

PLANNING COMMISSION RESOLUTION NO. 2023-41

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, Kyle Perata, Planning Manager 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: Barnes, Do, Ehrich, Ferrick, Riggs

NOES: None

ABSENT: Harris, Schindler

ABSTAIN: None

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this 28th day of August, 2023.

PC Liaison Signature

DocuSigned by:

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Kyle Perata
Planning Manager
City of Menlo Park

Exhibits

- A. Project Plans including materials and color board -
- B. Project community amenities proposal -
- C. Hyperlink: BAE's evaluation of the project community amenities proposal -
- D. Final EIR
- E. Statement of Findings and Facts pursuant to CEQA
- F. Mitigation Monitoring and Reporting Program (MMRP)
- G. Conditions of Approval