will not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project will have no impact related to physically dividing an established community and the project's environmental effects related to land use and planning will be less than significant.

7. MINERAL RESOURCES

Potential impacts on Mineral Resources were evaluated in EIR Section 5.7. The project site is currently developed and located within an urban area. There are no mineral resource recovery operations within the city and the project site is located in an area where little likelihood exists for the presence of significant mineral resources. Implementation of the project will not result in the loss of availability of a known mineral resource that is of value to the region and the residents of the state. Therefore, the project will have no impact related to mineral resources.

8. POPULATION AND HOUSING

Potential impacts on Population and Housing were evaluated in EIR Sections 4.12 and 6.1. The project site does not currently support any residential units and thus the project will not directly displace people or housing. Instead, the project will add to the supply of market rate and affordable housing. The project will be consistent with

planned growth in the Bayfront Area, will contribute to attainment of the City's current 2014-2022 Regional Housing Needs Allocation for below-market-rate units, and will not indirectly or directly result in substantial unplanned population growth during construction and/or operation. The project will have no impact related to displacing people or housing and will have a less-than-significant impact related to population growth.

9. PUBLIC SERVICES AND RECREATION

Potential impacts on Public Services and Recreation were evaluated in EIR Section 4.13. The project will result in an increase in population within the project site, decreasing the nominal ratio of MPFPD firefighters to residents and Menlo Park Police Department (MPPD) officers to residents. However, it will not require the MPFPD or MPPD to expand their current service boundaries and will not require construction of new fire protection or police facilities. The project will adhere to state and City requirements, as well as the Menlo Park Fire Protection District (MPFPD) permitting process, to ensure that the project design provides for sufficient emergency access and equipment (e.g., hydrants). The project will have less than significant impacts related to fire and police protection.

The project will generate an estimated 242 new students within the Ravenswood City School District and an estimated 86 new students within the Sequoia Union High School District. This increase in students may require expansion of school facilities, which will be addressed through payment of the adopted school impact fees. The project will have less than significant impacts related to schools.

While the project will result in an increase of approximately 1,110 residents, the site design will include one open space lot (Lot 1), consisting of 0.59 acres, which will provide passive recreation opportunities and a community gathering space for residents. Therefore, the increase in population due to the development of the project is not anticipated to increase the use of parks and recreational resources such that substantial physical deterioration would occur. The project will include private and public open space and contribute development impact fees that will address infrastructure and service needs and will not result in substantial deterioration of parks or other public facilities. The project will have less than significant impacts related to recreation.

10. TRANSPORTATION

Potential transportation impacts were evaluated in EIR Section 4.14. The project will be consistent with all relevant programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, as demonstrated in EIR Table 4.14-3. The project will implement a Transportation Demand Management (TDM) plan pursuant to Chapter 16.45.090 of the City's Municipal Code. The TDM measures to be implemented by the project include services, incentives, actions, and planning and design features to encourage

walking, biking, and use of transit. The project applicant submitted a draft residential TDM plan which contains specific measures that will meet this trip reduction requirement, as shown in EIR Table 4.14-6. With implementation of the required residential TDM plan, the project's VMT impact will be less than significant because project residents are estimated to generate less than 11.2 VMT per capita. All driveways and accessways to the project site will be designed according to the City's standards and guidelines for construction and coordinated with the City's Public Works Department for work done at existing intersections. The driveway design provides adequate space to accommodate anticipated vehicle queues such that the queues will not extend into the public right-of-way. The project is a residential use that is compatible with the mixed-use nature of the area and will not introduce vehicles which could be incompatible with the other residential, institutional, and commercial uses in the area. The project will not result in inadequate emergency access to adjacent parcels or properties within the study area. The vehicular circulation network will not change and overall emergency response to adjacent properties will remain adequate. The project's impacts to transportation will be less than significant.

11. UTILITIES AND SERVICE SYSTEMS

Potential impacts on Utilities and Services Systems were evaluated in EIR Sections 4.16. The project sponsor will be required to coordinate with the City, MPFPD, and West Bay Sanitary District to ensure that water and wastewater infrastructure is appropriately designed and installed. The project's water demand is consistent with and within the estimated demand identified in the Menlo Park Municipal Water district's Urban Water Management Plan. Implementation of the project will not prompt a need to expand treatment facilities or regional water system conveyance and storage facilities. The project will generate an estimated 0.039 mgd of wastewater. This increase in wastewater generation is not a substantial increase for the Silicon Valley Clean Water's Wastewater Treatment Plan relative to the treatment capacity of approximately 71 mgd. The project will connect to existing storm drain networks along the project site frontages. Implementation of biotreatment measures and connection into the City's existing stormwater network will not require additional expansion, construction, or relocation of stormwater facilities as a result of the project. Electricity is currently used by the existing buildings within the project site. The project will include undergrounding the existing overhead electrical lines within the project site and will not require expansion of electrical supplies or infrastructure. The project will connect into existing telecommunication infrastructure within and adjacent to the site and will not require additional expansion, construction, or relocation of telecommunications. The project will also implement project-specific zero-waste management plans that outline specific measures incorporated in the project to reduce, recycle, and compost waste from demolition, construction, and operational phases of the project to ensure compliance with the City's waste reduction targets. The solid waste generated by the

project will not require expansion of existing solid waste disposal facilities. The project's impacts to utilities and service systems will be less than significant.

12. WILDFIRE

Potential impacts associated with Wildfire were evaluated in EIR Section 5.11. 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 Fire Hazard Severity for the State Responsibility Area. The project site is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel load for wildfires. The project site is located in an area that is generally flat, lacking any steep slopes, and characterized as predominantly urban and industrial. Therefore, wildfire impacts will be less than significant.

B. Findings and Recommendations Regarding Potentially Significant Impacts Which Are Avoided or Reduced to Less Than Significant by Mitigation

Pursuant to Section 21081(a) of the Public Resources Code and section 15091(a)(1) of the CEQA Guidelines, the City finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been incorporated into the project through mitigation measures that avoid the identified significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of the proceedings.

The EIR identified significant impacts within seven environmental resource areas that, with mitigation, can be reduced to a less than significant level. Based on the findings in EIR, and the evidence in the record, these impacts can be mitigated to a less than significant level, as follows:

Air Quality

Air quality impacts were analyzed in EIR Section 4.2. The project will have less than significant impacts for several of the thresholds of significance. Specifically, the project will:

- not conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan,
- not result in operational air quality emissions in excess of established thresholds,
- not expose sensitive receptors to substantial pollutant concentrations once operational, and
- not result in other emissions (such as those leading to odors) adversely affecting a substantial number or people.

However, during project construction, air pollutant emissions may exceed the BAAQMD thresholds, which could violate air quality standards and expose nearby sensitive

receptors to toxic air contaminants. To mitigate these potential impacts to a less than significant level, the EIR requires the following mitigation measures:

1. Mitigation Measure (MM) 4.2a – Fugitive Dust Reduction
2. MM 4.2b - Construction Equipment Emissions Reductions

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the project to less-than-significant levels, and that they have been adopted by the City. These measures require use of best management practices to control dust emissions and use of California Air Resources Board (CARB)-certified Tier 4 Final engines or better to minimize diesel particulate matter emissions. The City will verify compliance with these measures through the plan review process prior to issuance of demolition and grading permits. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid significant effects on the environment identified in the EIR.

Facts and Explanation in Support of Finding:

Site preparation and project construction would involve demolition, grading, paving, and other activities. Construction-related effects on air quality from the project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Vehicles leaving the site may deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. Air pollutant emissions during project construction will not exceed BAAQMD significance thresholds. However, the BAAQMD's CEQA Air Quality Guidelines recommend use of best management practices to control fugitive dust, and ConnectMenlo MM AQ-2b1 requires use of BAAQMD's basic control measures for reducing construction emissions of particulate matter. The project would comply with this City requirement by implementing MM 4.2a, which contains the BAAQMD recommended control measures. Implementation of the required fugitive dust mitigation would ensure air quality and fugitive dust-related impacts associated with construction would remain less than cumulatively considerable and that the project's impact on all criteria air pollutants during construction would be less than cumulatively considerable.

Sensitive receptors are defined as land uses where individuals particularly vulnerable to diesel particulate matter are typically present. People most likely to be affected by air pollution include children (whose lung tissue is still developing and who have higher rates of respiration than adults), the elderly, athletes, and people with cardiovascular and chronic respiratory diseases. Land uses where air-pollution-sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residences. Exposure from diesel

exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

The nearest existing sensitive receptors to the project site are students and staff at TIDE Academy, approximately 400 feet east of the project site, and the multi-family and single-family residential uses located to the west and south, approximately 1,390 feet and 1,760 feet from the project site, respectively.

The EIR includes a Health Risk Assessment (HRA) that determined the potential cancer risk and non-cancer health impacts to existing sensitive receptors in proximity to the project due to toxic air contaminant (TAC) emissions from project construction and operation. The greatest potential for TAC emissions during project construction would be diesel particulate matter emissions from heavy equipment operations and heavy-duty trucks. EIR Table 4.2-8 shows that TAC exposure from construction diesel exhaust emissions would result in an on-site cancer risk above the 10 in 1 million threshold while the project's Chronic Hazard Index and the maximum concentration of fine particulate matter (PM_{2.5}) would remain below the applicable thresholds. Thus, the project would result in a significant impact of exposing sensitive receptors to substantial pollutant concentrations of TACs.

The EPA identifies engines based on tiers that track with emissions standards, with engines in the higher tier classification having more stringent emission controls. MM 4.2b requires the use of Tier 4 engines to reduce TAC emissions. As shown in EIR Table 4.2-9, implementation of MM 4.2b will reduce the cancer risk due to the project to 9.21 in 1 million, which is below the 10 in 1 million threshold and therefore the impact will be reduced to a less-than-significant level.

MM 4.2a Fugitive Dust Reduction: The project shall implement the following during construction:

1. All exposed surfaces (e.g., parking/staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off site shall be covered.
3. All visible mud or dirt track-out onto local roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

MM 4.2b Construction Equipment Emissions Reductions: To reduce the potential for TAC emissions, specifically diesel particulate matter (DPM) as a result of construction of the project, the applicant shall:

Prior to the start of construction activities, the project applicant, or its designee, shall ensure that all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board (CARB)-certified Tier 4 Final engines or better. Such equipment shall be outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB-certified Level 3 Diesel Particulate Filters (DPFs). Additionally, the City shall include this requirement in applicable bid documents, and successful contractor(s) must demonstrate the ability to supply compliant equipment prior to the commencement of the grading activity. A copy of each unit's certified tier specification and CARB or Bay Area Air Quality Management District (BAAQMD) operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. The City should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

In the event that the City finds that Tier 4 Final construction equipment is not feasible pursuant to California Environmental Quality Act Guidelines Section 15364, the project representatives or contractors must provide written documentation supported by substantial evidence that is reviewed and approved by the City before using other technologies/strategies. Before an exemption may be considered by the City, the applicant shall: (1) be required to demonstrate that two construction fleet owners/operators in the Bay Area region were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within the Bay Area region; and (2) the replacement equipment has been

evaluated using the California Emissions Estimator Model or other industry standard emission estimation method and documentation provided to the City to confirm the project-generated emissions do not exceed applicable BAAQMD mass daily thresholds of significance. Alternative applicable strategies may include, but would not be limited to, Tier 4 Interim construction equipment and/or reduction in the number and/or horsepower rating of construction equipment, if appropriate.

The construction contractor(s) shall maintain equipment maintenance records for the construction portion of the project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. Upon request for inspection, construction contractor(s) shall make available all maintenance records for equipment used on site within one business day (either hardcopy or electronic versions).

Biological Resources

Potential impacts on Biological Resources were analyzed in EIR Section 4.3. That analysis was supported by a site evaluation and field reconnaissance which included mapping and documenting vegetation communities and land cover types present on the project site and assessing the potential for special-status plant and wildlife species to occur within the project site and adjacent areas.

The site is extensively disturbed and developed and does not support any natural vegetation communities or aquatic resources. During the field survey, no special-status plants were identified and no special-status wildlife species, apart from native and migratory birds, were detected. No special-status plant species are known to occur or have potential to occur on the project site or within the immediate vicinity as the site lacks suitable habitat. Therefore, there is no potential for direct or indirect impacts to special-status plant species within the project site. The project is subject to City ordinances concerning heritage tree removal and bird-safe building design. Compliance with these ordinances is mandatory. Although the project would remove heritage trees and may not be able to completely remove the risk of bird-window collisions, compliance with City requirements regarding heritage tree removal and bird-safe building design would reduce potential impacts. For these reasons, impacts related to riparian habitat or other sensitive natural communities, wetlands, and conflict with local polices or ordinances protecting biological resources, would be less than significant.

The project site has a low potential to support roosting bats, including pallid bat and Townsend's big-eared bat, both of which are California Species of Special Concern. If present, potential direct impacts to these species from the project would be significant because they would they have a substantial adverse effect, through loss of roosts, on these special-status species. Project construction could result in impacts to nesting birds, including the loss of nests, eggs, and fledglings if work activities occur during the

nesting season (generally February 1 through August 31). These impacts are potentially significant. To mitigate these potential impacts to a less than significant level, the Final EIR requires the following mitigation measures:

1. MM 4.3a – Pre-construction Surveys for Bat Roosts
2. MM 4.3b - Pre-construction Surveys for Nesting Birds

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the project to less-than-significant levels, and that they have been adopted by the City. These measures require that specific actions be taken before construction commences. The City will verify compliance with these measures prior to issuance of demolition and grading permits. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid significant effects on the environment identified in the EIR.

Facts and Explanation in Support of Finding:

Potential direct impacts to roosting bats, including pallid bat and Townsend's big-eared bat include direct mortality or injury of roosting individuals and the loss of roosting habitat. To address this impact, the project would implement MM 4.3a, which requires:

- a survey of the site, including existing buildings, is conducted by a qualified biologist prior to commencement of any demolition, tree removal, or construction activities, to determine if any bats or bat roosts are present;
- demolition of structures must occur outside the bat maternity season, to the extent practicable; and
- implementation of construction procedures and protection protocols if active bat roosts are found.

Project construction could also result in impacts to nesting birds, including the loss of nests, eggs, and fledglings if work activities occur during the nesting season (generally February 1 through August 31). All native migratory bird species are protected by the federal Migratory Bird Treaty Act, California Fish and Game Code section 3503.5 (which also specifically protects raptors). To address this impact, the project would implement MM 4.3b, which requires:

- either begin construction outside of the nesting season (and ensure there is no lapse in construction activities) OR have a qualified biologist conduct a survey of the site, including existing buildings and areas within 250 feet of the site, within 7 days prior to commencement of any demolition, vegetation clearing, or construction activities, to determine if any nesting birds are present; and
- establishment of avoidance buffers for any active nests, and adherence to the avoidance buffers until the nests are no longer active as determined by the qualified biologist.

Completion of the surveys and adherence to timing, avoidance, and other construction and protection protocols will ensure that mortality and injury to special-status bats, bat roosts, migratory birds, raptors, and nesting birds is avoided and this impact is reduced to a less-than-significant level.

MM 4.3a Pre-construction Surveys for Bat Roosts: To the extent practicable, demolition of existing structures should occur outside the bat maternity season when dependent young would be present, which generally occurs from April to September in California. Prior to the removal of trees or the demolition of buildings, a bat survey shall be performed by a qualified bat biologist no more than 3 days prior to the start of construction activities. A qualified bat biologist shall have at least 2 years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat and Townsend's big-eared bat, with verified project names, dates, and references, and experience with relevant equipment used to conduct bat surveys. The survey should include a determination on whether active bat roosts are present on or within 50 feet of the project site. The survey shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species, attics, eaves).

If no evidence of bat roosting is found, the project sponsor shall complete the following:

- Submit a memorandum prepared by the biologist who completed the survey describing survey methods, conditions, and results of the survey.
- No further action is required if the trees and buildings are removed prior to the next breeding season (the following April).
- If demolition is not completed by the following April, a new bat survey shall be completed by a qualified biologist no more than three days prior to any further demolition or tree removal.

If the survey identifies active bat roosts, or buildings scheduled for demolition, or trees scheduled for removal as potential bat habitat, demolition and tree removal may not begin, or resume, and the project sponsor shall complete the following:

- Retain a qualified biologist to conduct an evening visual emergence survey of the source building(s) from 0.5 hours before to 1 or 2 hours after sunset for a minimum of 2 nights, using night-vision goggles and/or passive acoustic detectors/monitoring equipment to assist in species identification.
- If roosting is found to occur on site, the project sponsor and qualified biologist must prepare an appropriate bat eviction and exclusion plan which will recognize maternity and winter roosting seasons as vulnerable seasons for bats, and require exclusion outside of these times, for example, dates generally between March 1 and April 15 or September 1 and October 15 are suitable times for exclusion; identify suitable areas for excluded bats to

disperse or require installation of appropriate dispersal habitat, such as artificial bat houses, prior to project activities, and include an associated management and monitoring plan with implementation and funding; and include a requirement that exclusion materials shall be re-evaluated for effectiveness by the qualified biologist up to 2 weeks prior to building demolition. Locations and procedures for the implementation of bat boxes shall be determined by a qualified biologist and consultation with the California Department of Fish and Wildlife to reduce the likelihood of mortality of the evicted bats.

- If maternity roosts are identified during the maternity roosting season (between the months of April and September), avoid all disturbance to such roosts until a qualified biologist has determined the young bats are no longer roosting.
- If a female or maternity colony of bats is found on the project site, construction activities shall be conducted outside of the maternity roost season (after September 1 and before April 15), if feasible.
- If an active maternity roost is documented on-site and the project cannot be conducted outside of the maternity roosting season, a qualified biologist shall implement a construction-free buffer zone around the active roost to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost. If implementing a construction-free buffer during the maternity roosting season is not feasible for the project, then bats shall be excluded from the site after September 1 and before October 15, and/or after March 1 and before April 15, to prevent the formation of maternity colonies. Non-breeding bats shall be safely evicted under the direction of a qualified biologist.
- If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: (1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats or (2) tree trimming and tree removal occurs only during seasonal periods of non-breeding bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.

MM 4.3b Pre-construction Survey for Nesting Birds: If project construction activities are scheduled to occur during the nesting season (February 1 to August 31), a pre-construction nesting bird survey should be conducted by a qualified biologist

within 7 days prior to construction activities to determine if any native birds are nesting on or near the project site (including a 250-foot buffer for raptors). If any active nests are observed during surveys, a suitable avoidance buffer will be determined by the qualified biologist based on species, location, and planned construction activity. These nests would be avoided until the chicks have fledged and the nests are no longer active as determined by the qualified biologist.

Cultural Resources

Potential impacts on Cultural Resources were analyzed in EIR Section 4.4. In compliance with ConnectMenlo Final EIR Mitigation Measure CULT-1 a historic resource evaluation was prepared for the project that found that none of the six properties evaluated appear to be eligible for listing in the NRHP or the CRHR and none meet the City's criteria for identifying a historic resource. In addition, a Phase 1 Archaeological Assessment was prepared to evaluate the project site for the potential presence of archaeological resources. While no archaeological resources were identified, the assessment found that potentially significant cultural materials may be located in the project area and if such resources that meet the definitions and standards of significant archaeological resources under CEQA are encountered during construction, disturbance to those resources would result in a potentially significant impact.

It was determined that the project could result in significant impacts due to project construction, which could result in disturbance of unidentified subsurface materials that have the potential to contain prehistoric archaeological resources. To mitigate these potential impacts to a less than significant level, the Final EIR requires the following mitigation measures:

3. MM 4.4a – Extended Phase 1 Investigation
4. MM 4.4b – Unanticipated Discovery of Archaeological Resources

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the project to less-than-significant levels, and that they have been adopted by the City. These measures require that specific actions be taken before construction commences and during construction. The City will verify compliance with these measures prior to issuance of demolition and grading permits. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Due to the developed nature of the site, it is not possible to observe the natural ground conditions and therefore it is not possible to determine whether archaeological deposits

are present. There is a potential to encounter such resources during project ground-disturbing activities. Therefore, pursuant to the recommendations in the Phase I Archaeological Assessment, the project would implement MM 4.4a, which requires additional sub-surface investigation after existing buildings are demolished and paving on site is removed. The project would also implement MM 4.4b, which identifies protocols to be implemented should deposits of prehistoric or historic archaeological materials be encountered during project construction activities, including a requirement that the construction contractor stop work within 50 feet of the find and a qualified archaeologist be retained to assess the find and make management recommendations. Implementation of these measures will ensure that no unique prehistoric or historic archaeological resources or sites are destroyed during construction and will reduce the impact to a less-than-significant level.

MM 4.4a Extended Phase I Investigation: Prior to issuance of a demolition permit, the City shall verify that the project sponsor has retained a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, to develop and implement an Extended Phase I Archaeological Assessment of the project site to test for buried archaeological deposits to the depth of the project's grading, trenching, and excavation. This Extended Phase 1 Assessment shall include subsurface testing of the project site through mechanical trenching to allow the archaeologist to observe subsurface conditions and locate any buried cultural deposits, features or artifacts. Following demolition of existing buildings and removal of pavement and other impervious surfaces at the project site and prior to commencement of grading, trenching, and excavation, the Extended Phase I Assessment shall be completed, and the archaeologist shall document any findings and subsurface conditions in an Extended Phase 1 report which shall be submitted to the City. If the Extended Phase I Investigation identifies archaeological resources, the archaeologist shall evaluate the find to determine its significance under CEQA (14 CCR 15064.5[f]; Public Resources Code Section 21082), consistent with MM 4.4b.

MM 4.4b Unanticipated Discovery of Archaeological Resources: In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Construction activities may not resume in the area immediate to the discovery until authorized by the archaeologist. Depending upon the significance of the find under CEQA (14 CCR 15064.5[f]; Public Resources Code Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological or tribal cultural treatment plan, testing, or data recovery would be warranted. Examples of treatment for archaeological

resources, in no order of preference, may include, but are not limited to, any of the following: (1) avoiding the resource, (2) establishing a permanent conservation easement over the resource, (3) capping or covering archaeological site with a layer of soil before building on the site, and (4) having parks, greenspace, or other open space incorporate the archaeological site. Excavation and curation shall be the last considered treatment for archaeological resources.

Geology and Soils

Potential impacts on geology and soils were analyzed in EIR Section 4.6. It was determined that potential impacts associated with fault rupture, seismic ground shaking, seismic-related ground failure and liquefaction, landslides, and erosion would be less than significant with compliance with the California Building Code and implementation of the recommendations presented in the Geotechnical Investigation performed for the project. It was also determined that impacts related to soil erosion would be less than significant through compliance with the City's Engineering Division's Grading and Drainage Control Guidelines and implementation of a SWPPP.

It was determined that the project will have a potentially significant impact during construction because dewatering could cause substantial subsidence or differential settlement on adjacent properties, and placement of new fill could cause substantial static settlement within the project site that could adversely affect the buildings. The EIR also determined that project construction could result in disturbance of previously unrecorded paleontological resources. To mitigate these potential impacts to a less than significant level, the Final EIR requires the following mitigation measures:

1. MM 4.6a
2. MM 4.6b
3. MM 4.6c

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the project to less-than-significant levels, and that it has been adopted by the City. These measures require that specific actions be taken before construction commences and during construction. The City will verify compliance with these measures prior to issuance of a grading permit. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Dewatering could cause subsidence or differential settlement on adjacent properties, and/or placement of new fill could cause substantial static settlement with the project site that could adversely affect the buildings. MMs 4.6a and 4.6b will lessen this

potential impact to a less-than-significant level by ensuring that implementation of the dewatering system during construction does not result in adverse effects to adjacent properties, and that excavation, grading, and foundation installation methods ensure geologic and soil stability for the project site. These MMs require an analysis prepared by a qualified geotechnical consultant regarding the effects of dewatering on nearby buildings and the design of the shoring and dewatering systems. The analysis shall demonstrate that the shoring and dewatering systems minimize the amount of dewatering required and that dewatering will not result in structural damage to improvements on adjacent properties. These MMs also require the grading and construction schedule provides for fill placement to occur a minimum of 3 months prior to foundation installation.

Demolition, site preparation, and construction activities associated with the project could reach significant depths below the ground surface where no such excavation has previously occurred and unrecorded fossils of potential scientific significance and other unique geologic features could exist. The ConnectMenlo Final EIR identified Mitigation Measure CULT-3, which is the same as MM 4.6c, to ensure that such impacts will be reduced to a less than significant level. If paleontological resources are encountered during site preparation or grading activities, this MM requires the construction contractor to stop work within 50 feet of the find and requires the project applicant to retain a qualified paleontologist to assess the discoveries and make recommendations. Implementation of this measure would avoid destroying a unique paleontological resource or site. With implementation of MM 4.6c, this construction-period impact will be less than significant with mitigation.

MM 4.6a: Prior to issuance of a grading permit, the project developer shall submit to the City an analysis prepared by a qualified geotechnical consultant regarding the effects of dewatering on nearby buildings and the design of the shoring and dewatering systems and confirming that the geotechnical aspects of the shoring system meets the Geotechnical Investigation requirements. The analysis shall demonstrate that the shoring and dewatering systems minimize the amount of dewatering required and that dewatering will not result in structural damage to improvements on adjacent properties. If the estimated settlements are not acceptable, the dewatering and shoring system shall include measures to reduce settlement, such as installing a secant pile or continuous soil-cement mix wall to shore the excavation as well as cut off lateral groundwater flow, thus reducing the amount of dewatering required from within the excavation.

MM 4.6b: Prior to issuance of a grading permit, the City shall ensure that the grading and construction schedule provides for fill placement to occur a minimum of 3 months prior to foundation installation, consistent with the recommendations provided in the Geotechnical Investigation prepared for the project by Rockridge Geotechnical.

MM 4.6c: In the event that fossils or fossil bearing deposits are discovered during ground-disturbing activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan (ConnectMenlo EIR MM CULT-3).

Hazards

Hazards and Hazardous Materials were evaluated in EIR Section 3.9. The project will not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials; and construction and operation of the project will comply with existing hazardous materials regulations. The project site is not located within an airport land use plan or two miles of any airport. The project will not substantially alter any adjacent roadways, and therefore will not impair the function of nearby evacuation routes or interfere with emergency response. Buildout of the project will comply with existing regulations related to fire safety, including the California Building Code, California Fire Code, and the Menlo Park Fire Protection District Code. Therefore, the project will not expose people or structures to increased risks related to wildland fires. These impacts will be less than significant.

It was determined that the public or the environment could be affected by the release of hazardous materials from the project site into the environment during the construction period through exposure to potentially contaminated soils or groundwater or hazardous building materials. A Phase I Environmental Site Assessment (ESA) was prepared for the project site which identified two recognize environmental conditions (RECs) at the project site. The ESA also identified several other environmental concerns, including potential presence of residual agricultural chemicals, documented and potential presence of asbestos-containing material (ACM) in the existing buildings, potential presence of lead-based paint (LBP) in the existing buildings, and staining on the asphalt surface in the vicinity of hazardous materials. Several schools are located near the project site, with the nearest school being the TIDE Academy, located approximately 0.2 miles to the southeast. A Health Risk Assessment (HRA) was prepared to evaluate the potential for project construction to cause a significant “incremental cancer risk,” which

is the net increased likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs); TACs would potentially be emitted during construction activities would be diesel particulate matter emitted from heavy-duty construction equipment and heavy-duty trucks. The HRA results identify TAC exposure at and immediately adjacent to the project site. TAC exposure would be less at sites that are not immediately adjacent, such as at the TIDE Academy and other schools located further from the project site. However, there is a potential for students and employees at TIDE Academy to be exposed to hazardous TAC emissions

To mitigate these potential impacts to a less than significant level, the Final EIR requires the following mitigation measures:

1. MM 4.8a
2. MM 4.8b
3. MM 4.8c
4. MM 4.2a

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the project to less-than-significant levels, and that they have been adopted by the City. These measures require that specific actions be taken before construction commences and during construction. The City will verify compliance with these measures prior to issuance of demolition and grading permits. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

The ConnectMenlo EIR identified Mitigation Measures HAZ-4a and HAZ-4b, which are the same as project MMs 4.8a and 4.8b, to reduce impacts associated with potential exposure to hazardous soil vapor and groundwater conditions during project construction and operation. In addition, MM 4.8c implements General Plan Program S1.J by requiring preparation of a Hazardous Materials Health and Safety Plan and specifies that this plan must include provisions for conducting surveys to identify ACM and LBP and ensuring compliance with applicable state and federal regulations. Implementation of these measures will ensure that potential impacts of the project due to the RECs identified for the project site and demolition of buildings that may contain ACM and LBP are reduced to a less-than-significant level, consistent with the findings of the ConnectMenlo EIR. The impact associated with TAC exposure at and immediately adjacent to the project site will be reduced to a less than significant level with implementation of MM 4.2b, which establishes minimum specifications for construction equipment to reduce TAC emissions. Implementation of MM 4.2b will also reduce the project impact of causing hazardous emissions within 0.25 miles of an existing school.

Therefore, impacts related to hazards and hazardous materials will be less than significant with mitigation.

MM 4.8a: Construction at the sites of any site in the City with known contamination, shall be conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared in consultation with the Regional Water Quality Control Board (RWQCB) or the Department of Toxic Substances Control (DTSC), as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations. (ConnectMenlo EIR MM-HAZ-4a)

The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall: (1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; (2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and (3) designate personnel responsible for implementation of the ESMP.

MM 4.8b: For those sites throughout the city with potential residual contamination in soil, gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP required under MM 4.8a. (ConnectMenlo EIR MM HAZ-4b).

MM 4.8c: Prior to commencement of any demolition or construction activities, the project applicant shall prepare a Hazardous Materials Health and Safety Plan that identifies required practices and procedures to protect the general public and construction workers from potentially hazardous materials and accidental release of hazardous materials. The practices and procedures shall include spill prevention, cleanup and evacuation procedures as well as procedures to be

followed in the event that previously undiscovered hazardous materials are encountered during construction. The Hazardous Materials Health and Safety Plan shall demonstrate compliance with California Code of Regulations, Title 8, Chapter 4: Subchapter 4: Construction Safety Orders; Subchapter 5: Electrical Safety Orders; and Subchapter 7: General Industry Safety Orders as well as California Health and Safety Code, Section 25100 et seq.: Hazardous Waste Control Act.

The Hazardous Materials Health and Safety Plan shall also include provisions for completion of a comprehensive survey within each existing building to identify asbestos-containing materials (ACM) and lead-based paints (LBP) prior to any demolition activities and shall define procedures for managing demolition activities such that ACM and LBP are not released into the air and worker exposure to ACM and LBP is avoided. These procedures shall be sufficient to ensure that demolition of buildings containing ACM and/or LBP and disposal of these materials will be conducted in accordance with local, state and federal regulations, including the U.S. Environmental Protection Agency's (EPA's) Asbestos National Emissions Standards for Hazardous Air Pollutants, the California Occupational Safety and Health Administration's Construction Lead Standard (8 CCR 1532.1), California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste, and Bay Area Air Quality Management District (BAAQMD) Regulation 11, Hazardous Pollutants Rule 2: Asbestos Demolition, Renovation And Manufacturing. At least 10 days prior to demolition, the project applicant and/or construction contractor shall submit an Asbestos Notification to BAAQMD and obtain an Asbestos Demolition/Renovation job number. Disposal of any ACM and/or LBP found on the site shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work and in accordance with the appropriate state and federal standards to ensure that these materials are not released into the air in the project vicinity.

MM 4.2a - Fugitive Dust Reductions: The project shall implement the following during construction:

1. All exposed surfaces (e.g., parking/staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off site shall be covered.
3. All visible mud or dirt track-out onto local roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Noise

Potential noise impacts were analyzed in EIR Section 4.11. It was determined that the project could result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance. Without mitigation, construction noise levels are anticipated exceed the City of Menlo Park exterior noise level standards during non-exempt time periods, thus the temporary increase in ambient noise from project construction activities is potentially significant. To mitigate these potential impacts to a less than significant level, the EIR requires the following mitigation measures:

1. MM 4.11a
2. MM 4.11b - Construction Noise Control Plan

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the project to less-than-significant levels, and that they have been adopted by the City. These measures require that specific actions be taken before construction commences and during construction. The City will verify compliance with these measures prior to issuance of demolition and grading permits. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Compliance with ConnectMenlo EIR Mitigation Measure (MM) NOISE-1c will ensure that construction activity associated with the project complies with the Menlo Park Municipal Code and regulations pertaining to construction noise. However, ConnectMenlo EIR MM NOISE-1c precludes any construction activity from occurring outside of daytime hours; and the project may deviate from those hour restrictions, which could result in a potentially significant impact. ConnectMenlo EIR MM NOISE-1c is included as MM 4.11a but has been modified to omit the daytime hour construction restriction. MM 4.11b is also required to ensure that construction activities would comply with the applicable construction noise requirements of the City. Specifically, construction noise during daytime hours will be limited such that a 10 dB increase over the ambient noise level does not occur at the nearest sensitive land uses (i.e., Hotel Nia and TIDE Academy). Construction occurring outside ordinary daytime construction hours (i.e., 8:00 a.m. to 6:00 p.m. weekdays) will either not be allowed or will be required to result in an increase no greater than 10 dB over the ambient level and quantitative limits of 60 dBA Leq between 7:00 a.m. and 10:00 p.m., and 50 dBA Leq between 10:00 p.m. and 7:00 a.m. at the nearby noise-sensitive land uses during specified days and times. As indicated in MM 4.11b, the effectiveness of noise attenuation measures will be monitored by taking noise measurements at nearby noise-sensitive land uses during construction.

With implementation of MMs 4.11a (modified ConnectMenlo Mitigation Measure NOISE-1c) and 4.11b, project construction will not be expected to violate relevant requirements related to construction noise in Menlo Park. Impacts related to construction noise would be less than significant with mitigation.

MM 4.11a: Project applicants shall minimize the exposure of nearby properties to excessive noise levels from construction related activity through CEQA review, conditions of approval and/or enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during ongoing grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction related noise:

- All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer.
- Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling is located as far as feasible from nearby noise-sensitive receptors.
- Limit unnecessary engine idling to the extent feasible.
- Limit the use of public address systems.

- Construction traffic shall be limited to the haul routes established by the City of Menlo Park.

(Modified ConnectMenlo MM NOISE-1c)

MM 4.11b - Construction Noise Control Plan: The project sponsor shall develop a noise control plan for construction at the project site. The plan shall require compliance with Section 8.06 of the Menlo Park Municipal Code and include measures to ensure compliance with the 60 dBA L_{eq} limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA L_{eq} limit during the hours of 10:00 p.m. to 7:00 a.m. In addition, the plan shall include measures to ensure that construction noise will not result in a 10 dB increase over the ambient noise level at nearby sensitive receptors.

The plan shall specify the noise-reducing construction practices that will be employed to reduce noise from construction activities in Menlo Park and shall demonstrate that compliance with these standards will be achievable. The measures specified by the Project Sponsor shall be reviewed and approved by the City prior to issuance of building permits. Measures to reduce noise may include, but are not limited to, the following:

- The noise control plan shall demonstrate that noise levels during construction on the project site will meet the standards of this mitigation measure at sensitive receptors while those receptors are in use.
- The noise control plan shall demonstrate that any construction activities taking place outside of normal construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA L_{eq} limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA L_{eq} limit during the hours of 10:00 p.m. to 7:00 a.m.
- The plan shall demonstrate that that combined construction noise would not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors.
- The contractor shall ensure that construction equipment will be equipped with mufflers. In addition, construction equipment must use the best available noise control techniques (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for Project construction.
- All construction activities shall be conducted only at an adequate distance, or otherwise shielded with sound barriers, as determined in the noise control plan, from noise- sensitive receptors when working outside the normal construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday to ensure compliance with the Menlo Park Municipal Code and this mitigation measure.
- Stationary construction noise source with the potential to generate noise levels exceeding the applicable thresholds, shall be located at an adequate distance, or otherwise shielded with temporary sound barriers, from sensitive

receptors to ensure compliance with the Menlo Park Municipal Code and this mitigation measure.

- Temporary noise barriers (height to be determined) shall be installed around construction on the Project site to reduce construction noise from equipment used outside the normal construction hours of 8:00 a.m. to 6:00 p.m. on weekdays. The installation of barriers would help reduce overall construction noise to less than 50 dBA L_{eq} for work occurring between 6:00 a.m. and 7:00 a.m. and 60 dBA L_{eq} for work occurring between 7:00 a.m. and 8:00 a.m., as measured at the applicable property lines of the adjacent uses, such that a 10 dB increase over ambient would not occur at nearby sensitive land uses. However, confirmation of the noise reduction would be required (per the last bullet of this measure, below). If the Project Sponsor can demonstrate, through an acoustical analysis, that construction noise would not exceed the allowable limits during non-exempt hours, as measured at the applicable property lines of the adjacent uses without barriers, then temporary noise barriers shall not be required.
- The effectiveness of noise attenuation measures shall be monitored by taking noise measurements at nearby noise-sensitive land uses during construction activities to ensure that the project is not causing an increase over ambient levels greater than 10 dB and compliance with the 50 and 60 dBA L_{eq} standards, which apply outside the construction exception hours of 8:00 a.m. and 6:00 p.m. Monday through Friday.

Tribal Cultural Resources

Potential impacts on tribal cultural resources were analyzed in EIR Section 4.15. The City did not receive any requests for consultation from Native American tribes that are traditionally affiliated with the project site. Additionally, the Sacred Lands File records search performed for the project site did not indicate the presence of Native American cultural resources within the project site or within one-half mile of the project site. However, it was determined that the project could result in significant impacts during construction if currently unidentified subsurface materials that have the potential to contain unrecorded Native American prehistoric archeological sites are disturbed. To mitigate this potential impact to a less than significant level, the EIR requires the following mitigation measure:

1. MM 4.15a - Unanticipated Discovery of Tribal Cultural Resources

Findings:

The City finds that the above mitigation measure is feasible, will reduce the impacts of the project to a less-than-significant level, and it has been adopted by the City. This measure requires that specific actions be taken before construction commences and during construction. The City will verify compliance with this measure prior to issuance of a grading permit. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations

have been required in, or incorporated into, the project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Due to the highly disturbed nature of the site, it is unlikely that Native American prehistoric archeological sites exist on the site; however, the potential to encounter such resources during project ground-disturbing activities cannot be dismissed.

Implementation of MM 4.15a will ensure that any potential tribal cultural resources encountered during project construction will be evaluated by a qualified professional and a determination is made as to the treatment measures that can be implemented to avoid adverse effects to such resources prior to continuance of construction activities in the vicinity of the resource. This will reduce the project's impacts to tribal cultural resources to a less-than-significant level.

MM 4.15a - Unanticipated Discovery of Tribal Cultural Resources: In the event that resources with potential to meet the definition of a "Tribal Cultural Resource" (archaeological sites, features, or artifacts of Native American origin or association) are exposed during construction activities, the City shall be immediately notified and all construction work occurring within 50 feet of the find shall immediately stop until the find is assessed by a qualified archaeologist. A report documenting the resource assessment shall be submitted to the City. The City shall review this information to assess if the resource has potential to meet the definition of a Tribal Cultural Resource and, if appropriate, contact and/or provide a designated individual the authority to notify traditionally and culturally affiliated Native American tribes. The tribes shall be provided a reasonable time to provide comment and recommend treatment of the find. The City shall review these recommendations and, if they are confirmed to be reasonable and appropriate, they shall be implemented by the contractor. All management strategies shall occur in compliance with cultural resources mitigation and pertinent regulatory conditions. Treatment for tribal cultural resources would be consistent with PRC Section 21084.3(b), which recommends (1) avoidance and preservation of the resources in place, including 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 resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including the following: (a) protecting the cultural character and integrity of the resource, (b) protecting 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; or (4) protecting the resource.

C. Findings Regarding Alternatives to the Project

1. Alternatives Considered and Rejected During the Scoping/Project Planning Process.

Pursuant to the CEQA Guidelines, EIRs are required to “describe 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 and evaluate the comparative merits of the alternatives” (14 CCR 15126.6[a]). The CEQA Guidelines provide reasons to eliminate potential alternatives from detailed consideration in an EIR can include (1) failure to meet most of the basic project objectives, (2) infeasibility, and (3) inability to avoid significant environmental impacts. The following provides a description of various potential alternatives that were identified and considered, and the reasons why they were ultimately not selected for further evaluation in the EIR.

- Off-Site Alternative. Under this potential alternative, the project would be developed on another site within the City. If the project were located outside of the Bayfront Area, the Off-site Alternative would not meet the goals of the ConnectMenlo General Plan Update of redeveloping much of the Bayfront Area to support new mixed-uses and increase available housing within the City of Menlo Park. If the project were located on another site within the Bayfront Area, the Off-site Alternative would provide the same contribution to achievement of the ConnectMenlo goals for redevelopment of the Bayfront Area, but would not be expected to reduce or avoid any of the project’s potentially significant effects because this alternative would result in similar amount of air pollution and noise within the same general area as the project, would be developed in an area considered sensitive for cultural resources and with similar geologic (including groundwater) and paleontological conditions as the project site, and would likely require demolition of existing structures which could contain hazardous materials. Additionally, if the project were to be developed at an alternative site, the existing site office and industrial buildings onsite would remain in place which would further not contribute to the ConnectMenlo goals for redevelopment of the Bayfront Area. Therefore, this alternative was not further considered or evaluated in this EIR.
- All Commercial Option Alternative. Under this alternative, the project site would be constructed entirely with commercial land uses. This alternative was rejected from further consideration because this alternative would not achieve the basic project objectives related to developing a residential project, would not be consistent with the ConnectMenlo goals to increase residential uses within the Bayfront Area, would result in greater environmental effects than the project because it would not contribute to a better jobs/housing balance and increases in affordable housing that could help reduce vehicle miles traveled (VMT), would result in greater air pollutant emissions, greenhouse gas emissions, and noise associated with VMT, and would not reduce impacts associated with biological resources, cultural resources, and hazards and hazardous materials.

- Reduced Parking Alternative. This alternative would consist of redeveloping the project site with the same amount of apartments and townhomes as under the project but with 137 fewer parking spaces. This alternative was initially considered to evaluate whether it could achieve a greater reduction in VMT than is realized under the project. The VMT reduction for reduced parking is calculated using the following California Air Pollution Control Officers Association (CAPCOA) equation to compare the parking ratio against the ITE parking demand rate:

$$\% \text{ VMT Reduction} = \frac{\text{Actual Parking Provision} - \text{ITE Parking Generation Rate}}{\text{ITE Parking Generation Rate}} \times 0.5$$

The ITE Parking Generation rate for multi-family housing (mid-rise) uses is 1.31 spaces per dwelling unit, while the rate for multi-family housing (low-rise) is 1.21 spaces per dwelling unit. The project includes a total of 552 parking spaces (including guest spaces and tandem spaces), which is 1.28 spaces per dwelling unit. This is in-between the ITE estimated demand for these uses, however the average of the ITE rates is 1.26 spaces per dwelling unit, which is slightly less than the parking ratio.

CAPCOA identifies that at maximum a 12 percent VMT reduction can be realized by limiting vehicle parking on site. To achieve this, the parking rate would have to be lowered to a rate of 0.96 spaces per dwelling unit, and therefore the number of residential parking spaces would need to be reduced by 137 spaces to provide a total of 415 spaces. However, CAPCOA also notes that reducing onsite parking is more effective in areas where high quality alternative modes of travel are available. The project site is not within walking distance of a rail station and has somewhat limited bus service in terms of being able to rapidly access locations outside of the Bayfront Area.

Further, as discussed in EIR Section 4.14, the project would include implementation of a TDM plan that would reduce per capita VMT for project site residents to 20.63 percent below the current average per capita VMT in the project site’s transportation analysis zone. Thus, the project complies with the City’s threshold of reducing VMT 20 percent below the current average and the project would not result in a significant impact related to VMT.

When multiple TDM measures are layered together, the effectiveness of each additional measure tends to decrease. The TDM plan includes a requirement that parking for the apartment building be ‘unbundled,’ meaning that apartment leases would not automatically include a designated parking space. Residents who desire to lease a parking space would select to have the parking space added to their lease. Unbundling of parking encourages residents to forego a second car or to have no car at all. A parking reduction is unlikely to achieve greater reductions in VMT because the TDM plan includes unbundled parking for the apartment buildings and

because there is limited access to high quality alternative modes of travel in the project area. Additionally, as discussed in Section 4.7 of the Final EIR, Greenhouse Gas Emissions, the project would have a less than significant impact associated with greenhouse gas emissions. Thus, the Reduced Parking Alternative would not reduce the greenhouse gas or transportation impacts associated with the project.

This alternative was rejected from further consideration because it would not reduce any of the project's significant impacts.

It is also important to consider that the City's zoning ordinance requires that new residential development provide a minimum of one parking space per dwelling unit. As stated above, the reduced parking alternative would require a maximum parking ratio of 0.96 parking spaces per dwelling unit to potentially achieve any additional reductions in VMT. A project alternative that includes a parking reduction such that the zoning ordinance requirements are not met would require the City to approve a variance from the City's development standards, which the City has no authority to require. Thus, this alternative would not be feasible within the regulatory framework that applies to the project.

Findings:

The City hereby finds and rejects the above alternatives as undesirable for the reasons described above and because specific economic, legal, social, technological or other considerations, including consistency with the Applicant's project objectives, make each alternative infeasible. Further, some of the rejected alternatives would not have been consistent with specific General Plan goals, policies, or programs for which the project would be consistent. The City finds that any of these grounds are independently sufficient to support rejection of these specific alternatives.

2. Alternatives Selected for Analysis.

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a 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 and evaluate the comparative merits of the alternatives." The EIR identified and considered the following reasonable range of feasible alternatives to the Project that would be capable, to varying degrees, of reducing identified impacts:

1) No Project Alternative, 2) Mixed-Use Alternative, and 3) Base-Level Development Alternative.

These alternatives were evaluated for their ability to avoid or substantially lessen the impacts of the project identified in the Final EIR, as well as consideration of their ability to meet most of the basic objectives of the project.

No Project Alternative:

Under the No Project alternative, the project site would continue to be occupied by the five existing office and industrial buildings that total approximately 103,983 square feet of building space. No modifications to existing site access or infrastructure would occur. Given that the project site is already developed, the No Project alternative assumes the site would remain in its current condition and that no demolition or redevelopment would occur. The No Project alternative would avoid all of the less than significant impacts of the project. While the No Project alternative would be environmentally would avoid these impacts, it would also fail to achieve any of the project's objectives. The No Project alternative would not provide affordable or market rate housing in the area, would not contribute to building electrification within the City, would not develop a high quality-aesthetic project, and would not provide any community amenities. Furthermore, the No Project alternative would not further any of the objectives of the Land Use Element for properties with the Mixed Use Residential designation to promote live/work/play environments oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs, or achieve the purpose and intent of the R-MU-B zoning district to provide high density housing to complement nearby employment and encourage mixed use development.

Finding:

The City hereby finds and rejects the No Project Alternative as undesirable because it fails to satisfy the project's underlying purpose and to meet most project objectives, and because specific economic, legal, social, technological or other considerations, including considerations for the provision of affordable and market rate housing and employment opportunities for highly trained workers, make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Mixed-Use Alternative:

Under the Mixed-Use alternative, the project would be similar to the originally proposed project design which considered demolition of existing site buildings, construction of 316 rental apartments within one 5-story building, 67 3-story townhomes, approximately 90,000 square feet of office space, a neighborhood park, common areas, and associated parking.

The Mixed-Use alternative would modify the original project design to introduce a retail land use component within the project site and increase the number of dwelling units. This alternative would continue to include demolition of existing site buildings, construction of 316 rental apartments within one 5-story building, a neighborhood park, common areas, and associated parking. The increase in the number of residential townhomes within the project site (compared to the originally project design) would be achieved by increasing building height for some of the townhome buildings. This would allow for placement of an additional single-story condominium unit above some pairs of

the 3-story townhomes. As a result, the Mixed-Use alternative would provide a variety of both 3- and 4-story residential townhome/condominium buildings and construction of a total of 90 townhome/condominium for-sale units. The proportion of 1-, 2-, 3-, and 4-bedroom units would remain the same as in the project, with the smaller units (1 and 2 bedrooms) located in the 4-story buildings. This alternative would also include a 90,000 square-foot building in the eastern portion of the site to support retail land uses within the first level (approximately 8,500 square feet) together with the office lobby and approximately 81,500 square feet of office uses in the second through fourth levels. With the increased parking requirements for the additional townhomes and the retail component, a reduction in the size of the park would be required. The Mixed-Use alternative would achieve most of the project objectives to a similar degree as the project. This alternative would provide affordable and market rate housing, contribute to building electrification within the city, and construct a high-quality-aesthetic project. However, as noted above, the alternative would have increased building heights and reduced park size. This alternative would result in similar environmental effects as the proposed project in all environmental resource areas; it would not substantially reduce or avoid any of the project's environmental impacts.

Finding:

The City hereby finds and rejects the Mixed-Use Alternative as undesirable because it fails to reduce or avoid any of the proposed project's environmental impacts, and because specific economic, legal, social, technological or other considerations, including considerations for the provision of affordable and market rate housing and employment opportunities for highly trained workers, make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Base-Level Development Alternative:

The Base-Level Alternative would involve reduced development compared to the project because it would not include any bonus-level development. Specifically, this alternative would include demolishing existing site buildings and constructing a 4-story apartment building (155,486 square feet) that would provide 179 residential units, an at-grade (one level) parking structure accommodating 206 parking spaces, and 66 3-story residential townhomes with private garages. With less building space, this alternative would also allow for increased open space compared to the project.

This alternative would achieve most of the project objectives, although to a lesser extent than the project. Objectives related to providing affordable and market rate housing would not be achieved to the same extent as the project because the site would only be developed at the base level density, and not the bonus level. The Base-Level Alternative would result in similar and/or less adverse impacts resulting from construction and operation of the project analyzed throughout EIR Chapter 4. This alternative is considered the environmentally superior alternative because it would

reduce construction-related air quality impacts, would slightly reduce the potential to uncover cultural resources during construction by reducing the extent of excavation required, would generate less noise during construction and operation, and would reduce demands for public services, recreation, and utilities. However, this alternative would not fully achieve the project objectives to provide a sufficient density and intensity of housing in order to best achieve a better jobs/housing ratio at the project site; would provide fewer affordable housing units than the project, both in terms of absolute numbers of units as well as the percentage of affordable units relative to the total development; and would be less effective at helping to alleviate traffic because it would provide fewer residential units close to a jobs center.

Finding:

The City hereby finds and rejects the Base Level alternative as undesirable because although it would meet most project objectives, these objectives would not be met to the same extent as the project, and because specific economic, legal, social, technological or other considerations, make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

D. Mitigation Monitoring and Reporting Program (MMRP)

Based on the entire record before the Planning Commission and having considered the impacts of the project, the Planning Commission hereby determines that all feasible mitigation measures identified in the EIR within the responsibility and jurisdiction of the City have been adopted to reduce or avoid the significant impacts identified in the EIR. As noted in Planning Commission Resolution _____, all feasible mitigation measures identified in the Final EIR will also be incorporated as conditions of approval for the project.

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

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

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

Mitigation Monitoring and Reporting Program

123 Independence Drive Residential

Project

NOVEMBER 2022

Prepared for:

CITY OF MENLO PARK

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1 Introduction

The California Environmental Quality Act (CEQA) requires adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project development. The Environmental Impact Report (EIR) prepared for the proposed 123 Independence Drive Residential Project (project) includes mitigation measures to reduce the potential environmental effects of the proposed project.

CEQA also requires reporting on and monitoring of mitigation measures adopted as part of the environmental review process (Public Resources Code Section 21081.6). This Mitigation Monitoring and Reporting Program (MMRP) will be used by the City of Menlo Park staff to ensure compliance with all mitigation measures identified in the 123 Independence Drive Residential Project EIR is achieved during project implementation.

The mitigation measures in this MMRP are assigned the same number they had in the EIR. The MMRP is presented in table format and describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

2 Mitigation Monitoring and Reporting Program Description

The City of Menlo Park will coordinate monitoring activities and document the implementation of mitigation measures for the project. Table 1 lists each mitigation measure as identified in the EIR and the associated implementation, monitoring/reporting, timing and performance requirements. The table includes:

1. the full text of each mitigation measure;
2. the party or parties responsible for implementation and monitoring of each measure and any reporting requirements;
3. the timing of implementation of each measure, including any ongoing monitoring and/or reporting requirements; and
4. performance criteria by which to ensure requirements have been met.

Following completion of the monitoring and reporting process, the final monitoring results will be recorded and incorporated into the project file maintained by the City of Menlo Park.

As demonstrated in the Draft EIR, no mitigation measures are required for the following resources:

- Aesthetics
- Agriculture and Forestry Resources
- Energy
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
Air Quality				
<i>Impact Being Addressed:</i> <u>Impact 4.2-2:</u> Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?				
<p>MM 4.2a Fugitive Dust Reduction The Project shall implement the following during construction:</p> <ul style="list-style-type: none"> ▪ All exposed surfaces (e.g., parking/staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ▪ All haul trucks transporting soil, sand, or other loose material off site shall be covered. ▪ All visible mud or dirt track-out onto local roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. ▪ All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). ▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. ▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 	<p><u>Prior to construction</u></p> <ul style="list-style-type: none"> • Include fugitive dust reduction measures in construction plan notes. • Post sign with Lead Agency contact information. <p><u>Throughout construction</u></p> <ul style="list-style-type: none"> • Implement all fugitive dust reduction measures. 	<p>During the building permit and site development review process and prior to permit issuance</p>	<p>Project Sponsor and Contractor(s)</p>	<p>City of Menlo Park Community Development Department (CDD)</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<ul style="list-style-type: none"> ▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ▪ Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations. 				
<p><i>Impact Being Addressed: <u>Impact 4.2-3</u>: Would the Project expose sensitive receptors to substantial pollutant concentrations?</i></p>				
<p>MM 4.2b Construction Equipment Emissions Reductions To reduce the potential for TAC emissions, specifically diesel particulate matter (DPM) as a result of construction of the project, the applicant shall:</p> <p>a) Prior to the start of construction activities, the project applicant, or its designee, shall ensure that all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board (CARB)-certified Tier 4 Final engines or better. Such equipment shall be outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB-certified Level 3 Diesel Particulate Filters (DPFs). Additionally, the City shall include this requirement in applicable bid documents, and successful contractor(s) must demonstrate the ability to supply compliant equipment prior to the commencement of the grading activity. A copy of each unit’s certified tier specification and CARB or Bay Area Air Quality Management District (BAAQMD) operating permit (if applicable) should</p>	<p><u>Prior to construction</u> Construction contractor shall incorporate Tier 4 engine specifications into contract specifications for review and approval by the City.</p> <p><u>Throughout construction</u> Construction contractor shall maintain equipment maintenance records for all equipment used at the site.</p>	<p>Prior to issuance of demolition or grading permits</p>	<p>Project Sponsor and Contractor(s)</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>be available upon request at the time of mobilization of each applicable unit of equipment. The City should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that the City finds that Tier 4 Final construction equipment is not feasible pursuant to California Environmental Quality Act Guidelines Section 15364, the project representatives or contractors must provide written documentation supported by substantial evidence that is reviewed and approved by the City before using other technologies/strategies. Before an exemption may be considered by the City, the applicant shall: (1) be required to demonstrate that two construction fleet owners/operators in the Bay Area region were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within the Bay Area region; and (2) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model or other industry standard emission estimation method and documentation provided to the City to confirm the project-generated emissions do not exceed applicable BAAQMD mass daily thresholds of significance. Alternative applicable strategies may include, but would not be limited to, Tier 4 Interim construction equipment and/or reduction in the number and/or horsepower rating of construction equipment, if appropriate.</p> <p>b) The construction contractor(s) shall maintain equipment maintenance records for the</p>				

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>construction portion of the project. All construction equipment must be tuned and maintained in compliance with the manufacturer’s recommended maintenance schedule and specifications. Upon request for inspection, construction contractor(s) shall make available all maintenance records for equipment used on site within one business day (either hardcopy or electronic versions).</p>				
Biological Resources				
<p><i>Impact Being Addressed: <u>Impact 4.3-1</u>: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i></p>				
<p>MM 4.3a Pre-construction Surveys for Bat Roosts To the extent practicable, demolition of existing structures should occur outside the bat maternity season when dependent young would be present, which generally occurs from April to September in California. Prior to the removal of trees or the demolition of buildings, a bat survey shall be performed by a qualified bat biologist no more than 3 days prior to the start of construction activities. A qualified bat biologist shall have at least 2 years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat and Townsend’s big-eared bat, with verified project names, dates, and references, and experience with relevant equipment used to conduct bat surveys. The survey should include a determination on whether active bat roosts are present on or within 50 feet of the project site. The survey shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species, attics, eaves).</p>	<p><u>Prior to construction</u></p> <ul style="list-style-type: none"> • Project sponsor shall submit to the City a pre-construction bat survey for review and approval. • If an active roost is identified in a building or tree subject to removal, a qualified biologist must prepare an appropriate bat eviction and exclusion plan to be implemented outside of maternity and winter roosting seasons. <p><u>Throughout construction</u></p> <ul style="list-style-type: none"> • To the extent practicable, demolition 	<p>Prior to the start of construction activities and issuance of demolition permit</p>	<p>Project Sponsor and Qualified Biologist</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>If no evidence of bat roosting is found, the project sponsor shall complete the following:</p> <ul style="list-style-type: none"> ▪ Submit a memorandum prepared by the biologist who completed the survey describing survey methods, conditions, and results of the survey. ▪ No further action is required if the trees and buildings are removed prior to the next breeding season (the following April). ▪ If demolition is not completed by the following April, a new bat survey shall be completed by a qualified biologist no more than three days prior to any further demolition or tree removal. <p>If the survey identifies active bat roosts, or buildings scheduled for demolition, or trees scheduled for removal as potential bat habitat, demolition and tree removal may not begin, or resume, and the project sponsor shall complete the following:</p> <ul style="list-style-type: none"> ▪ Retain a qualified biologist to conduct an evening visual emergence survey of the source building(s) from 0.5 hours before to 1 or 2 hours after sunset for a minimum of 2 nights, using night-vision goggles and/or passive acoustic detectors/monitoring equipment to assist in species identification. 	<p>shall occur between October and March.</p> <ul style="list-style-type: none"> • If any active roosts are observed during surveys, an avoidance buffer will be determined by a qualified biologist and maintained. Project sponsor shall provide documentation to City (i.e., images) to ensure compliance with active nest buffers. • Potential bat habitat trees shall be trimmed or removed only during period of non-breeding bat activity and tree removal shall occur using the two-step removal process, unless a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats. 			

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<ul style="list-style-type: none"> ▪ If roosting is found to occur on site, the project sponsor and qualified biologist must prepare an appropriate bat eviction and exclusion plan which will recognize maternity and winter roosting seasons as vulnerable seasons for bats, and require exclusion outside of these times, for example, dates generally between March 1 and April 15 or September 1 and October 15 are suitable times for exclusion; identify suitable areas for excluded bats to disperse or require installation of appropriate dispersal habitat, such as artificial bat houses, prior to project activities, and include an associated management and monitoring plan with implementation and funding; and include a requirement that exclusion materials shall be re-evaluated for effectiveness by the qualified biologist up to 2 weeks prior to building demolition. Locations and procedures for the implementation of bat boxes shall be determined by a qualified biologist and consultation with the California Department of Fish and Wildlife to reduce the likelihood of mortality of the evicted bats. ▪ If maternity roosts are identified during the maternity roosting season (between the months of April and September), avoid all disturbance to such roosts until a qualified biologist has determined the young bats are no longer roosting. ▪ If a female or maternity colony of bats is found on the project site, construction activities shall be conducted outside of the maternity roost season (after September 1 and before April 15), if feasible. 				

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<ul style="list-style-type: none"> ▪ If an active maternity roost is documented on-site and the project cannot be conducted outside of the maternity roosting season, a qualified biologist shall implement a construction-free buffer zone around the active roost to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost. If implementing a construction-free buffer during the maternity roosting season is not feasible for the project, then bats shall be excluded from the site after September 1 and before October 15, and/or after March 1 and before April 15, to prevent the formation of maternity colonies. Non-breeding bats shall be safely evicted under the direction of a qualified biologist. ▪ If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats or (2) tree trimming and tree removal occurs only during seasonal periods of non-breeding bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed. 				

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p><i>Impact Being Addressed:</i> <u>Impact 4.3-4:</u> Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>				
<p>MM 4.3b Pre-construction Survey for Nesting Birds. If project construction activities are scheduled to occur during the nesting season (March 1 to August 31), a pre-construction nesting bird survey should be conducted by a qualified biologist within seven (7) days prior to construction activities to determine if any native birds are nesting on or near the project site (including a 250-foot buffer for raptors). If any active nests are observed during surveys, a suitable avoidance buffer will be determined by the qualified biologist based on species, location and planned construction activity. These nests would be avoided until the chicks have fledged and the nests are no longer active as determined by the qualified biologist.</p>	<p><u>Prior to construction</u> If construction will occur in the nesting season, project sponsor shall submit to the city a pre-construction nesting bird survey.</p> <p><u>Throughout construction</u> If an active nest is observed at the site, a qualified biologist shall establish buffer zones. Project sponsor to provide documentation to City (i.e., images) to ensure compliance with active nest buffers.</p>	<p>Prior to the start of construction activities</p>	<p>Project Sponsor, Qualified Biologist, and Contractor(s)</p>	<p>City of Menlo Park CDD</p>
<p>Cultural Resources</p>				
<p><i>Impact Being Addressed:</i> <u>Impact 4.4-2:</u> Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</p>				
<p>MM 4.4a Extended Phase I Investigation Prior to issuance of a demolition permit, the City shall verify that the project sponsor has retained a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, to develop and implement an Extended Phase I Archaeological Assessment of the project site to test for buried archaeological deposits to the depth of the project’s grading, trenching, and excavation. This Extended Phase 1 Assessment shall include subsurface testing of the</p>	<p><u>Prior to construction</u> Project sponsor shall retain a qualified archeologist to develop an Extended Phase I Archaeological Assessment work program.</p>	<p>Prior to issuance of a demolition permit – verify Extended Phase I Archaeological Assessment work program</p> <p>Prior to issuance of a grading permit – verify Extended Phase I Archaeological</p>	<p>Qualified Archaeologist approved by the City of Menlo Park Planning Division and Project Sponsor</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>project site through mechanical trenching to allow the archaeologist to observe subsurface conditions and locate any buried cultural deposits, features or artifacts. Following demolition of existing buildings and removal of pavement and other impervious surfaces at the project site and prior to commencement of grading, trenching, and excavation, the Extended Phase I Assessment shall be completed and the archaeologist shall document any findings and subsurface conditions in an Extended Phase 1 report which shall be submitted to the City. If the Extended Phase I Investigation identifies archaeological resources, the archaeologist shall evaluate the find to determine its significance under CEQA (14 CCR 15064.5[f]; Public Resources Code Section 21082), consistent with MM-4.4b</p>	<p><u>Immediately following demolition</u> Project sponsor shall retain a qualified archeologist to conduct an Extended Phase I Archaeological Assessment.</p>	<p>Assessment has been completed</p>		
<p>MM 4.4b Unanticipated Discovery of Archaeological Resources In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Construction activities may not resume in the area immediate to the discovery until authorized by the archeologist. Depending upon the significance of the find under CEQA (14 CCR 15064.5[f]; Public Resources Code Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological or tribal cultural treatment plan, testing, or data recovery would be</p>	<p><u>Throughout construction</u></p> <ul style="list-style-type: none"> • If an archaeological resource is discovered during construction activities, all construction within 50 feet shall stop until a qualified archaeologist can evaluate the find. • If the discovery proves significant, a qualified archaeologist shall determine the treatment plan prior to construction resuming. 	<p>During construction activities and regularly scheduled site inspection that would be initiated after a find is made during construction</p>	<p>Qualified Archaeologist and Project Sponsor</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>warranted. Examples of treatment for archeological resources, in no order of preference, may include, but are not limited to, any of the following: (1) avoiding the resource, (2) establishing a permanent conservation easement over the resource, (3) capping or covering archaeological site with a layer of soil before building on the site, and, (4) having parks, greenspace, or other open space incorporate the archaeological site. Excavation and curation shall be the last considered treatment for archeological resources.</p>				
<p>Geology and Soils</p>				
<p><i>Impact Being Addressed: <u>Impact 4.6-6</u>: Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?</i></p>				
<p>MM 4.6a Prior to issuance of a grading permit, the project developer shall submit to the City an analysis prepared by a qualified geotechnical consultant regarding the effects of dewatering on nearby buildings and the proposed design of the shoring and dewatering systems and confirming that the geotechnical aspects of the proposed shoring system meets the Geotechnical Investigation requirements. The analysis shall demonstrate that the shoring and dewatering systems minimize the amount of dewatering required and that dewatering will not result in structural damage to improvements on adjacent properties. If the estimated settlements are not acceptable, the dewatering and shoring system shall include measures to reduce settlement, such as installing a secant pile or continuous soil-cement mix wall to shore the excavation as well as cut off lateral groundwater flow, thus reducing the amount of dewatering required from within the excavation.</p>	<p><u>Prior to construction</u> Geotechnical consultant retained to analyze the effects of dewatering on nearby buildings. Analysis to be submitted to the City for approval.</p>	<p>Prior to issuance of a grading permit</p>	<p>Qualified Geotechnical Consultant and Project Sponsor</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>MM 4.6b Prior to issuance of a grading permit, the City shall ensure that the proposed grading and construction schedule provides for fill placement to occur a minimum of 3 months prior to foundation installation, consistent with the recommendations provided in the Geotechnical Investigation prepared for the project by Rockridge Geotechnical.</p>	<p><u>Prior to construction</u> Proposed grading and construction schedule submitted to the City for approval to ensure compliance with recommendations provided in the Geotechnical Investigation.</p>	<p>Prior to issuance of a grading permit</p>	<p>Project Sponsor</p>	<p>City of Menlo Park CDD</p>
<p><i>Impact Being Addressed: <u>Impact 4.6-9:</u> Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i></p>				
<p>MM 4.6c In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall</p>	<p><u>Throughout construction</u></p> <ul style="list-style-type: none"> • If a fossil or fossil bearing deposit is discovered during construction, excavation within 50 feet shall halt until a qualified paleontologist can determine the significance. • If the discovery proves significant and avoidance is not feasible, a qualified paleontologist shall prepare an excavation plan. 	<p>During construction activities and regularly scheduled site inspection that would be initiated after a find is made during construction</p>	<p>Qualified Paleontologist and Project Sponsor</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
adhere to the recommendations in the excavation plan (ConnectMenlo EIR MM CULT-3).				
Hazards and Hazardous Materials				
<i>Impact Being Addressed:</i> <u>Impact 4.8-2</u> : Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
<p>MM 4.8a Construction at the sites of any site in the City with known contamination, shall be conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared in consultation with the Regional Water Quality Control Board (RWQCB) or the Department of Toxic Substances Control (DTSC), as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations (ConnectMenlo EIR MM HAZ-4a) The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall: (1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; (2) describe required worker health and safety provisions for all workers potentially</p>	<p><u>Prior to construction</u> Submit project-specific ESMP to City for approval.</p> <p><u>During construction</u> Implement the approved ESMP.</p>	<p>Prior to the start of construction activities and throughout the duration of construction activities, as applicable</p>	<p>Project Sponsor and Contractor(s)</p>	<p>City of Menlo Park CDD, RWQCB (as applicable), DTSC (as applicable)</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>exposed to hazardous materials in accordance with State and federal worker safety regulations; and (3) designate personnel responsible for implementation of the ESMP.</p>				
<p>MM 4.8b For those sites throughout the city with potential residual contamination in soil, gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP required under MM 4.8a. (ConnectMenlo EIR MM HAZ-4b).</p>	<p><u>Prior to construction</u> Licensed environmental professional to perform a vapor intrusion assessment to be submitted to the City for approval.</p> <p><u>During construction</u> Install any required vapor intrusion measures.</p>	<p>Prior to issuance of a demolition or grading permit, verify completion of vapor intrusion assessment.</p> <p>Prior to issuance of a certificate of occupancy, verify any required vapor intrusion measures have been correctly installed.</p>	<p>Qualified Environmental professional, Project Sponsor, and Contractor(s)</p>	<p>City of Menlo Park CDD</p>
<p>MM 4.8c Prior to commencement of any demolition or construction activities, the project applicant shall prepare a Hazardous Materials Health and Safety Plan that identifies required practices and procedures to protect the general public and construction workers from potentially hazardous materials and accidental release of hazardous materials. The practices and procedures shall include spill prevention, cleanup and evacuation procedures as well as procedures to be followed in the event that previously undiscovered hazardous materials are encountered during construction. The Hazardous Materials Health and Safety Plan shall demonstrate compliance with California Code of Regulations, Title 8,</p>	<p><u>Prior to construction</u> Prepare a Hazardous Materials Health and Safety Plan for review by the City.</p> <p><u>During construction</u> Implement the Hazardous Materials Health and Safety Plan.</p>	<p>Prior to issuance of a demolition or grading permit, verify completion of the Hazardous Materials Health and Safety Plan</p> <p>During construction, verify implementation of the Hazardous Materials Health and Safety Plan through periodic site inspections</p>	<p>Project Sponsor and Contractor(s)</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>Chapter 4: Subchapter 4: Construction Safety Orders; Subchapter 5: Electrical Safety Orders; and Subchapter 7: General Industry Safety Orders as well as California Health and Safety Code, Section 25100 et seq.: Hazardous Waste Control Act.</p> <p>The Hazardous Materials Health and Safety Plan shall also include provisions for completion of a comprehensive survey within each existing building to identify asbestos-containing materials (ACM) and lead-based paints (LBP) prior to any demolition activities and shall define procedures for managing demolition activities such that ACM and LBP are not released into the air and worker exposure to ACM and LBP is avoided. These procedures shall be sufficient to ensure that demolition of buildings containing ACM and/or LBP and disposal of these materials will be conducted in accordance with local, state, and federal regulations, including the U.S. Environmental Protection Agency’s (EPA’s) Asbestos National Emissions Standards for Hazardous Air Pollutants, the California Occupational Safety and Health Administration’s Construction Lead Standard (8 CCR 1532.1), California Department of Toxic Substances Control, EPA requirements for disposal of hazardous waste, and Bay Area Air Quality Management District (BAAQMD) Regulation 11, Hazardous Pollutants Rule 2: Asbestos Demolition, Renovation And Manufacturing. At least 10 days prior to demolition, the project applicant and/or construction contractor shall submit an Asbestos Notification to BAAQMD and obtain an Asbestos Demolition/Renovation job number. Disposal of any ACM and/or LBP found on the site shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work and in accordance with the appropriate state and federal</p>				

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
standards to ensure that these materials are not released into the air in the project vicinity.				
Noise				
<i>Impact Being Addressed:</i> <u>Impact 4.11-1</u> : Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
<p>MM 4.11a Project applicants shall minimize the exposure of nearby properties to excessive noise levels from construction related activity through CEQA review, conditions of approval and/or enforcement of the City’s Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during ongoing grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction related noise:</p> <ul style="list-style-type: none"> ▪ Construction activity is limited to the daytime hours between 8:00 a.m. to 6:00 p.m. on Monday through Friday, as prescribed in the City’s municipal code. ▪ All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer. ▪ Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses. ▪ Stockpiling is located as far as feasible from nearby noise-sensitive receptors. ▪ Limit unnecessary engine idling to the extent feasible. ▪ Limit the use of public address systems. 	<p><u>Prior to construction</u> Noise control measures included as notes in the construction plans.</p> <p><u>Throughout construction</u> Construction related noise occurs only during approved times and implement noise control measures.</p>	<p>Prior to issuance of demolition, grading, and building permits, and throughout the duration of construction activities</p>	<p>Project Sponsor and Contractor(s)</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<ul style="list-style-type: none"> Construction traffic shall be limited to the haul routes established by the City of Menlo Park. 				
<p>MM 4.11b Construction Noise Control Plan The Project Sponsor shall develop a noise control plan for construction at the Project site. The plan shall require compliance with Section 8.06 of the Menlo Park Municipal Code and include measures to ensure compliance with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 10:00 p.m. to 7:00 a.m. In addition, the plan shall include measures to ensure that construction noise will not result in a 10 dB increase over the ambient noise level at nearby sensitive receptors (i.e., Hotel Nia). The plan shall specify the noise-reducing construction practices that will be employed to reduce noise from construction activities in Menlo Park and shall demonstrate that compliance with these standards will be achievable. The measures specified by the Project Sponsor shall be reviewed and approved by the City prior to issuance of building permits. Measures to reduce noise may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> The noise control plan shall demonstrate that noise levels during construction on the project site will meet the standards of this mitigation measure at sensitive receptors while those receptors are in use. The noise control plan shall demonstrate that any construction activities taking place outside of normal construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 10:00 p.m. to 7:00 a.m. 	<p><u>Prior to construction</u> Noise control plan prepared and submitted to City for review.</p> <p><u>Throughout construction</u> Implement noise control plan.</p>	<p>Prior to issuance of demolition, grading, and building permits, along with the duration of construction activities</p>	<p>Project Sponsor and Contractor(s)</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<ul style="list-style-type: none"> ▪ The plan shall demonstrate that that combined construction noise would not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. ▪ The contractor shall ensure that construction equipment will be equipped with mufflers. In addition, construction equipment must use the best available noise control techniques (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for Project construction. ▪ All construction activities shall be conducted only at an adequate distance, or otherwise shielded with sound barriers, as determined in the noise control plan, from noise- sensitive receptors when working outside the normal construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday to ensure compliance with the Menlo Park Municipal Code and this mitigation measure. ▪ Stationary construction noise source with the potential to generate noise levels exceeding the applicable thresholds, shall be located at an adequate distance, or otherwise shielded with temporary sound barriers, from sensitive receptors to ensure compliance with the Menlo Park Municipal Code and this mitigation measure. 				

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<ul style="list-style-type: none"> ▪ Temporary noise barriers (height to be determined) shall be installed around construction on the Project site to reduce construction noise from equipment used outside the normal construction hours of 8:00 a.m. to 6:00 p.m. on weekdays. The installation of barriers would help reduce overall construction noise to less than 50 dBA Leq for work occurring between 6:00 a.m. and 7:00 a.m. and 60 dBA Leq for work occurring between 7:00 a.m. and 8:00 a.m., as measured at the applicable property lines of the adjacent uses, such that a 10 dB increase over ambient would not occur at nearby sensitive land uses. However, confirmation of the noise reduction would be required (per the last bullet of this measure, below). If the Project Sponsor can demonstrate, through an acoustical analysis, that construction noise would not exceed the allowable limits during non-exempt hours, as measured at the applicable property lines of the adjacent uses without barriers, then temporary noise barriers shall not be required. ▪ The effectiveness of noise attenuation measures shall be monitored by taking noise measurements at nearby noise-sensitive land uses during construction activities to ensure that the project is not causing an increase over ambient levels greater than 10 dB and compliance with the 50 and 60 dBA Leq standards, which apply outside the construction exception hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. 				

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
Tribal Cultural Resources				
<p><i>Impact Being Addressed: <u>Impact 4.15-1</u>: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 1) listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k) or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</i></p>				
<p>MM 4.15a Unanticipated Discovery of Tribal Cultural Resources. In the event that resources with potential to meet the definition of a “Tribal Cultural Resource” (archaeological sites, features, or artifacts of Native American origin or association) are exposed during construction activities the City shall be immediately notified and all construction work occurring within 50 feet of the find shall immediately stop until the find is assessed by a qualified archaeologist. A report documenting the resource assessment shall be submitted to the City. The City shall review this information to assess if the resource has potential to meet the definition of a Tribal Cultural Resources and, if appropriate, contact and/or provide a designated individual the authority to notify traditionally and culturally affiliated Native American tribes. The tribes shall be provided a reasonable time to provide comment and recommend treatment of the find. The City shall review these recommendations and, if they are confirmed to be reasonable and appropriate, they shall be implemented by the contractor. All management strategies shall occur in compliance with cultural resources mitigation and pertinent regulatory conditions. Treatment for tribal cultural resources would be consistent with PRC § 21084.3(b), which recommends:</p>	<p><u>Throughout construction</u> If a resource with the potential to meet the definition of a Tribal Cultural Resource is discovered:</p> <ul style="list-style-type: none"> • Contractor to halt construction and immediately notify the City. • Project Sponsor to retain a qualified archaeologist to prepare an assessment • City to notify traditionally and culturally affiliated Native American tribes if appropriate • Project Sponsor to implement management strategies 	<p>Throughout the duration of construction activities</p>	<p>Project Sponsor, Contractor(s), and City</p>	<p>City of Menlo Park CDD</p>

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Timing	Implementing Party	Monitoring Party
<p>(1) avoidance and preservation of the resources in place, including 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;</p> <p>(2) treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including the following:</p> <ul style="list-style-type: none"> (a) protecting the cultural character and integrity of the resource (b) protecting the traditional use of the resource (c) protecting the confidentiality of the resource <p>(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; or</p> <p>(4) protecting the resource.</p>				

DRAFT

PLANNING COMMISSION RESOLUTION NO. 2023-__

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING THE USE PERMIT, ARCHITECTURAL CONTROL, AND APPROVAL OF THE COMMUNITY AMENITIES PROPOSAL FOR THE PROPOSED 123 INDEPENDENCE DRIVE PROJECT CONSISTING OF A 316 UNIT MULTI-FAMILY RESIDENTIAL APARTMENT BUILDING WITH AN APPROXIMATELY 2,000 SQUARE FEET COMMERCIAL SPACE AND 116 TOWNHOME CONDOMINIUM UNITS AT 119 INDEPENDENCE DRIVE, 123-125 INDEPENDENCE DRIVE, 127 INDEPENDENCE DRIVE, 1205 CHRYSLER DRIVE, AND 130 CONSTITUTION DRIVE (APNS: 055-236-140, 055-236-180, 055-236-240, 055-236-300, and 055-236-280) AND ASSOCIATED OPEN SPACE AND INFRASTRUCTURE

WHEREAS, the City of Menlo Park (“City”) received an application requesting environmental review, use permit, architectural control, below market rate (BMR) housing agreement, major subdivision, and heritage tree removal permits from The Sobrato Organization (“Applicant”), to redevelop the properties located at 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive (APNs 055-236-140, 055-236-180, 055-236-240, 055-236-300, and 055-236-280) (“Property”), with a bonus level development project consisting of an up to 316 unit multifamily rental apartment building with approximately 2,000 square feet commercial space and 116 for-sale townhome condominium units, which development is more particularly described in the Environmental Impact Report to the Project which was prepared pursuant to the California Environmental Quality Act (hereinafter the “Project”). The Project is depicted in and subject to the development plans which are attached hereto as Exhibit A (“Project Plans including colors and materials board”) and incorporated herein by this reference; and

WHEREAS, the proposed Project is located in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The R-MU-B zoning district allows a mixture of land uses with the purposes of providing high density housing to complement nearby employment, encouraging mixed use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public, promoting a live/work/play environment with pedestrian activity, and blending with and complementing existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses; and

WHEREAS, the bonus level provisions identified in the City’s Zoning Ordinance allow a development to seek an increase in floor area ratio (FAR), density (dwelling units per acre), and/or height subject to approval of a use permit and the provision of community amenities equal to a minimum of 50 percent of the fair market value of the increased development potential and the

applicant has submitted a community amenities proposal in compliance with the required minimum value; and

WHEREAS, the proposed Project would be developed with an increase in FAR, height, and density pursuant to City’s bonus level development allowances; and

WHEREAS, the proposed Project requests a use permit to allow modifications to the bird friendly design guidelines to allow some balcony railings in the project to be made out of fritted clear-glazed glass; and

WHEREAS, the proposed Project environmental impact report found that combined with low number of birds expected to be exposed to increases risk of collision, the fact that most birds would be urban generalists that already occur in the area, and less than ten percent of the glazing being fritted glass railing, the bird collision risk at the proposed Project would be less-than-significant; and

WHEREAS, pursuant to City’s General Plan goals and policies, the proposed Project is required to provide a publicly accessible paseo connecting Constitution Drive to Independence Drive; and

WHEREAS, the Project provides a minimum 20-foot wide paseo which increases in width at certain places. The paseo expands to create publicly open space of approximately 15,367 square feet in size before connecting Independence Drive; and

WHEREAS, the proposed Project complies with all applicable objective standards of the City’s Zoning Ordinance, including design standards, green and sustainable building standards, and is consistent with the City’s General Plan goals, policies, and programs; and

WHEREAS, pursuant to the requirements of Sections 16.45.060 and 16.96.020 of the City of Menlo Park Municipal Code and the City’s Below Market Rate (“BMR”) Housing Program, the applicant submitted a BMR proposal that would provide 48 inclusionary rental units (15 percent of total proposed 316 multi-family apartment units), 18 inclusionary for-sale units (15 percent of total proposed 116 for-sale townhome units), and eight additional inclusionary rental units to fulfill the community amenities obligation for the proposed project; and

WHEREAS, as allowed by the State Density Bonus Law and City’s Below Market Rate (BMR) Ordinance, the proposed Project requests two concessions for the development of for-sale affordable units: first from BMR Guidelines 5.1 and Section 16.96.060 of City’s Municipal Code to allow clustering of the affordable for-sale townhome units and second concession from BMR Guidelines 5.3.1 and Section 16.96.060 of City’s Municipal Code to allow a delayed construction schedule to develop the affordable units such that Habitat for Humanity Greater San Francisco (“HGSF”) would obtain building permits for the for-sale affordable townhomes within six months from issuance of first building permit for first market-rate townhome and HGSF would be required to complete the affordable townhomes within 24 months from their building permit issuance; and

WHEREAS, the applicant requests the first concession to allow the use of volunteer labor as sweat equity towards purchase of affordable units and to allow leveraging of certain financial opportunities that would otherwise be unavailable and the second concession to allow a delay in the development of affordable units to allow HGSF to rely on volunteer labor and sweat equity model and use donated goods and materials for construction of the affordable for-sale units; and

WHEREAS, as allowed by the State Density Bonus Law and the City's Below Market Rate (BMR) Ordinance, the proposed Project requests three waivers: first from City's Municipal Code Section 16.97.100 and BMR Guideline Section 5.2 to allow the for-sale affordable units to differ in the following design aspects: smaller size, interior layout, fewer bathrooms, increased number of bedrooms, smaller living area, less parking, smaller windows, different exterior finishes and massing, fewer balconies, and different interior finishes, lighting, and appliances, second from City's Municipal Code Section 16.45.120(4)(c)(iii) to allow common open space required as part of the development of the for-sale affordable units of 400 square feet that does not meet the minimum 20 feet by 20 feet dimension requirement pursuant to the code and third from City's Municipal Code Section 16.45.080 allowing no designated vehicular parking spaces for the proposed commercial space within the proposed apartment building that includes rental affordable units; and

WHEREAS, the applicant is requesting the first waiver to allow the construction of for-sale affordable units using volunteer labor and donated materials, the second waiver to allow fit the for-townhomes as programmed and designed at the allowed density without losing any affordable units, and the third waiver to allow development of the commercial space without having to expand the garage area to accommodate dedicated commercial space parking requiring reduction in the residential density and for-rent affordable units; and

WHEREAS, at a duly noticed public meeting on June 7, 2023, the Housing Commission considered the applicant's BMR proposal and draft BMR Housing Agreements, inclusive of the 74 inclusionary BMR units, and forwarded a recommendation of approval to the Planning Commission and City Council of the proposed BMR Housing Agreements showing unit sizes/types affordable to low-income households; and

WHEREAS, as allowed by Section 13 of the City's BMR Guidelines, the applicant requests approval of Project specific alternate guidelines in order to allow the development of for-sale BMR units consistent with HGSF development model; and

WHEREAS, at the duly noticed public meeting on June 7, 2023, the Housing Commission considered the applicant's request for Project specific alternative BMR guidelines and forwarded a recommendation of approval to the Planning Commission and City Council; and

WHEREAS, the Planning Commission has read and considered those certain Below Market Rate Housing Agreements ("BMR Agreements") between the City and The Sobrato Organization and their affordable housing partner HGSF and finds that those satisfy the requirements of Chapter 16.96 of the City's Municipal Code and in the BMR Housing Program Guidelines, except as modified, and would result in affordable housing that meets the City's affordable housing goals and results in a BMR program for the Project with characteristics that

are a reasonable equivalent alternative to a program that strictly complied with the BMR Housing Program Guidelines; and

WHEREAS, Section 16.45.070 of the City of Menlo Park Municipal Code requires that bonus level projects that are developed at a greater level of intensity with an increase in density, FAR, and/or height shall provide one or more community amenities to address the needs that result from the effect of the increased development. The value of the community amenities to be provided shall be equal to 50 percent of the fair market value of the additional gross floor area of the bonus level development; and

WHEREAS, pursuant to the requirements of Section 16.45.070 of the City of Menlo Park Municipal Code, the City commissioned R. Blum and Associates to evaluate the appraisal provided by the applicant to determine the value of the Project's community amenities contribution. The appraisal determined the project's community amenities obligation would amount to \$3,350,000. The Community Development Director determined that the appraisal was created pursuant to the City's guidelines and approved the appraisal; and

WHEREAS, on December 6, 2022, the applicant submitted the community amenities proposal, incorporated herein as Exhibit B, that provides eight rental units affordable to low-income households valued at approximately \$4,200,299 as part of the Project's community amenities proposal; and

WHEREAS, the City commissioned BAE urban economics to evaluate the community amenities proposal, incorporated herein as Exhibit C, and subsequently determined that the value of the proposed eight low-income rental units, at \$4,169,795 or \$819,795 greater than the community amenities obligation and is therefore consistent with the Zoning Ordinance requirements; and

WHEREAS, for these reasons, the community amenities proposal meets the minimum requirements of the Zoning Ordinance; and

WHEREAS, the proposed Project includes the removal of 29 heritage-size trees that have been evaluated by the City Arborist and on January 6, 2023 the City Arborist conditionally approved the heritage tree removal permit. The conditional action was posted on the site and mailed notices were sent out stating the action and no appeals were filed with the City; and

WHEREAS, the proposed project would include a minimum of 58 heritage tree replacements, per the required 2:1 replacement ratio of the Heritage Tree Ordinance in effect at the time of submittal of a complete application under the provisions of SB 330; and

WHEREAS, a phased vesting tentative map application requests to subdivision to merge the existing five legal parcels within the approximately 8.5-acre project site and create 316 multi-family apartment unit building with the proposed commercial space within one of the legal parcels, 116 townhome condominium units to be sold individually on three legal parcels, and create one legal parcel to accommodate the publicly accessible paseo, emergency vehicle access, and park; 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, on November 29, 2016, in connection with an update to the Land Use and Circulation Elements of the City’s General Plan and related zoning changes, commonly referred to as the ConnectMenlo project, the City certified the ConnectMenlo Final EIR (ConnectMenlo EIR); 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 would be developed at the bonus level allowances of the Zoning Ordinance, and therefore, is subject to the settlement agreement between the City of Menlo Park and City of East Palo Alto (“Settlement Agreement”), which requires project-specific environmental impact reports (“EIRs”) for certain future projects. Pursuant to the Settlement Agreement, the project-specific EIR may tier from the certified program level ConnectMenlo Final EIR (“ConnectMenlo EIR”) which was certified by the City Council on November 29, 2016, as part of an update to the Land Use and Circulation Elements of the General Plan and related zoning changes, commonly referred to as ConnectMenlo, and the project-specific EIR shall include a project specific analysis for all required topic areas pursuant to CEQA Guidelines Section 15162(d). The City shall also prepare a housing needs assessment (“HNA”) to inform the population and housing topic area of the Project EIR; and

WHEREAS, the City released a Notice of Preparation (“NOP”) for a prior version of the project including office buildings along with residential uses was released for a 30-day circulation period starting on January 8, 2021 to February 8, 2021. The City reissued the NOP for a revised 100 percent residential project on September 10, 2021. Following the release of the revised NOP, the Planning Commission conducted a scoping session on September 27, 2021. Comments received by the City on the NOPs and at the public EIR scoping meeting were considered during the preparation of the Draft EIR; and

WHEREAS, on September 27, 2021, concurrently with the public NOP scoping meeting, the Planning Commission conducted a study session to review and provide comments on the Project’s conceptual design; and

WHEREAS, pursuant to the requirements of the Settlement Agreement and CEQA, the City prepared, or caused to be prepared, a project level EIR and conducted a HNA for the Project; and

WHEREAS, the Draft EIR was released on November 28, 2022 for a minimum 45-day review period that ended on January 27, 2023. The public review period included one duly noticed public meeting on December 12, 2022 to received oral and written comments on the Draft EIR; and

WHEREAS, On December 12, 2022, as part of the duly noticed public hearing to review the Draft EIR, the Planning Commission also conducted a study session and provided an opportunity for members of the public to provide comments on the proposed project design, BMR proposal, and community amenities proposal; and

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research and copies of the Draft EIR were made available at the Community Development Department, on the City's website and at the Menlo Park Library; and

WHEREAS, on August 4, 2023, the City published a Response to Comments Document that contains all of the comments received during the public comment period, including a transcript of the public hearing, and written responses to those comments, and any text changes to the Draft EIR, prepared in accordance with CEQA and the CEQA Guidelines, and an analysis of the Project (which included minor modifications from the project as analyzed in the Draft EIR) that demonstrates that development of the Project would not result in any new or more severe environmental effects than were analyzed in the Draft EIR. The Draft EIR, Response to Comments Document, text changes to the Draft EIR, and analysis of the modified Project constitute the Final EIR, is included in Exhibit D; and

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

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on August 28, 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

WHEREAS, the Final Project EIR did not identify any potentially significant adverse effects on the environment caused by the Project; and

WHEREAS, on August 28, 2023, the Planning Commission fully reviewed, considered, evaluated the whole of the record including all public and written comments, pertinent information, document and plans, and certified the Final EIR for the Project adopted findings of fact in accordance with the CEQA (Exhibit E), and adopted a Mitigation Monitoring and Reporting Program (Exhibit F) prior to taking action to approve the use permit, inclusive of the proposed community amenities, and architectural control for the 123 Independence Drive Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park finds that the above recitals together with the staff report and the application materials, including without limitation, the EIR, and all other documents, reports, studies, 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 evidentiary basis for the recommendations set forth in this resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Menlo Park (“City”) hereby approves a use permit, subject to conditions, attached hereto and incorporated herein by this reference as Exhibit G, for the Project. The approval is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.82.030:

1. That the consideration and due regard to the nature and condition of all uses and structures, and to general and specific plans for the area in question and surrounding areas, and impact of the application hereon; in that, the proposed project Final Environmental Impact Report determined that the proposed project with mitigation incorporated would cause less than significant impacts on the environment or less than significant impacts on the environment with mitigation incorporated. The proposed project is designed in a manner consistent with the goals, policies, and objectives of ConnectMenlo and applicable Zoning Ordinance requirements. Specifically, the proposed project would be an infill project that would be compatible with the surrounding uses. The buildings would redevelop the project site currently occupied with an older office and warehouse buildings and locate new multifamily and townhome residential buildings on an underutilized property and the redevelopment would be undertaken at the bonus level of development in exchange for on-site community amenities. The proposed project includes on-site open space, parking, and the proposed buildings adheres to the design standards set forth by the Zoning Ordinance and therefore, the project would be consistent with ConnectMenlo. Compliance with the Zoning Ordinance and consistency with ConnectMenlo would ensure that the project would not be detrimental to the health, safety, and welfare of the surrounding community. The project requests a use permit to allow modification to the bird friendly design standards to allow use of fritted clear-glazes glass on some of the balconies, which the project environmental impact report finds not to have an increased risk of collision and therefore presents a less-than-significant impact on the environment. Additionally, all external non-emergency lighting on the apartment building, townhomes, and landscaping, and common recreational spaces is required to be automatically switched off between the hours of 10 p.m. and sunrise to further prevent bird collision. The project is subject to mitigation measures and conditions of approval that ensure that all existing adjoining structures are appropriately protected during and after construction and the heritage tree removals would be replaced at a 2:1 ratio on the site, in compliance with the Heritage Tree Ordinance in effect at the time of the submittal of a complete SB330 development application. Moreover, the proposed project is designed with appropriate ingress and egress and sufficient on-site bicycle and vehicular parking; and therefore, will not have a detrimental impact on the surrounding areas.
2. That whether or not the establishment, maintenance, or the use applied for will, under the circumstance of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city; in that, the proposed project is designed as a predominantly residential project with a 316 unit for-rent apartment building with approximately 2,000 square feet of commercial

space and 116 for-sale townhome condominium units, which are permitted uses pursuant to Chapter 16.45.020 of the City of Menlo Park Municipal Code. The proposed project is designed to meet all the applicable codes and ordinances of the City of Menlo Park Municipal Code and staff believes the proposed project would not be detrimental to the health, safety, and welfare of the surrounding community due to the architectural design of the building and the compliance with the Zoning Ordinance design standards and the architectural review process. The proposed project is consistent with the goals and policies established by the Connect/Menlo General Plan and would result in a project that embodies the live/work/play vision of ConnectMenlo and the R-MU zoning district. Specifically, the proposed project would contain residential buildings designed to be compatible with surrounding uses, and providing residential uses in vicinity of business uses addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transportation and use of potentially hazardous materials. The project requests a use permit to allow modification to the bird friendly design standards and allow use of fritted clear-glazes glass on some of the balconies, which the project environmental impact report finds not to have an increased risk of collision and therefore presents a less-than-significant impact on the environment. Additionally, all external non-emergency lighting on the apartment building, townhomes, and landscaping, and common recreational spaces is required to be automatically switched off between the hours of 10 p.m. and sunrise to further prevent bird collision. The proposed project is designed with sufficient vehicular and bicycle parking, as well as public, common, and private open spaces. The proposed paseo bifurcating the project site has been found to meet the requirements of publically accessible open space and paseos outlined in the Zoning Ordinance and provides pedestrian access across the site connecting two public rights-of-way. The project includes 56 inclusionary rental housing units and 18 on-site inclusionary for-sale townhomes and on-site amenities to serve the future residents of the project. Pursuant to State Density Bonus Law the project proposes to request concessions that would provide necessary relief from the City's requirements in order to allow for-sale affordable housing to be developed using volunteer labor and donated materials on a separate parcel lending to ease of construction of the affordable units, availability of a variety of financing options, and cost savings. Additionally, pursuant to the State Density Bonus Law, the project is requesting three waivers from various development standards granting of which would allow the project to develop both for-rent and for-sale affordable units at the allowable density allowing deviation in size, materials, windows, number of bedrooms, parking, and design when compared to the for-sale market rate units; in the minimum width of the required common outdoor open space; and total number of parking spaces dedicated for use of the proposed approximately 2,000 square feet of commercial space. The proposed project is designed with stoops along the main thoroughfare and provides a publically accessible privately maintained park within the project site to further the goals and policies of the land use, circulation, and open space design. The project is designed with appropriate ingress and egress and off-site improvements such as landscaping, street lighting, sidewalks, and green infrastructure. The project Final Environmental Impact Report determined that the project would have less than significant impacts on the environment after

implementation of mitigation measures. Therefore, the proposed project would not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Menlo Park (“City”) hereby approves the community amenities proposal as part of the use permit for bonus level development attached hereto as Exhibit B, subject to conditions, attached hereto and incorporated herein by this reference as Exhibit G, for the Project. The Planning Commission hereby resolves:

1. Pursuant to Chapter 16.45, Section 16.45.070 of the City’s Municipal Code and with Menlo Park City Council Resolution No. 6360 (the City Council adopted Community Amenities List), public interest and convenience requires that are developed at a greater level of intensity with an increase in density, FAR, and/or height shall provide one or more community amenities to address the needs that result from the effect of the increased development. The value of the community amenities to be provided shall be equal to 50 percent of the fair market value of the additional gross floor area of the bonus level development which has been determined to be \$3,350,000.
2. The City of Menlo Park hereby approves the applicant’s community amenities proposal to provide eight inclusionary rental apartment units affordable to low-income households at a value of \$4,169,795 which would be \$819,795 above the project community amenities value per the appraisal pursuant to the evaluation undertaken by the City’s consultant BAE urban economics.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Menlo Park (“City”) hereby approves an architectural control permit, subject to conditions, attached hereto and incorporated herein by this reference as Exhibit G, for the Project. The approval is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

1. That the general appearance of the structures is in keeping with character of the neighborhood; in that, the proposed project is designed in a contemporary architectural style incorporating stoops for both the multi-family and townhomes units fronting publically accessible paseo and public rights-of-way and solid glass storefront windows for the leasing office space for the apartment building along the majority of the primary street façades. The materials and forms of the proposed buildings would provide modulations and articulations along the façades of the buildings. The materials and modulations would comply with the City’s Zoning Ordinance design standards and would provide visually interesting building facades on both the apartment and the townhome buildings. The apartment façade would predominately consist of cement plaster, fiber cement siding, porcelain tile, and dark colored vinyl windows. The townhome unit facades would be designed in a varying combination of cement plaster, fiber cement paneling, brick veneer, metal and asphalt shingle roofs, dark vinyl windows, panelized garage doors, and vertical metal railings. Pursuant to the State Density Bonus Law, the project is requesting three waivers. The first waiver from the City’s Municipal Code Section 16.97.100 and BMR Guidelines

Section 5.2 allowing the affordable for-sale units to be constructed such that the exterior finishes, architectural elevations, floor plans, interior finishes, parking, and balconies and different from that of the for-sale market rate units allowing the applicant to simplify the design for ease of constructability by volunteer labor and allow variation in the finishes based on the types of donations received by the affordable housing developer. The second requested waiver is from the City's Municipal Code Section 16.45.120(4)(c)(iii) allowing the Project to provide the required common open space without meeting the 20 feet by 20 feet minimum dimensions allowing the project developer to provide the required number of for-sale affordable units at the density allowed and providing the required open space area without losing affordable units and a third waiver from Section 16.45.080 allowing the Project to not provide designated parking spaces to serve the proposed commercial use such that the proposed garage would not be required to expand or change therefore not impact the overall residential density and the total number of for-rent affordable units that Project is able to provide. The project incorporates complementary colors, and the stucco would comply with the Zoning Ordinance design standards. The project requests a use permit to allow modification to the bird friendly design standards and allow use of fritted clear-glazes glass on some of the balconies, which the project environmental impact report finds not to have an increased risk of collision and therefore presents a less-than-significant impact on the environment. The Project would comply with the base height, building projections, and major and minor modulations along with ground floor transparency, entrances, and garage entrance requirements even after the requested waivers are incorporated. Compliance with the Zoning Ordinance would further the goals and policies of ConnectMenlo for residential design and compatible buildings with surrounding land uses while providing affordable housing.

2. That the development will not be detrimental to the harmonious and orderly growth of the city; in that, the project is a predominantly residential development with 316 units proposed within a multi-family rental apartment building with approximately 2,000 square feet of ground floor commercial space and 116 condominium townhome units are proposed on the remainder of the site along with publicly accessible open space, parking, landscaping, and other improvements. The project's design is generally consistent with all applicable requirements of the City of Menlo Park Municipal Code. The proposed project does include two waiver requests to modify the City's Municipal Code requirements outlined in Sections 16.97.100 and 16.45.120(4)(c)(iii) such that the proposed for-sale townhome units would be allowed to differ in design, size, layout, architectural elevations, exterior and interior materials, and parking from the market-rate for-sale townhome units and the required open space would not meet the minimum 20 feet by 20 feet dimension requirements such that the project developer is able to provide affordable units consistent with the required density and by using volunteer labor and donated materials. However, even with the requested waivers, the Project meets the objective development standards outlined in the City's Municipal Code for the R-MU-B zoning district. The proposed Project is consistent with the new development and population growth envisioned by ConnectMenlo. Moreover, the proposed project is designed in a manner that is

consistent with the existing and future development in the area. The project is designed with appropriate ingress and egress and appropriate number of vehicular and bicycle parking on site to serve the residents and guests. The project would provide a publically accessible public paseo that connects two major thoroughfares and would also provide a pedestrian and bicycle connection across the connecting two public rights-of-way consistent with the land use and circulation element goals and policies of ConnectMenlo. Therefore, the project will not be detrimental to the harmonious and orderly growth of the city.

3. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the proposed project consists of a multifamily building with 316 apartment units and approximately 2,000 square feet of commercial space and 116 townhome condominium units, which are uses that are consistent with the applicable standards of the Zoning Ordinance for the project site. The proposed project is designed in a manner consistent with all applicable codes and ordinances, as well as the ConnectMenlo goals and policies. The proposed Project contributes to the available affordable housing in the area and provides community amenities to serve the adjoining neighborhood and businesses. The proposed project would redevelop and underutilized site. The proposed project contributes towards providing for-sale and for-rent units in the area and similarly provides for-rent and for-sale affordable housing adding to the availability and variety of housing stock to households with various needs at different income levels. The proposed project would provide publicly accessible pedestrian and bicycle connectivity through the project site, publicly accessible park for community use, as well as additional ground level open space to enhance the pedestrian experience in the area. Therefore, the proposed project would not impair the desirability of investment or occupation in the neighborhood.
4. That the development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking; in that, the proposed project provides a total of 510 vehicular parking spaces, where a minimum number of 432 and maximum number of 648 parking spaces are required pursuant to the Zoning Ordinance requirements. The project is requesting a waiver pursuant to the State Density Bonus Law allowing no additional dedicated parking attributed to the proposed commercial use, such that the project is not required to expand the garage or change the proposed residential density. The proposed project is required pursuant to the Zoning Ordinance to reduce vehicle trips from the site by 20 percent from the typical land uses within the site, through the implementation of a transportation demand management program. The on-site parking would be unbundled from the units and would likely reduce the parking demand of the project, per the requirements of the Zoning Ordinance. Lastly, consistent with the Zoning Ordinance requirements, the project provides 474 long-term bicycle parking spaces, and 48 short-term bicycle parking spaces to serve the apartment building and 174 long-term and 18 short-term bicycle parking spaces to serve the proposed townhome units. The project would also provide two bicycle parking space near the entrance of the commercial space to serve the proposed commercial use. The long-term bicycle

storage is located on the first floor of the apartment building and that for the townhomes units is located within the garage. The short term bicycle parking spaces are located near the two entrances to the apartment building, near the publically open space and at various other locations in proximity to the townhome buildings. Therefore, the proposed development provides sufficient on-site parking for both vehicles and bicycles.

5. That the development is consistent with any applicable specific plan; in that, the Project is located in the Bayfront Area which is not subject to any specific plan. However, the project is consistent with the all the applicable goals, policies, and programs of ConnectMenlo and is consistent with all applicable codes, ordinances, and requirements outlined in the City of Menlo Park Municipal Code.

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 the 28th day of August 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 August, 2023.

PC Liaison Signature

Corinna Sandmeier
Principal Planner
City of Menlo Park

Exhibits

- A. Hyperlink: Project Plans including materials and color board - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/july-2023-development-plans-with-material-and-color-board.pdf>
- B. Hyperlink: Project community amenities proposal - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-project-community-amenities-proposal.pdf>
- C. Hyperlink: BAE's evaluation of the project community amenities proposal - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/community-amenities-proposal.pdf>
- D. Hyperlink: Final EIR - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-final-eir-july-2023.pdf>
- E. Statement of Findings and Facts pursuant to CEQA (See Attachment A, Exhibit B)
- F. Mitigation Monitoring and Reporting Program (MMRP) (See Attachment A, Exhibit C)
- G. Conditions of Approval

123 Independence Drive Project – Attachment B, Exhibit G
 – Conditions of Approval

<p>LOCATION: 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive</p>	<p>PROJECT NUMBER: PLN2020-00020</p>	<p>APPLICANT: Peter Tsai, The Sobrato Organization</p>	<p>OWNER: SI 60, LLC</p>
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PROJECT CONDITIONS:

1. The architectural control permit and use permit shall be subject to the following **standard** conditions:

General Conditions

- a. Development of the Project (as defined in condition 1b, below) shall be substantially in conformance with the plans prepared by Studio T Square, The Guzzardo Partnership Inc, Kier+Wright, Radius Design, PAE, American Trash Management, and Watery Design, Inc., attached to the **August 28, 2023** Planning Commission staff report and consisting of **135** plan sheets, dated received on **July 25, 2023** (hereinafter the “Plans”). The Plans are incorporated by reference herein. The Plans may only be modified by the conditions contained herein (conditions 1d. and 1e.), subject to review and approval of the Community Development Director or their designee.
- b. The Project means the whole of the action studied in the California Environmental Quality Act (CEQA) Environmental Impact Report for the 123 Independence Drive Residential Project, prepared for and certified prior to approval of the Project and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2021010076 (Project EIR). As described in the Project EIR and reflected in these conditions, the Project components (apartment building and townhomes) can be developed in phases. The Project shall comply with all mitigation measures of the MMRP during all phases of construction, which is attached to Menlo Park Planning Commission Resolution No 2023-___ and incorporated herein by this reference.
- c. All outstanding and applicable fees associated with the processing of these Project entitlements shall be paid prior to the issuance of the first building permit for any phase of the Project unless explicitly specified otherwise herein.
- d. Substantially consistent and minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be approved in writing by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved architectural control permit and will not have an adverse impact on the character and aesthetics of the site. Substantially consistent modifications are modifications to the development that do not increase the intensity or density of the project or the allowed uses. The Director may refer any request for revisions to the plans to the Planning Commission. If the Director refers the plans to the Planning Commission, the Director shall provide written documentation of the Director’s determination that the modification is substantially consistent and a member of the Planning Commission may request to discuss these modifications on the next agenda within 72 hours of notification of the modifications by the Community Development Director. Further environmental review and analysis may be required if such changes necessitate further review and analysis pursuant to the California Environmental Quality Act.
- e. Major modifications to the development plan which involve material expansion or intensification of development, modifications to the permitted uses, or modifications to the architectural design, including materials and colors may be allowed subject to obtaining architectural control and use permit revisions from the Planning Commission.

123 Independence Drive Project – Attachment B, Exhibit G
– Conditions of Approval

LOCATION: 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive	PROJECT NUMBER: PLN2020-00020	APPLICANT: Peter Tsai, The Sobrato Organization	OWNER: SI 60, LLC
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PROJECT CONDITIONS:

- f. Prior to issuance of foundation building permit for the apartment building, the Project Proponent (for purposes of these conditions, Project Proponent shall refer to the applicant or any other entity or person who in turn seeks to develop the Project) shall execute and record in the San Mateo County Recorder’s office the below market rate (BMR) Housing Agreement for the rental BMR units.
- g. Within six (6) months after issuance of the first foundation/vertical construction permit, whichever one comes first, associated with the for-sale townhome portion of the Project, the Project Proponent shall execute and record in that San Mateo County Recorder’s office the BMR Housing Agreement for the for-sale BMR units.
- h. Project Proponent shall keep the property in a clean and sanitary condition at all times, maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the City of Menlo Park Municipal Code.
- i. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park in effect on the date the Project applicant submitted its SB 330 preliminary application containing all the information required by Government Code section 65941.1(a) (here, January 29, 2020), and all applicable regional, State, and Federal laws and regulations.
- j. Prior to issuance of a building permit for each phase and/or building, the Project Proponent shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division for each Project phase and/or building that are directly applicable to that phase and/or building and the type of building permit issued.
- k. All deferred submittals other than fire sprinklers are to be approved by the Building Official prior to building permit application for each Project phase or building.
- l. Prior to issuance of any building permit, the Project Proponent shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to each Project phase or building.
- m. Concurrent with the submittal of any building permit, the Project Proponent shall submit documentation of acceptance of the site plan for the entire Project by the Menlo Park Fire Protection District to the City, subject to review and acceptance by the Planning and Building Divisions. Prior to issuance of each building permit for the project, the Project Proponent shall submit documentation of Menlo Park Fire Protection District approval of each building permit, subject to review and approval by the Planning and Building Divisions.
- n. Prior to issuance of any building permit for the Project, Project Proponent shall clearly indicate compliance with all conditions of approval applicable to that Project phase or building on the plans and/or provide written explanations to the Director of Community

123 Independence Drive Project – Attachment B, Exhibit G
– Conditions of Approval

LOCATION: 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive	PROJECT NUMBER: PLN2020-00020	APPLICANT: Peter Tsai, The Sobrato Organization	OWNER: SI 60, LLC
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PROJECT CONDITIONS:

Development regarding any inability to satisfy applicable conditions of approval for that phase or building.

- o. 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 brought by a third party 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.

- p. The Use Permit Approval shall expire upon the later to occur of one year after the date of Project approval (August 28, 2023) or one month following the date of recording of the final subdivision map, if the final subdivision map is not recorded in phases, unless the Project Proponent submits a complete building permit application for the Project as delineated on the plan set dated July 25, 2023, prior to such date. If the final subdivision map is recorded in phases, then the Use Permit Approval shall remain active as to the respective components of the Project for the unrecorded portions of the tentative map until the later to occur of one year after the date of Project approval (August 28, 2023) or one month following the date of recording of the applicable final subdivision map phase, plus one month. If the tentative subdivision map expires prior to the recording of a final subdivision map, then the Use Permit Approval shall expire as to any respective components of the Project for the unrecorded portions of the tentative map. The Community Development Director or their designee may extend the time to use the Use Permit Approval prior to its expiration upon written request of the Applicant for up to one year for any portion of the property for which a building permit application has not been submitted, if the Director or their designee finds that there is a good cause for the extension based upon unusual circumstances and/or conditions not of the making of the Applicant. Prior to the expiration of the Use Permit Approval for any portion of the Project, a Project Proponent may (1) apply to the Community Development Director to obtain an extension of time upon a showing of good cause to the Director's reasonable satisfaction and/or (2) apply for a revised Use Permit Approval to revise the Project approvals to remove or modify unbuild Project elements. If (1) or (2) do not occur prior to the expiration of the Use Permit Approval, it shall be deemed a violation of these Conditions of Approval for the applicable portion of the property where the Use Permit is not vested, and the Use Permit approval for such portion of the Project shall expire. The Use Permit Approval for the portion of the Project for which a building permit has been submitted or for which the tentative map remains alive shall remain in full force and effect. Any Project modifications shall be assessed for compliance with the Project EIR, and subsequent environmental review may be required if necessary to comply with CEQA Guidelines Section 15162.

Building Division Conditions

123 Independence Drive Project – Attachment B, Exhibit G
– Conditions of Approval

LOCATION: 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive	PROJECT NUMBER: PLN2020-00020	APPLICANT: Peter Tsai, The Sobrato Organization	OWNER: SI 60, LLC
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PROJECT CONDITIONS:

- q. Simultaneous with the submittal of each complete building permit application, the Project Proponent shall submit plans to the Building Division verifying that that phase of the Project or building complies with all applicable requirements of Menlo Park Municipal Code Title 12 (Buildings and Construction) for review and approval by the City Building Official or designee.
- r. The Project is subject to the 2022 California Building Code, the California Building Standards Code and any adopted Reach Codes and/or local building code ordinances in effect at the time of each complete building permit application submittal.
- s. Simultaneous with the submittal of each complete building permit application, the Project Proponent shall submit information as reasonably required by the Community Development Director or their designee to demonstrate that the new high-rise residential building is in compliance with the applicable City of Menlo Park Reach Codes (outlined in Chapter 12.16 of the City's local ordinance). The building will be required to be all-electric and produce a minimum of five kilowatt photovoltaic system of on-site solar.
- t. The Project is subject to the California Green Building Standards Code (CalGreen) in effect at the time of submittal of the complete building permit application and any local amendments to the Code in effect at the time of submittal. Other forms of green building checklists will not be acceptable in-lieu of the CalGreen requirements.
- u. Each complete building permit application shall include all unit plans for that Project phase or building to be fully drawn and detailed, including mirrored plans. Further, all residential building plans are required to include drawings for mirrored units including structural, mechanical, electrical, and plumbing plan sheets.
- v. A list of all deferred submittals for each Project phase or building, other than trusses, shall be approved by the Building Official or their designee prior to submittal of each complete building permit application.
- w. Detached structures require their own permit, have an occupancy category and are required to meet all applicable Building Code requirements associated with their occupancy and location on the site.
- x. The buildings are located in a flood zone and are required to meet all the applicable flood design criteria and final elevation certification.
- y. Simultaneous with the submittal of any complete building permit application and prior to Final Map approval, the Project Proponent shall submit plans for that Project phase or building for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review by the Engineering, Planning, and Building Divisions and the City's Building Official or their designee shall approve the Plans subject to input by City staff. The safety fences, dust and air pollution control measures, erosion and sedimentation control measures, and tree

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PROJECT CONDITIONS:

protection measures shall be installed according to the approved plan prior to commencing construction and implemented throughout the duration of construction at the Project site.

- z. Simultaneous with submittal of any complete building permit application, the Project Proponent shall submit plans for that Project phase or building that include proposed measures to prevent erosion and polluted runoff from all site conditions, subject to review and approval of the Building Division. During construction, if construction is not complete by the start of the wet season (October 1 through April 30), the Project Proponent shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of much onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. A site specific winterization plan implemented during construction would be subject to review by the Engineering, Building, and Planning Divisions and subject to approval by the Building Official or their designee with input from City staff. The winterization plan would be in addition to the erosion control plan required in condition 1.y.

Engineering Division Conditions

- aa. Once construction is finished, to the extent required by FEMA, the relevant as-built data must be provided to FEMA to ensure compliance with any applicable FEMA standards and regulations.
- bb. All private easements shall be recorded with the County of San Mateo prior to issuance of final occupancy permit, unless otherwise required through the Project conditions.
- cc. “No Objection” letters shall be provided to the City from all utilities companies prior to abandonment of public right of ways and public easements.
- dd. Discharges from the garage ramp and underground parking areas are not allowed into the storm drain system. Discharge must be treated with an oil/water separator and must connect to the sanitary sewer system. This will require a permit from West Bay Sanitary District.
- ee. 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.
- ff. During the design phase of the construction drawings, all potential utility conflicts shall be potholed with actual depths recorded on the improvement plans submitted for City review and approval.

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- gg. Prior to any building permit issuance, the Project Proponent shall submit a finalized version of the Stormwater Control Plan for that Project phase or building, which shall provide stormwater treatment for the Project site pursuant to the latest regulations specified in the San Mateo County C.3 Technical Guidance Manual. The Stormwater Control Plan shall include a written report identifying existing and proposed Project conditions, and all applicable source controls, and mitigation measures (i.e. bioretention areas, flow through planters, etc.) implemented to meet NPDES compliance.
- hh. Street trees shall be from the City-approved street tree species or to the satisfaction of City Arborist and shall be documented concurrent with the submittal of the off-site improvement plans.
- ii. Prior to issuance to any building permit, the Project Proponent shall submit construction related plans of that Project phase or building for review and approval by the Engineering Department.
- jj. Prior to issuance of any Project-related building permit, and within each construction phase, the Project Proponent shall submit plans for that Project phase or building for construction related parking management, construction staging, material storage, and a Traffic Control Handling Plan (TCHP) to be reviewed and approved by the City. The Project Proponent shall secure adequate parking for any and all construction trades. 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. The Project Proponent 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 or building.
- kk. Prior to commencing any work within the right-of-way or public easements, the Project Proponent shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
- ll. Prior to issuance of any building permit, the Project Proponent shall provide plans showing minimum pipe separations between each utility line per City Standard Details.
- mm. All water meters shall be installed within the public right-of-way or within an easement if installed behind the right-of-way line. On-site water systems shall be privately owned and maintained.
- nn. Project Proponent shall coordinate directly with Menlo Park Municipal Water for review of existing and proposed water service connections. Additional application fees are required, including Water Capacity Charges per adopted water rates.
- oo. Prior to issuance of the occupancy permit for each building, the Project Proponent shall submit a landscape audit report for that Project phase or building.

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PROJECT CONDITIONS:

- pp. All public right-of-way improvements associated with each Project phase or building, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection for that Project phase or building.
- qq. The Project Proponent 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 prior to building permit final inspection.

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

Planning Division Conditions

- a. Simultaneous with the submittal of any complete building permit application, the Project Proponent shall enroll in EPA Energy Star Building Portfolio Manager. Prior to building permit final inspection, the Project Proponent shall submit documentation showing compliance to the satisfaction of the Planning and Building Divisions.
- b. Simultaneous with the submittal of any complete building permit application, the Project Proponent shall submit an updated LEED Checklist for that Project phase or building, 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 LEED Checklist and that the information presented is accurate. Confirmation that each Project phase or building conceptually achieves LEED Gold certification shall be required before issuance of the superstructure building permit for the applicable Project phase or building. Prior to final inspection of the building permit for each Project phase or building, or as early as that phase or building can be certified by Green Business Certification, Inc. on behalf of the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Gold certification. Occupancy and/or final inspection can be granted with an agreed upon timeline for final certification between the City and the Project Proponent.
- c. Simultaneous with the submittal of any complete building permit application, the Project Proponent shall submit a zero-waste management plan for that Project phase or building to the City, which will cover how the Project Proponent plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations, including compliance with the applicable requirements of Chapter 16.45.130(5)(A) of the Zoning Ordinance. Project Proponents shall show in their zero-waste plan how they will reduce, recycle and compost wastes from occupancy phases of each Project phase or building. Zero Waste plan elements shall include the property owner’s assessment of the types of waste to be generated during occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration. The plan shall be subject to the satisfaction of the Sustainability Manager or their designee.

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- d. Prior to issuance of any superstructure building permit, the Project Proponent shall submit plans and supporting documentation to the Building and Planning Divisions documenting that the Project phase or building meets one hundred percent of its energy demand (electricity and natural gas), as required by Chapter 16.45.130(2) of the Zoning Ordinance.
- e. Prior to issuance of the first occupancy for each Project phase or building, the applicant shall submit plans and supporting documentation to the Building and Planning Divisions documenting that the project meets one hundred percent of its energy demand (electricity and natural gas), as required by Chapter 16.45.130(2)(A) of the Zoning Ordinance, through the combination of the following measures and to the satisfaction of the Building and Planning Divisions:
 - i. On-site energy generation;
 - ii. Purchase of 100% renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
 - iii. Purchase and installation of local renewable energy generation within the City of Menlo Park in an amount equal to the annual energy demand of the project;
 - iv. Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

Following issuance of the final occupancy permit for each Project phase or building, the Applicant shall submit an annual report on 1st January of every year demonstrating that tenants and occupants of all buildings that have received final inspection on site, purchased or used 100% renewable energy or otherwise complied with Section 16.45.130(2)(A) of the Zoning Ordinance to the Community Development Director of their designee for their review and approval. The report shall also include the total amount of diesel fuel used to power any on-site diesel generators for testing or during power outages. The Project Proponent may submit documentation to the City prior to the granting of the first occupancy for each Project phase or building documenting that the amount of on-site or off-site renewable energy generation would, at a minimum, equal the estimated amount of non-renewable energy used at the project site. The report may be submitted in lieu of annual monitoring, subject to review and approval of the Community Development Director with input from the Building, Planning, and Sustainability Divisions, as applicable.

- f. Simultaneous with the submittal of each complete building permit application, and prior to issuance of the first superstructure building permit for each Project phase or building, the Project Proponent shall incorporate dual plumbing for internal use of future recycled water to the satisfaction of the Building Division for all proposed buildings.
- g. Simultaneous with the submittal of the complete building permit application for the apartment building, the Project Proponent shall submit an updated water budget accompanying calculations following the methodology approved by the City and consistent with submitted building permit plans for each building 100,000 square feet or greater and, per the requirements of 16.45.130(3)(C). The water budget and calculations shall be reviewed and approved by the City’s Public Works Director prior to certification of occupancy for each applicable Project phase or building. On January 1 of the year

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PROJECT CONDITIONS:

following the first full calendar year after the date of the granting of final occupancy the apartment building owner and/or HOA, as applicable, shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city’s Public Works Director, shall be implemented for the portion or phase of the Project that exceeds the water budget. Twelve (12) months after City approval of the water conservation program for the apartment building, the owner, Project Proponent, or HOA, as applicable, shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city’s Public Works Director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 of the City Municipal Code against the portion or phase of the Project exceeding the water budget until compliance with the water budget is achieved.

- h. Prior to framing inspection for any building that will have stucco, the Project Proponent shall construct an in-field mock-up to demonstrate that the exterior stucco is smooth troweled, per the requirements of Chapter 16.45.120(6)(F) of the Zoning Ordinance, to the satisfaction of the Community Development Director or their designee. The Project Proponent may submit a physical sample of the stucco to staff to review in-lieu of the field mock-up, subject to approval of the Planning Division. The Planning Division may determine through its review of a physical sample that a field mock-up is still required to confirm compliance with the Zoning Ordinance.
- i. During all phases of construction, potable water shall not be used for dust control.
- j. During all phases of construction and after final inspection for the life of the Project, rodenticides shall not be used on the property in accordance with Section 16.45.130(6)(G) of the Zoning Ordinance.
- k. Prior to the granting of the first occupancy of the first building, the Project Proponent shall construct the entire paseo connecting Independence Drive and Constitution Drive, per the Plans referenced in condition 1.a. In addition to the completion of the paseo prior to the granting of the first occupancy for any building, each Project phase or building shall include the minimum required open space consistent with the approved Plans, including minimum required publicly accessible open space, for that Project phase or building pursuant to the requirements of the City of Menlo Park Municipal Code Section 16.45.120(4), unless modified pursuant to State Density Bonus Law concessions and waivers. Open space is calculated across the entire project site and previously constructed and completed open space can be used to meet the minimum requirements for subsequent Project phases or buildings, provided the completed Project phases or buildings are in compliance at that time. All publicly accessible private open space for the Project shall be constructed to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions.
- l. Simultaneous with the submittal of the first complete building permit application, the Project Proponent shall submit a plat and legal description and proposed form of irrevocable easement agreement for public utilization of the publicly accessible open space, including the publicly accessible paseo, to the satisfaction of the Public Works Director and City

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PROJECT CONDITIONS:

Attorney. The form of irrevocable easement shall ensure, to the satisfaction of the City, that the Project Proponent has reasonable control over the publicly accessible open space and that the publicly accessible open space is accessible to the general public, in perpetuity during reasonable hours of each day of the week.

- i. The irrevocable easement agreement requires City Manager approval and shall be recorded with the County of San Mateo prior to granting of the first unit and/or building occupancy.

- m. The Project Proponent shall diligently pursue the Project's construction through to completion, and, if at any point after building permits have been issued, the Project Proponent abandons construction and, for the affordable townhomes, the City opts not to pursue construction, or the building permits expire, the Project Proponent 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.

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

- o. If the Project Proponent leaves any work of construction in an unfinished state for more than one hundred and twenty (120) consecutive days, the Project Proponent 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.

- p. Utility equipment shall meet the applicable requirements of Chapter 16.45.120(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be concealed or integrated into the building design to the extent feasible, as determined by the Public Works Director.

- q. Heritage trees to remain in the vicinity of the construction project shall be protected during the entire construction phase, pursuant to the Heritage Tree Ordinance. Prior to Final Map approval, the Project Proponent shall submit a heritage street tree preservation plan, detailing the location of and methods for all tree protection measures.

- r. Heritage tree replacements, required as part of the approval of heritage tree permit HTR2022-00117, HRT2022-00119, HTR2022-00119, HTR2022-00120, HTR2022-00121, shall be planted on the project site to the satisfaction of the City Arborist and Planning Division prior to final building permit inspection and consistent with the project arborist report prepared by FMA Landscape services Inc. on January 15, 2022.

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PROJECT CONDITIONS:

- s. Prior to issuance of the first building permit for each building, the Project Proponent shall submit information demonstrating compliance with bird-friendly design requirements under Section 16.45.130(6) of the Zoning Ordinance and as modified by the use permit.
- t. Prior to issuance of the first building permit for each building, the Project Proponent shall submit plans verifying that all external non-emergency lighting for the apartment building, townhomes, landscaping, common recreational spaces, and pathways automatically switches off between the hours of 10 p.m. and sunrise.
- u. Prior to issuance of the first building permit for each building, the Project Proponent shall submit plans verifying that the Project phase or building complies with the water use and recycled water requirements of section 16.45.130(3) of the Zoning Ordinance.
- v. Pursuant to Section 16.45.030 of the Menlo Park Municipal Code, the Project Proponent shall apply for and obtain an administrative permit from the Community Development Department prior to issuance of a building permit for any potential emergency diesel generators.
- w. If the Project Proponent elects to construct the townhome BMR units on a single parcel, the affordable housing developer shall submit a complete building permit application(s) for the 18 BMR townhome units within six (6) months of the building permit submittal for the first market-rate townhome.
 - i. If the affordable housing developer fails to pull building permits within six (6) months after the City issues the first foundation/vertical construction permit (not including permits for site grading or demolition) for the market-rate townhomes, the Project Proponent shall convert some of the proposed BMR townhomes to market rate and some of the market-rate townhomes to BMR units such that a total of 15 percent of the townhomes units would be affordable to moderate income households, consistent with the for-sale BMR Agreement with Project Proponent, subject to review and approval of the Planning and Housing Divisions.
- x. The affordable housing developer for the BMR townhome units, if constructed on a single parcel, shall receive final inspections for all 18 BMR units within 24 months from issuance of the first building permit for the BMR townhome units.
 - i. The affordable housing developer shall provide the City Planning and Housing Divisions with a milestone schedule at the start of construction and conduct regular check-ins with Housing and Planning Division staff throughout the project, including bi-annual meetings with all stakeholders, as determined by City staff, to discuss construction progress.
 - ii. If the affordable housing developer starts construction and does not complete construction within the required timeframe, the City will either 1) allow the affordable housing developer to complete construction and require a bond to cover the cost to complete the construction, including additional project management and administrative costs, as determined by the Housing, Planning, and Building Divisions, or 2) allow the affordable housing developer to complete construction without requiring a bond, subject to review and determination by the City's Community Development Director.

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- y. Prior to issuance of any building permit, the Project Proponent shall execute and record in the San Mateo County Recorder’s office a covenant or deed restriction, to the satisfaction of the City Attorney, documenting that all applicable development restrictions (including density, floor area ratio, height, parking, and open space) are calculated using the area of the entire project site, notwithstanding the fact that the project site includes multiple distinct parcels. Future owners shall not be permitted to separately calculate the development potential of the individual parcels within the project site without accounting for the approved development on the other individual parcels.

Engineering Division Conditions

- z. The Project is in the Special Flood Hazard Area (Zone AE) and must be designed and constructed in compliance with current FEMA regulations and the City’s Flood Damage Prevention Ordinance. Simultaneous with the first building permit application for each building, the Project Proponent shall document compliance with the City’s Flood Damage Prevention Ordinance (city’s flood ordinance chapter 12.42), applicable FEMA requirements, and the City’s sea level rise resiliency ordinance (16.45.130(4)(A)).
- aa. The streets adjoining the Project (i.e., Independence Drive, Chrysler Drive, and Constitution Drive) shall receive an asphalt concrete overlay at the completion of improvements. Existing striping, markings, and legends shall be replaced in kind, or as modified by the City Engineer.
- bb. Irrigation within the public right of way shall comply with City Standard Details LS-1 through LS-19 and shall be connected to the on-site water system.
- cc. Any tie-back system shall comply with the City’s Tie-Back Guidelines. If tie-backs are proposed, prior to issuance of any building permit, the Project Proponent shall submit design for that Project phase or building to demonstrate the proposed shoring tie-back/soil nails system does not adversely affect any existing or future utilities and/or any other City infrastructure, to the satisfaction of the Engineering Division. I-beams and appurtenances associated with the shoring plan, other than tie-back cables/soil nails, cannot be placed in the ROW.
- dd. If tie-backs are proposed, prior to issuance of any building permit, the Project Proponent shall enter into a Tie-Back Agreement with the City and pay the associated fees for the tie-backs encroaching and remaining into the right of way associated with the Project in a form approved by the City Attorney, which agreement shall be recorded and shall be binding on future owners of the property. Notarized agreements will be required between the Project and the adjacent property owners if the Project plans to tie-back encroaching into private properties.
- ee. Prior to issuance of any building permit, the Project Proponent shall install reference elevation/benchmarks to monitor ground movement in the vicinity of the shoring system at the current centerlines of Constitution Drive before, during and after excavations. The benchmarks shall be surveyed by a licensed surveyor and tied to an existing city

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PROJECT CONDITIONS:

monument or benchmark. The benchmarks shall be monitored for horizontal and vertical displacement of Constitution Drive improvements.

- ff. Prior to issuance of each building permit, the Project Proponent shall pay the applicable Building Construction Street Impact Fee to the satisfaction of the Public Works Director.
- gg. Project shall abandon the existing water line and, prior to issuance of any building permit, show plans for installation of a new 8" water line along Constitution Drive frontage.
- hh. Pursuant to the Sheet C4.0 of the Plans, in area where the Project frontage improvements (i.e. bio-retention system, curb, and gutter) interferes with the existing water main, the City may require relocation of the water main. The extent of the work required shall be determined by the City at the Project design phase and prior to the issuance of the encroachment permit for the required frontage improvements, to the satisfaction of the Public Works Director. A funding agreement would be required for the fair share cost of the water line relocation, to the satisfaction of the Public Works Director.

Transportation Division Conditions

- ii. Prior to issuance of the first occupancy permit for any building, all transportation-related improvements, including level-of-service (LOS) and other intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division. The Project Proponent 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.
- jj. Should the Project Proponent want to request loading zones along Independence Drive, prior to submittal of a building permit for offsite improvements for any portion of the Project, the Project Proponent shall initiate a review process with the City's Complete Streets Commission for the proposed loading zone(s) adjacent to the project frontage on Independence Drive and determine whether to allow the loading zones with timed parking restrictions. The review process could take up to six months. If the Complete Streets Commission does not approve the request, the Project Proponent shall remove the loading zone(s) from the building permit plans prior to the approval of the permit for off-site improvements.
- kk. Concurrent with the submittal of the superstructure building permit for the apartment building and/or the first foundation/vertical construction building permit for the townhome portion of the Project, whichever comes first, the Project Proponent shall submit complete plans and cost estimates for the Near Term scenario transportation related improvements identified in the Transportation Division Condition II (i and ii) and conceptual plans and cost estimates for the Cumulative scenario transportation related improvement (see Transportation Division Condition II-iii), for review and approval of the Transportation Division. The Transportation Division shall review and determine the estimated credit toward the Project Proponent's TIF payment based on the approved cost estimates for the Near Term scenario transportation related improvements. The Project Proponent shall pay the balance of the total estimated TIF payment less credits for the estimated cost of the

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required Near Term scenario transportation related improvements (“Prorated TIF Payment”). The Prorated TIF Payment plus the fair-share cost estimate for the Cumulative Scenario shall be made in full prior to issuance of superstructure building permit for the apartment building and/or the first foundation/vertical construction building permit for the townhome portion of the Project, whichever comes first, to the satisfaction of the Transportation Division. The Project’s TIF payment is as follows:

- i. The TIF is estimated to be \$1,666,913. This was calculated by the addition of multiplying the fee of \$6,358.18 per multi-family unit by 432 units (inclusive of the market rate and below market rate units) and multiply the fee of \$12.77 per square feet per commercial space by 2,000 square feet, and subtracting a credit by: multiplying \$9.33 per square feet per R&D space by 64,681 square feet existing space plus \$12.77 per square feet per manufacturing space by 39,302 square feet existing space. Fees are subject to adjustment on July 1st of each year based on the Engineering News-Record (ENR) Construction Cost Index percentage for San Francisco.

- ii. If any intersection improvements require Caltrans’ approval, prior to submittal of the first building permit for any building, the Project Proponent shall provide complete plans to install improvements, including all work in the Caltrans right-of-way. Complete plans shall include all necessary requirements to construct the improvements, including but not limited to, grading and drainage improvements, utility relocations, tree protection requirements, striping modifications, and a detailed cost estimate. The plans are subject to review by the City. After receiving City approval for the improvements plans, the Project Proponent shall submit the improvement plans to Caltrans and request encroachment permit approvals.

- mm. The Project Proponent shall submit complete plans for construction of transportation-related improvements to the City, submit for encroachment permits, and provide a bond for improvements prior to issuance of the superstructure building permit for the apartment building and/or the issuance of the first foundation/vertical construction permit for the first townhome building. The Project Proponent shall construct all required transportation improvements prior to the first occupancy permit for any building, upon obtaining final approval from the City and Caltrans (if needed). The Project Proponent may request a modification to the timeframe stated above in this condition if the for-sale BMR units will be granted occupancy in advance of the market-rate townhomes or any rental units in the multi-family building, subject to review and approval of the Community Development Director and Public Works Director. Any modification to the timeframe to construct the transportation-related improvements shall be limited to the occupancy of the for-sale BMR units.

- nn. In order to overcome shortfalls in level of service created by the Project, the applicant shall perform, construct and complete, at the applicant’s own expense, certain transportation improvements, and prior to issuance of the first occupancy permit for the Project. For each of the required transportation improvements, the Director of Public Works or designee shall review and determine the reasonable cost of said transportation improvements, based on documentation of total costs to design and construct the improvements provided by the Project Proponent. Upon completion of the transportation related improvements, the City

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will review the Project Proponent's documented actual cost and the cost estimate from condition 2.kk. If the actual documented cost is less than the estimated cost in condition 2.kk, then the Project Proponent shall pay the City the difference. If the actual document cost exceeds the estimated cost in condition 2.kk, then the applicant shall be entitled to a reimbursement of that difference from the Project Proponent's TIF payment. The Project Proponent shall also be entitled to credit and/or reimbursement for said transportation improvements pursuant to MPMC 13.26.80 should the final expenses for improvements included in the TIF program exceed the Project TIF payment. If the final expenses for the Project Proponent for the required intersection improvements included in the City's TIF program exceed the Project's TIF payment, the City and the Project Proponent shall enter into a reimbursement agreement, which will provide for the Project Proponent to be reimbursed by the City from available TIF revenues prior to issuance of the first occupancy permit for the Project.

- oo. The transportation improvements shall include all Near Term intersection improvements and Cumulative intersection fee structures identified below ("Near Term" and "Cumulative" are as defined in the Transportation Impact Analysis included as an appendix to the Project EIR). The Project Proponent shall enter into an improvement agreement with the City memorializing the terms for performance, construction, and completion of the transportation improvements prior to issuance of the superstructure building permit for the apartment building or foundation/vertical construction permit for the townhome portion of the project.
 - i. Under the Near Term scenario, the proposed intersection improvement at the intersection of Chrysler Drive and Jefferson Drive is to install a traffic signal and associated improvements. This improvement was studied and is included in the City's TIF program. Simultaneous with the submittal of the first building permit for the apartment building, the Project Proponent shall submit complete plans for this improvement. Complete plans shall include all necessary requirements to construct the improvements, including but not limited to, grading and drainage improvements, utility relocations, tree protection requirements, striping modifications, and a detailed cost estimate and specifications. The plans are subject to review by the City. Upon obtaining approval from the Director of Public Works or designee, the Project Proponent shall construct the improvement prior to first occupancy permit for any building.
 - ii. Under the Near Term scenario, the proposed intersection improvement at the intersection of Chrysler Drive and Independence Drive is to install a traffic signal and associated improvements. This improvement was studied and is included in the City's TIF program. Simultaneous with the submittal of the first building permit for any building, the Project Proponent shall submit complete plans for this improvement. Complete plans shall include all necessary requirements to construct the improvements, including but not limited to, grading and drainage improvements, utility relocations, tree protection requirements, striping modifications, and a detailed cost estimate and specifications. The plans are subject to review by the City. Upon obtaining approval from the Director of Public

123 Independence Drive Project – Attachment B, Exhibit G
– Conditions of Approval

LOCATION: 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive	PROJECT NUMBER: PLN2020-00020	APPLICANT: Peter Tsai, The Sobrato Organization	OWNER: SI 60, LLC
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PROJECT CONDITIONS:

Works or designee, the Project Proponent shall construct the improvement prior to first occupancy permit for any building.

iii. Under the Cumulative scenario, the proposed improvements at the intersection of Chilco Street and Constitution Drive are to install: 1) a left-turn lane and convert the shared left/through lane to through lane on eastbound Constitution Drive resulting in having one left-turn lane, one through lane, and one right-turn lane, 2) a left-turn lane and convert the shared left/through/right lane to through lane on westbound Constitution Drive resulting in having one left-turn lane, one through lane, and one right-turn lane, 3) modify Constitution Drive signal phase to protected-permitted. The Project Proponent shall provide a conceptual plan of the following improvements and a cost estimate (including design engineering) for approval by the Transportation Division simultaneously with the submittal of the first building permit for any Project phase or building. This improvement is not included in the City's TIF program. A cost estimate for the Project's fair share contribution for the intersection improvements, calculated as 0.85% of the cost estimate, shall be paid simultaneously with the TIF payment. If these cumulative scenario funds are not used within a 5-year period, they will be returned to the Project Proponent.

pp. Simultaneous with the submittal of the first building permit, the Project Proponent shall submit complete plans for one new raised crosswalk on Constitution Drive and one raised crosswalk on Independence Drive as illustrated in the City's Bayfront Area Pedestrian Circulation Plan and pursuant to the ConnectMenlo General Plan policies and guidelines. Complete plans shall include all necessary requirements to construct the improvements, including but not limited to, grading and drainage improvements, utility relocations, curb ramps, tree protection requirements, striping modifications, and a detailed cost estimate and specifications. The Project Proponent shall confirm final crosswalk locations with the City prior to initiating design. The plans are subject to review by the City. Upon obtaining approval from the Director of Public Works or designee, the applicant shall construct the improvement prior to issuance of first occupancy permit for the Project.

qq. On January 1 of the year following the first full calendar year after the date of first occupancy for the Project, or as otherwise designated in the Zoning Ordinance, the Project Proponent for the apartment building owner and HOA, in cooperation, shall submit an Annual Monitoring Report to determine that implementation of the Transportation Demand Management (TDM) plan is effective in reaching the trip reduction requirements established in the Zoning Ordinance and incorporated into the approved TDM plan. The monitoring report shall be submitted annually to the City's Transportation Division. The annual monitoring is expected to include counts from the site during a defined period with input from the Director of Public Works or their designee. If the subject site is not in compliance with the anticipated trip reductions from the TDM program, the Project Proponent shall submit a detailed mitigation and monitoring plan identifying steps to be taken to bring the Project site into compliance with the maximum Daily, AM and PM trips identified in the trip generation analysis and TDM program.

DRAFT

PLANNING COMMISSION RESOLUTION NO. 2023-__

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK RECOMMENDING CITY COUNCIL APPROVE BELOW MARKET RATE HOUSING AGREEMENTS AND VESTING TENTATIVE MAP FOR THE PROPOSED 123 INDEPENDENCE DRIVE PROJECT CONSISTING OF A 316 UNIT MULTI-FAMILY RESIDENTIAL APARMENT BUILDING WITH AN APPROXIMATELY 2,000 SQUARE FEET COMMERCIAL SPACE AND 116 TOWNHOME CONDOMINIUM UNITS AT 119 INDEPENDENCE DRIVE, 123-125 INDEPENDENCE DRIVE, 127 INDEPENDENCE DIRVE, 1205 CHRYSLER DRIVE, AND 130 CONSTITUTION DRIVE (APNS: 055-236-140, 055-236-180, 055-236-240, 055-236-300, and 055-236-280), AND ASSOCAITED OPEN SPACE AND INFRASTRUCTURE

WHEREAS, the City of Menlo Park (“City”) received an application requesting environmental review, use permit, architectural control, below market rate (BMR) housing agreement, major subdivision, and heritage tree removal permits from The Sobrato Organization (“Applicant”), to redevelop the properties located at 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive (APNs 055-236-140, 055-236-180, 055-236-240, 055-236-300, and 055-236-280) (“Property”), with a bonus level development project consisting of an up to 316 unit multifamily rental apartment building with approximately 2,000 square feet of commercial space and 116 for-sale townhome condominium units, which development is more particularly described in the Environmental Impact Report to the Project which was prepared pursuant to the California Environmental Quality Act (hereinafter the “Project”). The Project is depicted in and subject to the development plans which are attached hereto as Exhibit A (“Project Plans including colors and materials board”) and incorporated herein by this reference; and

WHEREAS, the proposed Project is located in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The R-MU-B zoning district allows a mixture of land uses with the purposes of providing high density housing to complement nearby employment, encouraging mixed use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public, promoting a live/work/play environment with pedestrian activity, and blending with and complementing existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses; and

WHEREAS, the bonus level provisions identified in the City’s Zoning Ordinance allow a development to seek an increase in floor area ratio (FAR), density (dwelling units per acre), and/or height subject to approval of a use permit and the provision of community amenities equal to a minimum of 50 percent of the fair market value of the increased development potential and the

applicant has submitted a community amenities proposal in compliance with the required minimum value; and

WHEREAS, the proposed Project would be developed with an increase in FAR, height, and density pursuant to City’s bonus level development allowances; and

WHEREAS, the proposed Project requests use permit to allow modification to the bird friendly design guidelines to allow some balcony railings in the project to be made out of fritted clear-glazed glass; and

WHEREAS, the proposed Project environmental impact report found that combined with low number of birds expected to be exposed to increases risk of collision, the fact that most birds would be urban generalists that already occur in the area, and less than ten percent of the glazing being fritted glass railing, the bird collision risk at the proposed Project would be less-than-significant; and

WHEREAS, pursuant to City’s General Plan goals and policies, the proposed Project is required to provide a publicly accessible paseo connecting Constitution Drive to Independence Drive; and

WHEREAS, the Project provides a minimum 20-foot wide paseo which increases in width at certain places. The paseo expands to create publicly open space of approximately 15,367 square feet in size before connecting Independence Drive; and

WHEREAS, the proposed Project complies with all applicable objective standards of the City’s Zoning Ordinance, including design standards, green and sustainable building standards, and is consistent with the City’s General Plan goals, policies, and programs; and

WHEREAS, pursuant to the requirements of Sections 16.45.060 and 16.96.020 of the City of Menlo Park Municipal Code and the City’s Below Market Rate (“BMR”) Housing Program, the applicant submitted a BMR proposal that would provide 48 inclusionary rental units (15 percent of total proposed 316 multi-family apartment units), 18 inclusionary for-sale units (15 percent of total proposed 116 for-sale townhome units), and eight additional inclusionary rental units to fulfill the community amenities obligation for the proposed project; and

WHEREAS, as allowed by the State Density Bonus Law and City’s Below Market Rate (BMR) Ordinance, the proposed Project requests two concessions for the development of for-sale affordable units: first from BMR Guidelines 5.1 and Section 16.96.060 of City’s Municipal Code to allow clustering of the affordable for-sale townhome units and second concession from BMR Guidelines 5.3.1 and Section 16.96.060 of City’s Municipal Code to allow a delayed construction schedule to develop the affordable units such that Habitat for Humanity Greater San Francisco (“HGSF”) would obtain building permits for the for-sale affordable townhomes within six months from issuance of first building permit for first market-rate townhome and HGSF would be required to complete the affordable townhomes within 24 months from their building permit issuance; and

WHEREAS, the applicant requests the first concession to allow the use of volunteer labor as sweat equity towards purchase of affordable units and to allow leveraging of certain financial opportunities that would otherwise be unavailable and the second concession to allow a delay in the development of affordable units to allow HGSF to rely on volunteer labor and sweat equity model and use donated goods and materials for construction of the affordable for-sale units; and

WHEREAS, as allowed by the State Density Bonus Law and the City's Below Market Rate (BMR) Ordinance, the proposed Project requests three waivers: first from City's Municipal Code Section 16.97.100 and BMR Guideline Section 5.2 to allow the for-sale affordable units to differ in the following design aspects: smaller size, interior layout, fewer bathrooms, increased number of bedrooms, smaller living area, less parking, smaller windows, different exterior finishes and massing, fewer balconies, and different interior finishes, lighting, and appliances, second from City's Municipal Code Section 16.45.120(4)(c)(iii) to allow common open space required as part of the development of the for-sale affordable units of 400 square feet that does not meet the minimum 20 feet by 20 feet dimension requirement pursuant to the code and third from City's Municipal Code Section 16.45.080 allowing no designated vehicular parking spaces for the proposed commercial space within the proposed apartment building that includes rental affordable units; and

WHEREAS, the applicant is requesting the first waiver to allow the construction of for-sale affordable units using volunteer labor and donated materials, the second waiver to allow for the for-townhomes as programmed and designed at the allowed density without losing any affordable units, and the third waiver to allow development of the commercial space without having to expand the garage area to accommodate dedicated commercial space parking requiring reduction in the residential density and for-rent affordable units; and

WHEREAS, at a duly noticed public meeting on June 7, 2023, the Housing Commission considered the applicant's BMR proposal, incorporated herein as Exhibit B, and draft BMR Housing Agreements, inclusive of the 74 inclusionary BMR units, and forwarded a recommendation of approval to the Planning Commission and City Council of the proposed BMR Housing Agreements showing unit sizes/types affordable to low-income households; and

WHEREAS, as allowed by Section 13 of the City's BMR Guidelines, the applicant requests approval of Project specific alternate guidelines in order to allow the development of for-sale BMR units consistent with HGSF model, of the City Council; and

WHEREAS, at the duly noticed public meeting on June 7, 2023, the Housing Commission considered the applicant's request for Project specific alternative BMR guidelines and forwarded a recommendation of approval to the Planning Commission and City Council; and

WHEREAS, the Planning Commission has read and considered those certain Below Market Rate Housing Agreements ("BMR Agreements") between the City and The Sobrato Organization, incorporated herein as Exhibits C and D, and their affordable housing partner HGSF, incorporated herein as Exhibit E, and finds that those satisfy the requirements of Chapter 16.96 of the City's Municipal Code and in the BMR Housing Program Guidelines, except as modified, and would result in affordable housing that meets the City's affordable housing goals and results in a

BMR program for the Project with characteristics that are a reasonable equivalent alternative to a program that strictly complied with the BMR Housing Program Guidelines; and

WHEREAS, Section 16.45.070 of the City of Menlo Park Municipal Code requires that bonus level projects that are developed at a greater level of intensity with an increase in density, FAR, and/or height shall provide one or more community amenities to address the needs that result from the effect of the increased development. The value of the community amenities to be provided shall be equal to 50 percent of the fair market value of the additional gross floor area of the bonus level development; and

WHEREAS, pursuant to the requirements of Section 16.45.070 of the City of Menlo Park Municipal Code, the City commissioned R. Blum and Associates to evaluate the appraisal provided by the applicant to determine the value of the Project's community amenities contribution. The appraisal determined the project's community amenities obligation would amount to \$3,350,000. The Community Development Director determined that the appraisal was created pursuant to the City's guidelines and approved the appraisal; and

WHEREAS, on December 6, 2022, the applicant submitted the community amenities proposal that provides eight rental units affordable to low-income households valued at approximately \$4,200,299 as part of the Project's community amenities proposal; and

WHEREAS, the City commissioned BAE urban economics to evaluate the community amenities proposal and subsequently determined that the value of the proposed eight low-income rental units, at \$4,196,795 or \$819,795 greater than the community amenities obligation and is therefore consistent with the Zoning Ordinance requirements; and

WHEREAS, for these reasons, the community amenities proposal meets the minimum requirements of the Zoning Ordinance; and

WHEREAS, the proposed Project includes the removal of 29 heritage-size trees that have been evaluated by the City Arborist and on January 6, 2023, and the City Arborist conditionally approved the heritage tree removal permit. The conditional action was posted on the site and mailed notices sent out stating the action and no appeals were filed with the City; and

WHEREAS, the proposed project would include a minimum of 58 heritage tree replacements, per the required 2:1 replacement ratio of the Heritage Tree Ordinance in effect at the time of submittal of a complete application under the provisions of SB 330; 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, on November 29, 2016, in connection with an update to the Land Use and Circulation Elements of the City's General Plan and related zoning changes, commonly referred

to as the ConnectMenlo project, the City certified the ConnectMenlo Final EIR (ConnectMenlo EIR); 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 would be developed at the bonus level allowances of the Zoning Ordinance, and therefore, is subject to the settlement agreement between the City of Menlo Park and City of East Palo Alto (“Settlement Agreement”), which requires project-specific environmental impact reports (“EIRs”) for certain future projects. Pursuant to the Settlement Agreement, the project-specific EIR may tier from the certified program level ConnectMenlo Final EIR (“ConnectMenlo EIR”) which was certified by the City Council on November 29, 2016, as part of an update to the Land Use and Circulation Elements of the General Plan and related zoning changes, commonly referred to as ConnectMenlo, and the project-specific EIR shall include a project specific analysis for all required topic areas pursuant to CEQA Guidelines Section 15162(d). The City shall also prepare a housing needs assessment (“HNA”) to inform the population and housing topic area of the Project EIR; and

WHEREAS, the City released a Notice of Preparation (“NOP”) for a prior version of the project including office buildings along with residential uses was released for a 30-day circulation period starting on January 8, 2021 to February 8, 2021. The City reissued the NOP for a revised 100 percent residential project on September 10, 2021. Following the release of the revised NOP, the Planning Commission conducted a scoping session on September 27, 2021. Comments received by the City on the NOPs and at the public EIR scoping meeting were considered during the preparation of the Draft EIR; and

WHEREAS, on September 27, 2021, concurrently with the public NOP scoping meeting, the Planning Commission conducted a study session to review and provide comments on the Project’s conceptual design; and

WHEREAS, pursuant to the requirements of the Settlement Agreement and CEQA, the City prepared, or caused to be prepared, a project level EIR and conducted a HNA for the Project; and

WHEREAS, the Draft EIR was released on November 28, 2022 for a minimum 45-day review period that ended on January 27, 2023. The public review period included one duly noticed public meeting on December 12, 2022 to received oral and written comments on the Draft EIR; and

WHEREAS, On December 12, 2022, as part of the duly noticed public hearing to review the Draft EIR, the Planning Commission also conducted a study session and provided an opportunity for members of the public to provide comments on the proposed project design, BMR proposal, and community amenities proposal; and

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research and copies of the Draft EIR were made available at the Community Development Department, on the City's website and at the Menlo Park Library; and

WHEREAS, on August 4, 2023, the City published a Response to Comments Document that contains all of the comments received during the public comment period, including a transcript of the public hearing, and written responses to those comments, and any text changes to the Draft EIR, prepared in accordance with CEQA and the CEQA Guidelines, and an analysis of the Project (which included minor modifications from the project as analyzed in the Draft EIR) that demonstrates that development of the Project would not result in any new or more severe environmental effects than were analyzed in the Draft EIR. The Draft EIR, Response to Comments Document, text changes to the Draft EIR, and analysis of the modified Project constitute the Final EIR, which is included in Exhibit F; and

WHEREAS, a phased vesting tentative map application requests to merge the existing five legal parcels within the approximately 8.5-acre project site and re-subdivide the project site to create 316 multi-family apartment unit building including the 2,000 square feet commercial space within one of the legal parcels, 116 townhome condominium units to be sold individually on three legal parcels, and create one legal parcel to accommodate the publicly accessible paseo, emergency vehicle access, and park; and

WHEREAS, the project proposes to execute the vesting tentative map in two phases. First phase would merge all the parcels and create four lots consisting of one lot (lot A) to receive the apartment building fronting Constitution Drive, the public paseo/park lot (lot 1) and third and fourth lots (lot B and lot C) would merge the parcels to create the lot to receive the townhomes. The second phase would further subdivide lots B, C, and D to create townhome condominiums; and

WHEREAS, notwithstanding the anticipated phasing plan, included herein as Exhibit G, the applicant may elect to develop the project in a single phase or modify the project phasing as permitted by the Subdivision Map Act; and

WHEREAS, staff has determined that the proposed vesting tentative map, included herein as Exhibit H, includes the required data and statements listed in the Subdivision Ordinance, and all information is complete and accurate; and

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

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on August 28, 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

WHEREAS, the Final Project EIR did not identify any potentially significant adverse effects on the environment caused by the Project; and

WHEREAS, on August 28, 2023, the Planning Commission fully reviewed, considered, evaluated the whole of the record including all public and written comments, pertinent information, document and plans, and certified the Final EIR for the Project adopted findings of fact in accordance with the CEQA (attached herein as Exhibit I), and adopted a Mitigation Monitoring and Reporting Program, attached herein as Exhibit J, prior to taking action to approve the use permit and architectural control for the 123 Independence Drive Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park finds that the above recitals together with the staff report and the application materials, including without limitation, the EIR, and all other documents, reports, studies, 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 evidentiary basis for the recommendations set forth in this resolution.

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

1. *BMR Agreements.* The BMR Agreements satisfy the requirements of Chapter 16.96 of the City's Municipal Code and the applicable BMR Housing Guidelines, as amended by the Use Permit. The request to modify BMR Housing Guidelines under Section 13 to allow first right of refusal in favor of Habitat for Humanity Greater San Francisco (HGSF) first and the City second, amending the definition of first-time homebuyer, modify the timing of when the educational requirements are completed and include other educational requirements such as sweat equity, modify what constitutes towards income limits for the purchasers, prohibit refinancing of affordable units after sale, modify the process of resale of the affordable units, and request that the City appoint HGSF as its designee or program provider and coordinator undertaking orientation, education, marketing, applicant selection, and title requirements to provide 18 for-sale low-income affordable units and 56 rental apartment units (includes eight low-income affordable rental units provided as part of the Project community amenities) affordable to low-income households as part of the proposed Project. The Planning Commission finds that the deviations from the BMR Housing Program Guidelines Sections 5.5, 7.1, 7.1.1, 7.2, 7.4, 10.2, and 11 meet the requirement of the BMR Housing Program Guidelines Section 13, which allows the City Council to approve a BMR proposal and ensuring Agreement(s) that is not consistent with every section of the BMR Guidelines where the deviation results in the proposal providing a reasonable equivalent alternative that is commensurate with the goals of the BMR Housing Program Guidelines. The Planning Commission recommends that the City Council waive the BMR Housing Program Guidelines Sections 5.5, 7.1, 7.1.1, 7.2, 7.4, 10.2, 11, and designate HGSF to be the City's designee or program provider to undertake orientation, marketing, and other activities around sale of the affordable townhome units, to promote development of for-sale units affordable to low-income households. The Planning Commission recommends

that the City Council approve applicant's BMR proposal and BMR regulatory Agreements, including an agreement for the for-rent affordable units and for-sale affordable units in a form substantially consistent with the Agreements attached hereto as Exhibits C, D, and E of this resolution, and direct the City Manager to execute the BMR Agreements on behalf of the City.

2. *Vesting Tentative Map.* The Planning Commission recommends that the City Council find that the approval of the Vesting Tentative Map is consistent with the requirements of the Subdivision Map Act and City of Menlo Park Municipal Code Section 15.22.020 for the following reasons:
 - a. The proposed Vesting Tentative Map for the Project Site is technically correct and in compliance with all applicable State regulations, City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
 - b. The proposed Vesting Tentative Map for the project Site, including the contemplated design and improvements, is consistent with the applicable General Plan goals and policies, in particular that goals for the Bayfront Area set forth in the General Plan. The project is consistent with the land use designations described in the General Plan and would be consistent with the City General Plan policies as well as City Zoning Ordinance requirements for bonus level development projects at the proposed density and for the types of uses.
 - c. The project Site is physically suitable for the proposed development, including the proposed density of development, and the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat. The project is consistent with the density and uses for the site set forth in the General Plan. The project Site is in an urbanized area of the City currently occupied by office/warehouse development, landscaped, and hardscaped areas that include various urban uses and does not include any aquatic habitat. The project would not cause substantial environmental damage to the already disturbed Project Site and would not substantially injure the limited wildlife that access the site or their habitat.
 - d. The design of the subdivision or types of improvements is not likely to cause serious public health or safety problems. The project would comply with the General Plan's goals and policies, City Zoning and Subdivision Ordinances, and other applicable regulations designed to prevent serious health and safety problems.
 - e. The design of the subdivision or the type of improvements does not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision because alternate easements for

access or use will be provided that are substantially equivalent to ones previously acquired by the public.

- f. The project is subject to flood and inundation hazards and is not located within a slide area. The Project Site is located within the 100-year flood hazard zone. However, the contemplated Project design and improvements will be elevated so as to mitigate flood hazards, and the Project would comply with the applicable requirements designed in mitigate flood hazards as well as address future sea level rise.

Based on the above findings, the Planning Commission recommends that the City Council approve the Vesting Tentative Map in form substantially consistent with Exhibit H, subject to Vesting Tentative Map conditions of approval attached herein as Exhibit K.

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 the 28th day of August 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 _____ date of August, 2023.

PC Liaison Signature

Corinna Sandmeier
Principal Planner
City of Menlo Park

Exhibits

- A. Hyperlink: Project Plans including materials and color board and vesting tentative map - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/july-2023-development-plans-with-material-and-color-board.pdf>
- B. Hyperlink: Project Below Market Rate proposal including requested concession, waivers, and modifications to the BMR Guidelines - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/below-market-rate-housing-proposal.pdf>
- C. Draft Below Market Rate Housing Agreement and Declaration of Restrictive Covenants with The Sobrato Organization
- D. Draft Below Market Rate For-Sale Housing Agreement and Declaration of Restrictive Covenants with The Sobrato Organization
- E. Draft Below Market Rate Housing Agreement and Declaration of Restrictive Covenants with Habitat for Humanity Greater San Francisco (HGSF)
- F. Hyperlink: Final EIR - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-final-eir-july-2023.pdf>
- G. Hyperlink :Vesting Tentative Map phasing narrative - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/vesting-tentative-map-phasing-letter.pdf>
- H. Hyperlink: Vesting Tentative Map: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/123-independence-drive/123-independence-drive-vesting-tentative-map-july-2023.pdf>
- I. Statement of Findings and Facts pursuant to CEQA (See Attachment A, Exhibit B)
- J. Mitigation Monitoring and Reporting Program (MMRP) (See Attachment A, Exhibit C)
- K. Vesting Tentative Map conditions of approval

This document is recorded for the benefit of the City of Menlo Park and is entitled to be recorded free of charge in accordance with Sections 6103 and 27383 of the Government Code.

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Menlo Park
Attn: City Clerk
701 Laurel Street
Menlo Park, CA 94025

**BELOW MARKET RATE HOUSING AGREEMENT
AND DECLARATION OF RESTRICTIVE COVENANTS**

(123 Independence Drive Project)

This **BELOW MARKET RATE HOUSING AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS** (“**Agreement**”) is entered into as of _____, 2023 (“**Effective Date**”), by and between the City of Menlo Park, a California municipal corporation (“**City**”), and [Sobrato SPE], a California limited liability company (“**Owner**”). City and Owner may be referred to individually as a “**Party**” or collectively as the “**Parties**” in this Agreement.

RECITALS

A. Owner is the owner of that certain real property located at 119, 123, 125, and 127 Independence Drive (APNs 055-236-180, 055-236-140, and 055-236-240), 1205 Chrysler Drive (APN 055-236-300), and 130 Constitution Drive (APN 055-236-280), in the City of Menlo Park, California (“**Project Site**”). A parcel to be created at the approximate location commonly known as 130 Constitution Drive (“**Property**”) as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, is the parcel subject to the Agreement.

B. Owner applied to demolish existing office and industrial buildings, totaling approximately 103,983 square feet, and to redevelop the site with a new multifamily residential project with 316 rental units (“**Apartment Project**”), 116 for sale townhome units, and associated open space, circulation, parking and infrastructure improvements (collectively, the “**Project**”).

C. Menlo Park Municipal Code Chapter 16.96, the Below Market Rate Housing Program (“**BMR Ordinance**”), and the Below Market Rate Housing Program Guidelines (“**Guidelines**”) require the Owner to provide fifteen percent (15%) of the total number of units in the Project as affordable to below market rate (“**BMR**”) households. To satisfy the requirements of the BMR Ordinance and Guidelines, Owner has proposed (the “**BMR Proposal**”) to provide BMR units as follows: fifty-six (56) rental units to BMR households (“**BMR Rental Units**” or “**BMR Units**”) (the BMR Rental Units are comprised of 48 units provided to satisfy the BMR Ordinance requirements and eight (8) units provided as a community amenity in exchange for increased density on the Property) and eighteen (18) for-sale units to BMR households (“**BMR**”).

For-Sale Units”) for a total of seventy-four (74) BMR Units. The Agreement addresses only the BMR Rental Units. The BMR For-Sale Units are addressed in a separate agreement.

D. On _____, 2023, after a duly noticed public hearing, the Housing Commission recommended approval the BMR Proposal with seventy-four (74) low income units (“**Low Income Units**”). The initial allocation of BMR Rental Units across the Apartment Project is more particularly described on Exhibit B, attached hereto and incorporated herein by this reference.

E. On _____, 2023, after a duly noticed public hearing, and on the recommendation of the Housing Commission, the Planning Commission certified the environmental impact report approved a conditional use permit, architectural control, form affordable housing agreements, and incentives/concessions and waivers in accordance with State Density Bonus Law (Government Code section 65915) and recommended that the City Council approve a Vesting Tentative Map and the BMR Proposal for the Project. On _____, 2023, after a duly noticed public hearing, and on the recommendation of the Housing Commission and the Planning Commission, the City Council approved a Vesting Tentative Map and the BMR Proposal for the Project. The Planning Commission and City Council actions are collectively the “**Project Approvals**.”

F. The Project Approvals require the Owner to provide BMR Rental Units in accordance the BMR Proposal. In accordance with the BMR Ordinance and Guidelines and State Density Bonus Law (Government Code section 65915), Owner is required to execute and record an approved BMR Housing Agreement for the BMR Rental Units as a condition precedent to the issuance of a building permit for the Apartment Project. This Agreement is intended to satisfy that requirement.

NOW, THEREFORE, the Parties hereto agree as follows. The recitals are incorporated into this Agreement by this reference.

1. CONSTRUCTION OF THE APARTMENT PROJECT.

1.1 Construction of the Apartment Project. Owner agrees to construct the Apartment Project in accordance with the Menlo Park Municipal Code and all other applicable state and local building codes, development standards, ordinances and zoning ordinances.

1.2 City and Other Governmental Permits. Before commencement of the Apartment Project, Owner shall secure or cause its contractor to secure any and all permits which may be required by the City or any other governmental agency affected by such construction, including without limitation building permits. Owner shall pay all necessary fees and timely submit to the City final drawings with final corrections to obtain such permits; City staff will, without incurring liability or expense therefore, process applications in the ordinary course of business for the issuance of building permits and certificates of occupancy for construction that meets the requirements of the Menlo Park Municipal Code, and all other applicable laws and regulations.

1.3 Compliance with Laws. Owner shall carry out the design, construction and operation of the Apartment Project in conformity with all applicable laws, including all applicable state labor standards, City zoning and development standards, building, plumbing, mechanical and

electrical codes, and all other provisions of the Menlo Park Municipal Code, and **all** applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*

2. OPERATION OF THE BMR UNITS

2.1 Affordability Period. The Property, provided that the Apartment Project remains on the Property, shall be subject to the requirements of this Agreement from the date that the City issues a final certificate occupancy for the Apartment Project until the 55th anniversary of such date. The duration of this requirement shall be known as the “**Affordability Period.**”

2.2 Maintenance. Owner shall comply with every condition of the Project Approvals applicable to the Project and shall, at all times, maintain the Apartment Project and the Property in good repair and working order, reasonable wear and tear excepted, and in a safe and sanitary condition, and from time to time shall make all necessary and proper repairs, renewals, and replacements to keep the Apartment Project and the Property in a good, clean, safe, and sanitary condition.

2.3 Monitoring and Recordkeeping. Throughout the Affordability Period, Owner shall comply with all applicable recordkeeping and monitoring requirements set forth in the Guidelines, attached as Exhibit [], or, at the Owner’s election, applicable recordkeeping and monitoring requirements in updated Guidelines. City shall have the right to inspect the books and records of Owner and its rental agent or bookkeeper upon reasonable notice during normal business hours. Representatives of the City shall be entitled to enter the Property, upon at least 48-hour prior written notice, which can be provided via email, to monitor compliance with this Agreement, to inspect the records of the Project with respect to the BMR Rental Units, and to conduct, or cause to be conducted, an independent audit or inspection of such records. Owner agrees to cooperate with the City in making the Property available for such inspection or audit. Owner agrees to maintain records in businesslike manner, and to maintain such records for Affordability Period.

2.4 Non-Discrimination Covenants. Owner covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the Property. Owner shall include such provision in all deeds, leases, contracts and other instruments executed by Owner, and shall enforce the same diligently and in good faith.

a. In deeds, the following language shall appear:

(1) Grantee herein covenants by and for itself, its successors and assigns, and all persons claiming under or through it, that there shall be no

discrimination against or segregation of a person or of a group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the property herein conveyed nor shall the grantee or any person claiming under or through the grantee establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the property herein conveyed. The foregoing covenant shall run with the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

b. In leases, the following language shall appear:

(1) The lessee herein covenants by and for the lessee and lessee's heirs, personal representatives and assigns, and all persons claiming under the lessee or through the lessee, that this lease is made subject to the condition that there shall be no discrimination against or segregation of any person or of a group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, ancestry or disability in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the property herein leased nor shall the lessee or any person claiming under or through the lessee establish or permit any such practice or practices of discrimination of segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants, or vendees in the property herein leased.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

c. In contracts pertaining to management of the Project, the following language, or substantially similar language prohibiting discrimination and segregation shall appear:

(1) There shall be no discrimination against or segregation of any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the property nor shall the transferee or any person claiming under or through the transferee establish or permit any such practice or practices of discrimination or segregation with reference to selection, location, number, use or occupancy of tenants, lessee, subtenants, sublessees or vendees of the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

2.5 Subordination. This Agreement shall be recorded in the Official Records of the County of San Mateo and shall run with the land. The City agrees that the City will not withhold consent to reasonable requests for subordination of this Agreement for the benefit of lenders providing financing for the Apartment Project, provided that the instruments effecting such subordination include reasonable protections to the City in the event of default, including without limitation, extended notice and cure rights.

3. AFFORDABILITY REQUIREMENTS.

3.1 BMR Rental Units. Owner agrees to make available, restrict occupancy to, and lease not less than fifty-six (56) BMR Rental Units, all of which will be Low Income Units, to Qualifying Households, as hereinafter defined, at an affordable rent, pursuant to the terms set forth below. The BMR Rental Units shall be of a quality comparable to all of the other rental units in the Project. The BMR Rental Units shall be initially distributed as set forth in Exhibit C, attached hereto and incorporated herein by this reference. Thereafter, the location of the individual BMR Rental Units may float to account for the next available unit requirement set forth below and as otherwise necessary for the professional maintenance and operation of the Project provided that the distribution of BMR Rental Units are equitably disbursed throughout the Project and the City's Director of Community Development ("**Director**") or the Director's designee shall be notified of any change or relocation of BMR Rental Units by Owner.

3.2 Qualifying Households. For purposes of this Agreement, "**Qualifying Households**" shall mean those households with incomes as follows:

- a. **“Low Income Unit”**: means units restricted to households with incomes of not more than eighty percent (80%) of AMI. “AMI” means the median income for San Mateo County, California, adjusted for Actual Household Size, as published from time to time by the State of California Department of Housing and Community Development in Section 6932 of Title 25 of the California Code of Regulations or successor provision. Qualifying Households shall continue to qualify unless at the time of recertification, the household’s income exceeds the Low Income eligibility requirements, then the tenant shall no longer be qualified. Upon Owner’s determination that any such household is no longer qualified, the unit shall no longer be deemed a Low Income Unit. the Owner shall notify the Tenant that the Tenant is no longer eligible for the Low Income Unit and the Tenant’s rent will be increased to a market rate rent upon the later of sixty (90) days’ notice or the renewal of the Tenant’s lease. The City may grant an extension of the date to vacate if the City or its designee makes a finding there are unique circumstances and the ninety (90) day notice to vacate creates a substantial hardship for the household. The Owner shall either make the next available unit, which is comparable in terms of size, features and number of bedrooms, a Low Income Unit, or take other actions as may be necessary to ensure that the total required number of Low Income Units are rented to Qualifying Households. Owner shall notify the City annually if Owner substitutes a different unit for one of the designated Low Income Units pursuant to this paragraph.

3.3 Income Verification and Annual Report. On or before July 1 of each year, commencing with the calendar year that the first residential unit in the Project is rented to a tenant, and annually thereafter, Owner shall obtain from each household occupying a BMR Rental Unit and submit to the City an income computation and certification form, completed by a tenant of such unit, which shall certify that the income of each Qualifying Household is truthfully set forth in the income certification form, in the form proposed by the Owner and approved by the Director or the Director’s designee (“**Annual Report**”). Owner shall make a good faith effort to verify that each household leasing a BMR Rental Unit meets the income and eligibility restrictions for the BMR Rental Unit by taking by taking the following steps as a part of the verification process: (a) obtain a minimum of the three (3) most current pay stubs for all adults age eighteen (18) or older; (b) obtain an income tax return for the most recent tax year; (c) conduct a credit agency or similar search; (d) obtain the three (3) most current savings and checking account bank statements; (e) obtain an income verification form from the applicant's current employer; (f) obtain an income verification form from the Social Security Administration and/or the California Department of Social Services if the applicant receives assistance from either of such agencies; or (g) if the applicant is unemployed and has no such tax return, obtain another form of independent verification. Copies of tenant income certifications shall be available to the City upon request. The Annual Report shall, at a minimum, include the following information for each BMR Rental Unit: unit number, number of bedrooms, current rent and other charges, dates of any vacancies during the reporting period, number of people residing in the unit, total household Gross Income, and lease commencement and termination dates. The Report shall also provide a statement of the owner’s management policies, communications with the tenants and maintenance of the BMR Rental Unit, including a statement of planned repairs to be made and the dates for the repairs.

3.4 Affordable Rent. The maximum Monthly Rent, defined below, chargeable for the BMR Rental Units and paid shall be as follows:

- a. **“Low Income Household”:** shall be 1/12th of 30 percent of not to exceed 80 percent of the AMI. The Monthly Rent for a Low Income Unit rented to a Low Income Household and paid by the household shall be based on an assumed average occupancy per unit of one person per studio unit, 2 persons for a one-bedroom unit, 3 persons for a two-bedroom unit and 4 persons for a three-bedroom unit, unless otherwise approved by the Director or the Director’s designee for an unusually large unit with a maximum of two persons per bedroom, plus one.

For purposes of this Agreement, “**Monthly Rent**” means the total of monthly payments actually made by the household for (a) use and occupancy of each BMR Rental Unit and land and facilities associated therewith, (b) any separately charged fees or service charges assessed by Owner which are required of all tenants, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, and which are not paid directly by Owner, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone or internet service, which reasonable allowance for utilities is set forth in the County of San Mateo’s Utility Allowance Schedule for detached homes, apartments, condominiums and duplexes, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than Owner. Pursuant to the Guidelines, in no case shall the Monthly Rent for a BMR Rental Unit exceed 75 percent of comparable market rate rents. The City may request data regarding the three most recent market rate rentals within the Project to verify comparable market rate rents.

3.5 Agreement to Limitation on Rents. As described in Recital E above, Owner is developing at the bonus level of development and receiving assistance under State Density Bonus Law, as authorized by Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Sections 1954.52(b) and 1954.53(a)(2) of the Costa-Hawkins Act provide that, where a developer has received such assistance, certain provisions of the Costa-Hawkins Act do not apply if a developer has so agreed by contract. Owner hereby agrees to limit Monthly Rent as provided in this Agreement in consideration of Owner’s receipt of the assistance and further agrees that any limitations on Monthly Rents imposed on the BMR Rental Units are in conformance with the Costa- Hawkins Act. Owner further warrants and covenants that the terms of this Agreement are fully enforceable.

3.6 Lease Requirements. No later than 180 days prior to the initial lease up of the BMR Rental Units, Owner shall submit a standard lease form to the City for approval by the Director or the Director’s designee. The City shall reasonably approve such lease form upon finding that such lease form is consistent with this Agreement and contains all of the provisions required pursuant to the Guidelines. The City’s failure to respond to Owner’s request for approval of the standard lease form within thirty (30) business days of City’s receipt of such lease, shall be deemed City’s approval of such lease form. Owner shall enter into a written lease, in the form approved by the City, with each new tenant of a BMR Rental Unit prior to a tenant or tenant household’s occupancy of a BMR Rental Unit. Each lease shall be for an initial term of not less than one year which may be renewed pursuant to applicable local and State laws, and shall not

contain any of the provisions which are prohibited pursuant to the Guidelines, local, state and Federal laws.

3.7 Selection of Tenants. Each BMR Rental Unit shall be leased to tenant(s) selected by Owner who meet all of the requirements provided herein, and, to the extent permitted by law, with priority given to those eligible households who either live or work in the City of Menlo Park, or meet at least one of the other preferences identified in the most recently adopted Guidelines. The City's BMR Administrator, on behalf of the City will provide to Owner the names of persons who have expressed interest in renting BMR Rental Units for the purposes of adding such interested persons to Owner's waiting list, to be processed in accordance with Owner's customary policies. Owner shall not refuse to lease to a holder of a certificate or a rental voucher under the Section 8 program or other tenant-based assistance program, who is otherwise qualified to be a tenant in accordance with the approved tenant selection criteria.

3.8 BMR Proposal and Density Bonus Law Approval. The Project Approvals include approved incentives/concessions and waivers under the State Density Bonus Law, attached hereto as Exhibit [redacted]. This Agreement shall be subject to and interpreted to be consistent with the approved incentives/concessions and waivers granted pursuant to the State Density Bonus Law.

4. DEFAULT AND REMEDIES

4.1 Events of Default. The following shall constitute an "Event of Default" by Owner under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the Owner without the Owner curing such breach, or if such breach cannot reasonably be cured within such 30 day period, commencing the cure of such breach within such 30 day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of Section 4 of this Agreement, the specific provision shall control.

4.2 Remedies. The occurrence of any Event of Default under Section 4.1 shall give the City the right to proceed with an action in equity to require the Owner to specifically perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

4.3 Obligations Personal to Owner. The liability of Owner under this Agreement to any person or entity is limited to Owner's interest in the Project, and the City and any other such persons and entities shall look exclusively thereto for the satisfaction of obligations arising out of this Agreement or any other agreement securing the obligations of Owner under this Agreement. From and after the date of this Agreement, no deficiency or other personal judgment, nor any order or decree of specific performance (other than pertaining to this Agreement, any agreement pertaining to any Project or any other agreement securing Owner's obligations under this Agreement), shall be rendered against Owner, the assets of Owner (other than Owner's interest in the Project), its partners, members, successors, transferees or assigns and each of their respective officers, directors, employees, partners, agents, heirs and personal representatives, as the case may be, in any action or proceeding arising out of this Agreement or any agreement securing the

obligations of Owner under this Agreement, or any judgment, order or decree rendered pursuant to any such action or proceeding. No subsequent Owner of the Project shall be liable or obligated for the breach or default of any obligations of Owner under this Agreement on the part of any prior Owner. Such obligations are personal to the person who was the Owner at the time the default or breach was alleged to have occurred and such person shall remain liable for any and all damages occasioned thereby even after such person ceases to be the Owner. Each Owner shall comply with and be fully liable for all obligations the Owner hereunder during its period of ownership of the Project.

4.4 Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or defaults are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within 30 days of the commencement of the cause.

4.5 Attorneys' Fees. In addition to any other remedies provided hereunder or available pursuant to law, if either party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing party shall be entitled to recover from the other party its costs of suit and reasonable attorneys' fees. This Section shall be interpreted in accordance with California Civil Code Section 1717 and judicial decisions interpreting that statute.

4.6 Remedies Cumulative. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each and every such right, power, or remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.

4.7 Waiver of Terms and Conditions. The City may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.

4.8 Non-Liability of City Officials and Employees. No member, official, employee or agent of the City shall be personally liable to Owner or any occupant of any BMR Unit, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Owner or its successors, or on any obligations under the terms of this Agreement.

other than the City and Owner and their assigns and successors, shall have any right of action hereon.

5.6 Partial Invalidity. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.

5.7 Governing Law. This Agreement and other instruments given pursuant hereto shall be construed in accordance with and be governed by the laws of the State of California. Any references herein to particular statutes or regulations shall be deemed to refer to successor statutes or regulations, or amendments thereto. The venue for any action shall be the County of San Mateo.

5.8 Amendment. This Agreement may not be changed orally, but only by agreement in writing signed by Owner and the City.

5.9 Approvals. Where an approval or submission is required under this Agreement, such approval or submission shall be valid for purposes of this Agreement only if made in writing. Where this Agreement requires an approval or consent of the City, such approval shall not be unreasonably withheld may be given on behalf of the City by the City Manager or his or her designee. The City Manager or his or her designee is hereby authorized to take such actions as may be necessary or appropriate to implement this Agreement, including without limitation the execution of such documents or agreements as may be contemplated by this Agreement, and amendments which do not substantially change the uses or restrictions hereunder, or substantially add to the costs of the City hereunder.

5.10 Indemnification. To the greatest extent permitted by law, Owner shall indemnify, defend (with counsel reasonably approved by City) and hold the City, its heirs, successors and assigns (the “**Indemnitees**”) harmless from and against any and all demands, losses, claims, costs and expenses, and any other liability whatsoever, including without limitation, reasonable accountants’ and attorneys’ fees, charges and expense (collectively, “**Claims**”) arising directly or indirectly, in whole or in part, as a result of or in connection with Owner’s construction, management, or operation of the Property and the Project or any failure to perform any obligation as and when required by this Agreement. Owner’s indemnification obligations under this Section 6.10 shall not extend to Claims to the extent resulting from the gross negligence or willful misconduct of Indemnitees. The provisions of this Section 6.10 shall survive the expiration or earlier termination of this Agreement, but only as to claims arising from events occurring during the Affordability Period.

5.11 Insurance Coverage. Throughout the Affordability Period, Owner shall comply with the insurance requirements set forth in Exhibit D, attached hereto and incorporated herein by this reference, and shall, at Owner’s expense, maintain in full force and effect insurance coverage as specified in Exhibit D.

5.12 Transfer and Encumbrance.

5.12.1 Restrictions on Transfer and Encumbrance. During the term of this Agreement, except as permitted pursuant to this Agreement, Owner shall not directly or indirectly, voluntarily, involuntarily or by operation of law make or attempt any total or partial

sale, transfer, conveyance, assignment or lease (other than a lease of a BMR Rental Unit on an approved form under Section 3.6 hereof to a qualified tenant as described in Section 3.7 hereof) (collectively, “**Transfer**”) of the whole or any part of any BMR Rental Unit, without the prior written consent of the City, which approval shall not be unreasonably withheld. In addition, prior to the expiration of the term of this Agreement, except as expressly permitted by this Agreement, Owner shall not undergo any significant change of ownership without the prior written approval of City, which shall not be unreasonably withheld. For purposes of this Agreement, a “significant change of ownership” shall mean a transfer of the beneficial interest of more than twenty-five percent (25%) in aggregate of the present ownership and /or control of Owner, taking all transfers into account on a cumulative basis; provided however, neither the admission of an investor limited partner, nor the transfer by the investor limited partner to subsequent limited partners shall be restricted by this provision.

5.12.2 Permitted Transfers. The prohibitions on Transfer set forth herein shall not be deemed to prevent: (i) the granting of easements or permits to facilitate development of the Property; (ii) assignments creating security interests for the purpose of financing the acquisition, construction, or permanent financing of the Project or the Property, or Transfers directly resulting from the foreclosure of, or granting of a deed in lieu of foreclosure of, such a security interest; or (iii) transfers between entities owned or controlled by the Sobrato Organization.

5.12.3 Requirements for Proposed Transfers. The City may, in the exercise of its discretion, not to be unreasonably withheld, consent to a proposed Transfer of this Agreement and/or a BMR Rental Unit if all of the following requirements are met (provided however, the requirements of this Section 5.12.3 shall not apply to Transfers described in clauses (i), (ii), or (iii) of Section 5.12.2.

(i) The proposed transferee demonstrates to the City’s satisfaction that it has the qualifications, experience and financial resources necessary and adequate as may be reasonably determined by the City to competently complete and manage the Project and to otherwise fulfill the obligations undertaken by the Owner under this Agreement.

(ii) The Owner and the proposed transferee shall submit for City review and approval all instruments and other legal documents proposed to effect any Transfer of all or any part of or interest in the BMR Rental Unit or this Agreement together with such documentation of the proposed transferee’s qualifications and development capacity as the City may reasonably request.

(iii) The proposed transferee shall expressly assume all of the rights and obligations of the Owner under this Agreement arising after the effective date of the Transfer and all obligations of Owner arising prior to the effective date of the Transfer (unless Owner expressly remains responsible for such obligations) and shall agree to be subject to and assume all of Owner’s obligations pursuant to conditions, and restrictions set forth in this Agreement.

(iv) The Transfer shall be effectuated pursuant to a written instrument satisfactory to the City in form recordable in the Official Records.

Consent to any proposed Transfer may be given by the Deputy Director unless the Deputy Director, in his or her discretion, refers the matter of approval to the City Council. If the City has not rejected a proposed Transfer or requested additional information regarding a proposed Transfer in writing within forty-five (45) days following City's receipt of written request by Owner, the proposed Transfer shall be deemed approved.

5.13 Effect of Transfer without City Consent. In the absence of specific written agreement by the City, no Transfer of any BMR Rental Unit shall be deemed to relieve the Owner or any other party from any obligation under this Agreement. This Section 5.12 shall not apply to Transfers described in clauses (i) and (ii) of Section 5.12.2.

5.14 Recovery of City Costs. Owner shall reimburse City for all reasonable City costs, including but not limited to reasonable attorneys' fees, incurred in reviewing instruments and other legal documents proposed to effect a Transfer under this Agreement and in reviewing the qualifications and financial resources of a proposed successor, assignee, or transferee within ten (10) days following City's delivery to Owner of an invoice detailing such costs.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year set forth above.

SIGNATURES ON FOLLOWING PAGE(S).

OWNER:

[Sobrato SPE], a California limited liability company

By: _____

Its:

CITY:

CITY OF MENLO PARK, a California municipal corporation

By: _____

City Manager

ATTEST:

By: _____

City Clerk

List of Exhibits:

- Exhibit A: Property Description
- Exhibit B: Allocation of the BMR Units
- Exhibit C: BMR Unit Locations
- Exhibit D: Insurance Requirements
- Exhibit E: State Density Bonus Law Request Approval

Exhibit A
Property Description

Exhibit B
Allocation of BMR Units in the Project

BMR Rental Units	Low
Studio apartment	16
1 bedroom apartment	33
2 bedroom apartment	7
Total - BMR Rental Units	56

Exhibit C
BMR Unit Locations

Exhibit D Insurance Requirements

Prior to initiating work on the Project and continuing throughout the Affordability Period, Owner shall obtain and maintain the following policies of insurance and shall comply with all provisions set forth in this Exhibit.

1. General Requirements. Owner shall procure and maintain the following insurance providing coverage against claims for injuries to persons or damages to property that may arise from or in connection with the Project, construction, management, or operation of the Property by the Owner or the Owner's agents, representatives, employees and contractors, or subcontractors, including the following:

(a) Commercial General Liability: The Owner and all contractors working on behalf of Owner on the Property shall maintain a commercial general liability policy in an occurrence policy for protection against all claims arising from injury to person or persons not in the employ of the Owner and against all claims resulting from damage to any property due to any act or omission of the Owner, its agents, or employees in the conduct or operation of the work or the execution of this Agreement. Such insurance shall include products and completed operations liability, blanket contractual liability, personal injury liability, and broad form property damage coverage. Coverage shall be at least as broad as Insurance Services Office Commercial General Liability coverage.

(b) Commercial Automobile Liability: The Owner and all contractors working on behalf of Owner on the Property shall maintain insurance for protection against all claims arising from the use of vehicles, owned, hired, non-owned, or any other vehicle in connection with the Project, construction, operation or management of the Property. Such insurance shall cover the use of automobiles and trucks on and off the site of the Property. Coverage shall be at least as broad as Insurance Services Office covering Commercial Automobile Liability, any auto, owned, non-owned and hired auto.

(c) Workers' Compensation Insurance: The Owner (and the general partners thereof) shall furnish or cause to be furnished to City evidence satisfactory to City that Owner (and the general partners thereof), and any contractor with whom Owner has contracted for the performance of work on the Property or otherwise pursuant to this Agreement, shall maintain Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance.

(d) Builder's Risk: Upon commencement of any construction work on the Property, Owner and all contractors working on behalf of Owner shall maintain a policy of builder's all-risk insurance in an amount not less than the full insurable cost of the Project on a replacement cost basis naming City as loss payee as its interests may appear.

(e) Professional Liability/Errors and Omissions: Owner shall require any architects, engineers, and general contractors working on the Property to maintain Professional Liability/Errors and Omissions insurance with limits not less than Two Million Dollars (\$2,000,000) each claim. Certificates evidencing this coverage must reference both the Owner and the Indemnitees. If the professional liability/errors and omissions insurance is written on a

claims made form: (i) the retroactive date must be shown and must be before the Effective Date, (ii) insurance must be maintained and evidence of insurance must be provided for at least three (3) years after completion of Project construction, and (iii) if coverage is cancelled or non-renewed and not replaced with another claims made policy form with a retroactive date prior to the Effective Date, Owner must purchase, or require the provision of, extended period coverage for a minimum of three (3) years after completion of construction.

(f) Property: Owner shall maintain property insurance covering all risks of loss, including earthquake and flood (if required) for 100% of the replacement value of the Project with deductible, if any, in an amount acceptable to City, and as commercially available.

2. Minimum Limits; Adjustments. Insurance shall be maintained with limits no less than the following:

(a) Commercial General Liability and Property Damage: \$2,000,000 per occurrence and \$5,000,000 annual aggregate for bodily injury, personal injury and property damage; provided however, with City's advance written approval, subcontractors may maintain liability coverage with limits not less than \$1,000,000 per occurrence, \$2,000,000 annual aggregate.

(b) Products and Completed Operations: \$3,000,000 per occurrence/aggregate. Subcontractors may maintain Products and Completed Operations with limits not less than \$1,000,000 per occurrence and \$1,000,000 aggregate.

(c) Commercial Automobile Liability: \$2,000,000 combined single limit.

(d) Employer's Liability:

Bodily Injury by Accident - \$1,000,000 each accident.

Bodily Injury by Disease - \$1,000,000 policy limit.

Bodily Injury by Disease - \$1,000,000 each employee.

(e) Professional Liability/Errors and Omissions: \$2,000,000 per occurrence or claim. If the policy provides coverage on a claims-made basis, the retroactive date must be shown and must be before the date of the Agreement or the beginning of the contract work. Subcontractors are required to carry coverage if their scope of work includes design services to the Project.

Coverage limits, and if necessary, the terms and conditions of insurance, shall be reasonably adjusted from time to time (not less than every five (5) years after the Effective Date nor more than once in every three (3) year period) to address changes in circumstance, including, but not limited to, changes in inflation and the litigation climate in California. City shall give written notice to Owner of any such adjustments, and Owner shall provide City with amended or new insurance certificates or endorsements evidencing compliance with such adjustments within thirty (30) days following receipt of such notice.

3. Deductibles and Self-Insured Retention. Any deductibles or self-insured retention must be

declared to, and approved by, the City. Payment of all deductibles and self-insured retentions will be the responsibility of Owner. If the City determines that such deductibles or retentions are unreasonably high, either the insurer shall reduce or eliminate such deductibles or self-insurance retentions as respects the Indemnitees or Owner shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense.

4. Additional Requirements. The required general liability and automobile policies shall contain, or be endorsed to contain, the following provisions:

(a) The Indemnitees are to be covered as Additional Insureds as respects: liability arising out of activities performed by or on behalf of the Owner; products and completed operations of the Owner; premises owned, occupied or used by the Owner; or automobiles owned, leased, hired or borrowed by the Owner. The coverage shall contain no special limitations on the scope of protection afforded to the Indemnitees. Additional insured endorsements for the general liability coverage shall use Insurance Services Office (ISO) Form No. CG 20 09 11 85 or CG 20 10 11 85, or equivalent, including (if used together) CG 2010 10 01 and CG 2037 10 01; but shall not use the following forms: CG 20 10 10 93 or 03 94.

(b) All insurance shall be primary insurance as respects the Indemnitees. Any insurance or self-insurance maintained by the Indemnitees shall be excess of the Owner's/contractor's insurance and shall not contribute with it.

(c) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the Indemnitees.

(d) The Owner's insurance shall apply separately to each insured against whom claim is made or suit is brought except, with respect to the limits of the insurer's liability.

(e) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

(f) If any insurance policy or coverage required hereunder is canceled or reduced, Owner shall, within five (5) days after receipt of notice of such cancellation or reduction in coverage, but in no event later than the effective date of cancellation or reduction, file with City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies. Upon failure to so file such certificate, City may, without further notice and at its option, procure such insurance coverage at Owner's expense, and Owner shall promptly reimburse City for such expense upon receipt of billing from City.

(g) Owner agrees to waive subrogation rights for commercial general liability, automobile liability and worker's compensation against Indemnitees regardless of the applicability of any insurance proceeds, and to require all contractors, subcontractors or others involved in any way with any construction on the Property to do likewise. Each insurance policy shall contain a waiver of subrogation for the benefit of City. If any required insurance is provided under a form of coverage that includes an annual aggregate limit or provides that claims investigation or legal

defense costs are included in such annual aggregate limit, such annual aggregate limit shall be three times the applicable occurrence limits specified above.

(h) It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirement and/or limits shall be available to the additional insured. Furthermore, the requirement for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater. For all liability insurance required by this Agreement, Owner (and Owner's contractors, as applicable) shall obtain endorsements that name the Indemnitees as additional insured in the full amount of all applicable policies, notwithstanding any lesser minimum limits specified in this Agreement. This Agreement requires Owner (and Owner's contractors, as applicable) to obtain and provide for the benefit of the Indemnitees, additional insured coverage in the same amount of insurance carried by Owner (or Owner's contractors, as applicable), but in no event less than the minimum amounts specified in this Agreement. In the event that Owner (or Owner's contractors as applicable) obtains insurance policies that provide liability coverage in excess of the amounts specified in this Agreement, the actual limits provided by such policies shall be deemed to be the amounts required under this Agreement. Without limiting the foregoing, the limits of liability coverage specified in this Agreement are not intended, nor shall they operate, to limit City's ability to recover amounts in excess of the minimum amounts specified in this Agreement.

(i) The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

5. Acceptability of Insurers. Companies writing the insurance required hereunder shall be licensed to do business in the State of California. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII.

6. Verification of Coverage. Prior to the Effective Date of this Agreement, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraphs (a), (b), (c), and (e) of Section 1 above, duly executed endorsements evidencing the Indemnitees' status as additional insured, and all other endorsements and coverage required hereunder pertaining to such coverage. Prior to commencement of any construction work on the Property, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraphs (d) and (g) of Section 1 above. Prior to City's issuance of a final certificate of occupancy or equivalent for the Project, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraph (f) of Section 1 above. Owner shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf.

7. Insurance Certificates and Endorsements. Owner shall submit to the City all of the

necessary insurance documents, including the applicable amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of required Owner policies listing all required policy endorsements to the City. Insurance Certificates and Endorsements are to be received and approved by the City within the time periods specified in Section 6 above. Should Owner cease to have insurance as required at any time, all work by Owner pursuant to this Agreement shall cease until insurance acceptable to the City is provided. Upon City's request, Owner shall, within thirty (30) days of the request, provide or arrange for the insurer to provide to City, complete certified copies of all insurance policies required under this Agreement. City's failure to make such request shall not constitute a waiver of the right to require delivery of the policies in the future.

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This document is recorded for the benefit of the City of Menlo Park and is entitled to be recorded free of charge in accordance with Sections 6103 and 27383 of the Government Code.

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Menlo Park
Attn: City Clerk
701 Laurel Street
Menlo Park, CA 94025

**BELOW MARKET RATE HOUSING AGREEMENT
AND DECLARATION OF RESTRICTIVE COVENANTS**

(123 Independence Drive Project)

THIS BELOW MARKET RATE HOUSING AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS (“Agreement”) is entered into as of _____, 202[] (“**Effective Date**”), by and between the City of Menlo Park, a California municipal corporation (“**City**”), and SI 60, LLC, a California limited liability company (“**Owner**”). City and Owner may be referred to individually as a “**Party**” or collectively as the “**Parties**” in this Agreement.

RECITALS

A. Owner is the owner of that certain real property located at the approximate location commonly known as [need to describe] in the City of Menlo Park, California and as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, is the parcel subject to the Agreement (the “**Property**”).

B. Owner applied to [describe Townhome project and 18 BMR units]. (“**Project**”).

C. Menlo Park Municipal Code Chapter 16.96, the Below Market Rate Housing Program (“**BMR Ordinance**”), and the Below Market Rate Housing Program Guidelines (“**Guidelines**”) require a developer to provide fifteen percent (15%) of the total number of units in a project as affordable to below market rate (“**BMR**”) households. To satisfy the requirements of the BMR Ordinance and Guidelines, the project sponsor of the 123 Independence Project has proposed (the “**BMR Proposal**”) to provide BMR units as follows: fifty-six (56) rental units to BMR households (“**BMR Rental Units**”) and eighteen (18) for-sale units to BMR households (“**BMR For-Sale Units**” and together with BMR Rental Units, “**BMR Units**”) for a total of seventy-four (74) BMR Units. The Agreement addresses only the BMR For-Sale Units. The BMR Rental Units are addressed in a separate agreement.

D. On _____, 2023, after a duly noticed public hearing, the Housing Commission recommended approval the BMR Proposal, including eighteen (18) below market rate for-sale units, the BMR For-Sale Units.

E. On _____, 2023, after a duly noticed public hearing, and on the recommendation of the Housing Commission, the Planning Commission certified the environmental impact report approved a conditional use permit, architectural control, and form affordable housing agreements and recommended that the City Council approve a Vesting Tentative Map and the BMR Proposal for the Project.

F. On _____, 2023, after a duly noticed public hearing, and on the recommendation of the Housing Commission and the Planning Commission, the City Council approved a Vesting Tentative Map and the BMR Proposal for the Project. The Planning Commission and City Council actions are collectively the “**Project Approvals.**”

G. The Project Approvals require the Owner to provide the BMR For-Sale Units in accordance the BMR Proposal. In accordance with the BMR Ordinance, Guidelines, and State Density Bonus Law (Gov. Code Sec. 65915) Owner is required to execute and record an approved BMR Housing Agreement for the BMR For-Sale Units as a condition precedent to the issuance of a building permit for the Project. This Agreement is intended to satisfy that requirement.

NOW, THEREFORE, the Parties hereto agree as follows. The recitals are incorporated into this Agreement by this reference.

1. CONSTRUCTION OF THE IMPROVEMENTS.

1.1 Construction of the Project. Owner agrees to construct the Project in accordance with the Menlo Park Municipal Code and all other applicable state and local building codes, development standards, ordinances and zoning ordinances.

1.2 City and Other Governmental Permits. Before commencement of the portion of the Project with ownership housing units, Owner shall secure or cause its contractor to secure any and all permits which may be required by the City or any other governmental agency affected by such construction, including without limitation building permits. Owner shall pay all necessary fees and timely submit to the City final drawings with final corrections to obtain such permits; City staff will, without incurring liability or expense therefore, process applications in the ordinary course of business for the issuance of building permits and certificates of occupancy for construction that meets the requirements of the Menlo Park Municipal Code, and all other applicable laws and regulations.

1.3 Compliance with Laws. Owner shall carry out the design, construction and operation of the Project in conformity with all applicable laws, including all applicable state labor standards, City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the Menlo Park Municipal Code, and **all** applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*

2. OPERATION OF THE BMR UNITS

2.1 Affordability Period. The Property, provided that the Project remains on the Property, shall be subject to the requirements of this Agreement from the Effective Date until the

55th anniversary of such date. The duration of this requirement shall be known as the “**Affordability Period.**”

2.2 Maintenance. Prior to the formation of a homeowners’ association or sale to a townhome resident, whichever occurs later, the Owner shall comply with every condition of the Project Approvals applicable to the Project and shall, at all times, maintain the Project and the Property in good repair and working order, reasonable wear and tear excepted, and in a safe and sanitary condition, and from time to time shall make all necessary and proper repairs, renewals, and replacements to keep the Project and the Property in a good, clean, safe, and sanitary condition.

2.3 Monitoring and Recordkeeping. Until the sale of each BMR For-Sale Unit, Owner shall comply with all applicable recordkeeping and monitoring requirements set forth in the Guidelines, attached as Exhibit [], or, at the Owner’s election, applicable recordkeeping and monitoring requirements in updated Guidelines. City shall have the right to inspect the books and records of Owner and its rental agent or bookkeeper upon reasonable notice during normal business hours. Representatives of the City shall be entitled to enter the Property, upon at least 48-hour prior written notice, which can be provided via email, to monitor compliance with this Agreement, to inspect the records of the Project with respect to the BMR Units, and to conduct, or cause to be conducted, an independent audit or inspection of such records. Owner agrees to cooperate with the City in making the Property available for such inspection or audit. Owner agrees to maintain records in businesslike manner, and to maintain such records for five years after each sale of a BMR For-Sale Unit.

2.4 Non-Discrimination Covenants. Owner covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor shall any occupant of any BMR For-Sale Unit or any person claiming under or through such occupant, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the Property. Owner shall include such provision in all deeds, leases, contracts and other instruments executed by Owner, and shall enforce the same diligently and in good faith.

a. In deeds, the following language shall appear:

(1) Grantee herein covenants by and for itself, its successors and assigns, and all persons claiming under or through it, that there shall be no discrimination against or segregation of a person or of a group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the property herein conveyed nor shall the grantee or any person claiming under or through the grantee establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location,

number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the property herein conveyed. The foregoing covenant shall run with the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

b. In leases, to the extent applicable, the following language shall appear:

(1) The lessee herein covenants by and for the lessee and lessee's heirs, personal representatives and assigns, and all persons claiming under the lessee or through the lessee, that this lease is made subject to the condition that there shall be no discrimination against or segregation of any person or of a group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, ancestry or disability in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the property herein leased nor shall the lessee or any person claiming under or through the lessee establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants, or vendees in the property herein leased.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

c. In contracts pertaining to management of the Project, to the extent applicable, the following language, or substantially similar language prohibiting discrimination and segregation shall appear:

(1) There shall be no discrimination against or segregation of any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or

enjoyment of the property nor shall the transferee or any person claiming under or through the transferee establish or permit any such practice or practices of discrimination or segregation with reference to selection, location, number, use or occupancy of tenants, lessee, subtenants, sublessees or vendees of the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

2.5 Subordination. This Agreement shall be recorded in the Official Records of the County of San Mateo and shall run with the land. The City agrees that the City will not withhold consent to reasonable requests for subordination of this Agreement for the benefit of lenders providing financing for the Townhome Project, provided that the instruments effecting such subordination include reasonable protections to the City in the event of default, including without limitation, extended notice and cure rights.

3. OPERATION OF THE BMR FOR-SALE UNITS

4.1 Sale to Moderate Income Households. The eighteen (18) BMR For-Sale Units are to be sold in accordance with the BMR Ordinance and the Guidelines. Each BMR For-Sale Unit shall be affordable to eligible households which are moderate income as defined in Section 50093 of the California Health and Safety Code, as described in the Guidelines, which households meet all of the requirements set forth in the Guidelines, and are of the smallest household size eligible for the BMR For-Sale Units on the BMR waiting list maintained by the City on the date that the Sales Prices are set, as more particularly described below and in the Guidelines. The eligibility requirements for buyers of the BMR For-Sale Units, the selection process for buyers for the BMR For-Sale Units, the purchase process and sale procedures, the occupancy requirements for the BMR For-Sale Units and the process for resale of the BMR For-Sale Units are all set forth in the Guidelines.

All BMR For-Sale Units shall be subject to deed restrictions and conditions which include a right of first refusal in favor of the City for the duration of the Affordability Period, pursuant to the terms and conditions set forth in the Guidelines.

The BMR For-Sale Units shall be located in the Project as set forth in Exhibit C.

The Sales Price shall be calculated according to the following formula by reference to the definitions and standards set forth below: the "Sales Price" shall be calculated by adding the cash down payment, to the Maximum Mortgage Amount, less lender and escrow fees and costs incurred by the buyer. The Sales Price shall be set before the commencement of the sale process for the BMR For-Sale Units.

(a) The “Smallest Household Size” means the household with the smallest number of persons eligible for the BMR For-Sale Units, as shown in Section 14, Table C (Occupancy Standards) of the Guidelines.

(b) The current “Maximum Eligible Income” shall be the most current State Income Limit for San Mateo County, Moderate Income category, as published by the State of California Department of Housing and Community Development, for the Smallest Household Size.

(c) The “Maximum Allowable Monthly Housing Expenses” is calculated by multiplying the Maximum Eligible Income by 33 percent and dividing by 12.

(d) The “Actual Monthly Housing Expenses” are calculated by adding the following costs associated with a particular BMR For-Sale Unit and dividing by 12: (i) any loan fees, escrow fees and other closing costs (amortized over 360 months) and/or private mortgage insurance associated therewith; (ii) property taxes and assessments; (iii) fire, casualty insurance and flood insurance, if required; (iv) property maintenance and repairs, deemed to be Two Hundred Dollars (\$200) per month; (v) a reasonable allowance for utilities as set forth in the Guidelines, not including telephones, and (vi) homeowners association fees, if applicable, but less the amount of such homeowners association fees allocated for any costs attributable to (iii), (iv) or (v) above.

(e) The “Maximum Monthly Mortgage Payment Amount” is calculated by subtracting the Actual Monthly Housing Expenses from the Maximum Allowable Monthly Housing Expenses.

(f) The “Maximum Mortgage Amount” is established by determining the amount of mortgage that a lender would loan, based upon the Maximum Monthly Mortgage Payment Amount and based upon the down payment found to be the lowest that lenders are willing to accept in a survey of lenders as described below. The City shall survey and take the average of at least three local lenders who regularly make home loans at a typical housing expense ratio to first-time buyers in the price range of the BMR home on the day that the price is set. The mortgage amount shall be for a 30-year fixed rate mortgage with standard fees, closing costs and no points, and shall be less than or equal to the Maximum Monthly Mortgage Amount.

4.2 Additional Sales Price Factors. The calculation of the Sales Price shall be based upon the factors defined below. These definitions conform to the eligibility and underwriting standards established by the major secondary mortgage market investors, such as the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(a) **Mortgage Interest Rate.** The mean average of contract interest rates on the date that the Sales Price is set, for fixed rate, 30-year “Conforming” mortgages (presently \$822,375 or less, as such amount may be adjusted from time to time as the maximum amount of FHA Conforming mortgages), or for jumbo mortgages if applicable; as quoted by three local retail lenders. The three local retail lenders shall be selected at random by the City from the list of lenders certified by San Mateo County to make first mortgage loans with Mortgage Credit Certificates.

(b) **Points.** The mean average of points quoted by three local lenders that make mortgage loans to first time home buyers in the City of Menlo Park on the date that the Sales Price is set

for fixed rate, 30 year mortgages of \$822,375 or less, or for jumbo mortgages if applicable, which lenders are selected on a random basis by the City. Points are a one-time fee paid to a lender for making a loan. One point is equal to one percent of the loan amount.

(c) **Lender/Escrow Fees.** The mean average of fees charged by three local lenders that make mortgage loans to homebuyers, which lenders are selected on a random basis by the City, plus escrow company fees, for such items as title insurance, appraisal, escrow fees, document preparation and recording fees.

(d) **Loan to Value Ratio.** The maximum ratio of the dollar amount of a conforming mortgage to the sales price of a home which a lender is willing to approve at a given point in time. For purposes of this Agreement, the loan to value ratio shall be calculated as the mean average of the maximum loan to value ratios as quoted by three local lenders selected on a random basis by the City from a list of lenders who actively make loans to homebuyers and who participate in the Mortgage Credit Certificate program.

(e) **Housing Expense Ratio.** The mean average of the housing expense ratio as reported on the date that the sales price is set, for fixed rate, 30-year mortgages of \$822,375 or less, or for jumbo mortgages if applicable, by three local lenders that make mortgage loans to homebuyers in the City of Menlo Park, which lenders are selected on a random basis by the City. Housing expense is defined as the sum of the annual mortgage payment (including principal and interest), and annual payments for taxes, homeowners association dues, insurance, property maintenance and repairs, a reasonable allowance for utilities according to the San Mateo County Housing Authority Utility Financial Allowance Chart which is periodically updated and amended, and any secondary financing (but excluding any portion of the aforementioned expenses covered by homeowners association dues). To determine the ratio, this sum is divided by gross annual income.

(f) **Homeowners Insurance.** Calculated as the mean average of the annual cost of insurance quoted by two or three local brokers, based on their experience, for a housing unit of the price, room configuration, location, construction material and structure type of the subject BMR For-Sale Unit. Flood insurance costs, if required, shall be calculated by this same method.

(g) **Private Mortgage Insurance.** The mean average of the annual cost of private mortgage insurance quoted by two or three local lenders, based on their experience, for a housing unit of the price, location, and structure type of the subject BMR For-Sale Unit.

(h) **Taxes.** The tax rate as reported by the San Mateo County Assessor's Office.

(i) **Homeowner's Dues.** Reported by the Owner and as set forth in the Public Report issued by the California Department of Real Estate for the Project.

(j) **Down Payment.** Cash portion paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed. For the purpose of calculating the Sales Price, the down payment will be defined as the mean average of the smallest down payment required by the two or three local lenders surveyed.

4.3 Presale. If there is a standard pre-sale requirement by the BMR applicant's lender

for a certain percentage of units in the Project to be sold before the BMR applicant's lender will close escrow on the loan, then the time for the City's purchase or the buyer's purchase will be extended until that requisite number of units has closed.

4.4 Term. Any and all obligations or responsibilities of Owner under this Agreement with regard to a BMR For-Sale Unit shall terminate upon the recording of the grant deed conveying the BMR For-Sale Unit to a qualified third party purchaser in accordance with the terms and provisions of this Agreement and the recording of the deed restrictions in compliance with the Guidelines against such BMR For-Sale Unit, a form of which is attached to this Agreement.

4.5 Third Party Purchasers. The execution and delivery of this Agreement shall not be deemed to be for the benefit of the third party purchasers of any BMR For-Sale Unit or any other third party and any and all obligations and responsibilities of Owner under this Agreement are to the City for whose benefit this Agreement has been entered into. No third party purchaser of a BMR For-Sale Unit or market rate unit, homeowners' association or any other third party shall obtain any rights or standing to complain that the BMR For-Sale Unit was not constructed, designed, sold or conveyed in accordance with this Agreement, or the BMR Ordinance and the Guidelines as a result of this Agreement. Furthermore, the acceptance of this Agreement by the City, the acceptance of the interior specifications for the BMR For-Sale Units and the conveyance of the BMR For-Sale Units to qualified third parties shall conclusively indicate that Owner has complied with this Agreement and the BMR Ordinance and the Guidelines.

4. DEFAULT AND REMEDIES

4.1 Events of Default. The following shall constitute an "Event of Default" by Owner under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the Owner without the Owner curing such breach, or if such breach cannot reasonably be cured within such 30 day period, commencing the cure of such breach within such 30 day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of Section 5 of this Agreement, the specific provision shall control.

4.2 Remedies. The occurrence of any Event of Default under Section 5.1 shall give the City the right to proceed with an action in equity to require the Owner to specifically perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

4.3 Obligations Personal to Owner. The liability of Owner under this Agreement to any person or entity is limited to Owner's interest in the Project, and the City and any other such persons and entities shall look exclusively thereto for the satisfaction of obligations arising out of this Agreement or any other agreement securing the obligations of Owner under this Agreement. From and after the date of this Agreement, no deficiency or other personal judgment, nor any order or decree of specific performance (other than pertaining to this Agreement, any agreement pertaining to any Project or any other agreement securing Owner's obligations under this

Agreement), shall be rendered against Owner, the assets of Owner (other than Owner's interest in the Project), its partners, members, successors, transferees or assigns and each of their respective officers, directors, employees, partners, agents, heirs and personal representatives, as the case may be, in any action or proceeding arising out of this Agreement or any agreement securing the obligations of Owner under this Agreement, or any judgment, order or decree rendered pursuant to any such action or proceeding. No subsequent Owner of the Project shall be liable or obligated for the breach or default of any obligations of Owner under this Agreement on the part of any prior Owner. Such obligations are personal to the person who was the Owner at the time the default or breach was alleged to have occurred and such person shall remain liable for any and all damages occasioned thereby even after such person ceases to be the Owner. Each Owner shall comply with and be fully liable for all obligations the Owner hereunder during its period of ownership of the Project.

4.4 Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or defaults are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within 30 days of the commencement of the cause.

4.5 Attorneys' Fees. In addition to any other remedies provided hereunder or available pursuant to law, if either party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing party shall be entitled to recover from the other party its costs of suit and reasonable attorneys' fees. This Section shall be interpreted in accordance with California Civil Code Section 1717 and judicial decisions interpreting that statute.

4.6 Remedies Cumulative. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each and every such right, power, or remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.

4.7 Waiver of Terms and Conditions. The City may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.

4.8 Non-Liability of City Officials and Employees. No member, official, employee or agent of the City shall be personally liable to Owner or any occupant of any BMR Unit, or any successor in interest, in the event of any default or breach by the City or for any amount which

percentage of new housing is made available at affordable housing cost to persons and families of very low, low and moderate incomes as required by the Guidelines. No other person or persons, other than the City and Owner and their assigns and successors, shall have any right of action hereon.

5.6 Partial Invalidity. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.

5.7 Governing Law. This Agreement and other instruments given pursuant hereto shall be construed in accordance with and be governed by the laws of the State of California. Any references herein to particular statutes or regulations shall be deemed to refer to successor statutes or regulations, or amendments thereto. The venue for any action shall be the County of San Mateo.

5.8 Amendment. This Agreement may not be changed orally, but only by agreement in writing signed by Owner and the City.

5.9 Approvals. Where an approval or submission is required under this Agreement, such approval or submission shall be valid for purposes of this Agreement only if made in writing. Where this Agreement requires an approval or consent of the City, such approval shall not be unreasonably withheld may be given on behalf of the City by the City Manager or his or her designee. The City Manager or his or her designee is hereby authorized to take such actions as may be necessary or appropriate to implement this Agreement, including without limitation the execution of such documents or agreements as may be contemplated by this Agreement, and amendments which do not substantially change the uses or restrictions hereunder, or substantially add to the costs of the City hereunder.

5.10 Indemnification. To the greatest extent permitted by law, Owner shall indemnify, defend (with counsel reasonably approved by City) and hold the City, its heirs, successors and assigns (the “**Indemnitees**”) harmless from and against any and all demands, losses, claims, costs and expenses, and any other liability whatsoever, including without limitation, reasonable accountants’ and attorneys’ fees, charges and expense (collectively, “**Claims**”) arising directly or indirectly, in whole or in part, as a result of or in connection with Owner’s construction, management, or operation of the Property and the Project or any failure to perform any obligation as and when required by this Agreement. Owner’s indemnification obligations under this Section 6.10 shall not extend to Claims to the extent resulting from the gross negligence or willful misconduct of Indemnitees. The provisions of this Section 6.10 shall survive the expiration or earlier termination of this Agreement, but only as to claims arising from events occurring during the Affordability Period.

5.11 Insurance Coverage. Prior to the first sale of each BMR For-Sale Unit, Owner shall comply with the insurance requirements set forth in Exhibit D, attached hereto and incorporated herein by this reference, and shall, at Owner’s expense, maintain in full force and effect insurance coverage as specified in Exhibit D.

5.12 Transfer and Encumbrance.

6.12.1 Restrictions on Transfer and Encumbrance. During the term of this

Agreement, except as permitted pursuant to this Agreement, Owner shall not directly or indirectly, voluntarily, involuntarily or by operation of law make or attempt any total or partial sale, transfer, conveyance, assignment or lease (other than a sale of a BMR For-Sale Unit as described in Section 3 hereof) (collectively, “**Transfer**”) of the whole or any part of any BMR For-Sale Unit, without the prior written consent of the City, which approval shall not be unreasonably withheld. In addition, prior to the expiration of the term of this Agreement, except as expressly permitted by this Agreement, Owner shall not undergo any significant change of ownership without the prior written approval of City. For purposes of this Agreement, a “significant change of ownership” shall mean a transfer of the beneficial interest of more than twenty-five percent (25%) in aggregate of the present ownership and /or control of Owner, taking all transfers into account on a cumulative basis; provided however, neither the admission of an investor limited partner, nor the transfer by the investor limited partner to subsequent limited partners shall be restricted by this provision.

6.12.2 Permitted Transfers. The prohibitions on Transfer set forth herein shall not be deemed to prevent: (i) the granting of easements or permits to facilitate development of the Property; or (ii) assignments creating security interests for the purpose of financing the acquisition, construction, or permanent financing of the Project or the Property, or Transfers directly resulting from the foreclosure of, or granting of a deed in lieu of foreclosure of, such a security interest; or (iii) transfers between entities owned or controlled by the Sobrato Organization.

6.12.3 Requirements for Proposed Transfers. The City may, in the exercise of its sole discretion, consent to a proposed Transfer of this Agreement if all of the following requirements are met (provided however, the requirements of this Section 6.12.3 shall not apply to Transfers described in clauses (i) or (ii) of Section 6.12.2.

(i) The proposed transferee demonstrates to the City’s satisfaction that it has the qualifications, experience and financial resources necessary and adequate as may be reasonably determined by the City to competently complete and manage the Project and to otherwise fulfill the obligations undertaken by the Owner under this Agreement.

(ii) The Owner and the proposed transferee shall submit for City review and approval all instruments and other legal documents proposed to effect any Transfer of all or any part of or interest in this Agreement together with such documentation of the proposed transferee’s qualifications and development capacity as the City may reasonably request.

(iii) The proposed transferee shall expressly assume all of the rights and obligations of the Owner under this Agreement arising after the effective date of the Transfer and all obligations of Owner arising prior to the effective date of the Transfer (unless Owner expressly remains responsible for such obligations) and shall agree to be subject to and assume all of Owner’s obligations pursuant to conditions, and restrictions set forth in this Agreement.

(iv) The Transfer shall be effectuated pursuant to a written instrument satisfactory to the City in form recordable in the Official Records.

Consent to any proposed Transfer may be given by the deputy Director unless the Deputy

Director, in his or her discretion, refers the matter of approval to the City Council. If the City has not rejected a proposed Transfer or requested additional information regarding a proposed Transfer in writing within forty-five (45) days following City's receipt of written request by Owner, the proposed Transfer shall be deemed approved.

6.13 Effect of Transfer without City Consent. In the absence of specific written agreement by the City, no Transfer of any BMR For-Sale Unit shall be deemed to relieve the Owner or any other party from any obligation under this Agreement. This Section 6.12 shall not apply to Transfers described in clauses (i) and (ii) of Section 6.12.2.

6.14 Recovery of City Costs. Owner shall reimburse City for all reasonable City costs, including but not limited to reasonable attorneys' fees, incurred in reviewing instruments and other legal documents proposed to effect a Transfer under this Agreement and in reviewing the qualifications and financial resources of a proposed successor, assignee, or transferee within ten (10) days following City's delivery to Owner of an invoice detailing such costs.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year set forth above.

SIGNATURES ON FOLLOWING PAGE(S).

OWNER:

[INSERT]

By: _____

Its:

CITY:

CITY OF MENLO PARK, a California municipal corporation

By: _____
City Manager

ATTEST:

By: _____
City Clerk

List of Exhibits:

- Exhibit A: Property Description
- Exhibit B: Allocation of the BMR Units
- Exhibit C: BMR Unit Locations
- Exhibit D: Insurance Requirements

Exhibit A
Property Description

SR #4841-9856-9706 v3

4857-5861-3352 v1

Exhibit B
Allocation of BMR Units in the Project

BMR For-Sale Units	Moderate
2 bedrooms	3
3 bedrooms	6
4 bedrooms	9
Total - BMR For-Sale Units	18

Exhibit C
BMR Unit Locations

SR #4841-9856-9706 v3

4857-5861-3352 v1

Exhibit D Insurance Requirements

Prior to initiating work on the Project and continuing the initial sale of each For-Sale Unit, Owner shall obtain and maintain the following policies of insurance and shall comply with all provisions set forth in this Exhibit.

1. General Requirements. Owner shall procure and maintain the following insurance providing coverage against claims for injuries to persons or damages to property that may arise from or in connection with the Project, construction, management, or operation of the Property by the Owner or the Owner's agents, representatives, employees and contractors, or subcontractors, including the following:

(a) Commercial General Liability: The Owner and all contractors working on behalf of Owner on the Property shall maintain a commercial general liability policy in an occurrence policy for protection against all claims arising from injury to person or persons not in the employ of the Owner and against all claims resulting from damage to any property due to any act or omission of the Owner, its agents, or employees in the conduct or operation of the work or the execution of this Agreement. Such insurance shall include products and completed operations liability, blanket contractual liability, personal injury liability, and broad form property damage coverage. Coverage shall be at least as broad as Insurance Services Office Commercial General Liability coverage.

(b) Commercial Automobile Liability: The Owner and all contractors working on behalf of Owner on the Property shall maintain insurance for protection against all claims arising from the use of vehicles, owned, hired, non-owned, or any other vehicle in connection with the Project, construction, operation or management of the Property. Such insurance shall cover the use of automobiles and trucks on and off the site of the Property. Coverage shall be at least as broad as Insurance Services Office covering Commercial Automobile Liability, any auto, owned, non-owned and hired auto.

(c) Workers' Compensation Insurance: The Owner (and the general partners thereof) shall furnish or cause to be furnished to City evidence satisfactory to City that Owner (and the general partners thereof), and any contractor with whom Owner has contracted for the performance of work on the Property or otherwise pursuant to this Agreement, shall maintain Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance.

(d) Builder's Risk: Upon commencement of any construction work on the Property, Owner and all contractors working on behalf of Owner shall maintain a policy of builder's all-risk insurance in an amount not less than the full insurable cost of the Project on a replacement cost basis naming City as loss payee as its interests may appear.

(e) Professional Liability/Errors and Omissions: Owner shall require any architects, engineers, and general contractors working on the Property to maintain Professional Liability/Errors and Omissions insurance with limits not less than Two Million Dollars (\$2,000,000) each claim. Certificates evidencing this coverage must reference both the Owner and the Indemnitees. If the professional liability/errors and omissions insurance is written on a

SR #4841-9856-9706 v3

4857-5861-3352 v1

claims made form: (i) the retroactive date must be shown and must be before the Effective Date, (ii) insurance must be maintained and evidence of insurance must be provided for at least three (3) years after completion of Project construction, and (iii) if coverage is cancelled or non-renewed and not replaced with another claims made policy form with a retroactive date prior to the Effective Date, Owner must purchase, or require the provision of, extended period coverage for a minimum of three (3) years after completion of construction.

(f) Property: Owner shall maintain property insurance covering all risks of loss, including earthquake and flood (if required) for 100% of the replacement value of the Project with deductible, if any, in an amount acceptable to City, and as commercially available.

2. Minimum Limits; Adjustments. Insurance shall be maintained with limits no less than the following:

(a) Commercial General Liability and Property Damage: \$2,000,000 per occurrence and \$5,000,000 annual aggregate for bodily injury, personal injury and property damage; provided however, with City's advance written approval, subcontractors may maintain liability coverage with limits not less than \$1,000,000 per occurrence, \$2,000,000 annual aggregate.

(b) Products and Completed Operations: \$3,000,000 per occurrence/aggregate. Subcontractors may maintain Products and Completed Operations with limits not less than \$1,000,000 per occurrence and \$1,000,000 aggregate.

(c) Commercial Automobile Liability: \$2,000,000 combined single limit.

(d) Employer's Liability:

Bodily Injury by Accident - \$1,000,000 each accident.

Bodily Injury by Disease - \$1,000,000 policy limit.

Bodily Injury by Disease - \$1,000,000 each employee.

(e) Professional Liability/Errors and Omissions: \$2,000,000 per occurrence or claim. If the policy provides coverage on a claims-made basis, the retroactive date must be shown and must be before the date of the Agreement or the beginning of the contract work. Subcontractors are required to carry coverage if their scope of work includes design services to the Project.

Coverage limits, and if necessary, the terms and conditions of insurance, shall be reasonably adjusted from time to time (not less than every five (5) years after the Effective Date nor more than once in every three (3) year period) to address changes in circumstance, including, but not limited to, changes in inflation and the litigation climate in California. City shall give written notice to Owner of any such adjustments, and Owner shall provide City with amended or new insurance certificates or endorsements evidencing compliance with such adjustments within thirty (30) days following receipt of such notice.

3. Deductibles and Self-Insured Retention. Any deductibles or self-insured retention must be

declared to, and approved by, the City. Payment of all deductibles and self-insured retentions will be the responsibility of Owner. If the City determines that such deductibles or retentions are unreasonably high, either the insurer shall reduce or eliminate such deductibles or self-insurance retentions as respects the Indemnitees or Owner shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense.

4. Additional Requirements. The required general liability and automobile policies shall contain, or be endorsed to contain, the following provisions:

(a) The Indemnitees are to be covered as Additional Insureds as respects: liability arising out of activities performed by or on behalf of the Owner; products and completed operations of the Owner; premises owned, occupied or used by the Owner; or automobiles owned, leased, hired or borrowed by the Owner. The coverage shall contain no special limitations on the scope of protection afforded to the Indemnitees. Additional insured endorsements for the general liability coverage shall use Insurance Services Office (ISO) Form No. CG 20 09 11 85 or CG 20 10 11 85, or equivalent, including (if used together) CG 2010 10 01 and CG 2037 10 01; but shall not use the following forms: CG 20 10 10 93 or 03 94.

(b) All insurance shall be primary insurance as respects the Indemnitees. Any insurance or self-insurance maintained by the Indemnitees shall be excess of the Owner's/contractor's insurance and shall not contribute with it.

(c) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the Indemnitees.

(d) The Owner's insurance shall apply separately to each insured against whom claim is made or suit is brought except, with respect to the limits of the insurer's liability.

(e) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

(f) If any insurance policy or coverage required hereunder is canceled or reduced, Owner shall, within five (5) days after receipt of notice of such cancellation or reduction in coverage, but in no event later than the effective date of cancellation or reduction, file with City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies. Upon failure to so file such certificate, City may, without further notice and at its option, procure such insurance coverage at Owner's expense, and Owner shall promptly reimburse City for such expense upon receipt of billing from City.

(g) Owner agrees to waive subrogation rights for commercial general liability, automobile liability and worker's compensation against Indemnitees regardless of the applicability of any insurance proceeds, and to require all contractors, subcontractors or others involved in any way with any construction on the Property to do likewise. Each insurance policy shall contain a waiver of subrogation for the benefit of City. If any required insurance is provided under a form of coverage that includes an annual aggregate limit or provides that claims investigation or legal

defense costs are included in such annual aggregate limit, such annual aggregate limit shall be three times the applicable occurrence limits specified above.

(h) It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirement and/or limits shall be available to the additional insured. Furthermore, the requirement for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater. For all liability insurance required by this Agreement, Owner (and Owner's contractors, as applicable) shall obtain endorsements that name the Indemnitees as additional insured in the full amount of all applicable policies, notwithstanding any lesser minimum limits specified in this Agreement. This Agreement requires Owner (and Owner's contractors, as applicable) to obtain and provide for the benefit of the Indemnitees, additional insured coverage in the same amount of insurance carried by Owner (or Owner's contractors, as applicable), but in no event less than the minimum amounts specified in this Agreement. In the event that Owner (or Owner's contractors as applicable) obtains insurance policies that provide liability coverage in excess of the amounts specified in this Agreement, the actual limits provided by such policies shall be deemed to be the amounts required under this Agreement. Without limiting the foregoing, the limits of liability coverage specified in this Agreement are not intended, nor shall they operate, to limit City's ability to recover amounts in excess of the minimum amounts specified in this Agreement.

(i) The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

5. Acceptability of Insurers. Companies writing the insurance required hereunder shall be licensed to do business in the State of California. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII.

6. Verification of Coverage. Prior to the Effective Date of this Agreement, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraphs (a), (b), (c), and (e) of Section 1 above, duly executed endorsements evidencing the Indemnitees' status as additional insured, and all other endorsements and coverage required hereunder pertaining to such coverage. Prior to commencement of any construction work on the Property, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraphs (d) and (g) of Section 1 above. Prior to City's issuance of a final certificate of occupancy or equivalent for the Project, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraph (f) of Section 1 above. Owner shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf.

7. Insurance Certificates and Endorsements. Owner shall submit to the City all of the

necessary insurance documents, including the applicable amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of required Owner policies listing all required policy endorsements to the City. Insurance Certificates and Endorsements are to be received and approved by the City within the time periods specified in Section 6 above. Should Owner cease to have insurance as required at any time, all work by Owner pursuant to this Agreement shall cease until insurance acceptable to the City is provided. Upon City's request, Owner shall, within thirty (30) days of the request, provide or arrange for the insurer to provide to City, complete certified copies of all insurance policies required under this Agreement. City's failure to make such request shall not constitute a waiver of the right to require delivery of the policies in the future.

This document is recorded for the benefit of the City of Menlo Park and is entitled to be recorded free of charge in accordance with Sections 6103 and 27383 of the Government Code.

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Menlo Park
Attn: City Clerk
701 Laurel Street
Menlo Park, CA 94025

**BELOW MARKET RATE HOUSING AGREEMENT
AND DECLARATION OF RESTRICTIVE COVENANTS**

(123 Independence Drive Project - Ownership)

This **BELOW MARKET RATE HOUSING AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS** (“**Agreement**”) is entered into as of _____, 2023 (“**Effective Date**”), by and between the City of Menlo Park, a California municipal corporation (“**City**”) and Habitat for Humanity Greater San Francisco Inc., a California nonprofit public benefit corporation (“**Developer**”). The City and the Developer are collectively referred to herein as the “**Parties**.”

RECITALS

A. Developer is the owner of that certain real property at the approximate location commonly known as [need to describe] in the City of Menlo Park, California and as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, is the parcel subject to the Agreement (the “**Property**”).

B. Developer intends to construct a residential condominium project on the Property that will consist of 18 for-sale dwelling units together with parking and related improvements (collectively, the “**Project**”). The Project is part of a larger, mixed-income housing development project commonly known as the 123 Independence Drive Project (“**123 Independence Project**”).

C. Menlo Park Municipal Code Chapter 16.96, the Below Market Rate Housing Program (“**BMR Ordinance**”), and the Below Market Rate Housing Program Guidelines (“**Guidelines**”) require a developer to provide fifteen percent (15%) of the total number of units in a project as affordable to below market rate (“**BMR**”) households. To satisfy the requirements of the BMR Ordinance and Guidelines, the project sponsor of the 123 Independence Project has proposed (the “**BMR Proposal**”) to provide BMR units as follows: fifty-six (56) rental units to BMR households (“**BMR Rental Units**”) and eighteen (18) for-sale units to BMR households (“**BMR For-Sale Units**”) and together with BMR Rental Units, “**BMR Units**”) for a total of seventy-four (74) BMR Units. The Agreement addresses only the BMR For-Sale Units. The BMR Rental Units are addressed in a separate agreement.

D. On _____, 2023, after a duly noticed public hearing, the Housing Commission recommended approval of the BMR Proposal, including eighteen (18) low-income for-sale units, the BMR For-Sale Units.

E. On _____, 2023, after a duly noticed public hearing, and on the recommendation of the Housing Commission, the Planning Commission certified the environmental impact report approved a conditional use permit, architectural control, form affordable housing agreements, and incentives/concessions and waivers in accordance with State Density Bonus Law (Government Code section 65915) and recommended that the City Council approve a Vesting Tentative Map and the BMR Proposal for the Project. On _____, 2023, after a duly noticed public hearing, and on the recommendation of the Housing Commission and the Planning Commission, the City Council approved a Vesting Tentative Map and the BMR Proposal for the Project. The Planning Commission and City Council actions are collectively the “**Project Approvals.**”

F. The Project Approvals require the Developer to provide the BMR For-Sale Units in accordance with the BMR Proposal. In accordance with the BMR Ordinance and Guidelines and State Density Bonus Law (Government Code section 65915), Developer is required to execute and record an approved BMR Housing Agreement for the BMR For-Sale Units as a condition precedent to the issuance of a building permit for the Project. This Agreement is intended to satisfy that requirement.

NOW, THEREFORE, the Parties hereto agree as follows. The recitals are incorporated into this Agreement by this reference.

1. **Definitions.** The following terms have the meanings set forth in this Section wherever used in this Agreement or the attached exhibits.

“**Actual Household Size**” means the actual number of persons in the applicable household.

“**Affordable Housing Cost**” means a monthly obligation to pay mortgage payments (principal and interest), property taxes, property insurance, mortgage insurance (if required by mortgage lender), utilities, and homeowners’ association dues (if applicable) in an aggregate amount not greater than one-twelfth of thirty percent (30%) of household Gross Income. For the purpose of calculating Affordable Housing Cost, mortgage payments that the homeowner is required to pay on a current basis are included, but “silent” mortgages that do not require payment of principal and interest are excluded.

“**Affordable Sales Price**” means the maximum sales price for a BMR For-Sale Unit as determined pursuant to Section 2.4 below that will result in an Affordable Housing Cost for the homebuyer.

“**Applicable Rules and Regulations**” means the City, State of California, and federal rules and regulations applicable to the Project, including, but not limited to local, State of California, and federal fair housing laws and regulations.

"Area Median Income" or "AMI" means the median income for San Mateo County, California, adjusted for Actual Household Size as determined by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 8 of the United States Housing Act of 1937 and as published from time to time by the State of California Department of Housing and Community Development (HCD) in Section 6932 of Title 25 of the California Code of Regulations or successor provision.

"BMR For-Sale Units" is defined in Recital C.

"City" means the City of Menlo Park, a California municipal corporation.

"Claims" means liabilities, losses, costs, expenses (including without limitation reasonable attorneys' fees and costs of litigation), claims, demands, actions, suits, judicial or administrative proceedings, penalties, deficiencies, fines, orders, and damages.

"Developer" is defined in the preamble to this Agreement.

"Eligible Household" means a Low Income Household.

"Event of Default" is defined in Section 10.1.

"Gross Income" shall have the meaning set forth in Section 6914 of Title 25 of the California Code of Regulations as such section may be revised from time to time.

"HUD" means the U.S. Department of Housing and Urban Development.

"Indemnitees" means the City and its elected and appointed officers, officials, employees, agents, and representatives.

"Low-Income Household" means a household whose Gross Income does not exceed the qualifying limit for lower income households as established and amended from time to time by the U.S. Department of Housing and Urban Development ("**HUD**") pursuant to Section 8 of the United States Housing Act of 1937 and published by the California Department of Housing and Community Development ("**HCD**") pursuant to Section 50079.5 of the California Health and Safety Code, adjusted for Actual Household Size.

"Official Records" means the Official Records of the San Mateo County Clerk-Recorder.

"Third-Party Lender" is defined in Section 9.6.

2. Use and Affordability Restrictions. Developer hereby covenants and agrees, for itself and its successors and assigns, that throughout the term of this Agreement (as defined in Section 4.1), the BMR For-Sale Units shall be used solely for sale at Affordable Sales Prices to Eligible Households as set forth in this Agreement. Developer represents and warrants that it has not entered into any agreement that would restrict or compromise its ability to comply with the occupancy and affordability restrictions set forth in this Agreement, and Developer covenants that it shall not enter into any agreement that is inconsistent with such restrictions without the express written consent of City.

2.1 BMR For-Sale Units. For the ninety-nine (99)-year period commencing upon the date of City's issuance of a final certificate of occupancy following completion of construction of each BMR For Sale Unit ("**Affordability Period**"), the BMR For-Sale Units shall be subject to the affordability and occupancy requirements of this Agreement. Notwithstanding anything to the contrary in the City's BMR Guidelines or this Agreement, the BMR For-Sale Units shall be operated in accordance with the Project's approved BMR Proposal, including the approved reasonably equivalent alternatives to the BMR Guidelines under Section 13, attached hereto as Exhibit D.

2.2 Occupancy as Principal Residence; No Short-term Rentals. The BMR For-Sale Units must be occupied as the principal residence of the homeowner. The homeowner disclosures must provide that the prospective purchaser acknowledges and agrees that the BMR-For Sale Unit must be occupied as the household's principal residence, and that the unit may not be subleased or made available as a short-term rental.

2.3 Non-Discrimination; Compliance with Fair Housing Laws.

2.3.1 Fair Housing. Developer shall comply with state and federal fair housing laws in the marketing and sale of the BMR For-Sale Units in the Project.

2.3.2 Non-Discrimination Covenants. Developer covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, or vendees in the Property. Developer shall include such provision in all deeds, leases, contracts and other instruments executed by Developer, and shall enforce the same diligently and in good faith.

a. In deeds, the following language shall appear:

(1) Grantee herein covenants by and for itself, its successors and assigns, and all persons claiming under or through it, that there shall be no discrimination against or segregation of a person or of a group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the property herein conveyed nor shall the grantee or any person claiming under or through the grantee establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the property herein conveyed. The foregoing covenant shall run with the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

b. In contracts pertaining to management of the Project, the following language, or substantially similar language prohibiting discrimination and segregation shall appear:

(1) There shall be no discrimination against or segregation of any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the property nor shall the transferee or any person claiming under or through the transferee establish or permit any such practice or practices of discrimination or segregation with reference to selection, location, number, use or occupancy of tenants, lessee, subtenants, sublessees or vendees of the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

2.4 Sale of BMR For-Sale Units; Determination of Affordable Sales Price.

2.4.1 The BMR For-Sale Units may be sold only to Eligible Households and must be sold at a sales price that will result in Affordable Housing Cost to the homebuyer based on the homebuyer's household Gross Income.

2.4.2 The sale price of each BMR For-Sale Unit may not exceed the lesser of the Affordable Sales Price and the fair market value. The Affordable Sales Price calculation shall take into consideration the interest rate and down payment requirements of all financing for the applicable unit included in the Affordable Housing Cost. City and Developer agree to meet and confer in good faith if City disagrees with Developer's calculation of the Affordable Sales Price.

2.4.3 No less than 90 days prior to offering a BMR For-Sale Unit for sale, Developer shall provide the City with written notice of its calculation of the Affordable Sales Price, calculated in accordance with this Agreement, for such BMR For-Sale Unit for the City's review and approval. Within 20 days of City's receipt of Developer's calculation of Affordable Sales Price accompanied by all applicable financing information for such units, including without

limitation, all financing provided by Developer and all “silent” mortgages that require no debt service payments, City shall provide Developer with its approval or rejection of the Affordable Sales Price.

3. Reporting Requirements; Records; Inspections. Throughout the Affordability Period, Developer shall comply with all applicable recordkeeping and monitoring requirements set forth in the Guidelines, attached as Exhibit [], or, at the Developer’s election, applicable recordkeeping and monitoring requirements in updated Guidelines related to the initial sale of each BMR For-Sale Unit. City shall have the right to inspect the books and records of Developer and its sales agent(s) or bookkeeper upon reasonable notice during normal business hours. Representatives of the City shall be entitled, upon at least 48-hour prior written notice, which can be provided via email, to inspect the records of the Project with respect to the BMR For-Sale Units, and to conduct, or cause to be conducted, an independent audit or inspection of such records. Developer agrees to maintain records in businesslike manner, and to maintain such records for Affordability Period.

4. Term of Agreement.

4.1 Term of Restrictions. This Agreement shall remain in effect until the earlier of the ninety-ninth (99th) anniversary of the Effective Date or the initial sale of all BMR For-Sale Units in accordance with the provisions of this Agreement.

4.2 Effectiveness Succeeds Conveyance of Property. This Agreement shall remain effective and fully binding for the full term hereof regardless of any sale, assignment, transfer, or conveyance of the Property or the Project or any part thereof or interest therein; provided however, that upon initial sale of each BMR For-Sale Unit and recordation of a fully executed Resale Restriction Agreement (a form of which is attached as Exhibit C hereto), such BMR For-Sale Unit shall be released from this Agreement (a form of which is attached as Exhibit D hereto), and the Developer’s obligations under this Agreement with respect to each such BMR For-Sale Unit shall terminate unless otherwise provided for herein.

4.3 Reconveyance. Upon the termination of this Agreement, the Parties agree to execute and record appropriate instruments to release and discharge this Agreement; provided, however, the execution and recordation of such instruments shall not be necessary or a prerequisite to the termination of this Agreement upon the expiration of the term.

5. Binding Upon Successors; Covenants to Run with the Land.

5.1 Requirements Run with the Land. Developer hereby subjects its interest in the Property and the Project to the covenants and restrictions set forth in this Agreement. The City and Developer hereby declare their express intent that the covenants and restrictions set forth herein shall be deemed covenants running with the land and shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest, transferees, and assigns of Developer and City, regardless of any sale, assignment, conveyance or transfer of the Property, the Project or any part thereof or interest therein. Any successor-in-interest to Developer, including without limitation any purchaser, transferee or lessee of the Property or the Project shall be subject to all of the duties and obligations imposed hereby for the full term of this Agreement.

Each and every contract, deed, ground lease or other instrument affecting or conveying the Property or the Project or any part thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, restrictions, duties and obligations set forth herein, regardless of whether such covenants, restrictions, duties and obligations are set forth in such contract, deed, ground lease or other instrument. If any such contract, deed, ground lease or other instrument has been executed prior to the date hereof, Developer hereby covenants to obtain and deliver to City an instrument in recordable form signed by the parties to such contract, deed, ground lease or other instrument pursuant to which such parties acknowledge and accept this Agreement and agree to be bound hereby.

5.2 Equitable Servitudes. Developer agrees for itself and for its successors that in the event that a court of competent jurisdiction determines that the covenants herein do not run with the land, such covenants shall be enforced as equitable servitudes against the Property and the Project in favor of City.

5.3 Recordation of Resale Restriction Agreement. In connection with the sale of each BMR For-Sale Unit, the homebuyer shall be required to execute a Resale Restriction Agreement, substantially in the form attached hereto as Exhibit C. The Resale Restriction Agreement must be recorded against the BMR For-Sale Units in the Project at the closing for the sale of such unit.

6. Buyer Selection; Marketing.

6.1 Use of City List of Prospective Purchasers. The City may maintain a list of potential Eligible Households. Developer agrees to include any such list in marketing the BMR For-Sale Units, and agrees to honor any priorities established by such list or otherwise specified in this Agreement to the extent consistent with State and federal laws; provided however, Developer shall retain responsibility to verify prospective purchasers' income, qualifications, and eligibility to purchase a BMR For-Sale Unit.

6.2 Preferences. Through the review and approval of the Marketing Plan, Developer shall work with City to develop a methodology that will provide a preference in the sale of BMR For-Sale Units to Income Level Eligible Households that is consistent with the Guidelines, using the approach that is set forth in Exhibit G. Notwithstanding the foregoing, in the event of a conflict between this provision and Applicable Rules and Regulations, the provisions of such Applicable Rules and Regulations shall control.

6.3 Income Verification. Prior to entering into a contractual commitment to sell each BMR For-Sale Unit, Developer shall provide a certification to City attesting to the prospective buyer's Gross Income and status as an Eligible Household. In connection with such certification, prospective purchasers shall be required to provide written certification of household income, including without limitation such documents as income tax returns for the previous calendar year, W-2 statements, and pay stubs.

6.4 Use of Qualified Brokers and Lenders. If Developer uses a third-party broker or lender in marketing the BMR For-Sale Units, Developer agrees to use a realtor or broker that has experience in marketing below market-rate units that require homebuyers to meet income

qualifications and that require recordation of resale restriction agreements limiting appreciation on future sales, and agrees to use a realtor or broker that is on the City's approved list of realtors/brokers with such experience, if City maintains such a list. In addition, Developer agrees that the purchase of BMR For-Sale Units will be financed by lenders that are familiar with affordable housing programs that impose resale price restrictions, and agrees to work with lenders listed on the City's approved list of lenders with such experience if City maintains such a list.

6.5 Marketing Plan. Not fewer than 120 days before Developer begins offering BMR For-Sale Units for sale, Developer shall provide to the City, for its review and approval, the Developer's written marketing plan which shall address Developer's plan for marketing the BMR For-Sale Units for sale to Eligible Households, which plan shall incorporate the requirements set forth in this Section 6. Upon receipt of the marketing plan, the City shall promptly review the marketing plan and shall approve or disapprove it within thirty (30) days after submission. If the marketing plan is not approved, the Developer shall submit a revised marketing plan within thirty (30) days.

7. Maintenance and Insurance.

7.1 Maintenance. Developer shall maintain, or shall cause the homeowners' association for the Property ("**Homeowners' Association**") to maintain the Property in good physical condition, in good repair, ordinary wear and tear excepted, and in decent, safe, sanitary, habitable and tenantable living conditions. Without limiting the foregoing, Developer agrees to maintain or cause the Homeowners' Association to maintain the Property (including without limitation, landscaping, driveways, parking areas, and walkways) in a condition free of all waste, nuisance, debris, unmaintained landscaping, graffiti, disrepair, abandoned vehicles/appliances, and illegal activity, and shall take all reasonable steps to prevent the same from occurring on the Property. Developer shall prevent and/or rectify, or shall cause the Homeowners' Association to prevent and/or rectify, any physical deterioration of the Improvements and shall make all repairs, renewals and replacements necessary to keep the Property in good condition and repair, ordinary wear and tear excepted.

7.2 Insurance Coverage. Throughout the term of this Agreement, Developer shall comply, or cause the Homeowners' Association to comply, with the insurance requirements set forth in Exhibit B, and shall, at Developer's or Homeowners' Association expense, as applicable, maintain in full force and effect insurance coverage as specified in Exhibit B.

8. Recordation. This Agreement shall be recorded in the Official Records. Developer hereby represents, warrants and covenants that with the exception of easements of record, absent the written consent of City which City may grant or deny in the exercise in its reasonable discretion, this Agreement shall not be subordinated in priority to any lien pertaining to taxes or assessments, encumbrance, or other interest in the Property or the Project. If (other than those at the time this Agreement is recorded), any interest, lien, or encumbrance has been recorded against the Project in position superior to this Agreement, upon the request of City, Developer hereby covenants and agrees to promptly undertake all action necessary to clear such matter from title or to subordinate such interest to this Agreement consistent with the intent of and in accordance with this Section 8, and to provide such evidence thereof as City may reasonably request.

9. Transfer and Encumbrance.

9.1 Restrictions on Transfer and Encumbrance. During the term of this Agreement, except as permitted pursuant to this Agreement, Developer shall not directly or indirectly, voluntarily, involuntarily or by operation of law make or attempt any total or partial sale, transfer, conveyance, assignment or lease (collectively, “**Transfer**”) of the whole or any part of the Property, the Project, or the improvements located on the Property, without the prior written consent of the City, which approval shall not be unreasonably withheld. In addition, prior to the expiration of the term of this Agreement, except as expressly permitted by this Agreement, Developer shall not undergo any significant change of ownership without the prior written approval of City. For purposes of this Agreement, a “significant change of ownership” shall mean a transfer of the beneficial interest of more than twenty-five percent (25%) in aggregate of the present ownership and /or control of Developer, taking all transfers into account on a cumulative basis; provided however, neither the admission of an investor/non-managing member, nor the transfer by such party’s interest to subsequent non-managing members shall be restricted by this provision.

9.2 Permitted Transfers. Subject to Section 9.3 below, the prohibitions set forth in this Article shall not be deemed to prevent: (i) the granting of temporary easements or permits to facilitate development of the Property; (ii) dedication of any property required pursuant to this Agreement; (iii) the sale of individual residences to homebuyers for occupancy as their principal residence in accordance with this Agreement; (iv) assignments creating security interests for the purpose of financing the acquisition, construction, or permanent financing of the Project in accordance with the approved Financing Plan as it may be updated with City’s reasonable approval, or Transfers directly resulting from the foreclosure of, or granting of a deed in lieu of foreclosure of, such a security interest; (v) a Transfer to an entity under the direct control of or under common control with Developer of an affiliate of Developer, or (vi) a Transfer to an entity owned or controlled by The Sobrato Organization.

9.3 Requirements for Proposed Transfers. The City may, in the exercise of its sole discretion, consent to a proposed Transfer of this Agreement, the Property, or part thereof if all of the following requirements are met (provided however, the requirements of this Section 9.9 shall not apply to Transfers described in clauses (i), (ii), (iii), or (iv) of Section 9.2:

(i) The proposed transferee demonstrates to the City’s satisfaction that it has the qualifications, experience and financial resources necessary and adequate as may be reasonably determined by the City to competently complete and manage the Project and to otherwise fulfill the obligations undertaken by the Developer under this Agreement.

(ii) The Developer and the proposed transferee shall submit for City review and approval all instruments and other legal documents proposed to effect any Transfer of all or any part of or interest in the Property, the Project or this Agreement together with such documentation of the proposed transferee’s qualifications and development capacity as the City may reasonably request.

(iii) The proposed transferee shall expressly assume all of the rights and obligations of the Developer under this Agreement arising after the effective date of the Transfer

and all obligations of Developer arising prior to the effective date of the Transfer (unless Developer expressly remains responsible for such obligations) and shall agree to be subject to and assume all of Developer's obligations pursuant to the Project Approvals and all other conditions, and restrictions set forth in this Agreement. The assumption of such obligations shall be documented in an assignment and assumption agreement in form approved by City.

(iv) The Transfer shall be effectuated pursuant to a written instrument satisfactory to the City in form recordable in the Official Records.

(v) As applicable, the final form of the Partnership Agreement, operating agreement, and other applicable governing documents of the transferee and any subsequent amendments that affect the City's economic interests under this Agreement shall be subject to City's review and approval.

Consent to any proposed Transfer may be given by the City's Authorized Representative unless the City's Authorized Representative, in his or her discretion, refers the matter of approval to the City Council. If the City has not rejected a proposed Transfer or requested additional information regarding a proposed Transfer in writing within forty-five (45) days following City's receipt of written request by Developer, the proposed Transfer shall be deemed approved.

Nothing in this Section 9.3 is intended to limit or modify the obligation of Developer to comply with all requirements set forth in this Agreement with respect to the Transfer of individual BMR For Sale Units to homebuyers.

9.4 Effect of Transfer without City Consent. In the absence of specific written agreement by the City, no Transfer by Developer shall be deemed to relieve the Developer or any other party from any obligation under this Agreement. It shall be an Event of Developer Default hereunder entitling City to pursue all available remedies at law or in equity, including without limitation, termination of this Agreement, if without the prior written approval of the City, Developer assigns or Transfers this Agreement, the Project, or the Property, or any part thereof of interest therein, or undergoes any other Transfer (including without limitation, any assignment for security or encumbrance of the Property, or the Project, or part thereof) in violation of Section 9. This Section 9.4 shall not apply to Transfers described in clauses (i), (ii), (iii), and (vi) of Section 9.2.

9.5 Recovery of City Costs. Within ten (10) days following City's delivery to Developer of an invoice detailing such costs, Developer shall reimburse City for all reasonable City costs, including but not limited to reasonable attorneys' fees, incurred in reviewing instruments and other legal documents proposed to effect a Transfer of this Agreement, the Property, or the Project, or part thereof, and in reviewing the qualifications and financial resources of a proposed successor, assignee, or transferee.

9.6 Encumbrances. Developer agrees to use best efforts to ensure that all deeds of trust or other security instruments and any applicable subordination agreement recorded against the Property, the Project or part thereof for the benefit of a lender ("**Third-Party Lender**") shall contain each of the following provisions: (i) Third-Party Lender shall use its best efforts to provide to City a copy of any notice of default issued to Developer concurrently with provision of

such notice to Developer; and (ii) City shall have the reasonable right, but not the obligation, to cure any default by Developer within the same period of time provided to Developer for such cure extended by an additional ninety (90) days. Developer agrees to provide to City a copy of any notice of default Developer receives from any Third-Party Lender within three (3) business days following Developer's receipt thereof.

9.7 Mortgagee Protection. No violation of any provision contained herein shall defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value upon all or any portion of the Project or the Property, and the purchaser at any trustee's sale or foreclosure sale shall not be liable for any violation of any provision hereof occurring prior to the acquisition of title by such purchaser. Such purchaser shall be bound by and subject to this Agreement from and after such trustee's sale or foreclosure sale. Promptly upon determining that a violation of this Agreement has occurred, City shall give written notice to the holders of record of any mortgages or deeds of trust encumbering the Project or the Property that such violation has occurred.

10. Default and Remedies.

10.1 Events of Default. The occurrence of any one or more of the following events shall constitute an event of default hereunder ("**Event of Default**"):

- (a) The occurrence of a Transfer in violation of Section 9 hereof;
- (b) Developer's failure to maintain insurance on the Property and the Project as required hereunder, and the failure of Developer to cure such default within five (5) days;
- (c) Subject to Developer's right to contest the following charges, Developer's failure to pay taxes or assessments due on the Property or the Project or failure to pay any other charge that may result in a lien on the Property or the Project, and Developer's failure to cure such default within twenty (20) days of delinquency, but in all events prior to the date upon which the holder of any such tax or other lien has the right to foreclose thereon;
- (d) A default arises under any loan secured by a mortgage, deed of trust or other security instrument recorded against the Property and remains uncured beyond any applicable cure period such that the holder of such security instrument has the right to accelerate repayment of such loan; and
- (e) Developer's default in the performance of any term, provision or covenant under this Agreement (other than an obligation enumerated in this Section 10.1), and unless such provision specifies a shorter cure period for such default, the continuation of such default for ten (10) days in the event of a monetary default or thirty (30) days in the event of a non-monetary default following the date upon which City shall have given written notice specifying the nature of the default to Developer, or if the nature of any such non-monetary default is such that it cannot be cured within thirty (30) days, Developer's failure to commence to cure the default within thirty (30) days and thereafter prosecute the curing of such default to completion with due diligence and in good faith, but in no event later than ninety (90) days from receipt of the notice of default.

10.2 Remedies. Upon the occurrence of an Event of Default and its continuation beyond any applicable cure period, City may proceed with any of the following remedies:

- A. Bring an action for equitable relief seeking the specific performance of the terms and conditions of this Agreement, and/or enjoining, abating, or preventing any violation of such terms and conditions, and/or seeking declaratory relief;
- B. For violations of obligations with respect to Affordable Sales Prices chargeable to Eligible Households for the BMR For Sale Units, impose a charge in an amount equal to the actual amount collected in excess of the permitted Affordable Sales Price;
- C. Pursue any other remedy allowed at law or in equity.

Each of the remedies provided herein is cumulative and not exclusive. The City may exercise from time to time any rights and remedies available to it under applicable law or in equity, in addition to, and not in lieu of, any rights and remedies expressly provided in this Agreement.

11. Indemnity. To the greatest extent permitted by law, Developer shall indemnify, defend (with counsel approved by City) and hold the Indemnitees harmless from and against all Claims arising directly or indirectly, in whole or in part, as a result of or in connection with Developer's or Developer's employees', agents', contractors', or subcontractors' (all of the foregoing, collectively, "**Developer's Parties**") rehabilitation, construction, management, or operation of the Property and the Project, failure to comply with applicable law, including without limitation, state and federal fair housing laws, or any failure to perform any obligation as and when required by this Agreement. Developer's indemnification obligations under this Section 11 shall not extend to Claims to the extent resulting from the gross negligence or willful misconduct of Indemnitees. The provisions of this Section 11 shall survive the expiration or earlier termination of this Agreement. It is further agreed that City does not and shall not waive any rights against Developer that it may have by reason of this indemnity and hold harmless agreement because of the acceptance by City, or the deposit with City by Developer, of any of the insurance policies described in this Agreement.

12. Miscellaneous.

12.1 Amendments. This Agreement may be amended or modified only by a written instrument signed by both Parties and recorded in the Official Records.

12.2 No Waiver. Any waiver by City of any term or provision of this Agreement must be in writing. No waiver shall be implied from any delay or failure by City to take action on any breach or default hereunder or to pursue any remedy allowed under this Agreement or applicable law. No failure or delay by City at any time to require strict performance by Developer of any provision of this Agreement or to exercise any election contained herein or any right, power or remedy hereunder shall be construed as a waiver of any other provision or any

succeeding breach of the same or any other provision hereof or a relinquishment for the future of such election.

12.3 Notices. Except as otherwise specified herein, all notices to be sent pursuant to this Agreement shall be made in writing, and sent to the Parties at their respective addresses specified below or to such other address as a Party may designate by written notice delivered to the other parties in accordance with this Section. All such notices shall be sent by: (i) personal delivery, in which case notice is effective upon delivery; (ii) certified or registered mail, return receipt requested, in which case notice shall be deemed delivered upon receipt if delivery is confirmed by a return receipt; or (iii) nationally recognized overnight courier, with charges prepaid or charged to the sender's account, in which case notice is effective on delivery if delivery is confirmed by the delivery service.

CITY: City of Menlo Park
701 Laurel Street
Menlo Park, California 94025-3483
Attention: City Manager

DEVELOPER: Habitat for Humanity Greater San Francisco, Inc.
300 Montgomery Street, Suite 450
San Francisco, CA 94104
Attention: Maureen Sedonaen

12.4 Further Assurances. The Parties shall execute, acknowledge and deliver to the other such other documents and instruments, and take such other actions, as either shall reasonably request as may be necessary to carry out the intent of this Agreement.

12.5 Parties Not Co-Venturers; Independent Contractor; No Agency Relationship. Nothing in this Agreement is intended to or shall establish the Parties as partners, co-venturers, or principal and agent with one another. The relationship of Developer and City shall not be construed as a joint venture, equity venture, partnership or any other relationship. City neither undertakes nor assumes any responsibility or duty to Developer (except as expressly provided in this Agreement) or to any third party with respect to the Project. Developer and its employees are not employees of City but rather are, and shall always be considered independent contractors. Furthermore, Developer and its employees shall at no time pretend to be or hold themselves out as employees or agents of City. Except as City may specify in writing, Developer shall not have any authority to act as an agent of City or to bind City to any obligation.

12.6 Action by the City. Except as may be otherwise specifically provided herein, whenever any approval, notice, direction, consent or request by the City is required or permitted under this Agreement, such action shall be in writing, and such action may be given, made or taken by the City's City Manager or by any person who shall have been designated by the City Manager, without further approval by the City Council.

12.7 Non-Liability of City and City Officials, Employees and Agents. No member, official, employee or agent of the City shall be personally liable to Developer or any successor in interest, in the event of any default or breach by the City, or for any amount of money which may become due to Developer or its successor or for any obligation of City under this Agreement.

12.8 Headings; Construction; Statutory References. The headings of the sections and paragraphs of this Agreement are for convenience only and shall not be used to interpret this Agreement. The language of this Agreement shall be construed as a whole according to its fair meaning and not strictly for or against any Party. All references in this Agreement to particular statutes, regulations, ordinances or resolutions of the United States, the State of California, or the City of Menlo Park shall be deemed to include the same statute, regulation, ordinance or resolution as hereafter amended or renumbered, or if repealed, to such other provisions as may thereafter govern the same subject.

12.9 Time is of the Essence. Time is of the essence in the performance of this Agreement.

12.10 Governing Law; Venue. This Agreement shall be construed in accordance with the laws of the State of California without regard to principles of conflicts of law. Any action to enforce or interpret this Agreement shall be filed and heard in the Superior Court of San Mateo County, California or in the Federal District Court for the Northern District of California.

12.11 Attorneys' Fees and Costs. If any legal or administrative action is brought to interpret or enforce the terms of this Agreement, the prevailing party shall be entitled to recover all reasonable attorneys' fees and costs incurred in such action.

12.12 Severability. If any provision of this Agreement is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired thereby.

12.13 Entire Agreement; Exhibits. This Agreement contains the entire agreement of Parties with respect to the subject matter hereof, and supersedes all prior oral or written agreements between the Parties with respect thereto. Exhibits A through E, attached hereto are incorporated herein by this reference.

12.14 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

13.15 Local Land Use Controls. The Project Approvals include approved incentives/concessions and waivers under the State Density Bonus Law, attached hereto as Exhibit [redacted]. This Agreement shall be subject to and interpreted to be consistent with the approved incentives/concessions and waivers granted pursuant to the State Density Bonus Law.

SIGNATURES ON FOLLOWING PAGES.

IN WITNESS WHEREOF, the Parties have entered into this Affordable Housing Regulatory Agreement effective as of the date first written above.

CITY:

City of Menlo Park, a municipal corporation

By: _____
Justin Murphy, City Manager

DEVELOPER:

Habitat for Humanity Greater San Francisco, Inc.,
a California nonprofit public benefit corporation

By: _____
Maureen Sedonaen, Chief Executive Officer

SIGNATURES MUST BE NOTARIZED.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____ before me, _____ (here insert name and title of the officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____ before me, _____ (here insert name and title of the officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Exhibit A

PROPERTY

Exhibit B

INSURANCE REQUIREMENTS

Prior to initiating work on the Project and continuing throughout the Affordability Period, Developer (or the Homeowner's Association, as applicable and consistent with Section 7 of this Agreement) shall obtain and maintain the following policies of insurance and shall comply with all provisions set forth in this Exhibit.

1. General Requirements. Developer shall procure and maintain the following insurance providing coverage against claims for injuries to persons or damages to property that may arise from or in connection with the Project, construction, management, or operation of the Property by the Developer or the Developer's agents, representatives, employees and contractors, or subcontractors, including the following:

(a) Commercial General Liability: The Developer and all contractors working on behalf of Developer on the Property shall maintain a commercial general liability policy in an occurrence policy for protection against all claims arising from injury to person or persons not in the employ of the Developer and against all claims resulting from damage to any property due to any act or omission of the Developer, its agents, or employees in the conduct or operation of the work or the execution of this Agreement. Such insurance shall include products and completed operations liability, blanket contractual liability, personal injury liability, and broad form property damage coverage. Coverage shall be at least as broad as Insurance Services Office Commercial General Liability coverage.

(b) Commercial Automobile Liability: The Developer and all contractors working on behalf of Developer on the Property shall maintain insurance for protection against all claims arising from the use of vehicles, owned, hired, non-owned, or any other vehicle in connection with the Project, construction, operation or management of the Property. Such insurance shall cover the use of automobiles and trucks on and off the site of the Property. Coverage shall be at least as broad as Insurance Services Office covering Commercial Automobile Liability, any auto, owned, non-owned and hired auto.

(c) Workers' Compensation Insurance: The Developer (and the general partners thereof) shall furnish or cause to be furnished to City evidence satisfactory to City that Developer (and the general partners thereof), and any contractor with whom Developer has contracted for the performance of work on the Property or otherwise pursuant to this Agreement, shall maintain Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance.

(d) Builder's Risk: Upon commencement of any construction work on the Property, Developer and all contractors working on behalf of Developer shall maintain a policy of builder's all-risk insurance in an amount not less than the full insurable cost of the Project on a replacement cost basis naming City as loss payee as its interests may appear.

(e) Professional Liability/Errors and Omissions: Developer shall require any architects, engineers, and general contractors working on the Property to maintain Professional

Liability/Errors and Omissions insurance with limits not less than Two Million Dollars (\$2,000,000) each claim. Certificates evidencing this coverage must reference both the Developer and the Indemnitees. If the professional liability/errors and omissions insurance is written on a claims made form: (i) the retroactive date must be shown and must be before the Effective Date, (ii) insurance must be maintained and evidence of insurance must be provided for at least three (3) years after completion of Project construction, and (iii) if coverage is cancelled or non-renewed and not replaced with another claims made policy form with a retroactive date prior to the Effective Date, Developer must purchase, or require the provision of, extended period coverage for a minimum of three (3) years after completion of construction.

(f) Property: Developer shall maintain property insurance covering all risks of loss, including earthquake and flood (if required) for 100% of the replacement value of the Project with deductible, if any, in an amount acceptable to City, and as commercially available.

2. Minimum Limits; Adjustments. Insurance shall be maintained with limits no less than the following:

(a) Commercial General Liability and Property Damage: \$2,000,000 per occurrence and \$5,000,000 annual aggregate for bodily injury, personal injury and property damage; provided however, with City's advance written approval, subcontractors may maintain liability coverage with limits not less than \$1,000,000 per occurrence, \$2,000,000 annual aggregate.

(b) Products and Completed Operations: \$3,000,000 per occurrence/aggregate. Subcontractors may maintain Products and Completed Operations with limits not less than \$1,000,000 per occurrence and \$1,000,000 aggregate.

(c) Commercial Automobile Liability: \$2,000,000 combined single limit.

(d) Employer's Liability:

Bodily Injury by Accident - \$1,000,000 each accident.

Bodily Injury by Disease - \$1,000,000 policy limit.

Bodily Injury by Disease - \$1,000,000 each employee.

(e) Professional Liability/Errors and Omissions: \$2,000,000 per occurrence or claim. If the policy provides coverage on a claims-made basis, the retroactive date must be shown and must be before the date of the Agreement or the beginning of the contract work. Subcontractors are required to carry coverage if their scope of work includes design services to the Project.

Coverage limits, and if necessary, the terms and conditions of insurance, shall be reasonably adjusted from time to time (not less than every five (5) years after the Effective Date nor more than once in every three (3) year period) to address changes in circumstance, including, but not limited to, changes in inflation and the litigation climate in California. City shall give written notice to Developer of any such adjustments, and Developer shall provide City with amended or new insurance certificates or endorsements evidencing compliance with such adjustments within thirty (30) days following receipt of such notice.

3. Deductibles and Self-Insured Retention. Any deductibles or self-insured retention must be declared to, and approved by, the City. Payment of all deductibles and self-insured retentions will be the responsibility of Developer. If the City determines that such deductibles or retentions are unreasonably high, either the insurer shall reduce or eliminate such deductibles or self-insurance retentions as respects the Indemnitees or Developer shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense.

4. Additional Requirements. The required general liability and automobile policies shall contain, or be endorsed to contain, the following provisions:

(a) The Indemnitees are to be covered as Additional Insureds as respects: liability arising out of activities performed by or on behalf of the Developer; products and completed operations of the Developer; premises owned, occupied or used by the Developer; or automobiles owned, leased, hired or borrowed by the Developer. The coverage shall contain no special limitations on the scope of protection afforded to the Indemnitees. Additional insured endorsements for the general liability coverage shall use Insurance Services Office (ISO) Form No. CG 20 09 11 85 or CG 20 10 11 85, or equivalent, including (if used together) CG 2010 10 01 and CG 2037 10 01; but shall not use the following forms: CG 20 10 10 93 or 03 94.

(b) All insurance shall be primary insurance as respects the Indemnitees. Any insurance or self-insurance maintained by the Indemnitees shall be excess of the Developer's/contractor's insurance and shall not contribute with it.

(c) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the Indemnitees.

(d) The Developer's insurance shall apply separately to each insured against whom claim is made or suit is brought except, with respect to the limits of the insurer's liability.

(e) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

(f) If any insurance policy or coverage required hereunder is canceled or reduced, Developer shall, within five (5) days after receipt of notice of such cancellation or reduction in coverage, but in no event later than the effective date of cancellation or reduction, file with City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies. Upon failure to so file such certificate, City may, without further notice and at its option, procure such insurance coverage at Developer's expense, and Developer shall promptly reimburse City for such expense upon receipt of billing from City.

(g) Developer agrees to waive subrogation rights for commercial general liability, automobile liability and worker's compensation against Indemnitees regardless of the applicability of any insurance proceeds, and to require all contractors, subcontractors or others involved in any way with any construction on the Property to do likewise. Each insurance policy shall contain a waiver of subrogation for the benefit of City. If any required insurance is provided under a form of coverage that includes an annual aggregate limit or provides that claims investigation or legal

defense costs are included in such annual aggregate limit, such annual aggregate limit shall be three times the applicable occurrence limits specified above.

(h) It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirement and/or limits shall be available to the additional insured. Furthermore, the requirement for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater. For all liability insurance required by this Agreement, Developer (and Developer's contractors, as applicable) shall obtain endorsements that name the Indemnitees as additional insured in the full amount of all applicable policies, notwithstanding any lesser minimum limits specified in this Agreement. This Agreement requires Developer (and Developer's contractors, as applicable) to obtain and provide for the benefit of the Indemnitees, additional insured coverage in the same amount of insurance carried by Developer (or Developer's contractors, as applicable), but in no event less than the minimum amounts specified in this Agreement. In the event that Developer (or Developer's contractors as applicable) obtains insurance policies that provide liability coverage in excess of the amounts specified in this Agreement, the actual limits provided by such policies shall be deemed to be the amounts required under this Agreement. Without limiting the foregoing, the limits of liability coverage specified in this Agreement are not intended, nor shall they operate, to limit City's ability to recover amounts in excess of the minimum amounts specified in this Agreement.

(i) The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

5. Acceptability of Insurers. Companies writing the insurance required hereunder shall be licensed to do business in the State of California. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII.

6. Verification of Coverage. Prior to the Effective Date of this Agreement, Developer shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraphs (a), (b), (c), and (e) of Section 1 above, duly executed endorsements evidencing the Indemnitees' status as additional insured, and all other endorsements and coverage required hereunder pertaining to such coverage. Prior to commencement of any construction work on the Property, Developer shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraphs (d) and (g) of Section 1 above. Prior to City's issuance of a final certificate of occupancy or equivalent for the Project, Developer shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraph (f) of Section 1 above. Developer shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf.

7. Insurance Certificates and Endorsements. Developer shall submit to the City all of the necessary insurance documents, including the applicable amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of required Developer policies listing all required policy endorsements to the City. Insurance Certificates and Endorsements are to be received and approved by the City within the time periods specified in Section 6 above. Should Developer cease to have insurance as required at any time, all work by Developer pursuant to this Agreement shall cease until insurance acceptable to the City is provided. Upon City's request, Developer shall, within thirty (30) days of the request, provide or arrange for the insurer to provide to City, complete certified copies of all insurance policies required under this Agreement. City's failure to make such request shall not constitute a waiver of the right to require delivery of the policies in the future.

Exhibit C

FORM OF RESALE RESTRICTION AGREEMENT

Exhibit D

**APPROVED BMR PROPOSAL AND REASONABLY ALTERNATIVE EQUIVALENTS
TO THE BMR GUIDELINES**

EXHIBIT E

**FORM OF RELEASE OF BMR FOR SALE UNITS FROM REGULATORY
AGREEMENT**

EXHIBIT F

HGSF'S MARKETING, OUTREACH, AND LOTTERY PROCESS

123 Independence Drive Project – Attachment C, Exhibit K
– Conditions of Approval

LOCATION: 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive	PROJECT NUMBER: PLN2020-00020	APPLICANT: Peter Tsai, The Sobrato Organization	OWNER: SI 60, LLC
<p>PROJECT MAP CONDITIONS:</p> <ol style="list-style-type: none"> 1. The tentative map shall be subject to the following standard conditions: <ol style="list-style-type: none"> a. Project Proponent shall adhere to the Subdivision Map Act and Chapter 15 of the City's Municipal Code in effect on the date the Project Proponent submitted its SB 330 preliminary application containing all the information required by Government Code section 65941.1(a) (here, January 29, 2020) ("SB 330 Date"). b. Within two years from the date of approval of the tentative map, the Project Proponent shall submit a Final Map or Phased Final Map for City approval. c. Prior to Final Map or Phased Final Map approval, Project Proponent shall submit plans to remove and replace any damaged and significantly worn sections of frontage improvements within the area of the Final Map or Phased Final Map. The plans shall be submitted for the review and approval of the Engineering Division. d. The project is required to construct frontage improvements as shown on tentative map Improvement Plans to include but not limited to: <ol style="list-style-type: none"> 1. 5' Green Infrastructure 2. 3" of grind and AC overlay (curb to curb) along entire frontages. 3. Lateral connections to overhead electric, fiber optic, and communication lines shall be placed in a joint trench. 4. Existing sidewalk shall be removed and replaced along the entire project frontages per approved project plans. 5. Any frontage improvements which are damaged as a result of construction shall be replaced. e. The Final Map or Phased Final Map shall dedicate the Public Access Easements (PAE), Public Utility Easements (PUE), Right of Way Dedications, and any and all other necessary easements within the map area. f. The Project has the option to create multiple final maps in accordance with the subdivision map act and the city subdivision ordinance. The city will determine the public improvements for each phase, ensuring they meet the satisfaction of the Director of the Public Works Department. The completion of the paseo, and any additional open space required to meet the minimum open space for that phase pursuant to the requirements of the City of Menlo Park Municipal Code Section 16.45.120(4), unless modified pursuant to State Density Bonus Law concessions and waivers, is required as part of the improvements associated with the first phase of the Project. Publicly accessible private open space shall be subject to an irrevocable easement agreement for public use of the publicly accessible private open space, including the publicly accessible paseo, to the satisfaction of the Public Works Director and City Attorney. The easement agreement shall be recorded at the time of the recordation of the Phased Final Map or Final Map that includes the publicly accessible private open space subject to the easement. g. Prior to Final Map or Phased Final Map approval, Project Proponent shall submit plans for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) 			

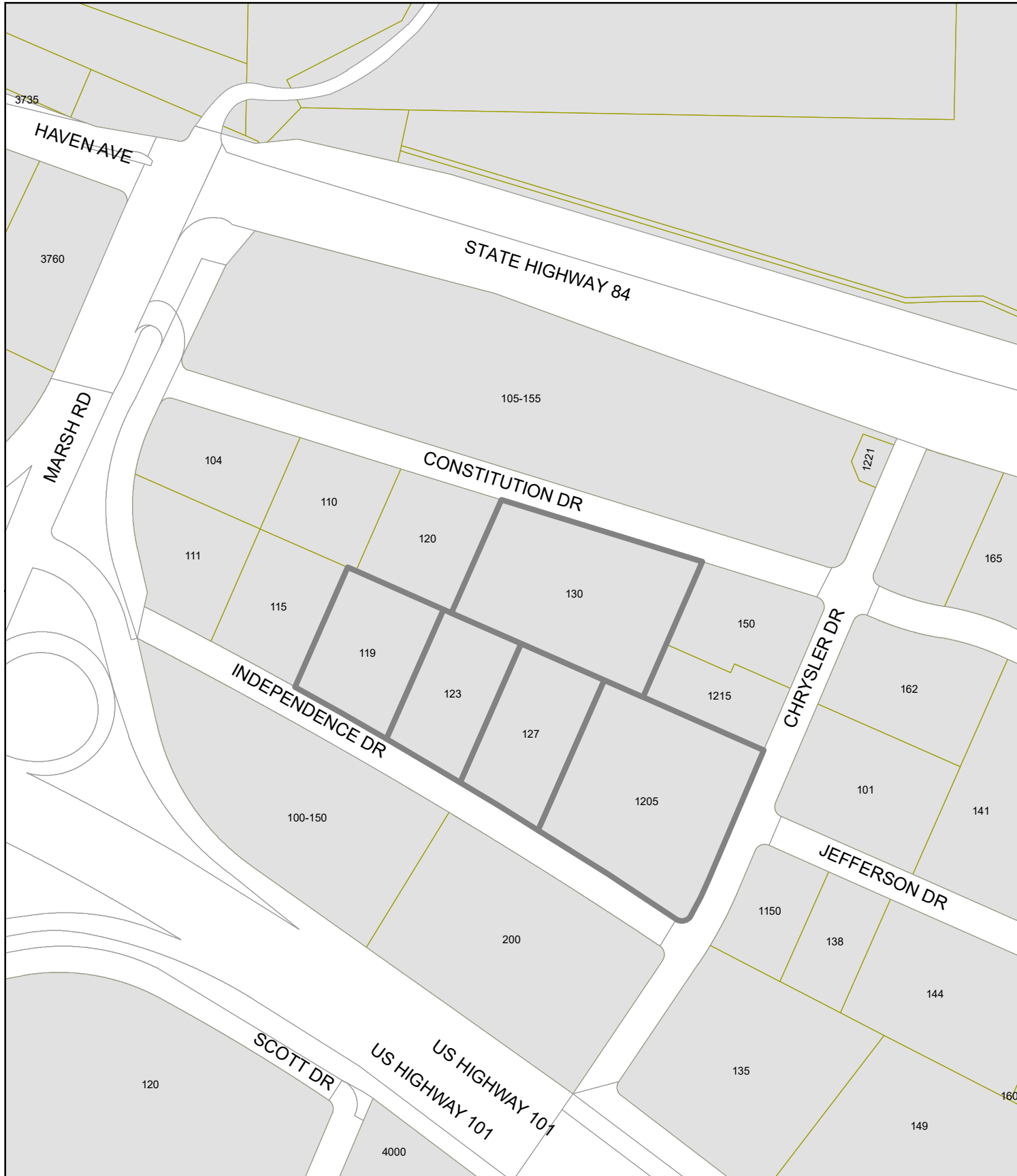
123 Independence Drive Project – Attachment C, Exhibit K
– Conditions of Approval

construction vehicle parking for the map area. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.

- h. Prior to Final Map or first Phased Final Map approval, Project Proponent shall submit an updated Storm Water Management plan with review of 3rd party engineer's certification.
- i. Prior to Final Map or first Phased Final Map approval, Project Proponent shall provide documentation indicating the amount of irrigated landscaping. If the Project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44).
- j. Prior to Final Map or Phased Final Map approval, Project Proponent shall submit a plan for any new utility installations or upgrades for the area covered by the map for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that are 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.
- k. Prior to Final Map or Phased Final Map approval, Project Proponent shall submit a heritage street tree preservation plan for the map area, detailing the location of and methods for all tree protection measures.
- l. Prior to Final Map or Phased Final Map approval, Project Proponent shall pay all applicable Public Works fees for the phase. Refer to City of Menlo Park Master Fee Schedule in effect on the SB 330 Date. Fee inflaters in that fee schedule apply.
- m. Prior to Final Map or Phased Final Map approval, Project Proponent shall pay all applicable engineering fees for that phase in accordance with City requirements and the Master Fee Schedule in effect on the SB 330 Date. Fee inflaters in that fee schedule apply. This residential subdivision is subject to the City's Recreation In-Lieu Fee requirements (Municipal Code 15.16.020). The recreation in-lieu fee is \$78,400.00 per unit. Based on total 116 townhomes that have been proposed, the total Recreation In-Lieu Fee is \$9,094,400.
- n. Prior to Final Map or the last Phased Final Map approval, Project Proponent shall submit draft Covenants, Conditions and Restrictions (CC&Rs) to the City for review and approval. The CC&Rs shall provide for the maintenance of all infrastructure and utilities within the Project site or constructed to serve the Project. This shall include, but not be limited to, the private open spaces, shared parking spaces, common walkways, common landscaping, and the stormwater drainage and sewer collection systems.
- o. Prior to Final Map or first Phased Final Map approval, the Project Proponent shall submit engineered Off-Site Improvement Plans (including specifications & engineers cost estimates), for approval by the Engineering Division, showing the infrastructure necessary to serve the Project. The Improvement Plans shall include, but are not limited to, all engineering calculations necessary to substantiate the design, proposed roadways, drainage improvements, utilities, traffic control devices, retaining walls, sanitary sewers, and storm drains, pump/lift stations, street lightings, common area landscaping and other project improvements. All public improvements shall be designed and constructed to the satisfaction of the Engineering Division.
- p. Prior to Final Map or first Phased Final Map approval, the Project Proponent shall enter into a Subdivision Improvement Agreement and provide a performance bond for the completion of the off-site improvements as shown on the approved project improvement plans. The Project Proponent shall obtain an encroachment permit, from the appropriate reviewing jurisdiction, prior to commencing any work within the right-of-way or public easements.

123 Independence Drive Project – Attachment C, Exhibit K
– Conditions of Approval

- q. Prior to Final Map or first Phased Final Map approval, Project Proponent shall submit plans for street light design per City standards and PG&E at locations approved by the City.
- r. Prior to Final Map or first Phased Final Map approval, the Project Proponent shall submit a draft “Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement” with the City subject to review and approval by the Engineering Division. The property owner will be responsible for the operation and maintenance of stormwater treatment measures for the Project. The agreement shall also include operation and maintenance of the stormwater treatment facility on Garwood Way including curb gutter and retaining walls. This agreement shall run with the land and shall be recorded with the San Mateo County Recorder’s Office prior to building permit final inspection.



CITY OF MENLO PARK

LOCATION MAP

123 INDEPENDENCE DRIVE PROJECT DRAWN: TAS
 DRAWN: TAS CHECKED: KTP DATE: 1/25/21 SCALE: 1" = 300' SHEET: 1



Planning Commission



REGULAR MEETING DRAFT MINUTES

Date: 12/12/2022
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 871 4022 8110 and
 Council Chambers
 751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Chris DeCardy called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy (Chair), Linh Dan Do, Cynthia Harris (Vice Chair), Jennifer Schindler, Henry Riggs, Michele Tate

Staff: Matt Pruter, Associate Planner; Corinna Sandmeier, Acting Principal Planner

C. Reports and Announcements

None

D. Public Comment

- Jenny Michele, Coleman Place Neighborhood Block, commented on the Housing Element analysis, disparities of housing densities, retail services and restaurants between District 1 and District 5, and continuing jobs to housing imbalance.

E. Consent Calendar

- E1. Approval of minutes from the October 3, 2022, Planning Commission meeting. (Attachment)

ACTION: Motion and second (Riggs/Harris) to approve as submitted; passes 6-0-1 with Commissioner Schindler abstaining.

F. Public Hearing 1

- F1. [Click here to enter text.](#)

F2 and G1 are associated items with a single staff report

- F2. Public hearing to receive comments on the Draft Environmental Impact Report (Draft EIR) for the proposed 123 Independence Drive Project that would redevelop the project site (119, 123-125, and 127 Independence Drive, 130 Constitution Drive, and 1205 Chrysler Drive) with a new apartment building with 316 units and 116 three story for-sale townhome condominium units. The five existing office and industrial buildings totaling approximately 103,000 square feet would be demolished. The project site is located in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The total gross floor area of residential uses on the site would be approximately 476,962 square feet with a total floor area ratio of 134 percent. The proposal includes a request for an increase in floor area ratio (FAR) and density under the bonus level development allowance in exchange for community

amenities. The proposed project includes 48 rental apartment units and 18 for-sale townhome units (15 percent of the total units) affordable to low-income households pursuant to the City's BMR Housing Program and Guidelines. The applicant is currently proposing to provide eight additional rental BMR units affordable to low-income households as the community amenity in exchange for bonus level development. The proposal also includes a request for a vesting tentative map for a major subdivision and a use permit for storage and use of hazardous materials (diesel fuel) for emergency back-up generator. The proposed project would remove 29 heritage trees. (Staff Report #22-072-PC)

A court reporter transcribed this item.

G. Study Session 1

- G1. Request for a study session for a use permit, architectural control, below market rate housing agreement, and vesting tentative map for the 123 Independence Drive Project to redevelop the project site (119, 123-125, and 127 Independence Drive, 130 Constitution Drive, and 1205 Chrysler Drive) with a new apartment building with 316 units and 116 three story for-sale townhome condominium units. The five existing office and industrial buildings totaling approximately 103,000 square feet would be demolished. The project site is located in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The total gross floor area of residential uses on the site would be approximately 476,962 square feet with a total floor area ratio of 134 percent. The proposal includes a request for an increase in floor area ratio (FAR) and density under the bonus level development allowance in exchange for community amenities. The proposed project includes 48 rental apartment units and 18 for-sale townhome units (15 percent of the total units) affordable to low-income households pursuant to the City's BMR Housing Program and Guidelines. The applicant is currently proposing to provide eight additional rental BMR units affordable to low-income households as the community amenity in exchange for bonus level development. The proposal also includes a request for a vesting tentative map for a major subdivision and a use permit for storage and use of hazardous materials (diesel fuel) for emergency back-up generator. The proposed project would remove 29 heritage trees. (Staff Report #22-072-PC)

Contract Planner Phayal Bhagata presented five topics for the Commission's consideration.

Chair DeCardy opened public comment.

Public Comment:

- Lauren Bigelow, Chair, Menlo Park Housing Commission, spoke only as an individual and expressed strong support for the project.

Chair DeCardy closed public comment.

Commission Comments:

- Support for BMR housing and partnership, separate BMR for purchase units and Habitat for Humanity's expertise
- Need to boost people's ability to own homes
- Support for the architecture but with suggestion to consider making apartment building more "coming home inviting"

- Support for intersection improvements related to this project while acknowledging traffic issue needs broader solutions such as improved public transportation
- Support for all residential development and mix of units
- Concern that not enough for sale homes for individuals and small families as opposed to larger families

Commissioner Barnes chose to recuse himself from the discussion due to potential conflict of interest.

- Support of requested waivers
- Consider advancing affordable housing sooner
- Support for the paseo and park features

Chair DeCardy recessed the meeting for five minutes to resume at 10:28 p.m.

Commissioner Barnes rejoined the meeting.

K. Adjournment

Chair DeCardy adjourned the meeting at 11:43 p.m.

Staff Liaison: Corinna Sandmeier, Acting Principal Planner

Recording Secretary: Brenda Bennett

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CITY OF MENLO PARK
Planning Commission

In re:
123 Independence Drive

_____ /



REPORTER'S TRANSCRIPT OF PROCEEDINGS
AGENDA ITEM F2
MONDAY, DECEMBER 12, 2022

Reported by AMBER ABREU-PEIXOTO
(Via ZOOM Videoconference)
Certified Shorthand Reporter No. 13546
State of California

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ATTENDEES

The Planning Commission:

- Chris DeCardy - Chairperson
- Cynthia Harris - Vice Chairperson
- Jennifer Schindler
- Andrew Barnes
- Michele Tate
- Linh Dan Do
- Henry Riggs

SUPPORT STAFF:

- Corinna Sandmeier, Acting Principal Planner
- Matt Pruter, Associate Planner
- Payal Bhagat, Contract Principal Planner

PROJECT PRESENTERS:

- Peter Tsai, Sobrato Organization
- Chek Tang, Studio T-SQ
- Maureen Sedonaen, Habitat for Humanity

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on December 12, 2022, via ZOOM Videoconference, before me, AMBER ABREU-PEIXOTO, CSR 13546, State of California, there commenced a Planning Commission meeting under the provisions of the City of Menlo Park.

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1	MEETING AGENDA	
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3	Presentation by Chair DeCardy	4
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6	Project Presenters:	
7	Peter Tsai, Sobrato Organization	8, 14
8	Chek Tang, Studio T-SQ	11
9	Maureen Sedonaen, Habitat for Humanity	16
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11	Commission Questions and Comments	36
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1 DECEMBER 12, 2022

8:10 p.m.

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P R O C E E D I N G S

4

5 CHAIR DECARDY: We'll move -- we'll now move to
6 Item F2. F2 and G1 are associated items with a single
7 staff report.

8 I have a fair amount to read and, Ms. Sandmeier,
9 I'm going to read that now; is that correct?

10 MS. SANDMEIER: Yes. That's right.

11 CHAIR DECARDY: All right. This is Item F2.
12 This is a public hearing to receive comments on the Draft
13 Environmental Impact Report, the (Draft EIR), for the
14 proposed 123 Independence Drive Project that would
15 redevelop the project site. That's 119 and 123, through
16 125 and 127 Independence Drive, 130 Constitution Drive,
17 and 1205 Chrysler Drive, with a new apartment building
18 with 316 units and 116 three story for-sale townhome
19 condominium units. The five existing office and
20 industrial buildings, totaling approximately 103,000
21 square feet would be demolished. The project site is
22 located in the R-MU-B -- that's the Residential Mixed Use
23 Bonus zoning district.

24 The total gross floor area of residential uses on
25 the site would be approximately 476,962 square feet, with

1 a total floor area ratio of 134 percent.

2 The proposal includes a request for an increase
3 in floor area ratio -- that's the FAR -- and density under
4 the bonus level development allowance in exchange for
5 community amenities.

6 The proposed project includes 48 rental apartment
7 units and 18 for-sale townhome units. 15 percent of the
8 total units affordable to low income households, pursuant
9 to the City's BMR Housing Program Guidelines.

10 The Applicant is currently proposing to provide
11 eight additional rental BMR units affordable to low-income
12 households as a community amenity, in exchange for this
13 bonus level development.

14 The proposal also includes a request for a
15 vesting tentative map for a major subdivision, and a use
16 permit for storage and use of hazardous materials -- in
17 this case, diesel fuel for an emergency back-up generator.
18 The proposed project would remove 29 heritage trees.

19 And with that, I will turn it to -- and I
20 apologize. I don't know who I'm turning it to on staff.

21 Ms. Bhagat?

22 MS. BHAGAT: Yeah. Hi. Yes. You're turning it
23 to me. Thank you.

24 CHAIR DECARDY: Thank you.

25 MS. BHAGAT: I'm just waiting for my presentation

1 to come up. So thank you.

2 Good evening, Commissioners, members of the
3 community. It is my pleasure to provide a brief overview
4 of 123 Independence Drive project this evening.

5 The proposed project is the redevelopment of five
6 existing parcels, totaling 8.15 acres, with 432
7 residential units, and it's made up of 316 rental
8 apartments and 116 for-sale townhomes.

9 Vanh, can you go to the next slide, please.

10 The project -- thank you.

11 The project site is here in the red box and is
12 located south of the Bayfront Expressway, east of Marsh
13 Road. And Highway 101 is to the south of the project
14 site.

15 This slide also shows the other projects that are
16 either approved in the Bayfront area or are currently
17 under construction. As mentioned, this is a bonus-level
18 development, and the applicant is requesting a use permit
19 for the bonus-level development, as well as the use of
20 on-site emergency generator, an architectural control
21 permit for the proposed design, open space, and
22 concessions and waivers associated with the development of
23 the for-sale townhome BMR units; heritage tree removal
24 permit for the 29 heritage trees that will be removed as
25 part of the demolition and prep of the site to receive the

1 project, as well as a major subdivision map to reconfigure
2 the existing property lines to create parcels to receive
3 the apartment building, create an open space parcel. And
4 then the remaining three parcels would receive the
5 townhome buildings.

6 The applicant is proposing to provide 48
7 low-income BMR units that will be rental units and 18
8 for-sale units also affordable to low-income households.

9 Additionally, the project is proposing eight
10 rental units as part of the community amenity. And these
11 units would also be affordable to low-income households.

12 So for tonight's agenda, we're not asking for
13 approval of any entitlements, but we are asking to hold a
14 public hearing and solicit comments on the Draft
15 Environmental Impact Report that was circulated on
16 November 28.

17 Just to remind members of the public, the public
18 comment period ends on January 17, 2023. And the second
19 portion of this meeting is to do a study session on the --
20 the various design aspects of the project, as well as
21 entitlement issues.

22 Next slide, please.

23 So for conducting the two items associated with
24 this project, we have proposed a format. Following the
25 introduction, we request that the Chair invite the

1 applicant to provide a detailed overview of the project,
2 following which, the City's EIR consultant will go over
3 the findings of the Draft Environmental Impact Report, as
4 well as the next steps in the EIR process for the project.

5 After that, we request that the commission invite
6 the members of the community to provide comments on the
7 Draft EIR, following which, we would hear questions from
8 the commission and also take comments from you.

9 And the study session, a portion of this project
10 would also follow a similar format.

11 This concludes my brief presentation. I'm
12 available to answer any questions that you might have as
13 to the various aspects of this project.

14 Thank you.

15 CHAIR DECARDY: Thank you.

16 Any questions of staff before we turn to the
17 applicant presentation?

18 All right. Seeing none, we'll turn to the
19 applicant.

20 Welcome. The floor is yours. We're looking
21 forward to your presentation.

22 MR. TSAI: Thank you, Chair DeCardy. All right.
23 Can everyone hear me?

24 CHAIR DECARDY: Yes, we can.

25 MR. TSAI: Okay. Great. Thank you. Just

1 checking.

2 Good evening, Chair DeCardy, Vice Chair Harris,
3 planning commissioners, staff, as well as members of the
4 public. My name is Peter Tsai, with the Sobrato
5 Organization. I want to thank you for the opportunity to
6 present our all-residential project, 123 Independence
7 Drive. I'm joined by my colleagues, Chek Tang from Studio
8 T-SQ, our design architect; Linda Klein from Cox, Castle &
9 Nicholson, our land use attorney; and Maureen Sedonaen
10 from Habitat for Humanity Greater San Francisco, our
11 affordable housing partner.

12 This project was last before you in September of
13 2021, for our EIR scoping session. Though the project
14 proposal has not changed a great deal since then, there
15 are current commissioners who were not present at that
16 meeting. So we will provide a brief overview on the
17 project sponsor and the project.

18 So about the sponsor. Sobrato is a local
19 organization that has been part of the Bay Area since the
20 1950s. The ethos of the company is making the Bay Area a
21 place of opportunity for all. This is shown throughout
22 philanthropic ventures, as well as our approach towards
23 real estate development.

24 Now to the project. The project is located in
25 the Bayfront, Belle Haven neighborhood between Highway 101

1 and 84 and Marsh Road. The site is bound by Constitution
2 Drive, Chrysler Drive, and Independence Drive. The
3 surrounding area includes mid-rise commercial buildings,
4 parking structures, future multi-family housing, and an
5 11-story hotel.

6 Currently the site contains five old, one-story
7 commercial buildings that will be demolished for the
8 proposed project that you see here; an all-residential
9 project totaling 432 units, 316 apartment units, and 116
10 townhomes over five lots.

11 The project was not always residential. The
12 project zoning is residential mixed-use bonus. The
13 original project was planned to be a mixed-use project
14 with both residential and a 90,000-square-foot office
15 building.

16 After feedback received from our first planning
17 commission study session in January of 2021, and community
18 stakeholders throughout our engagement in 2020 and 2021,
19 Sobrato elected to redesign the project to be all
20 residential. We heard the consistent desire for more
21 housing and specifically more high quality, affordable
22 housing, both for rent and for sale.

23 As long-term holders of real estate, we felt it
24 was important to make this change and be responsive to our
25 community members. At the same time, Sobrato began

1 holding discussions with the Habitat for Humanity Greater
2 San Francisco organization, who we have since partnered
3 with to be the developer for the 18 for-sale affordable
4 townhome units. We will discuss Habitat's portion of the
5 project in more detail when we get into the overall BMR
6 proposal.

7 With that, I will hand it over to Chek Tang from
8 Studio T-SQ, who will walk through the site composition
9 and design.

10 Chek, over to you.

11 MR. TANG: Thank you, Peter. I hope everyone
12 hears me okay. If we can tee up the video walkthrough
13 real quick, please. We'll just briefly go through the
14 impression of the project through a video walkthrough.
15 Thank you.

16 So we can begin -- so just a quick tour of the
17 project, walking from the public paseo on Independence
18 Drive through the townhome districts through a mix -- rich
19 mix of architecture and urban character, arriving at the
20 public park shared by all other resident uses on-site with
21 outdoor and indoor amenities and activities, front porches
22 on the park.

23 Continuing onto the paseo toward Constitutional
24 Drive, the facade of the apartment project creates a
25 strong urban presence on Constitution Drive. And as we

1 come back along paseo, this unit runs onto the paseo,
2 giving security and also coming to the park with the
3 affordable project and the market rate project blended
4 together seamlessly with a whole series of connecting
5 walkways and open space, with varying architectural style.

6 The whole point of the overall massive plan and
7 architectural design is to achieve a thoughtful, balanced
8 and well-integrated neighborhood with an emerging
9 residential mixed-use district.

10 With that, if we can go back to the PowerPoint,
11 please.

12 Thank you. Next slide, please.

13 Happy to report also, since the last time we met
14 with the Planning Commission, we worked very tirelessly
15 with staff to be completely compliant with the R-M-U
16 design guidelines; you know, also the major and minor
17 articulations on the architecture. For the apartment
18 project, we're very focused on creating architecture that
19 is four-sided.

20 In the case of Constitutional frontage, we wanted
21 to have a strong presence that really work in concert with
22 the existing office building across the street. And the
23 four-sided architecture -- also along the proposed paseo
24 that we have architecture that is well articulated, maybe
25 a little bit finer grain to address the pedestrian kind of

1 a scale of the paseo, as well as kind of the internal park
2 that addresses all of the different residential uses that
3 we have, programs and activities that would also address
4 at the park, and also our articulated architecture as
5 well.

6 Next, please. Next slide, please.

7 For the townhomes, we've also heard the comments
8 from the commissions to create more residential scale.
9 This, obviously, is a lower scale residential component.
10 Our idea is to really create a lot of varieties of
11 architecture style with different roof form, with
12 different material and articulation in order to create a
13 finer-grain residential neighborhood.

14 As you can tell, there's a varying combination of
15 townhomes, different module types that would organize
16 around this park, central park.

17 Next, please.

18 And then, obviously, the BMR units with the zero
19 program variations from the townhomes, it also creates a
20 lot of interesting massing and form changes that is to
21 provide overall variations to the overall townhome
22 district, along with the finishes -- the brick, the
23 fiberboard, and also the plaster, coherent with the entire
24 townhome project. It also is complementary to the
25 apartment project as well.

1 Next, please.

2 One key item of the project, as mentioned, is the
3 central park, as well as the paseo. There's some
4 impression of what we are trying to do in terms of
5 programming this space with natural landscaping because
6 it's all in grade. We're planting green lawn space play
7 area, as well as, you know, other picnic areas, a play
8 area, as well as a bike parking area. So it's really an
9 outdoor family room for the entire project.

10 Next, please.

11 In terms of sustainability that -- we are
12 interested in creating a project that would achieve the
13 LEED gold certification. The project will be all
14 electric. It would have EV charging stations. It would
15 have ample bicycle parking and storage, as well as
16 efficient plumbing fixtures, dual plumbing for recycled
17 water use, as well as drought-tolerant landscaping for the
18 landscape and water conservation.

19 With that, I'll turn it back to Peter.

20 MR. TSAI: Thank you, Chek.

21 Even before our first scoping session in January
22 of 2021, we made a commitment to engage a diverse group of
23 Menlo Park and Belle Haven stakeholders to solicit
24 feedback on the project. During the pandemic, we mostly
25 held community meetings online, in small groups, as well

1 as the virtual one-on-ones. That has progressed now as,
2 you know, the pandemic has largely passed. And more
3 recently we held an in-person open house in November of
4 '22. We also held an online meeting forum to engage
5 additional community members on this project.

6 The resounding feedback that we've gotten
7 throughout our years of outreach has been the need for
8 more housing. This was also echoed by the Planning
9 Commission when we came in for a study session back in
10 January of '21, and also was well-received in our
11 September of 20 -- September of '21 study session as well.

12 Next slide.

13 We know the community amenity list is ongoing
14 further refinement, but there is one constant, and that's
15 affordable housing.

16 So in response, our community benefit, we are
17 proposing eight additional rental units. So in total,
18 there will be 74 BMR units, which includes 56 rental
19 apartments and 18 for-sale townhomes. And all will be
20 offered at low levels of AMI.

21 We've also decided to partner with Habitat on the
22 18 affordable townhomes. Sobrato will donate the land to
23 Habitat. And as many of you know, Habitat not only brings
24 a stellar record -- track record, but they also offer
25 residents zero down payment and zero interest rate

1 mortgages. Habitat also caps the homeowner's expenses at
2 30 percent of their income, and that includes property
3 taxes, insurance, and HOA fees.

4 With that, I'll pass it over to Maureen, CEO of
5 Habitat for Humanity Greater San Francisco. She will
6 expand on Habitat and its programs.

7 Maureen, please take it away.

8 MS. SEDONAEN: Thank you, Peter. I'm trying to
9 get my video on. So I don't know -- trying to do that.
10 If the host can ask me -- start my video. Great. Thank
11 you so much.

12 Good evening, everyone. Thank you so much.
13 Thank you to Peter and Sobrato Organization.

14 To the Chair and to all the commission members
15 and all the public tonight, I'm Maureen Sedonaen, CEO of
16 Habitat for Humanity Greater San Francisco. And it's my
17 great honor and pleasure to be with you tonight to talk
18 about our partnership.

19 I think one of the things I want to just kick off
20 and say is one of the incredible, sort of unifying factors
21 for us with Sobrato is they're a family organization,
22 centered in the community, committed to community. And I
23 think our synergy has been incredible since we started the
24 conversation, and I'm pretty proud of where we have it
25 today.

1 Next slide, please.

2 Our Habitat model -- as Peter stated -- does a
3 zero percent down mortgage. We're creating first-time
4 home ownership for community residents and are super proud
5 of our 30-plus year history, including in Menlo Park, for
6 doing this. We cap our homeowner's expenses at 30 percent
7 of their income. We serve people in the 50 to 120 percent
8 area median income. They have to have good credit scores
9 of 650 and above and be willing to also do their 500 hours
10 of sweat equity, with a willingness to partner with us as
11 we create and build these communities. And you see our
12 beautiful picture of some of our current homeowners right
13 now.

14 Next slide, please.

15 Here is our region. We serve Marin, San
16 Francisco, and San Mateo counties. We have 12 homes
17 already in Menlo Park. We look forward to bringing these
18 18 more homes on line here. You can see the rest of our
19 history here.

20 We also have a several-year history and great
21 experience working in the Belle Haven community and
22 partnering with long-time homeowners there to maintain
23 their home ownership through our Critical Repair Program,
24 which we're very proud of as well.

25 Next slide, please.

1 Here's the statistics about our outcomes; why it
2 matters: 96 percent of our Habitat homeowners felt
3 confident that their children are going to finish high
4 school. 95 percent see that their children are going to
5 go on to college. 73 percent have created financial
6 security for their families, and 69 percent are able to
7 save more for the future.

8 Another statistic I'm super proud of is where 21
9 percent of our Habitat homeowners went on to college; 65
10 percent of their children in one generation go on to
11 college. So this kind of transformative opportunity that
12 happens through partnerships with Habitat and the
13 community is really unprecedented.

14 Next slide, please.

15 So project details, we'll go back there. We
16 build a community within a community. I know some of the
17 questions are why do we ask Sobrato to dedicate a separate
18 site for us? This was really our requirement. We build a
19 community within the community where people can put their
20 hands on the clay, if you will, build the homes together
21 and create that kind of community.

22 Secondly, our BMR townhomes will be on an
23 independent timeline, but a timeline none the least. Our
24 townhomes are using a combination of donated materials,
25 volunteer labor; have separate materials in finished

1 packages. But all of this to create a very beautiful
2 experience for our homeowners.

3 Also, our designs are consistent with our other
4 homeowner Habitat homes across the region. We currently
5 are underway for over 140 units in our pipeline that are
6 similar in size, better in count, et cetera.

7 It's just to give you a few examples, for our 20
8 homes that we just completed in Redwood City, we had over
9 700 applicants from the region applying for those homes.
10 And in San Francisco, for our eight townhomes, we had over
11 500 applicants. So the need is there. The community is
12 showing up, and we really are serving the folks who really
13 want to be those first-time homeowners and really
14 transform the community.

15 We're also proud to say that over 85 percent of
16 our homeowners are people of color, and over 90 percent
17 come from within a two-mile radius of the project in which
18 we're building.

19 And, finally, our unique financial model, which
20 is that we have -- we are also the mortgage lender, in
21 addition to being the home builder. So we offer a zero
22 down, zero percent interest mortgage for our homeowners.
23 And we cap their expenses -- as Peter stated earlier -- at
24 30 percent of their income. Many of them right now report
25 between 60 and 70 percent of their income going to

1 housing. So this is a game-changer for them and for their
2 children.

3 Next slide, please.

4 And why do we do this? Because we build a legacy
5 within communities. We build family stability, and we
6 build equity within communities so that in our most
7 expensive region of the Bay Area, we can serve those
8 families who are serving us -- really, our teachers, our
9 first responders, our childcare workers, our folks who are
10 making sure that all our trains move on time; that our
11 families move on time that are served. And we're very
12 proud of this legacy.

13 Next slide, please.

14 I'm happy to also state we have incredible
15 endorsements for this project. From the Housing Action
16 Coalition and the Bay Area Council to the Chamber to the
17 SAMCEDA Group -- everything we do, and I think everything
18 Sobrato does, is done in community and for community. And
19 so together, we brought this incredible synergy across our
20 project.

21 Next slide, please.

22 And we're happy to open up and provide any
23 responses to any partnerships. But I do want to just
24 express our gratitude, express our humility in doing this
25 work. And I really appreciate the Menlo Park community

1 for being such incredible partners.

2 Thank you.

3 MR. TSAI: Thank you, Maureen. With that, that
4 completes the applicant presentation.

5 CHAIR DECARDY: Thank you. Thank you to the --
6 all three of you on the applicant team.

7 This is the hard part of the process we have
8 right now, which is, that's the applicant presentation.
9 We are now going to move first to the EIR portion of the
10 proceedings. So I'm going to hold on any questions for
11 the applicant. I'm going to hand it off to our EIR
12 consultant. We'll move through the EIR portion of the
13 evening with public comment. Commissioner comments will
14 close that. We'll come back then to the broader questions
15 around the project, which the presentation opens up --
16 opens up to.

17 So just as a -- keeping track of where we are,
18 I'm now going to turn to our EIR consultant for their
19 presentation.

20 Thank you.

21 MS. WAUGH: Thank you. Good evening, Planning
22 Commissioners and members of the public. My name is
23 Katherine Waugh. I'm a senior project manager with Dudek,
24 and we are the City's environmental consultant for the
25 project.

1 Also on the call tonight -- or on the meeting
2 tonight is our transportation lead consultant, Dennis
3 Pasquez. So he's available for any questions. But I'm
4 going to handle the presentation by myself, just to keep
5 things efficient.

6 So I don't know -- I'm not sure if I have control
7 of the slide show. So, Vanh, can you advance it to the
8 next slide for me?

9 Thank you.

10 So now, this is just a quick outline of the
11 presentation. And it will -- I'm going to go pretty quick
12 through the project description because you've already
13 heard that. I just wanted to highlight some of the key
14 facts that are relevant to the environmental analysis.

15 So, Vanh, can you go to the next slide?

16 And one more. Thank you.

17 Sorry. When I can do it myself, it's a little
18 bit quicker.

19 So, again, you just heard the project
20 description. So I don't want to go over this slide, but
21 these were the facts of the project proposal that are the
22 most relevant to the environmental analysis.

23 So basically it's a redevelopment project that
24 would demolish the existing structures on the site and
25 repurpose the site for the residential uses that are

1 proposed.

2 Next slide, please. Thank you.

3 And this is just a general site layout, a little
4 bit different from the ones that you've seen previously.
5 But, again, we can see that the apartment structure that
6 has two levels of parking and the 316 dwelling units would
7 be in the northern portion of the site. And the
8 townhouses would be spread throughout the southern portion
9 of the site, with the paseo and park use, you know, kind
10 of along that western edge of the northern portion and
11 then kind of somewhat centrally located through the
12 southern portion.

13 So, then, I have just a couple of quick slides on
14 the overview for the environmental review. For folks that
15 aren't familiar, CEQA refers to the California
16 Environmental Quality Act. And so there's a whole body of
17 state regulations and law under which the EIR,
18 Environmental Impact Report, is prepared.

19 For -- there's, you know, a lot of projects that
20 are going on in the Bayfront area of the city. And some
21 of them require a full EIR. Some of them require more of
22 what we call a focused EIR. And some of them can go under
23 lower levels of CEQA review.

24 For this project, when the project application
25 came in, you know, it's all tied into the General Plan

1 Update that the City recently processed. And for that, a
2 full scope EIR was prepared called the ConnectMenlo EIR.
3 That EIR assumed a certain number of dwelling units, sort
4 of a cap on -- not a cap, but a maximum number of dwelling
5 units that were evaluated within the context of that EIR.

6 And when this project application came through to
7 the City, there were already pending projects and approved
8 projects that added up, you know, and contributed to that
9 maximum number of level of dwelling units. And with this
10 project, with the number of dwelling units proposed, we
11 actually tip over that scale into a level that's beyond
12 what was evaluated in the ConnectMenlo EIR. And so that's
13 why the City staff determined that a full EIR was
14 necessary for this project.

15 In addition, this project proposes a bonus level
16 development. And under the settlement agreement that the
17 City of Menlo Park reached with the City of East Palo
18 Alto, any time that there's a bonus level development, you
19 need to look at the issues of transportation and housing
20 needs. And so those are incorporated within this Draft
21 EIR.

22 Next slide, please. Thank you.

23 This slide just gives you a quick outline of the
24 key steps in the EIR process where public participation,
25 you know, is invited and the mechanisms where that public

1 participation can be provided.

2 So when we first started out with this project,
3 there was a Notice of Preparation released to inform the
4 public and agencies that an EIR would be prepared. And
5 that was first released in January of 2021. And we had a
6 scoping session with the Planning Commission at that time.

7 Then, later in that year, the project applicant,
8 as Peter had reviewed for you, elected to modify the
9 project to eliminate the office -- the office component
10 and replace it with residential. And so we released a
11 revised Notice of Preparation and held a second comment --
12 or scoping meeting.

13 Within the Draft EIR that is out for public
14 review right now, all of the public comments and agency
15 comments that were received on both of the two NOPs,
16 Notices of Preparation, those are documented in Chapter 2
17 of the Draft EIR. Sorry. I had to check my notes. So we
18 have a comment summary there. And then all of the
19 comments, as they were received, are published in the
20 appendices to the Draft EIR.

21 So at this time, we're in the Draft EIR stage.
22 The Draft EIR was released for public review at the end of
23 November and will be out for public review until
24 mid-January. And so comments that public -- members of
25 the public or any public agencies have on the content of

1 the EIR can be received by the City until 5:00 p.m., on
2 January 17th of next year.

3 Once we have all of those comments in hand, we
4 will work through them and provide responses to those
5 comments. And this usually takes the form of direct
6 responses to each individual comment that's received, as
7 well as, we'll make any revisions or additions to the
8 Draft EIR that are necessary to address those comments in
9 full.

10 Next slide, please.

11 Thank you.

12 So this slide just outlines the basic contents
13 that are required in a Draft EIR, based on state law.

14 So the Executive Summary is in Chapter 1, and
15 that provides a very brief overview of the project, the
16 CEQA process that has been followed. And then there's a
17 table in there that documents each of the impacts that we
18 evaluated and whether or not any mitigation measures were
19 required. And if so, what -- you know, the specific
20 content of those mitigation measures. In Chapter 2, which
21 I didn't list on the slide, is just the basic introduction
22 to the EIR. And then the detailed project description
23 follows in Chapter 3.

24 The next several bullets are contained in the
25 individual sections within Chapter 4, which are the

1 environmental impact analysis sections. And so for each
2 topic that's required to be evaluated under CEQA, we go
3 through, you know, the next four bullets -- or, excuse
4 me -- three; the setting, the regulatory framework, what
5 our thresholds of significance are, in terms of how we
6 determine whether an impact is significant or less than
7 significant. We look at both project-specific impacts and
8 cumulative impacts in those sections.

9 And so a cumulative impact refers to when we look
10 at -- in the context of other development that has been
11 proposed within the city and specifically within the
12 Bayfront area. And we -- depending on the topic area, we
13 also might look outside of the city boundaries. We also
14 identify the mitigation measures that are necessary to
15 reduce any significant impacts to a less-than-significant
16 level.

17 And then, in the sort of concluding chapters of
18 the Draft EIR, we look -- we have a summary of the effects
19 that were found not to be significant. We look at topics
20 that are commonly referred to as other CEQA-mandated
21 sections. These kind of amplify some of the content
22 that's already in the Draft EIR.

23 And then we look at project alternatives, which
24 are different ways to design the project or maybe modify
25 the land uses to look to see whether we can avoid or

1 reduce any of the significant impacts that the project
2 would generate.

3 So then, in this section of my presentation, I'm
4 going to really briefly review the major findings of the
5 EIR. So I first have a table on the next slide, Vanh,
6 that -- this one outlines all of the topics that we
7 evaluated where we found that impacts would remain less
8 than significant, with no mitigation measures required.
9 And so we've listed on this table as well the technical
10 studies that were done, where necessary, to support those
11 conclusions.

12 And so I -- I want to keep my presentation brief.
13 I'm happy to answer questions on these, you know,
14 concluding the presentations and the public comment
15 portion of the meeting.

16 In the next, I believe it's three slides, we have
17 the impacts where a mitigation measure or more than one
18 are required to reduce impacts. For the air quality
19 topic, we found that the impacts were really concentrated
20 on the construction period of the project. And they're
21 quite typical for this type of a construction project.

22 And so the mitigation measures require what we
23 typically refer to as "best management practices," BMPs,
24 to make sure that those impacts remain as minimized as
25 possible. And similar is true for the -- for both the

1 biological and the cultural resources.

2 So with respect to biological resources, we found
3 that because of the existing buildings on the site and the
4 existing trees and vegetation, there are potential for a
5 few special status species to occur, but that those
6 impacts can be controlled through the pre-construction
7 surveying process and any additional control measures that
8 are needed, based on the results of those surveys.

9 In regard to cultural resources, there was a
10 cultural resources' analysis and inventory prepared for
11 the project site. But because the project has been -- the
12 property has been developed for quite a long time and no
13 prior subsurface evaluation was done, that phase one
14 archeological inventory report recommended an extended
15 phase one, which is where a little bit more intensive
16 digging is done to determine whether there might be any
17 deposits below the ground surface. And then, in the case
18 that those -- that any such thing were identified, there's
19 protocols identified to evaluate and properly manage any
20 such resources.

21 In terms of the geological resources, the main
22 concern here was that there may be a potential need for
23 de-watering as construction occurs because there would be
24 some excavation. And that -- the way that that system is
25 designed can help avoid any impacts to neighboring

1 properties. And so that's what the first mitigation
2 measure is about.

3 And then the second mitigation measure relates to
4 that as well, in terms of ensuring that -- that
5 construction scheduling is timed such that the geological
6 and soil conditions can settle in between different phases
7 of the construction project.

8 Again, similar in terms of hazards and hazardous
9 materials. Several very standard, best management
10 practice measures were recommended to make sure that both
11 during construction and long-term operation of the
12 project, individuals that are within the site are not
13 exposed to adverse hazardous conditions.

14 And then we have the last two topics here are
15 noise and tribal cultural resources. And these kind of
16 reiterate the same things that I've been saying.

17 Standard best management practices would be used
18 during construction to ensure that neighbors are not
19 exposed to excessive noise levels. And then, if any
20 archeological or tribal cultural resources are identified
21 or potentially encountered during construction, that there
22 are protocols in place to ensure that those resources are
23 managed appropriately.

24 And as I mentioned, at the back end of the
25 Environmental Impact Report, we have a couple of

1 additional sections. So this one, CEQA-mandated
2 sections -- or "Other CEQA Considerations," I think is the
3 title we actually gave it in the EIR, we reiterate some of
4 the discussions on energy conservation, and then we look
5 again at the population and housing analysis. And expand
6 it to whether or not the project could induce additional
7 growth that the City has not planned for. In both cases,
8 we found that the impacts would be less than significant.

9 And then I believe on the next slide, we will
10 look into the project alternatives. So we looked at three
11 different project alternatives. And this is one of -- one
12 of the more essential components of CEQA -- or I shouldn't
13 say "more essential," but one of the critical components
14 of the CEQA requirements to do this environmental analysis
15 is to look at ways that you might modify a project or even
16 change a project to avoid or reduce environmental effects.

17 In this case, it's important to understand that
18 we did not find any significant and unavoidable impacts.
19 So, in other words, that means that all of the
20 environmental effects that we found would result from the
21 project, there were feasible and effective ways to reduce
22 or avoid those effects and bring them to a level of less
23 than significance.

24 But, nonetheless, when you're preparing an EIR,
25 CEQA requires that you look at project alternatives. And

1 so in this case, we took the vein of looking at whether or
2 not any of these alternatives could reduce the need for
3 mitigation measures or just generally reduce the
4 environmental -- you know, comprehensive environmental
5 footprint of a project. And so these are the three
6 alternatives that we looked at:

7 One was just no -- no project, which is required
8 by CEQA. Just, you know, if we leave the project site
9 exactly as it is and continue the current operations.

10 Another was to go back to one of the original
11 project components. As Peter Tsai explained, the original
12 project design included office space. But we also, for
13 this alternatives' analysis, thought that it would be
14 meaningful to incorporate a component of retail uses and
15 see whether or not that kind of a mix of land uses could
16 better achieve any of the City's goals or otherwise reduce
17 environmental effects.

18 And then last we looked at, because this project
19 proposes a bonus level of development, which allows more
20 intensity and more density than what would be allowed
21 under the base zoning designation, is there any
22 environmental benefit to limiting the project to just the
23 base level of development? And so that, we found, would
24 reduce the number of dwelling units.

25 In all of those cases -- sorry, Vanh. I know I

1 paused so you thought I was going on to the next slide.

2 In all of those cases, we found that there would
3 be, you know, sort of a mixed bag. Some cases, we would
4 have fewer effects. In some cases, we might have greater
5 effects. But for the majority of them, we found that the
6 effects would be similar.

7 CEQA does require, though, that we identify which
8 alternative, among these three -- and plus the proposed
9 project -- of those options, which is the most
10 environmentally superior. And we did find that the
11 environmentally superior alternative was the base level
12 development because it would slightly reduce impacts in
13 some of those key impact areas, such as air quality.

14 The base level development wouldn't require a
15 below-grade parking level. It would only necessitate
16 at-grade parking level, so there would be less excavation
17 and less potential to disturb any resources that are below
18 ground. It, you know, reduced the amount of de-watering
19 that would be required.

20 But on the other hand, the City is allowed to
21 consider how that -- how those environmental effects
22 balance against the City's goals for land use development
23 and general, you know, community planning and city-wide
24 planning in the region. And so we found that there were
25 -- while there might be fewer environmental effects, that

1 alternative would be less effective at meeting the project
2 objectives.

3 And so, Vanh, you can go ahead and advance it to
4 the next slide.

5 So that pretty much concludes my comments. The
6 last slide that we have here, if you can go one more,
7 Vahn, is just that the -- as I mentioned, the
8 Environmental Impact Report -- excuse me -- is available
9 for public review until January 17th of next year. And so
10 anybody -- public agencies or public -- you know, members
11 of the public who would like to submit comments,
12 obviously, can make comments tonight during this hearing,
13 but can also submit written comments, whether by mail or
14 e-mail, and they can be addressed to Payal, at the address
15 and e-mail shown below. And they just need to be received
16 before 5:00 p.m., on January 17th.

17 And thank you again. That concludes my
18 presentation.

19 CHAIR DECARDY: Thank you, Ms. Waugh.

20 Any planning commissioner clarifying questions
21 before we open the EIR portion of this program for public
22 comment?

23 All right. Seeing none, Mr. Pruter, off to you
24 to run us through public comment. Again, this is on --
25 we're going to do two bites at this apple, for members of

1 the public. If you have comments around the EIR, which is
2 relevant to the presentation we just saw, this would be
3 the appropriate time.

4 If you have comments that are to the broader
5 project, which likely would be to the initial presentation
6 we saw, that will be coming next.

7 So use your judgment accordingly. And you are
8 more than welcome to speak both times. I'm not trying to
9 tell you not to.

10 Mr. Pruter, please go ahead.

11 MR. PRUTER: Thank you, Chair DeCardy. At this
12 time, members of the public can feel free to press the
13 hand icon on their Zoom interface or dial star nine, if
14 they would like to leave a public comment.

15 And at this time, I do not see any hands raised.
16 And I do not see any members of the public in the council
17 chambers.

18 If anyone is interested in person to come, please
19 feel free to step forward as well. We can wait for a
20 moment at this time. I still see no hands raised.

21 CHAIR DECARDY: Let's wait just a moment.

22 Still none?

23 MR. PRUTER: I still see no hands raised. Thank
24 you.

25 CHAIR DECARDY: All right. We will go ahead and

1 close public comment.

2 We'll come to commissioners now for either
3 clarifying questions or commissioners' comments on the
4 Draft EIR. Again, we are -- there is no motion. There is
5 nothing to vote on here for the commission. It is
6 entirely your feedback to the consultant, to staff.

7 Who would like to begin?

8 Commissioner Riggs.

9 COMMISSIONER RIGGS: Thank you. From Section
10 5.5, the availability of water is one of the items that is
11 considered an less than -- less-than-significant impact.
12 This was based on ConnectMenlo, which was written in I
13 believe, 2016.

14 Have we updated our concerns regarding water over
15 the last six years? And would that be reflected in this
16 EIR?

17 MS. WAUGH: Yes. Commissioner, thank you for the
18 question. The City's Municipal Water District has updated
19 their Urban Water Management Plan. So the last adopted
20 date of that document was 2020. And that is what we
21 relied upon for the analysis in this EIR.

22 We, you know, both reviewed the documentation and
23 contacted the Water District staff to verify our
24 understanding of those -- of that document and the
25 conclusions. And -- yeah.

1 I'm sorry. I'll leave it there.

2 CHAIR DECARDY: Other clarifying questions or
3 comments from commissioners?

4 Commissioner Do.

5 COMMISSIONER DO: Thank you, Chair. Actually, I
6 have a question.

7 I see before the alternatives that you presented
8 in this to the -- but before that, there's also
9 alternatives that were rejected. And so I just had a -- I
10 just get turned around on -- like, on the reduced parking
11 alternative, there's something saying -- let's see.
12 There's a -- the TDM would reduce the VMT by 20 percent.

13 And there's also, later on, a number about
14 reduced parking, reducing it 12 percent. And I just
15 wanted to understand, is that an either/or, or an "and"
16 situation?

17 Is it, like, 12 plus 20, or is it 12 or 20?

18 MS. WAUGH: To be honest, I would need to look
19 back in the text of that section. But from my -- from my
20 recollection, the reduced parking was looked at as sort of
21 an addition to the TDM, or is there an amount that we can
22 reduce parking, in combination with the TDM, that would
23 achieve a better result?

24 And the finding is that, you know, reductions in
25 parking work best in particular situations where there is

1 a, you know, robust amount of other transportation options
2 available in the area and that this project doesn't
3 necessarily meet some of those criteria, to the point
4 being that the reduction in parking -- if you reduce the
5 amount of parking on-site, you're not necessarily going to
6 see a reduction in the amount of trips generated, and more
7 importantly, the total miles of vehicle travel that occur
8 because there are other constraints outside of the project
9 site that limit the effectiveness of that option.

10 But I can -- I will definitely make a note of the
11 question so that we can provide a more-nuanced response.

12 COMMISSIONER DO: Thank you.

13 CHAIR DECARDY: I'm going to use the Chair's
14 discretion to ask a follow-up on that. So this is -- this
15 is familiar. We've seen this before. And the answer
16 about this significantly-reduced parking alternative.

17 So do you look at that based on today's
18 situation, or do you look at it over the lifetime of the
19 project? And how are you making the assessment about
20 alternative -- availability of alternative modes of
21 transportation when you reach that conclusion that you
22 just referenced?

23 MS. WAUGH: Sure. Yeah. I can understand the --
24 you know, the impetus for that question. And it is a
25 difficult spot, in terms of being able to balance what we

1 know today versus what we're -- what our aspirations are
2 for the future. And what we know is planned for the
3 future; right? I mean, sort of our middle ground there.
4 And so it is difficult for us.

5 In the CEQA context, we need to have, you know,
6 pretty solid evidence to allow for any sort of a discount
7 or any kind of a -- you know, an allowance that an impact
8 is less significant than what we expect. And so -- so
9 there is a challenge there in sort of marrying those three
10 different angles.

11 But we do, generally, in terms of CEQA, based on
12 case law and based on how the statute is written and the
13 CEQA guidelines, we typically defer to what is existing on
14 the ground currently. When we look to future conditions,
15 it has to be things that are fairly concretely in place.

16 And so we don't want to engage too -- too far
17 into the realm of supposition or anticipating what may be
18 coming down, if things are not fully funded, in terms of
19 other types of transportation improvements and things
20 along that nature.

21 I'm not sure -- well, I'm sure that doesn't 100
22 percent answer your question. But if you wanted to
23 clarify any further a response that you wanted me to try
24 and elaborate upon...

25 CHAIR DECARDY: No. That's helpful. That was

1 the narrow question I had. That was a good answer. Thank
2 you.

3 Other commissioner questions or ultimately
4 feedback or comments on the Draft EIR?

5 Well, I'm fine to present. This is all I really
6 have. Your presentation was very helpful. The Draft EIR
7 is thorough. The findings are not complicated.

8 I -- I have two comments. The first one is on
9 the parking question. I will say now, my reflection on
10 your answer is not on your answer but on the situation,
11 which is that we're boxed by current policy in the city,
12 which demands parking at a minimum. So there's no need
13 for you to look at parking that is essentially below that
14 minimum. And then we're boxed because we've got terrible
15 transportation policy in place and terrible alternatives,
16 especially in that region of our city. And so we don't
17 look at those.

18 And so the EIR gives us no opportunity,
19 ultimately, to achieve its purpose, which is to provide
20 insight and sunshine so a community can engage in the
21 future-built environment that they live in. And I find
22 that enormously frustrating. But there is nothing that I
23 have found we can do as a Planning Commission. This is on
24 the City Council.

25 And I believe the City Council has to do

1 something about transportation and all the building we're
2 doing. This comes up again and again and again. And if
3 they don't change the parameters, then we're going to keep
4 on getting the same answers. So that's my reflection one,
5 which is more a frustration.

6 My second one is about the alternatives. I think
7 -- as you pointed out, I think you're exactly right. The
8 alternatives are the -- a key element of an EIR. There's
9 something that a community member can easily see and
10 understand and be able to utilize the wealth of
11 information you put behind that that might be in service
12 of their comments about the future of their community.
13 And I -- frankly, I find these alternatives kind of not
14 helpful in that regard for a community member.

15 You have to look at the no-project alternative.
16 Ultimately, it make sense to look at a base level
17 development alternative. We see that all the time,
18 whenever we have bonus-level development. And in this
19 context, the mixed use isn't enormously helpful because
20 everybody in the community wants to have housing.

21 And when we have these three, we end up -- and
22 I've said this before -- we end up with this Goldilocks
23 kind of approach on here, which is, well, if you end up
24 overdeveloping, then that's terrible for the environment.
25 If you end up underdeveloping, then you don't meet the

1 needs of the city. And so you develop just right and
2 turns out, the oatmeal tastes fine because it's warm.

3 And I don't think that's particularly helpful for
4 us as a community in this. So I do have a frustration.
5 This is -- many times, we see EIRs come. Many times, we
6 see three alternatives. And many times they land in
7 exactly this same way. So I will come back to, which is a
8 massive change in a project, like a massively-reduced
9 parking scenario actually would be useful for a city and
10 residents to understand, especially when they've been so
11 frustrated by the impacts in the community of the traffic,
12 which continues to get worse. The only benefit came from
13 the pandemic was knocking that out for a while. But it
14 has come back and will be worse in the future.

15 So it's frustrating me that we can't look at that
16 alternative. But I will say that in future EIRs for these
17 type of projects, if we continue to come back with these
18 three alternatives that are always laid out this way, I'm
19 not sure how useful it is for the community.

20 This is, again, not a criticism of the work of
21 you and your team, Ms. Waugh, which I thought was
22 exemplary, but as a frustration with how we can best
23 utilize this extraordinary amount of expense and work for
24 the benefit of our community. And I just don't see that
25 happening in these instances very often.

1 Other commissioner questions or comments on the
2 Draft EIR this evening?

3 Ms. Bhagat, just to remind me. This is not a
4 command performance. Commissioners do not have to comment
5 before we close this section; is that correct?

6 MS. BHAGAT: Yes. That is absolutely correct.
7 They can always submit comments to me later, if they would
8 like to do so.

9 CHAIR DECARDY: All right. So I will give this
10 one last shot. Again, not a command performance, but any
11 commissioner that would like to offer feedback this
12 evening.

13 All right. I've -- Vice Chair Harris.

14 VICE CHAIR HARRIS: I just want to say that I
15 hear and agree with Chair DeCardy's frustration.

16 CHAIR DECARDY: Thank you for that.

17 All right. Going once, going twice.

18 All right. With that, I am now going to close
19 Item F -- where are we? -- F2, which is the public hearing
20 on the Draft EIR.

21 Thank you very much for the consultant team and
22 for the effort.

23 (WHEREUPON, Item F2 ended.)

24 --o0o--

25

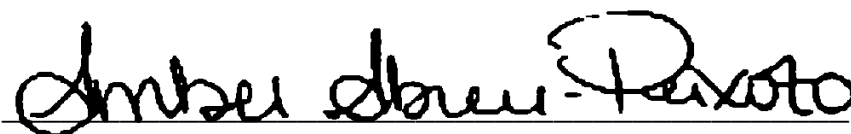
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CERTIFICATE OF REPORTER

I, AMBER ABREU-PEIXOTO, hereby certify that the foregoing proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct report of the proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of January, 2023.

A handwritten signature in black ink that reads "Amber Abreu-Peixoto". The signature is written in a cursive style and is positioned above a horizontal line.

AMBER ABREU-PEIXOTO, CSR No. 13546

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Building design mass and scale design standards compliance			
Design standard category	Requirement	Project Compliance	Details
Base Height and Minimum Stepback	Above 55 feet in height (referred to as “base height”), building façade must step back a minimum horizontal distance of 10 feet along 75% of the building façade	Complies	The multi-family apartment building fronts Constitution Drive and meets the requirement by stepping back more than 75 percent of the building façade by 10 feet
Building Projections	Building projects, such as balconies or bay windows, are permitted to project up to six feet into required stepback	Complies	The building does not have any projects within the required stepbacks
Major Modulations	Minimum of one recess 15 feet wide by 10 feet deep every 200 feet of façade length from ground level to base height (55 feet)	Complies	The project provides minimum one major modulation every 200 feet on the elevations fronting Constitution Drive, southern elevation, and along the paseo for the apartment building and along West Independence Drive for the one townhome building that exceed 200 feet in length
Minor Modulations	Minimum recess five feet wide by five feet deep per every 50 feet of façade length from ground level to top of building	Complies	The project provides minor modulations of minimum five feet wide and five feet deep at a minimum of 50 feet distance on the elevations fronting Constitution Drive, public paseo, Chrysler Drive, East Independence Drive, and West Independence Drive for both the apartment building and townhome units
Building Entrances	Minimum of one entrance every 100 feet of building length along a public street or paseo	Complies	The project provides several entrances along the Constitution Drive, public paseo, Chrysler Drive, and Independence Drive façades with one entrances at minimum 100 feet length of the apartment and

			townhome buildings
Ground Floor Transparency	Minimum of 30% of ground floor façade must provide transparency through windows, glass doors, etc.	Complies	The proposed project exceeds the 30 percent ground floor transparency requirement for both the apartment building and townhome buildings
Minimum Ground Floor Height	Minimum height of 10 feet from ground level finished floor to second-level finished floor along street frontage	Complies	The building is designed to have a ground floor height of 12 feet for the apartment building and 10 feet for the townhome buildings
Garage Entrances	Maximum 24-foot wide opening for a two-way garage entrance along street frontage	Complies	No garage entrance is provided along street frontage for the apartment and townhome buildings. Garage door opening is 24-foot-wide for the apartment building and either 16 feet wide or 9 feet wide depending on the unit type for the townhome buildings
Building Materials	Stucco shall not be used more than 50 percent of the building façade	Complies	The percentage wall area of stucco for the apartment building and townhome buildings are less than 50 percent



January 15, 2022

The Sobrato Organization
599 Castro Street #400
Mountain View, CA 94041

Att: Sierra Sousa

RE: Arborist Report (additional comments)for trees neighboring:
119 Independence Drive
123-125 Independence Drive
127 Independence Drive
130 Constitution Drive
1205 Chrysler Drive
Menlo Park, CA 94025

On December 30th, 2022, As per your request I visited the above properties to identify any neighboring offsite trees in danger of damage during construction, specifically any Heritage trees.

The above addresses are the neighboring properties where I located very small off-site trees, marking distances from property lines (see attachment). There is only one off-site Heritage tree located at 150 Constitution Drive, about 60 linear feet from the property line. It is at a reasonable distance to suffer no damage to canopy or root system.

This report is based strictly on my visual inspection on the day I walked the property and upon review of the most recent plans.

Please contact me at (408) 593-8687 should you have any questions or concerns.

Sincerely,

FMA LANDSCAPE SERVICES, INC.

Miguel Medina
Certified Arborist



TREE DISPOSITION LEGEND

KEY	DESCRIPTION	QUANTITY
A07	EXISTING TREE TO BE REMOVED	56
A07	EXISTING HERITAGE TREE TO BE REMOVED	29
29 HERITAGE TREES AND 56 NON-HERITAGE TREE PROPOSED FOR REMOVAL HERITAGE TREE MITIGATION RATIO 2:1 (15 GALLON BOX SIZE MINIMUM) (58) HERITAGE TREE REPLACEMENTS REQUIRED (353) NEW TREES PROPOSED AT MINIMUM 15 GALLON SIZE - MITIGATION REQUIREMENT EXCEEDED BY (295) SEE SHEET L4.01 TREE PLANTING PLAN		

Tree Disposition Plan Notes:

- See Arborist Report for full tree evaluation notes and data.
- Tree Disposition Plan has been prepared based on topographic survey provided by civil engineers. See Arborist Report prepared by FMA Landscape Services dated on October 19, 2021 for tree evaluation details.
- Tree inventory in arborist report is divided by parcel address. See Key below for tree number in correspondence to arborist report.

Tree # in Plan	Parcel Address
A01 - A28:	130 Constitution Dr. Menlo Park, CA 94025
B01 - B08:	119 Independence Dr. Menlo Park, CA 94025
C01 - C10:	123-125 Independence Dr. Menlo Park, CA 94025
D01 - D07:	127 Independence Dr. Menlo Park, CA 94025
E01 - E30:	1205 Chrysler Dr. Menlo Park, CA 94025

TGP
The Guzzardo Partnership, Inc.
 Landscape Architects | Land Planners
 181 Greenwich Street
 San Francisco, CA 94111
 415.433.4672 | www.tgp-inc.com

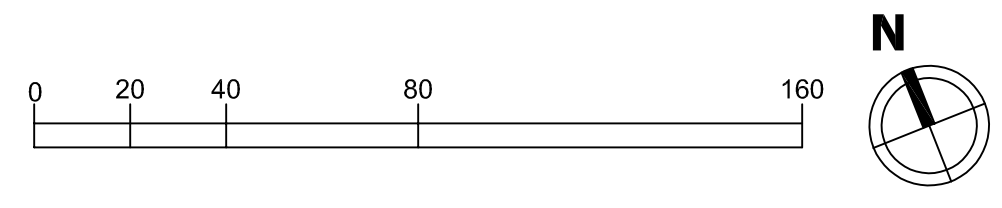
123 Independence
 Menlo Park, CA

The Sobrato Organization
 599 Castro Street, Suite 400
 Mountain View, CA

Sheet Title:
TREE DISPOSITION PLAN

Job No. 20004
 Date: 01/14/2022
 Scale: 1" = 40'

Sheet No:
L8.01



Tree Inventory

Neighboring Properties to:

119 Independence Drive
123-125 Independence Drive
127 Independence Drive
130 Constitution Drive
1205 Chrysler Drive
Menlo Park, CA 94025

1 London Plane -Platanus × acerifolia

DBH: 10.8"

Location: Numbered on map
120 Constitution Drive

Observation: 35' from construction area
Designation: Off-site Tree

2 London Plane -Platanus × acerifolia

DBH: 5.4"

Location: Numbered on map
120 Constitution Drive

Observation: 41' from construction area
Designation: Off-site Tree

3 London Plane -Platanus × acerifolia

DBH: 9.23"

Location: Numbered on map
120 Constitution Drive

Observation: 41' from construction area
Designation: Off-site Tree

4 London Plane -Platanus × acerifolia

DBH: 4.4"

Location: Numbered on map
120 Constitution Drive

Observation: 41' from construction area
Designation: Off-site Tree

5 London Plane -Platanus × acerifolia

DBH: 3.5"

Location: Numbered on map
120 Constitution Drive

Observation: 41' from construction area
Designation: Off-site Tree

6 London Plane -Platanus × acerifolia

DBH: 6.3"

Location: Numbered on map
150 Constitution Drive

Observation: 41' from construction area
Designation: Off-site Tree

7 London Plane -Platanus × acerifolia

DBH: 4.4"

Location: Numbered on map
120 Constitution Drive

Observation: 41' from construction area
Designation: Off-site Tree

8 London Plane -Platanus × acerifolia

DBH: 3.1"

Location: Numbered on map
120 Constitution Drive

Observation: 41' from construction area
Designation: Off-site Tree

9 London Plane -Platanus × acerifolia

DBH: 5.4"

Location: Numbered on map
120 Constitution Drive

Observation: 41' from construction area
Designation: Off-site Tree

10 Mayten - Maytenus boaria

DBH: 7.9"

Location: Numbered on map
150 Constitution Drive

Observation: 5' from construction area
Designation: Off-site Tree

11 Mayten - Maytenus boaria

DBH: 7.3"

Location: Numbered on map
150 Constitution Drive

Observation: 10' from construction area
Designation: Off-site Tree

12 Mayten - Maytenus boaria

DBH: 10.4"

Location: Numbered on map
150 Constitution Drive

Observation: 14' from construction area
Designation: Off-site Tree

13 Bottlebrush -Callistemon

DBH: 7"

Location: Numbered on map
150 Constitution Drive

Observation: 46' from construction area
Designation: Off-site Tree

14 Bottlebrush -Callistemon

DBH: 5.7"

Location: Numbered on map
150 Constitution Drive

Observation: 50' from construction area
Designation: Off-site Tree

15 Bottlebrush -Callistemon

DBH: 8.9"

Location: Numbered on map
150 Constitution Drive

Observation: 55' from construction area
Designation: Off-site Tree

16 Stone Pine -Pinus Pinea

DBH: 36"

Location: Numbered on map
150 Constitution Drive

Observation: 60' from property line
Designation: Heritage Tree

17 Birch -Betula

DBH: 8.9"

Location: Numbered on map
1215 Chrysler Drive

Observation: 35' from construction area
Designation: Off-site Tree

18 Birch -Betula

DBH: 5.7"

Location: Numbered on map
1215 Chrysler Drive

Observation: 30' from construction area
Designation: Off-site Tree

19 Birch -Betula

DBH: 11.1"

Location: Numbered on map
1215 Chrysler Drive

Observation: 25' from construction area
Designation: Off-site Tree

20 Birch -Betula

DBH: 6.3"

Location: Numbered on map
1215 Chrysler Drive

Observation: 16' from construction area
Designation: Off-site Tree

21 Privet -Ligustrum

DBH: 4.4"

Location: Numbered on map
1215 Chrysler Drive

Observation: 5' from construction area
Designation: Off-site Tree

Tree Inventory

119 Constitution Dr. Menlo Park, CA
94025

1 Coast Live Oak -Quercus Agrifolia

DBH: 18.7"

Height: 20' **Spread:** 25'

Condition: Good

Location: Numbered on map

Designation: Heritage Tree

2 Plum -Prunus Cerasifera

DBH: 5.7"

Height: 17' **Spread:** 12'

Condition: Fair

Location: Numbered on map

Observation: On-site tree

3 Weeping Bottlebrush -Melaleuca

Viminalis

DBH: 11.7"/ 9.5"

Height: 30' **Spread:** 21'

Condition: Good

Location: Numbered on map

Observation: Multi, On-site tree

4 Podocarpus Gracilior -Afrocarpus

Gracilior

DBH: 8.2"

Height: 30' **Spread:** 17'

Condition: Good

Location: Numbered on map

Observation: On site tree

5 Redbud -Cercis Canadensis

DBH: 5"

Height: 10' **Spread:** 10'

Condition: Fair

Location: Numbered on map

Observation: On-site tree

6 Coast Live Oak -Quercus Agrifolia

DBH: 10.8"

Height: 18' **Spread:** 20'

Condition: Good

Location: Numbered on map

Designation: Heritage Tree

7 Valley Oak -Quercus Lobata

DBH: 14.3"

Height: 45' **Spread:** 30'

Condition: Good

Location: Numbered on map

Designation: Heritage Tree

8 Southern Magnolia -Magnolia

Grandiflora

DBH: 10.5"

Height: 28' **Spread:** 31'

Condition: Good

Location: Numbered on map

Observation: On-site tree

Tree Inventory

123-125 Independence Dr.
Menlo Park, CA 94025

1 Bottlebrush -Callistemon

DBH: 7.6"/ 12.7"
Height: 15' **Spread:** 10'
Condition: Fair
Location: Numbered on map
Observation: Multi, On-site tree

2 Bottlebrush -Callistemon

DBH: 7.9"
Height: 12' **Spread:** 10'
Condition: Poor
Location: Numbered on map
Observation: leaning, On-site Tree

3 Bottlebrush -Callistemon

DBH: 9.2"/ 8.2"/ 9.8"/ 7.6"
Height: 15' **Spread:** 20'
Condition: Good
Location: Numbered on map
Observation: Multi, On-site Tree

4 Bottlebrush -Callistemon

DBH: 7.6"/ 9.8"/ 7.3"
Height: 15' **Spread:** 19'
Condition: Good
Location: Numbered on map
Observation: Multi, On-site Tree

5 Bottlebrush -Callistemon

DBH: 20"
Height: 16' **Spread:** 21'
Condition: Good
Location: Numbered on map
Designation: Heritage Tree

6 Bottlebrush -Callistemon

DBH: 11.7"/ 9.2"/ 6.6"
Height: 15' **Spread:** 18'
Condition: Good
Location: Numbered on map
Observation: Multi, On-site Tree

7 Bottlebrush -Callistemon

DBH: 9.8"
Height: 15' **Spread:** 19'
Condition: Good
Location: Numbered on map
Observation:

8 Bottlebrush -Callistemon

DBH: 7.6"
Height: 15' **Spread:** 17'
Condition: Good
Location: Numbered on map
Observation:

9 Bottlebrush -Callistemon

DBH: 10.8"
Height: 15' **Spread:** 19'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

10 Bottlebrush -Callistemon

DBH: 8.9"
Height: 15' **Spread:** 18'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

Tree Inventory

127 Independence Dr. Menlo Park,
CA 94025

1 Liquid Amber -Liquidamber Styraciflua

DBH: 5"

Height: 16' **Spread:** 10'

Condition: Fair

Location: Numbered on map

Observation: On-site Tree

2 Liquid Amber -Liquidamber Styraciflua

DBH: 9.5"

Height: 20' **Spread:** 18'

Condition: Good

Location: Numbered on map

Observation: On-site Tree

3 Liquid Amber -Liquidamber Styraciflua

DBH: 17.8"

Height: 40' **Spread:** 25'

Condition: Good

Location: Numbered on map

Designation: **Heritage Tree**

4 Liquid Amber -Liquidamber Styraciflua

DBH: 15.5"

Height: 38' **Spread:** 23'

Condition: Good

Location: Numbered on map

Designation: **Heritage Tree**

5 Liquid Amber -Liquidamber Styraciflua

DBH: 13.6"

Height: 25' **Spread:** 15'

Condition: Good

Location: Numbered on map

Observation: On-site Tree

6 Liquid Amber -Liquidamber Styraciflua

DBH: 7.6"

Height: 25' **Spread:** 15'

Condition: Good

Location: Numbered on map

Observation: On-site Tree

7 Liquid Amber -Liquidamber Styraciflua

DBH: 7.6"

Height: 24' **Spread:** 15'

Condition: Good

Location: Numbered on map

Observation: On-site Tree

Tree Inventory

130 Constitution Dr. Menlo Park, CA
94025

1 Bay Laurel -Laurus Nobilis

DBH: 4.4"
Height: 14' Spread: 10'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

2 Bay Laurel -Laurus Nobilis

DBH: 4.7"
Height: 15' Spread: 10'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

3 Bay Laurel -Laurus Nobilis

DBH: 4.7"
Height: 15' Spread: 10'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

4 Bay Laurel -Laurus Nobilis

DBH: 5.7"
Height: 14' Spread: 10'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

5 Bay Laurel -Laurus Nobilis

DBH: 6.3"
Height: 14' Spread: 10'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

6 Bay Laurel -Laurus Nobilis

DBH: 7.3"
Height: 15' Spread: 10'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

7 Mayten -Maytenus Boaria

DBH: 9.5"
Height: 22' Spread: 15'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

8 Mayten -Maytenus Boaria

DBH: 7.9"
Height: 20' Spread: 17'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

9 Mayten -Maytenus Boaria

DBH: 7.9"
Height: 22' Spread: 15'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

10 Chinese Pistache -Pistacia Chinensis

Circumference: 10.1"
Height: 30' Spread: 30'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

11 Carob -Ceratonia Siliqua

DBH: 17.1"
Height: 25' Spread: 28'
Condition: Fair
Location: Numbered on map
Designation: **Heritage Tree**

12 Coast Redwood Aptos Blue -Sequoia

Sempervirens
DBH: 42.3"
Height: 85' Spread: 33'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

13 Coast Redwood Aptos Blue -Sequoia

Sempervirens
DBH: 23.5"
Height: 91' Spread: 35'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

14 Coast Redwood Aptos Blue -Sequoia

Sempervirens
DBH: 52.5"
Height: 88' Spread: 30'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

15 Coast Redwood Soquel -Sequoia

Sempervirens
DBH: 38.8"
Height: 90' Spread: 31'
Condition: Fair
Location: Numbered on map
Designation: **Heritage Tree**

16 Coast Redwood Soquel -Sequoia

Sempervirens
DBH: 47"
Height: 90' Spread: 29'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

17 Coast Redwood Soquel -Sequoia Sempervirens

DBH: 33.1"
Height: 85' Spread: 33'
Condition: Fair
Location: Numbered on map
Designation: **Heritage Tree**

18 Bay Laurel -Laurus Nobilis

DBH: 14"
Height: 35' Spread: 15'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

19 Stone Pine -Pinus Pinea

DBH: 37.8"
Height: 40' Spread: 51'
Condition: Fair
Location: Numbered on map
Designation: **Heritage Tree**

20 Coast Redwood Soquel -Sequoia

Sempervirens
DBH: 32.1"
Height: 90' Spread: 30'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

21 Coast Redwood Soquel -Sequoia

Sempervirens
DBH: 34.6"
Height: 80' Spread: 32'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

22 Coast Redwood Soquel -Sequoia

Sempervirens
DBH: 31.5"
Height: 81' Spread: 31'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

23 Bottlebrush -Callistemon

DBH: 11"
Height: 15' Spread: 20'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

24 Bottlebrush -Callistemon

DBH: 10.8"
Height: 18' Spread: 18'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

25 Bottlebrush -Callistemon

DBH: 11.7"

Height: 19' **Spread:** 21'

Condition: Good

Location: Numbered on map

Observation: On-site Tree

26 Mayten -Maytenus Boaria

DBH: 10.1"

Height: 25' **Spread:** 20'

Condition: Fair

Location: Numbered on map

Observation: On-site Tree

27 Mayten -Maytenus Boaria

DBH: 11.4"

Height: 23' **Spread:** 19'

Condition: Good

Location: Numbered on map

Observation: On-site Tree

28 Mayten -Maytenus Boaria

DBH: 11.7"

Height: 27' **Spread:** 21'

Condition: Fair

Location: Numbered on map

Observation: On-site Tree

**29 Coast Redwood Aptos Blue -Sequoia
Sempervirens**

DBH: 11.1"

Height: 91' **Spread:** 35'

Condition: Good

Location: Numbered on map

Observation: Multi part of #13

Designation: Heritage Tree

**30 Coast Redwood Aptos Blue -Sequoia
Sempervirens**

DBH: 32.1"

Height: 88' **Spread:** 30'

Condition: Good

Location: Numbered on map

Observation: Multi part of #14

Designation: Heritage Tree

Tree Inventory

1205 Chrysler Dr. Menlo Park, CA
94025

1 Privet -Ligustrum Lucidum

DBH: 3.5"
Height: 25' Spread: 8'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

2 Camphor -Cinnamomum Camphora

DBH: 5.7"/6.3"/7.3"
Height: 15' Spread: 10'
Condition: Good
Location: Numbered on map
Observation: Multi, On-site Tree

3 Camphor -Cinnamomum Camphora

DBH: 15.2"
Height: 25' Spread: 15'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

4 Camphor -Cinnamomum Camphora

DBH: 14.6"
Height: 30' Spread: 20'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

5 Camphor -Cinnamomum Camphora

DBH: 12"
Height: 25' Spread: 15'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

6 Camphor -Cinnamomum Camphora

DBH: 12.7"
Height: 30' Spread: 18'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

7 Camphor -Cinnamomum Camphora

DBH: 10.8"
Height: 30' Spread: 15'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

8 Camphor -Cinnamomum Camphora

DBH: 18.7"
Height: 28' Spread: 12'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

9 Camphor -Cinnamomum Camphora

DBH: 15.2"
Height: 23' Spread: 10'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

10 Camphor -Cinnamomum Camphora

DBH: 9.5"/13"/8.2"
Height: 25' Spread: 31'
Condition: Good
Location: Numbered on map
Observation: Multi, On-site Tree

11 Chinese Elm -Ulmus Parvifolia

16.5"
Height: 30' Spread: 35'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

12 Pine -Pinus

DBH: 7.9"
Height: 15' Spread: 5'
Condition: Very poor
Location: Numbered on map
Observation: Dead, On-site Tree

13 Chinese Elm -Ulmus Parvifolia

DBH: 14.6"
Height: 25' Spread: 30'
Condition: Good
Location: Numbered on map
Observation: On-site Tree

14 Chinese Elm -Ulmus Parvifolia

DBH: 17.1"
Height: 30' Spread: 35'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

15 Chinese Elm -Ulmus Parvifolia

DBH: 3.1"
Height: 12' Spread: 10'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

16 Evergreen Pear -Pyrus Kawakamii

DBH: 6.6"
Height: 12' Spread: 13'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

17 Liquid Amber -Liquidamber Styraciflua

DBH: 14.3"
Height: 22' Spread: 10'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

18 Liquid Amber -Liquidamber Styraciflua

DBH: 13.6"
Height: 20' Spread: 21'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

19 Liquid Amber -Liquidamber Styraciflua

DBH: 13"
Height: 18' Spread: 11'
Condition: Fair
Location: Numbered on map
Observation: On-site Tree

20 Camphor -Cinnamomum Camphora

DBH: 19.4"
Height: 20' Spread: 30'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

21 Camphor -Cinnamomum Camphora

DBH: 15.5"
Height: 40' Spread: 30'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

22 Camphor -Cinnamomum Camphora

DBH: 29.2"
Height: 35' Spread: 30'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

23 Chinese Elm -Ulmus Parvifolia

DBH: 19"
Height: 38' Spread: 33'
Condition: Fair
Location: Numbered on map
Designation: **Heritage Tree**

24 Camphor -Cinnamomum Camphora

DBH: 16.5"
Height: 30' Spread: 25'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

25 Fig Tree -Ficus Carica

DBH: 9.5"
Height: 12' Spread: 10'
Condition: Poor
Location: Numbered on map
Observation: Dead, On-site Tree

26 Camphor -Cinnamomum Camphora

DBH: 16.5"
Height: 20' Spread: 25'
Condition: Good
Location: Numbered on map
Designation: **Heritage Tree**

27 Aristocrat Pear -Pyrus Calleryana

DBH: 8.9"

Height: 15' **Spread:** 20'

Condition: Fair

Location: Numbered on map

Observation: On-site Tree

28 Aristocrat Pear -Pyrus Calleryana

DBH: 3.8

Height: **Spread:**

Condition: Very poor

Location: Numbered on map

Observation: Dead, On-site Tree

29 Aristocrat Pear -Pyrus Calleryana

DBH: 9.2"

Height: 15' **Spread:** 20'

Condition: Fair

Location: Numbered on map

Observation: On-site Tree

30 Aristocrat Pear -Pyrus Calleryana

DBH: 9.5"

Height: 15' **Spread:** 20'

Condition: Fair

Location: Numbered on map

Observation: On-site Tree



June 8, 2020

Sierra Sousa
The Sobrato Organization
599 Castro Street #400
Mountain View, CA 94041

RE: Arborist Report for trees at: 119 Independence Drive
123-125 Independence Drive
127 Independence Drive
130 Constitution Drive
1205 Chrysler Drive
Menlo Park, CA 94025

Dear Mrs. Sousa:

Enclosed you will find our complete arborist report. It is based strictly on my visual inspection, per your request.

The report also discusses the effects that construction activities might have on the future of these trees.

Very briefly, I find the trees to be in good health and condition and to be structurally sound.

These trees will need to be removed prior to construction.

It was a pleasure working with you on this assignment. Should you have any questions or concerns, please contact me at (408)593-8687.

Sincerely,

FMA LANDSCAPE SERVICES, INC.

A handwritten signature in blue ink, appearing to read 'Miguel Medina', is written over a faint, light blue rectangular background.

Miguel Medina
Certified Arborist



June 8, 2020

The Sobrato Organization
599 Castro Street #400
Mountain View, CA 94041

RE: Arborist Report for trees at: 119 Independence Drive
123-125 Independence Drive
127 Independence Drive
130 Constitution Drive
1205 Chrysler Drive
Menlo Park, CA 94025

On May 5, 2020, I was contacted by Sierra Sousa of The Sobrato Organization and was asked to provide an Arboricultural Consultation for the above referenced addresses.

I visited the properties on May 11, 2020 to review the whole trees that exist on the properties. There are a total of 85 existing trees; (57) are non-heritage trees and (28) are heritage trees.

After reviewing the plans for the proposed new development, the existing trees will need to be removed. Damage to the existing trees is inevitable per the understanding of the scope of work.

The new development calls for 364 new trees. The ratio of the tree replacement is very high and will make a huge difference to the new development with the potential for greater use than the space has now. It will however take years to recapture the established feel created by the mature trees.

The purpose of this report is to provide The Sobrato Organization with information regarding the health and structural conditions of all the existing trees located within the future construction zone. It also provides The Sobrato Organization with information on the effects the construction will have on those trees and to determine the fate of the trees which is specifically to remove the trees prior to construction and the area redevelopment.

The information in this report will be used by The Sobrato Organization to help make the correct decision in which they are charged with deciding the best option and long-term interest at the specified locations.

Please contact me at (408)593-8687 should you have any questions or concerns.

Sincerely,

FMA LANDSCAPE SERVICES, INC.

A handwritten signature in blue ink that reads 'Miguel Medina'.

Miguel Medina
Certified Arborist



CERTIFICATE OF PERFORMANCE

Contractor: The Sobrato Organization
Address: 599 Castro Street #400
City, State, Zip : Mt. View, CA 94041

Attention: Sierra Sousa
Phone: (408) 608-9939
E-Mail: ssousa@sobrato.com

Project Name: 123 Independence Drive
Menlo Park, CA 94025

Project No.: 1-105

I, Miguel Medina, certify that:

I have personally inspected the trees and the property referred to in this report and have stated my findings accurately. The extent of the evaluation is stated in the attached report and the limits of the assignment.

I have no current or prospective interest in the trees or the property that are the subject of this report and have no personal interest or bias with respect to the parties involved.

The analysis, opinions, and conclusions stated herein are my own and are based on current scientific procedures and facts.

My analysis, opinions and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices.

No one provided significant professional assistance to me, except as indicated within the report.

My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member in good standing of the International Society of Arboriculture. I have been involved in the field of arboriculture for a period of more than 25-years.

 06/08/2020

 06/09/2020

FMA Landscape Services, Inc. Date

Client Representative Date

Owner / President/ Certified Arborist

Development Associate

Title

Title

119 Independence Dr.
Menlo Park, CA 94025

LANDSCAPE AREA



Prepared by Miguel Medina
ISA Certified Arborist
WE-11705A

119 Independence Dr.
Menlo Park, CA 94025



8

2

4

5

1

3

6

7

Tree Inventory

119 Independence Dr. Menlo Park,
CA 94025

1 Coast Live Oak -Quercus Agrifolia

DBH: 17.8"

Height: 20' **Spread:** 25'

Condition: Good

Location: Numbered on map

Observation:

2 Plum -Prunus Cerasifera

DBH: 5.72"

Height: 17' **Spread:** 12'

Condition: Fair

Location: Numbered on map

Observation:

3 Weeping Bottlebrush -Melaleuca

Viminalis

DBH: 11.7"/9.54"

Height: 30' **Spread:** 21'

Condition: Good

Location: Numbered on map

Observation: Multi

4 Podocarpus Gracilior -Afrocarpus

Gracilior

DBH: 8.27"

Height: 30' **Spread:** 17'

Condition: Good

Location: Numbered on map

Observation:

5 Redbud -Cercis Canadensis

DBH: 5.09"

Height: 10' **Spread:** 10'

Condition: Fair

Location: Numbered on map

Observation:

6 Coast Live Oak -Quercus Agrifolia

DBH: 10.18"

Height: 18' **Spread:** 20'

Condition: Good

Location: Numbered on map

Observation:

7 Valley Oak -Quercus Lobata

DBH: 13.05"

Height: 45' **Spread:** 30'

Condition: Good

Location: Numbered on map

Observation:

8 Southern Magnolia -Magnolia

Grandiflora

DBH: 10.50"

Height: 28' **Spread:** 31'

Condition: Good

Location: Numbered on map

Observation:

Independence Dr

1
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123-125 Independence Dr.
Menlo Park, CA 94025



Prepared by Miguel Medina
ISA Certified Arborist
WE-11705A

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Tree Inventory

123-125 Independence Dr.
Menlo Park, CA 94025

1 Bottlebrush -Callistemon

DBH: 7.6"/12.7"
Height: 15' **Spread:** 10'
Condition: Fair
Location: Numbered on map
Observation: Multi

2 Bottlebrush -Callistemon

DBH: 7.9"
Height: 12' **Spread:** 10'
Condition: Poor
Location: Numbered on map
Observation: Tree is leaning

3 Bottlebrush -Callistemon

DBH: 9.2"/8.2"/9.8"/7.6"
Height: 15' **Spread:** 20'
Condition: Good
Location: Numbered on map
Observation: Multi

4 Bottlebrush -Callistemon

DBH: 7.6"/9.8"/7.3"
Height: 15' **Spread:** 19'
Condition: Good
Location: Numbered on map
Observation: Multi

5 Bottlebrush -Callistemon

DBH: 20"
Height: 16' **Spread:** 21'
Condition: Good
Location: Numbered on map
Observation:

6 Bottlebrush -Callistemon

DBH: 11.7"/9.2"/6.6"
Height: 15' **Spread:** 18'
Condition: Good
Location: Numbered on map
Observation: Multi

7 Bottlebrush -Callistemon

DBH: 9.8"
Height: 15' **Spread:** 19'
Condition: Good
Location: Numbered on map
Observation:

8 Bottlebrush -Callistemon

DBH: 7.6"
Height: 15' **Spread:** 17'
Condition: Good
Location: Numbered on map
Observation:

9 Bottlebrush -Callistemon

DBH: 10.8"
Height: 15' **Spread:** 19'
Condition: Good
Location: Numbered on map
Observation:

10 Bottlebrush -Callistemon

DBH: 8.9"
Height: 15' **Spread:** 18'
Condition: Good
Location: Numbered on map
Observation:



127 Independence Dr.
Menlo Park, CA 94025



Prepared by Miguel Medina
ISA Certified Arborist
WE-11705A

Tree Inventory

127 Independence Dr. Menlo Park,
CA 94025

1 Liquid Amber -Liquidamber Styraciflua

DBH: 5"

Height: 16' **Spread:** 10'

Condition: Fair

Location: Numbered on map

Observation:

2 Liquid Amber -Liquidamber Styraciflua

DBH: 9.5"

Height: 20' **Spread:** 18'

Condition: Good

Location: Numbered on map

Observation:

3 Liquid Amber -Liquidamber Styraciflua

DBH: 16.8"

Height: 40' **Spread:** 25'

Condition: Good

Location: Numbered on map

Observation:

4 Liquid Amber -Liquidamber Styraciflua

DBH: 15.2"

Height: 38' **Spread:** 23'

Condition: Good

Location: Numbered on map

Observation:

5 Liquid Amber -Liquidamber Styraciflua

DBH: 13.6"

Height: 25' **Spread:** 15'

Condition: Good

Location: Numbered on map

Observation:

6 Liquid Amber -Liquidamber Styraciflua

DBH: 7.6"

Height: 25' **Spread:** 15'

Condition: Good

Location: Numbered on map

Observation:

7 Liquid Amber -Liquidamber Styraciflua

DBH: 7.6"

Height: 24' **Spread:** 15'

Condition: Good

Location: Numbered on map

Observation:

130 Constitution Dr.
Menlo Park, CA 94025



Prepared by Miguel Medina
ISA Certified Arborist
WE-11705A

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Constitution Dr

Tree Inventory

130 Constitution Dr. Menlo Park, CA
94025

1 Bay Laurel -Laurus Nobilis
DBH: 4.4"
Height: 14' Spread: 10'
Condition: Good
Location: Numbered on map
Observation:

2 Bay Laurel -Laurus Nobilis
DBH: 4.7"
Height: 15' Spread: 10'
Condition: Good
Location: Numbered on map
Observation:

3 Bay Laurel -Laurus Nobilis
DBH: 4.7"
Height: 15' Spread: 10'
Condition: Good
Location: Numbered on map
Observation:

4 Bay Laurel -Laurus Nobilis
DBH: 5.7"
Height: 14' Spread: 10'
Condition: Good
Location: Numbered on map
Observation:

5 Bay Laurel -Laurus Nobilis
DBH: 6.3"
Height: 14' Spread: 10'
Condition: Good
Location: Numbered on map
Observation:

6 Bay Laurel -Laurus Nobilis
DBH: 7.3"
Height: 15' Spread: 10'
Condition: Good
Location: Numbered on map
Observation:

7 Mayten -Maytenus Boaria
DBH: 9.5"
Height: 22' Spread: 15'
Condition: Good
Location: Numbered on map
Observation:

8 Mayten -Maytenus Boaria
DBH: 7.9"
Height: 20' Spread: 17'
Condition: Fair
Location: Numbered on map
Observation:

9 Mayten -Maytenus Boaria
DBH: 7.9"
Height: 22' Spread: 15'
Condition: Good
Location: Numbered on map
Observation:

10 Chinese Pistache -Pistacia Chinensis
Circumference: 10.1"
Height: 30' Spread: 30'
Condition: Good
Location: Numbered on map
Observation:

11 Carob -Ceratonia Siliqua
DBH: 17.1"
Height: 25' Spread: 28'
Condition: Fair
Location: Numbered on map
Observation:

12 Coast Redwood Aptos Blue -Sequoia Sempervirens
DBH: 42.3"
Height: 85' Spread: 33'
Condition: Good
Location: Numbered on map
Observation:

13 Coast Redwood Aptos Blue -Sequoia Sempervirens
DBH: 22.6"
Height: 91' Spread: 35'
Condition: Good
Location: Numbered on map
Observation: Multi

14 Coast Redwood Aptos Blue -Sequoia Sempervirens
DBH: 52.5"
Height: 88' Spread: 30'
Condition: Good
Location: Numbered on map
Observation: Multi

15 Coast Redwood Soquel -Sequoia Sempervirens
DBH: 42.6"
Height: 90' Spread: 31'
Condition: Fair
Location: Numbered on map
Observation:

16 Coast Redwood Soquel -Sequoia Sempervirens
DBH: 49.3"
Height: 90' Spread: 29'
Condition: Good
Location: Numbered on map
Observation:

17 Coast Redwood Soquel -Sequoia Sempervirens
DBH: 33.1"
Height: 85' Spread: 33'
Condition: Fair
Location: Numbered on map
Observation:

18 Bay Laurel -Laurus Nobilis
DBH: 14"
Height: 35' Spread: 15'
Condition: Good
Location: Numbered on map
Observation:

19 Stone Pine -Pinus Pinea
DBH: 35.9"
Height: 40' Spread: 51'
Condition: Fair
Location: Numbered on map
Observation:

20 Coast Redwood Soquel -Sequoia Sempervirens
DBH: 30.8"
Height: 90' Spread: 30'
Condition: Good
Location: Numbered on map
Observation:

21 Coast Redwood Soquel -Sequoia Sempervirens
DBH: 34"
Height: 80' Spread: 32'
Condition: Good
Location: Numbered on map
Observation:

22 Coast Redwood Soquel -Sequoia Sempervirens
DBH: 30.56"
Height: 81' Spread: 31'
Condition: Good
Location: Numbered on map
Observation:

23 Bottlebrush -Callistemon
DBH: 12"
Height: 15' Spread: 20'
Condition: Fair
Location: Numbered on map
Observation:

24 Bottlebrush -Callistemon
DBH: 10.5"
Height: 18' Spread: 18'
Condition: Fair
Location: Numbered on map
Observation:

25 Bottlebrush -Callistemon

DBH: 11.7"

Height: 19' **Spread:** 21'

Condition: Good

Location: Numbered on map

Observation:

26 Mayten -Maytenus Boaria

DBH: 10.1"

Height: 25' **Spread:** 20'

Condition: Fair

Location: Numbered on map

Observation:

27 Mayten -Maytenus Boaria

DBH: 11.4"

Height: 23' **Spread:** 19'

Condition: Good

Location: Numbered on map

Observation:

28 Mayten -Maytenus Boaria

DBH: 11.4"

Height: 27' **Spread:** 21'

Condition: Fair

Location: Numbered on map

Observation:

**29 Coast Redwood Aptos Blue -Sequoia
Sempervirens**

DBH: 11.1"

Height: 91' **Spread:** 35'

Condition: Good

Location: Numbered on map

Observation: Multi

**30 Coast Redwood Aptos Blue -Sequoia
Sempervirens**

DBH: 31.19"

Height: 88' **Spread:** 30'

Condition: Good

Location: Numbered on map

Observation: Multi

Independence Dr

Chrysler Dr

Google Chrysler Dr

1205 Chrysler Dr.
Menlo Park, CA 94025



Prepared by Miguel Medina
ISA Certified Arborist
WE-11705A

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Tree Inventory

1205 Chrysler Dr. Menlo Park, CA
94025

1 Privet -Ligustrum Lucidum

DBH: 3.5"
Height: 25' Spread: 8'
Condition: Fair
Location: Numbered on map
Observation:

2 Camphor -Cinnamomum Camphora

DBH: 5.7"/6.3"/7.3"
Height: 15' Spread: 10'
Condition: Good
Location: Numbered on map
Observation: Multi

3 Camphor -Cinnamomum Camphora

DBH: 15.2"
Height: 25' Spread: 15'
Condition: Good
Location: Numbered on map
Observation:

4 Camphor -Cinnamomum Camphora

DBH: 14.6"
Height: 30' Spread: 20'
Condition: Good
Location: Numbered on map
Observation:

5 Camphor -Cinnamomum Camphora

DBH: 12"
Height: 25' Spread: 15'
Condition: Good
Location: Numbered on map
Observation:

6 Camphor -Cinnamomum Camphora

DBH: 12.7"
Height: 30' Spread: 18'
Condition: Good
Location: Numbered on map
Observation:

7 Camphor -Cinnamomum Camphora

DBH: 10.8"
Height: 30' Spread: 15'
Condition: Good
Location: Numbered on map
Observation:

8 Camphor -Cinnamomum Camphora

DBH: 18.7"
Height: 28' Spread: 12'
Condition: Good
Location: Numbered on map
Observation:

9 Camphor -Cinnamomum Camphora

DBH: 15.2"
Height: 23' Spread: 10'
Condition: Good
Location: Numbered on map
Observation:

10 Camphor -Cinnamomum Camphora

DBH: 9.5"/13"/8.2"
Height: 25' Spread: 31'
Condition: Good
Location: Numbered on map
Observation: Multi

11 Chinese Elm -Ulmus Parvifola

DBH: 16.5"
Height: 30' Spread: 35'
Condition: Good
Location: Numbered on map
Observation:

12 Pine -Pinus spp

DBH: 7.9"
Height: 15' Spread: 5'
Condition: Very poor
Location: Numbered on map
Observation: Tree is dead

13 Chinese Elm -Ulmus Parvifola

DBH: 14.6"
Height: 25' Spread: 30'
Condition: Good
Location: Numbered on map
Observation:

14 Chinese Elm -Ulmus Parvifola

DBH: 17.1"
Height: 30' Spread: 35'
Condition: Good
Location: Numbered on map
Observation:

15 Chinese Elm -Ulmus Parvifola

DBH: 3.1"
Height: 12' Spread: 10'
Condition: Fair
Location: Numbered on map
Observation:

16 Evergreen Pear -Pyrus Kawakamii

DBH: 6.6"
Height: 12' Spread: 13'
Condition: Fair
Location: Numbered on map
Observation:

17 Liquid Amber -Liquidamber Styraciflua

DBH: 14.3"
Height: 22' Spread: 10'
Condition: Fair
Location: Numbered on map
Observation:

18 Liquid Amber -Liquidamber Styraciflua

DBH: 13.6"
Height: 20' Spread: 21'
Condition: Fair
Location: Numbered on map
Observation:

19 Liquid Amber -Liquidamber Styraciflua

DBH: 13"
Height: 18' Spread: 11'
Condition: Fair
Location: Numbered on map
Observation:

20 Camphor -Cinnamomum Camphora

DBH: 19.4"
Height: 20' Spread: 30'
Condition: Good
Location: Numbered on map
Observation:

21 Camphor -Cinnamomum Camphora

DBH: 15.5"
Height: 40' Spread: 30'
Condition: Good
Location: Numbered on map
Observation:

22 Camphor -Cinnamomum Camphora

DBH: 29.2"
Height: 35' Spread: 30'
Condition: Good
Location: Numbered on map
Observation:

23 Chinese Elm -Ulmus Parvifola

DBH: 19"
Height: 38' Spread: 33'
Condition: Fair
Location: Numbered on map
Observation:

24 Camphor -Cinnamomum Camphora

DBH: 16.5"
Height: 30' Spread: 25'
Condition: Good
Location: Numbered on map
Observation:

25 Fig Tree -Ficus Carica

DBH: 9.5"
Height: 12' Spread: 10'
Condition: Poor
Location: Numbered on map
Observation:

26 Camphor -Cinnamomum Camphora

DBH: 16.5"
Height: 20' Spread: 25'
Condition: Good
Location: Numbered on map
Observation:

27 Aristocrat Pear -Pyrus Calleryana

DBH: 8.9"

Height: 15' **Spread:** 20'

Condition: Fair

Location: Numbered on map

Observation:

28 Aristocrat Pear -Pyrus Calleryana

DBH: 3.8"

Height: **Spread:**

Condition: Very poor

Location: Numbered on map

Observation: Tree is dead

29 Aristocrat Pear -Pyrus Calleryana

DBH: 9.2"

Height: 15' **Spread:** 20'

Condition: Fair

Location: Numbered on map

Observation:

30 Aristocrat Pear -Pyrus Calleryana

DBH: 9.5"

Height: 15' **Spread:** 20'

Condition: Fair

Location: Numbered on map

Observation:



: Architecture
 : Planning
 : Urban Design
 : 1970 Broadway, Suite 615
 : Oakland, California 94612
 : (510) 451-2850

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123 Independence
 Menlo Park, CA
 The Sobrato Organization
 599 Castro Street, Suite 400
 Mountain View, CA

Sheet Title:
PROPOSED ILLUSTRATIVE SITE PLAN

Job No. 20004
 Date: 01/14/22
 Scale: 1" = 30'-0"
 Drawn By: Author

Sheet No:
A101

ILLUSTRATIVE SITE PLAN 1" = 30'-0" 1

123 Independence - Apartments

LEED NC Preliminary Scorecard

3/15/2022

Goal: GOLD



65 10 15 21 Total Project Score				Certified 40-49 points	Silver 50-59 points	Gold 60-79 points	Platinum 80 or more points
---------------------------------	--	--	--	------------------------	---------------------	-------------------	----------------------------

Yes	?Y	?N	No
1			

Credit 1 Integrative Process 1

10 2 5 Location and Transportation 16 Points Possible

Yes	?Y	?N	No	Points
1				16
1				1
2	1			2
5				5
			5	5
1				1
		1		1
1				1

5 2 3 Sustainable Sites 10 Points Possible

Yes	?Y	?N	No	Points
Y				-
1				1
			2	2
1				1
		2	1	3
2				2
1				1

5 3 3 Water Efficiency 11 Points Possible

Yes	?Y	?N	No	Points
Y				-
Y				-
Y				-
1	1			2
3	1		2	6
	1	1		2
1				1

19 3 6 5 Energy & Atmosphere 33 Points Possible

Yes	?Y	?N	No	Points
Y				-
Y				-
Y				-
Y				-
4	2			6
12	2	2	2	18
	1			1
		2		2
		2	1	3
1				1
2				2

4 2 3 4 Materials & Resources 13 Points Possible

Yes	?Y	?N	No	Points
Y				-
Y				-
		1	2	2
1			1	2
		1		1
1			1	2
2				2

14 1 1 Indoor Environmental Quality 16 Points Possible

Yes	?Y	?N	No	Points
Y				-
Y				-
1				1
1				1
3				3
1				1
2				2
1				1
1				1
1				1
2			1	3
1				1
		1		1

6 Innovation & Design Process 6 Points Possible

Yes	?Y	?N	No	Points
1				1
1				1
1				1
1				1
1				1
1				1

1 2 1 Regional Priority 4 Points Possible

Yes	?Y	?N	No	Points
94025 zip code				
			1	1
		1		1
	1			1
1				1
		1		1
1				1

123 Independence - Townhomes

LEED Homes Preliminary Scorecard

Date: 3/15/2022

Goal GOLD



65.0	10	8.0	27.0	Total Project Score	Certified 40-49 points	Silver 50-59 points	Gold 60-79 points	Platinum 80 or more points
-------------	-----------	------------	-------------	----------------------------	------------------------	----------------------------	-------------------	----------------------------

Yes	?Y	?N	No
2			

Credit 1 **Integrative Process** 2

Yes	?Y	?N	No
10.5			4.5
Y			
7			1
2			1.0
1.5			0.5
			2.0

Location and Transportation 15 Points Possible

- Prereq 1 **Floodplain Avoidance** -
- Credit 1 **LEED Neighborhood Development Location** 15
- Credit 2 **Site Selection** 8
- Credit 3 **Compact Development** 3
- Credit 4 **Community Resources** 2
- Credit 5 **Access to Transit** 2

Yes	?Y	?N	No
3	1	2	1
Y			
Y			
1	1		
		2	1
2			

Sustainable Sites 7 Points Possible

- Prereq 1 **Construction Activity Pollution Prevention** -
- Prereq 2 **No Invasive Plants** -
- Credit 1 **Heat Island Reduction** 2
- Credit 2 **Rainwater Management** 3
- Credit 3 **Nontoxic Pest Control** 2

Yes	?Y	?N	No
8			4
Y			
8			4
			6
			4

Water Efficiency 12 Points Possible

- Prereq 1 **Water Metering** -
- Credit 1 **Total Water Use - Performance Path** 12
- Credit 2 **Indoor Water Use** 6
- Credit 3 **Outdoor Water Use** 4

Yes	?Y	?N	No
18	2	4	14
Y			
Y			
Y			
16	2	2	9
		2	3
1			1
			1
1			

Energy & Atmosphere 38 Points Possible

- Prereq 1 **Minimum Energy Performance** -
- Prereq 2 **Energy Metering** -
- Prereq 3 **Education of homeowner, tenant, or building manager** -
- Credit 1 **Annual Energy Use - Performance Path** 29
- Credit 2 **Efficient Hot Water Distribution System** 5
- Credit 3 **Advanced Utility Tracking** 2
- Credit 4 **Active Solar-Ready Design** 1
- Credit 5 **HVAC Start-Up Credentialing** 1

Yes	?Y	?N	No
5.5	3	1	0.5
Y			
Y			
1			
1.5	1	1	0.5
2	1		
1	1		

Materials & Resources 10 Points Possible

- Prereq 1 **Certified Tropical Wood** -
- Prereq 2 **Durability Management** -
- Credit 1 **Durability Management Verification** 1
- Credit 2 **Environmentally Preferable Products** 4
- Credit 3 **Construction Waste Management** 3
- Credit 4 **Material-Efficient Framing** 2

Yes	?Y	?N	No
12.0		1	3
Y			
Y			
Y			
Y			
Y			
Y			
Y			
3			
2			
1			2.0
		1	
2			
1			1
3.0			

Indoor Environmental Quality 16 Points Possible

- Prereq 1 **Ventilation** -
- Prereq 2 **Combustion Venting** -
- Prereq 3 **Garage Pollutant Protection** -
- Prereq 4 **Radon-resistant Construction** -
- Prereq 5 **Air Filtering** -
- Prereq 6 **Environmental Tobacco Smoke** -
- Prereq 7 **Compartmentalization** -
- Credit 1 **Enhanced Ventilation** 3
- Credit 2 **Contaminant Control** 2
- Credit 3 **Balancing of Heating & Cooling System** 3
- Credit 4 **Enhanced Compartmentalization** 1
- Credit 5 **Enhanced Combustion Venting** 2
- Credit 6 **Enhanced Garage Pollutant Protection** 2
- Credit 7 **Low Emitting Products** 3

Yes	?Y	?N	No
4	2		
Y			
1			
		1	
1			
1			
		1	
1			

Innovation 6 Points Possible

- Prereq 1 **Preliminary Rating** -
- Credit 1.2 **Exemplary Performance: Nontoxic Pest Management** 1
- Credit 1.3 **Exemplary Performance: Material Efficient Framing** 1
- Credit 1.4 **Innovation: Low Mercury Lighting** 1
- Credit 1.5 **Innovation: Housing Types & Affordability** 1
- Credit 1.5 **Pilot Credit: Design for Accessibility or Verified C&D Recycling Rates** 1
- Credit 2 **LEED™ Accredited Professional** 1

Yes	?Y	?N	No
2	2		
			1
			1
	1		
1			
	1		
1			

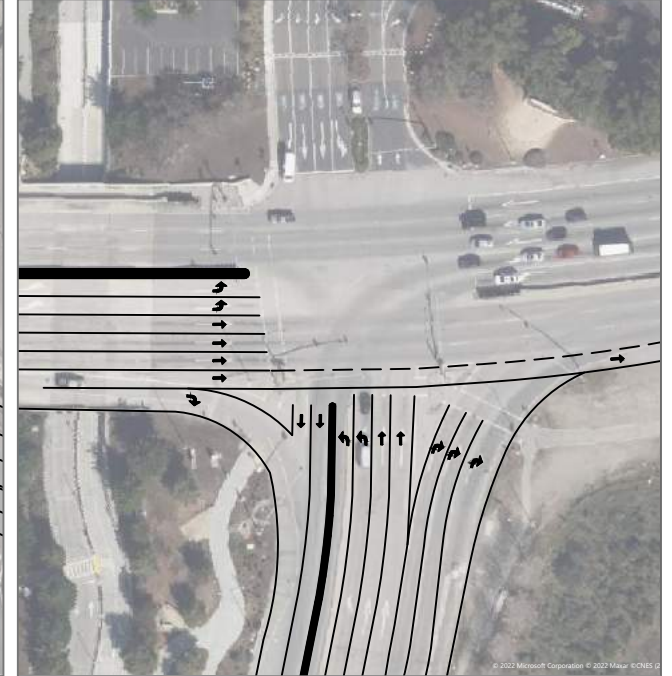
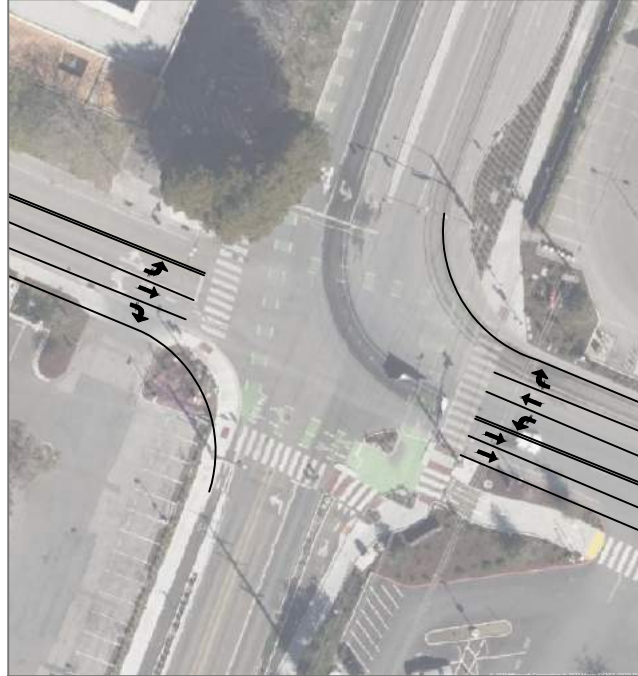
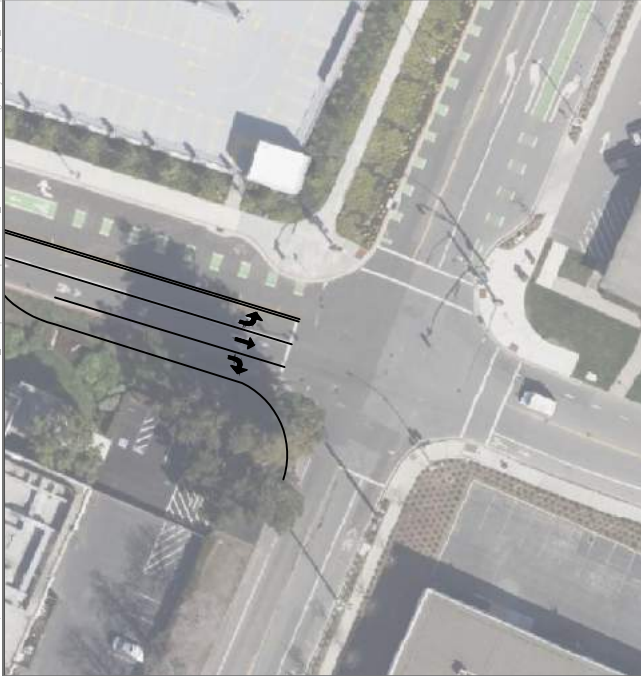
Regional Priority 4 Points Possible

- Credit 1.1 **Regional Credit: LTc4 Community Resources (2 pts)** 1
- Credit 1.2 **Regional Credit: SSc2 Rainwater Management (3 pts)** 1
- Credit 1.3 **Regional Credit: EAc1 Annual Energy Use (18 pts)** 1
- Credit 1.4 **Regional Credit: EAc3 Advanced Utility Tracking (1 pt)** 1
- Credit 1.5 **Regional Credit: MRc4 Material-Efficient Framing (2 pts)** 1
- Credit 1.6 **Regional Credit: WEc1 Total Water Use (8 pts)** 1

#9 Chrysler Drive/Constitution Drive

#13 Chilco Street/Constitution Drive

#14 Willow Road and Bayfront Expressway



SOURCE: Bing Maps

Figure 16
 Conceptual Geometrics for Recommended Improvement Measures

Nov 14, 2022, 4:13am - amssov - P:\3000_Environmental\1231_123_Independence Drive, Merlo Park\DUDEK WORK PRODUCTS\DOCUMENTS\04_Transportation\Graphics\1231_123_Independence Drive - Layout - Fig16 - Concept



STUDIO
T SQUARE

- : Architecture
- : Planning
- : Urban Design
- : 1970 Broadway, Suite 615
- : Oakland, California 94612
- : (510) 451-2850

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123 Independence
Menlo Park, CA
The Sobrato Organization
599 Castro Street, Suite 400
Mountain View, CA

Sheet Title:
**PROPOSED
ILLUSTRATIVE SITE
PLAN**

Job No. 20004
Date: 01/14/22
Scale: 1" = 30'-0"
Drawn By: Author

Sheet No:
A101

ILLUSTRATIVE SITE PLAN 1" = 30'-0" 1

123 Independence - Apartments

LEED NC Preliminary Scorecard

3/15/2022

Goal: GOLD



65 10 15 21 Total Project Score				Certified 40-49 points	Silver 50-59 points	Gold 60-79 points	Platinum 80 or more points
---------------------------------	--	--	--	------------------------	---------------------	-------------------	----------------------------

Yes	?Y	?N	No
1			

Credit 1 Integrative Process 1

10 2 5 Location and Transportation 16 Points Possible

Yes	?Y	?N	No	Points
1				16
1				1
2	1			2
5				5
			5	5
1				1
		1		1
1				1

5 2 3 Sustainable Sites 10 Points Possible

Yes	?Y	?N	No	Points
Y				-
1				1
			2	2
1				1
		2	1	3
2				2
1				1

5 3 3 Water Efficiency 11 Points Possible

Yes	?Y	?N	No	Points
Y				-
Y				-
Y				-
1	1			2
3	1		2	6
	1	1		2
1				1

19 3 6 5 Energy & Atmosphere 33 Points Possible

Yes	?Y	?N	No	Points
Y				-
Y				-
Y				-
Y				-
4	2			6
12	2	2	2	18
	1			1
		2		2
		2	1	3
1				1
2				2

4 2 3 4 Materials & Resources 13 Points Possible

Yes	?Y	?N	No	Points
Y				-
Y				-
		1	2	2
1			1	2
		1		1
1			1	2
2				2

14 1 1 Indoor Environmental Quality 16 Points Possible

Yes	?Y	?N	No	Points
Y				-
Y				-
1				1
1				1
3				3
1				1
2				2
1				1
1				1
1				1
2			1	3
1				1
		1		1

6 Innovation & Design Process 6 Points Possible

Yes	?Y	?N	No	Points
1				1
1				1
1				1
1				1
1				1
1				1

1 2 1 Regional Priority 4 Points Possible

Yes	?Y	?N	No	Points
94025 zip code				
			1	1
		1		1
	1			1
1				1
		1		1
1				1

123 Independence - Townhomes

LEED Homes Preliminary Scorecard

Date: 3/15/2022

Goal GOLD



65.0	10	8.0	27.0	Total Project Score	Certified 40-49 points	Silver 50-59 points	Gold 60-79 points	Platinum 80 or more points
-------------	-----------	------------	-------------	----------------------------	------------------------	----------------------------	-------------------	----------------------------

Yes	?Y	?N	No
2			

Credit 1 **Integrative Process** 2

Yes	?Y	?N	No
10.5			4.5
Y			
7			1
2			1.0
1.5			0.5
			2.0

Location and Transportation 15 Points Possible

- Prereq 1 **Floodplain Avoidance** -
- Credit 1 **LEED Neighborhood Development Location** 15
- Credit 2 **Site Selection** 8
- Credit 3 **Compact Development** 3
- Credit 4 **Community Resources** 2
- Credit 5 **Access to Transit** 2

Yes	?Y	?N	No
3	1	2	1
Y			
Y			
1	1		
		2	1
2			

Sustainable Sites 7 Points Possible

- Prereq 1 **Construction Activity Pollution Prevention** -
- Prereq 2 **No Invasive Plants** -
- Credit 1 **Heat Island Reduction** 2
- Credit 2 **Rainwater Management** 3
- Credit 3 **Nontoxic Pest Control** 2

Yes	?Y	?N	No
8			4
Y			
8			4
			6
			4

Water Efficiency 12 Points Possible

- Prereq 1 **Water Metering** -
- Credit 1 **Total Water Use - Performance Path** 12
- Credit 2 **Indoor Water Use** 6
- Credit 3 **Outdoor Water Use** 4

Yes	?Y	?N	No
18	2	4	14
Y			
Y			
Y			
16	2	2	9
		2	3
1			1
			1
1			

Energy & Atmosphere 38 Points Possible

- Prereq 1 **Minimum Energy Performance** -
- Prereq 2 **Energy Metering** -
- Prereq 3 **Education of homeowner, tenant, or building manager** -
- Credit 1 **Annual Energy Use - Performance Path** 29
- Credit 2 **Efficient Hot Water Distribution System** 5
- Credit 3 **Advanced Utility Tracking** 2
- Credit 4 **Active Solar-Ready Design** 1
- Credit 5 **HVAC Start-Up Credentialing** 1

Yes	?Y	?N	No
5.5	3	1	0.5
Y			
Y			
1			
1.5	1	1	0.5
2	1		
1	1		

Materials & Resources 10 Points Possible

- Prereq 1 **Certified Tropical Wood** -
- Prereq 2 **Durability Management** -
- Credit 1 **Durability Management Verification** 1
- Credit 2 **Environmentally Preferable Products** 4
- Credit 3 **Construction Waste Management** 3
- Credit 4 **Material-Efficient Framing** 2

Yes	?Y	?N	No
12.0		1	3
Y			
Y			
Y			
Y			
Y			
Y			
Y			
3			
2			
1			2.0
		1	
2			
1			1
3.0			

Indoor Environmental Quality 16 Points Possible

- Prereq 1 **Ventilation** -
- Prereq 2 **Combustion Venting** -
- Prereq 3 **Garage Pollutant Protection** -
- Prereq 4 **Radon-resistant Construction** -
- Prereq 5 **Air Filtering** -
- Prereq 6 **Environmental Tobacco Smoke** -
- Prereq 7 **Compartmentalization** -
- Credit 1 **Enhanced Ventilation** 3
- Credit 2 **Contaminant Control** 2
- Credit 3 **Balancing of Heating & Cooling System** 3
- Credit 4 **Enhanced Compartmentalization** 1
- Credit 5 **Enhanced Combustion Venting** 2
- Credit 6 **Enhanced Garage Pollutant Protection** 2
- Credit 7 **Low Emitting Products** 3

Yes	?Y	?N	No
4	2		
Y			
1			
		1	
1			
1			
		1	
1			

Innovation 6 Points Possible

- Prereq 1 **Preliminary Rating** -
- Credit 1.2 **Exemplary Performance: Nontoxic Pest Management** 1
- Credit 1.3 **Exemplary Performance: Material Efficient Framing** 1
- Credit 1.4 **Innovation: Low Mercury Lighting** 1
- Credit 1.5 **Innovation: Housing Types & Affordability** 1
- Credit 1.5 **Pilot Credit: Design for Accessibility or Verified C&D Recycling Rates** 1
- Credit 2 **LEED™ Accredited Professional** 1

Yes	?Y	?N	No
2	2		
			1
			1
	1		
1			
	1		
1			

Regional Priority 4 Points Possible

- Credit 1.1 **Regional Credit: LTc4 Community Resources (2 pts)** 1
- Credit 1.2 **Regional Credit: SSc2 Rainwater Management (3 pts)** 1
- Credit 1.3 **Regional Credit: EAc1 Annual Energy Use (18 pts)** 1
- Credit 1.4 **Regional Credit: EAc3 Advanced Utility Tracking (1 pt)** 1
- Credit 1.5 **Regional Credit: MRc4 Material-Efficient Framing (2 pts)** 1
- Credit 1.6 **Regional Credit: WEc1 Total Water Use (8 pts)** 1

General Plan Goals, Policies, and Program Compliance Summary			
General Plan Policy or Program	Requirement	Project Consistency	Details
Policy LU 1.2 Transportation Network Expansion	Integrate regional land use planning efforts with development of an expanded transportation network focusing on mass transit rather than freeways, and encourage development that supports multimodal transportation	Consistent	<ul style="list-style-type: none"> The project would redevelop an infill underutilized site with for-rent and for-sale residential units in close proximity to existing job centers, potentially limiting reliance on vehicle for commutes
Policy LU 2.1 Neighborhood Compatibility	Ensure that new residential development possesses high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the City's residential character	Consistent	<ul style="list-style-type: none"> The project generally complies with the R-MU-B zoning district design standards and regulations which were created to implement the General Plan Policy LU 2.1
Policy LU 2.2 Open Space	Require accessible, attractive open space that is well maintained and uses sustainable practices and materials in all new multiple dwelling and mixed-use development.	Consistent	<ul style="list-style-type: none"> The project complies with the open space requirements The project provides a publicly accessible privately maintained park as well as paseo along the western property line continuing through the length of the project site which would provide bicycle and pedestrian connection between two public rights-of-ways and with neighboring projects
Policy LU 2.5 Below Market Rate Housing	Require residential developments of five or more units to comply with the provisions of the City's Below-Market Rate (BMR) Housing Program, including eligibility for increased density above the number of market rate dwellings otherwise permitted by the applicable zoning and other exceptions and incentives	Consistent	<ul style="list-style-type: none"> Project would provide 74 Inclusionary housing units (56 rental apartment and 18 for-sale townhome units) affordable low-income households

Policy LU 2.6 Underground Utilities	Require all electric and communications lines serving new development to be placed underground		
Policy LU 2.9 Compatible Uses	Promote residential uses in mixed-use arrangements and the clustering of compatible uses such as employment centers, shopping areas, open space and parks, within easy walking and bicycling distance of each other and transit stops.	Consistent	<ul style="list-style-type: none"> The project would redevelop an existing office/industrial buildings on the site into a mix of multifamily rental and for-sale townhome units serving the local commercial and office uses. The proposal would also provide approximately 2,000 square feet of commercial space as part of the proposed apartment building. The proposal will also provide affordable rental and for-sale units The project would provide a publicly accessible paseo that connects Constitution Drive to Independence Drive and would run along the western property line along the length of the proposed apartment building widening into an approximately 100 feet by 105 feet publicly accessible park before connecting to Independence Drive
Policy LU 4.4 Community Amenities Program LU 4.C Community Amenities Requirements	Require proposed development projects of a certain minimum scale to support and contribute to programs that benefit the community and the City, including education, transit, transportation, infrastructure, sustainability, neighborhood-serving amenities, child care, housing, job training, and meaningful employment for Menlo Park youth and adults	Consistent	<ul style="list-style-type: none"> The proposed project includes community amenities proposal in compliance with the minimum required community amenities value as accepted by the Community Development Director
Policy LU 4.7 Fiscal Impacts Program LU 4.A Fiscal Impact Analysis	Evaluate proposed development of a certain minimum scale for its potential fiscal impacts on the City and community	Consistent	<ul style="list-style-type: none"> The City prepared a fiscal impact analysis to disclose the fiscal impacts of the proposed project on the City and special districts

Policy LU 6.2 Open Space in New Development	Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design	Consistent	<ul style="list-style-type: none"> • Project includes the required open space pursuant to the R-MU-B zoning district requirements • The project provides publicly accessible paseo along the western property line that travel through the length of the project site connecting two public rights-of-ways and providing bicycle and pedestrian access across the site and into adjoining neighborhoods. The project also provides a privately maintained publicly accessible park accessible via the public paseo
Policy LU 6.3 Public Open Space Design Program LU 6.B Open Space Requirements and Standards	Promote public open space design that encourages active and passive uses and use during daytime and appropriate nighttime hours to improve quality of life.	Consistent	<ul style="list-style-type: none"> • For the apartment building, the project would provide recreational area accessible to residents of the apartment complex which would provide access to a club house, fitness center, pool, barbeque pits, and lounge spaces. The apartment building would also provide deck and balconies on the upper floors and stoops and porches on the first floor apartments to serve as private open space. The proposed townhomes would provide stoops and balconies to serve as passive private open spaces. Additionally, the project would provide approximately 15,518 square feet of common open landscapes areas between the townhome condominium buildings. Additionally, the project proposes to provide a paseo are with a minimum 20-foot width and a publicly accessible open space approximately 15,367 square feet featuring bike repair station, native plant garden, soft surface with play equipment, wooden decks, rain-garden, and seating.
Policy LU 6.9 Pedestrian and Bicycle Facilities	Provide well-designed pedestrian and bicycle facilities for safe and convenient multi-	Consistent	<ul style="list-style-type: none"> • The project proposes to install frontage improvements along each public right-of-way including bicycle and

	modal activity through the use of access easements along linear parks or paseos		<p>pedestrian facilities</p> <ul style="list-style-type: none"> The project includes paseo, publicly accessible park, and other landscaping. The paseo provides a bicycle and pedestrian connection between two public rights-of-way
Policy LU 6.11 Baylands Preservation	Allow development near the Bay only in already developed areas	Consistent	<ul style="list-style-type: none"> The project would redevelop existing developed parcels with new residential development
Program LU 6.D Design for Birds	Require new buildings to employ façade, window, and lighting design features that make them visible to birds as physical barriers and eliminate conditions that create confusing reflections to birds	Consistent	<ul style="list-style-type: none"> The proposed project would comply with the R-MU-B zoning district requirements pertaining to bird friendly design standards and requirements
Policy LU 7.1 Sustainability	Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.	Consistent	<ul style="list-style-type: none"> The project would comply with the City's water efficient landscaping ordinance, CalGreen code requirements, Zoning Ordinance waste planning requirements, and be designed to applicable LEED standards
Policy LU 7.5 Reclaimed Water Use Program LU 7.D Performance Standards	Implement use of adequately treated "reclaimed" water (recycled/non-potable water sources such as, graywater, blackwater, rainwater, stormwater, foundation drainage, etc.) through dual plumbing systems for outdoor and indoor uses, as feasible	Consistent	<ul style="list-style-type: none"> The proposed project would be dual plumbed for use of recycled water in approved non-potable applications. The project proposes to install a recycled water plant on site to comply with the Zoning Ordinance requirements to use recycled water in all City-approved non-potable applications
Policy LU 7.9 Green Building	Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020	Consistent	<ul style="list-style-type: none"> The project would be designed to comply with the City's applicable LEED requirements; would comply with the City's Reach codes for energy, and would comply with the City's Green and Sustainable Building requirements in the Zoning Ordinance

	and commercial construction in 2030.		
Policy LU 7.H Sea Level Rise	Establish requirements based on State Sea Level Rise Policy Guidance for development projects of a certain minimum scale potentially affected by sea level rise to ensure protection from flooding and other potential effects	Consistent	<ul style="list-style-type: none"> The project would comply with the Zoning Ordinance requirement that the finished floor of the ground level of the building be a minimum 24 inches above the BFE
Policy CIRC 2.11 Design of New Development	Require new development to incorporate design that prioritizes safe pedestrian and bicycle travel and accommodates senior citizens, people with mobility challenges, and children	Consistent	<ul style="list-style-type: none"> The proposed project would provide a publicly accessible paseo and park that is designed to comply with accessibility requirement and provide connection between Constitution Drive and Independence Drive
Policy CIRC-2.14 Impacts of New Development	Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per service population or other efficiency metric) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles	Consistent	<ul style="list-style-type: none"> The project would include a publicly accessible paseo which would provide pedestrian and bicycle access across two rights-of-way providing connectivity and improving pedestrian and bicycle infrastructure in the area The project includes a transportation demand management (TDM) plan that would reduce project trips by 20 percent The project would install frontage improvements to facilitate bike and pedestrian connections within the vicinity of the project site The EIR evaluated the project's potential impact on VMT and determined that its impact would be less than significant when mitigation measures were incorporated as part of project implementation
Policy CIR 7.1 Parking and New Development	Ensure new development provides	Consistent	<ul style="list-style-type: none"> The proposed project is consistent with the City's

	<p>appropriate parking ratios, including application of appropriate minimum and/or maximum ratios, unbundling, shared parking, electric car charging, car sharing, and Green Trip Certified strategies to accommodate residents, employees, customers, and visitors</p>		<p>parking requirements as outlined in the R-MU-B zoning district and provides sufficient onsite vehicular and bicycle parking to serve the new users</p> <ul style="list-style-type: none"> • The proposed project provides sufficient EV charging facilities per City's EV Charging Ordinance • For the proposed apartment building, parking would be unbundled from the apartment rent cost • The project proposes to provide a bicycle repair station as part of onsite amenities for residents and community
<p>Housing Element Policy H4.2 Housing to Address Local Housing Needs</p> <p>Housing Element Policy H4.4 Variety of Housing Choices</p>	<p>Strive to provide opportunities for new housing development to meet the City's share of its Regional Housing Needs Allocation (RHNA). In doing so, it is the City's intent to provide an adequate supply and variety of housing opportunities to meet the needs of Menlo Park's workforce and special needs populations, striving to match housing types, affordability and location, with household income, and addressing the housing needs of extremely low income persons, lower income families with children, shared housing and lower income seniors</p>	<p>Consistent</p>	<ul style="list-style-type: none"> • Project would provide 74 Inclusionary housing units (56 rental apartment and 18 for-sale townhome units) affordable low-income households • The BMR proposal would provide for-sale units, which would meet the City's greatest area of need in terms of meeting current RHNA numbers • Project would provide various different types of units within the project such as studio, one-, two-, and four-bedroom units addressing housing needs for various types of households • The project would provide four-bedroom for-sale townhome units that are mobility compliant serving the City's special needs population • The project proposes to allow residents to contribute "sweat-equity"

RESOLUTION NO. 6360

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK APPROVING THE COMMUNITY AMENITIES LIST DEVELOPED THROUGH THE CONNECTMENLO PROCESS

WHEREAS, the City of Menlo Park recently updated the Housing, Open Space and Conservation, and Safety Elements of the General Plan; and

WHEREAS, the Land Use and Circulation Elements of the General Plan have not been updated since 1994 and the City desires to complete the next phase in its update of the General Plan; and

WHEREAS, in December 2014, the City Council adopted the guiding principles for the ConnectMenlo General Plan Update, which were crafted through a rigorous community outreach and engagement process; and

WHEREAS, subsequent to the adoption of the guiding principles, the City embarked on a multi-year process to update the Land Use and Circulation Elements of the General Plan known as ConnectMenlo; and

WHEREAS, the ConnectMenlo General Plan and M-2 Zoning Update included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings; and

WHEREAS, the Land Use Element includes a policy and program for bonus level development in exchange for the provision of community amenities; and

WHEREAS, the O (Office), L-S (Life Sciences), and R-MU (Residential, Mixed Use) districts also allow the potential for bonus level development within specific areas defined by the zoning map where denoted by B (Bonus), in exchange for sufficient community amenities provided by the developer; and

WHEREAS, bonus level development allows a project to develop at a greater level of intensity with an increased floor area ratio, density, and/or increased height. There is a reasonable relationship between the increased density and/or intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. The value of the community amenities is a generally applicable legislatively imposed formula; and

WHEREAS, the City developed the Community Amenities List, attached hereto as Exhibit A, through an extensive public outreach and input process that included community members, including residents, property owners, and key stakeholders through outreach meetings, public meetings, GPAC meetings, and public hearings; and

WHEREAS, the Community Amenities List reflects the community's priority of benefits within the M-2 Area as identified through the community outreach and engagement process; and

WHEREAS, the City Council may amend the Community Amenities List from time to time by resolution to reflect potential changes in the community's priorities and desired amenities; and

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

WHEREAS, an Environmental Impact Report was prepared for the project, which includes the bonus development potential and certified by the City Council on November 1, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. Findings and a statement of overriding considerations were adopted by the City Council on November 1, 2016 by Resolution No.; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the Planning Commission of the City of Menlo Park on October 19, 2016 and October 24, 2016 whereat all persons interested therein might appear and be heard; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to approve the Community Amenities List; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on November 15, 2016 and November 29, 2016 whereat all persons interested therein might appear and be heard; and

WHEREAS, the City Council of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to approve the Community Amenities List; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby approves the Community amenities List, attached hereto as Exhibit A, incorporated herein by this reference.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the 29th day of November, 2016, by the following votes:

AYES: Carlton, Cline, Keith, Ohtaki
NOES: Mueller
ABSENT: None
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this 28th day of May, 2019.



Judi A. Herren
City Clerk



REVIEW THE PROPOSED COMMUNITY AMENITIES

The amenities described below were identified during the Belle Haven Vision Plan and during the first year of the ConnectMenlo process. They were ranked in this order in a survey in March/April, 2015. Approximate cost estimates have been added for each amenity.

Place a dot to the left of the amenities that you think are most important.

Transit and Transportation Improvements	Jobs and Training at M-2 Area Companies	Social Service Improvements	
A. Sidewalks, lighting, and landscaping – \$100 per linear foot <i>Enhance landscaping and lighting and fill gaps in sidewalk to improve the overall walkability</i>	A. Job opportunities for residents – \$10,000 in specialized training per employee <i>Local employers have a hiring preference for qualified residents</i>	A. Education improvements in Belle Haven – \$10,000 per student <i>Improvements to the quality of student education and experience in Belle Haven</i>	
B. Traffic-calming on neighborhood streets – \$100,000 per block/intersection <i>Address cut-through traffic with design features</i>	B. Education and enrichment programs for young adults – \$10,000 per participant <i>Provide programs that target students and young adults to be competitive in the job market, including existing tech jobs</i>	B. Medical center – \$6 million to construct (\$300 per square foot) <i>Medical center providing health care services and out-patient care</i>	
C. Bike trails, paths or lanes – \$100,000/ mile <i>Install new bike lanes and pedestrian paths and connect them to existing facilities and BayTrail</i>	C. Job training programs and education center – \$10,000 per participant <i>Provide residents with job training programs that prepare them with job skills</i>	C. Library improvements at Belle Haven – \$300,000 <i>Expand library programs and activities, especially for children</i>	
D. Dumbarton Rail- \$175 million to construct and open trolley <i>Utilize the right-of-way for new transit line between Redwood City and Menlo Park in the near term with stations and a new bike/pedestrian path</i>	D. Paid internships and scholarships for young adults – \$10,000 per participant <i>Provide internships at local companies and scholarships to local youth to become trained for tech jobs</i>	D. High-Quality Affordable Housing – \$440,000/unit less land: \$81,000 typical per-unit local gap financing needed for a tax-credit project <i>Integrate quality affordable housing units into new development</i>	
E. Innovative transportation solutions (i.e. personal rapid transit) – Price Varies <i>Invest in new technology like pod cars and transit that uses separate tracks</i>	Energy, Technology, & Utilities Infrastructure		
F. Bus service and amenities – \$5,000 per rider seat <i>Increase the number of bus stops, bus frequency and shuttles, and bus shelters</i>	A. Underground power lines – \$200/foot min.; \$50,000/project <i>Remove overhead power lines and install them underground along certain roads</i>	F. Add restroom at Onetta Harris Community Center – \$100,000 <i>Additional restroom at the community center</i>	
Community-serving Retail			
A. Grocery store – \$15 million to construct (\$200 per sq ft) plus 25% soft costs, financing, etc.; \$3.7 million for 2 years of subsidized rent <i>A full-service grocery store providing a range of goods, including fresh fruits, vegetables and meat and dairy products</i>	B. Incentives for private home energy upgrades, renewable energy, and water conservation – \$5,000 per home <i>Offer financial assistance or other incentives to help area residents pay for energy-efficient and water conserving home improvements</i>	G. Pool House remodel in Belle Haven – \$300,000 <i>Remodel pool for year-round use with new heating and changing areas</i>	
B. Restaurants – \$1.5 million (3,000 sq ft at \$400 per sq ft plus 25% for soft costs, financing, etc.) <i>A range of dining options, from cafes to sit-down restaurants, serving residents and local employees</i>	C. Telecommunications investment – \$250 per linear foot <i>Improve the area's access to wifi, broadband, and other new technologies</i>	Park and Open Space Improvements	
C. Pharmacy – \$3.75 million (15,000 sq ft at \$200 per sq ft, plus 25% for soft costs, financing, etc.) <i>A full-service pharmacy that fills prescriptions and offers convenience goods</i>	D. Soundwalls adjacent to Highway 101 – \$300,000 (\$600/foot) <i>Construct soundwalls between Highway 101 and Kelly Park to reduce sound</i>	A. Tree planting – \$10,000 per acre <i>Plant trees along streets and parks to increase tree canopy</i>	
D. Bank/ATM – \$1.88 million (3,000 sq ft at \$500 per sq ft plus 25% for soft costs, financing, etc.) <i>A bank or credit union branch with an ATM</i>		B. Bedwell Bayfront Park improvements – \$300,000 <i>Improve access to the park and trails within it</i>	
		C. Community garden(s) – \$26,000 to construct: ~0.3 acres, 25 beds, 2 picnic tables <i>Expand space for community to plant their own produce and flower gardens</i>	
		D. Dog park – \$200,000 for 0.5 acre (no land cost included) <i>Provide a dedicated, enclosed place where dogs can run</i>	

ATTACHMENT R

Summary of impact and level of significance after mitigation from the Draft EIR			
Topic Areas	Levels of significance before mitigation	Mitigation required	Level of significance after mitigation
Aesthetics	LTS	No	n/a
Air quality	PS	Yes	LTS/M
Biological resources	PS	Yes	LTS/M
Cultural resources	PS	Yes	LTS/M
Energy	LTS	No	n/a
Geology and soils	PS	Yes	LTS/M
Greenhouse gas emissions	LTS	No	n/a
Hazards and hazardous materials	PS	Yes	LTS/M
Hydrology and water quality	LTS	No	n/a
Land use and planning	LTS	No	n/a
Noise	PS	Yes	LTS/M
Population and housing	LTS	No	n/a
Public services	LTS	No	n/a
Transportation	LTS	No	n/a
Tribal cultural resources	PS	Yes	LTS/M
Utilities and service systems	LTS	No	n/a

Summary of staff initiated Draft EIR text changes	
Draft EIR page number	Text revision made
4-3	Correcting the total number of projected dwelling that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4-3	Correcting the total number of multi-family units within the Bayfront Area from 2816 units to 2869 units
4-3	Correcting the total number of combined multi-family units from 3248 units to 3301 units
4-4	Identifying the general project components for the 111 Independence Drive, Menlo Uptown, and Menlo Portal projects
4-4	Correcting the total number of housing units for Willow Village project
4.10-16 & 4.10-17	Correcting the total number of projected dwelling that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4.12-11	Correcting the total number of projected dwelling that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4.13-2	Clarifying that collection of Emergency Services and Fire Protection Impact Fees would occur only if the City adopts the fee program
4.13-3	Identifying enrollment, capacity, and planned improvements at Menlo-Atherton High School and enrollment at TIDE Academy
4.13-9	Removing reference to payment of Emergency Services and Fire Protection Impact Fees and clarifying that the project would contribute additional general fund revenue to Menlo Park Fire Protection District due to increased assessed property value associated property taxes for the project site
4.13-10	Correcting the total number of projected dwelling that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4.13-11	Correcting the total number of multi-family units within the Bayfront Area from 2816 units to 2869 units
4.13-11	Correcting the total number of combined multi-family units from 3248 units to 3301 units and correcting the school impact fee amount per square foot
4.13-14	Removing reference to payment of Emergency Services and Fire Protection Impact Fees and clarifying that the project would contribute additional general fund revenue to Menlo Park Fire Protection District due to increased assessed property value and associated property taxes for the project site
4.13-16	Correcting reference citations for SUHSD master plan and SUHSD webpage and adding two references
4.14.25	Correcting the total number of projected dwelling that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
14.16.30	Correcting the total number of projected dwelling that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
14.16.31	Correcting the total number of projected dwelling that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
146.16.32	Correcting the total number of projected dwelling that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units

August 5th, 2023

To Whom It May Concern,

The Housing Action Coalition's Project Review Committee is proud to endorse the proposed project at 123 Independence Drive. We commend the Sobrato Organization for creating a variety of housing types at various levels of affordability in a high opportunity area. Their efforts to listen and adjust their project plan in response to community input, promotion of affordable homeownership opportunities, and inclusion of public open space exemplifies the types of projects needed throughout the Bay Area, and Menlo Park.

Land Use: This project will create 316 homes in a residential, mixed use zoning district and will be replacing five one-story buildings used for offices and warehouses. The site is currently surrounded by mid-rise commercial buildings, but is expected to become a mixed use neighborhood in future years.

Density: This project will include 316 homes (53 units per acre) consisting of a 5 story apartment building with studios and 2-bedroom units, 18 below market rate townhomes, and 98 market rate townhomes. The committee commends the project team for utilizing a density bonus to exceed the baseline density. While we wish that the project team maximized density under the bonus, we understand that the townhomes were in response to community input and provide for much needed affordable home ownership opportunities.

Affordability: The project exceeds the 15% BMR requirement, with 17% of the project designated as affordable. In addition to going above the mandated affordability levels, the project team will provide additional affordable housing options through 18 affordable homeownership opportunities in addition to the 56 BMR rental units. The committee commends TSO's partnership with Habitat for Humanity Greater San Francisco to develop the affordable townhomes.

Parking and Alternative Transportation: The total site has 1.28 parking spots for every unit of housing which slightly exceeds the minimum parking requirement of 1:1. It will additionally include 714 bike parking spaces. While this is more car parking than we would like, the committee understands financing and feasibility concerns. We highly commend the project team's ample bike parking.

Urban Design: The project plan includes a .60-acre public park, as well as a 20 foot wide pedestrian and bike connection to the greater neighborhood. The committee is strongly supportive of this public open space, which will help foster community and recreational activities. We encourage the project team to promote access to the park to those living nearby.

Environmental Features: This project has a number of features that will make it environmentally friendly, including that it will be all electric, include EV charging stations, feature

efficient plumbing, and contain dual plumbing for recycled water reuse. We are excited that this project is aiming for LEED gold certification in both the apartments and townhomes.

Community Benefits: The project includes a number of great residential amenities, most notably the public park, underground wiring, and lifting of the site to remove the development from the flood zone. The committee additionally appreciates the inclusion of 8 below market rate apartments as a community amenity in response to community outreach.

Community Input: The Committee is giving this project the highest community input rating due to its efforts to meet with different community members and stakeholders, as well as its willingness to adjust the development plan in response to community outreach. Some of the main results of community input were the decision to eliminate the construction of an office building in favor of creating more housing and the greater home ownership opportunities that came from this project's relationship with Habitat for Humanity Greater San Francisco.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey Smith', is centered below the word 'Sincerely,'.

Corey Smith, *Executive Director*
Housing Action Coalition (HAC)