

RESOLUTION NO. 6857

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING APPRAISAL INSTRUCTIONS FOR BONUS LEVEL
DEVELOPMENT PROJECTS AND APPROVING COMMUNITY AMENITY
IMPLEMENTING REGULATIONS FOR BONUS LEVEL DEVELOPMENT
PROJECTS IN THE O (OFFICE), L-S (LIFE SCIENCES), AND R-MU
(RESIDENTIAL MIXED USE) ZONING DISTRICTS**

WHEREAS, Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code permit applicants for a development project to seek an increase in the floor area ratio, density, and/or height (“bonus level development”) subject to obtaining a use permit or conditional development permit and providing certain community amenities; and

WHEREAS, Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code set forth the community amenities required for bonus level development; and

WHEREAS, an applicant that applies for bonus level development may choose the form in which they provide the community amenity; and

WHEREAS, the City desires to update the previously implemented appraisal instructions (Exhibit A) to clarify definitions and appraisal criteria and for consistency with the ordinance amendments to Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code introduced by the City Council on July 11, 2023; and

WHEREAS, the City also desires to develop community amenity implementing regulations (Exhibit B), as required by the ordinance amendments to Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code introduced by the City Council on July 11, 2023; and

WHEREAS, the community amenity implementing regulations would standardize the application procedures, appraisal review process and determination of the value of the bonus level development, and identify the process and timing for the initial community amenities proposal and community amenities proposal hearing (“screening meeting”) with the City Council; and

WHEREAS, at its study session on community amenities on April 20, 2021, the City Council identified the need to create a gatekeeper application or screening process for community amenity proposals; and

WHEREAS, the community amenity implementing regulations create objective criteria for reviewing and determining the bonus level development value and associated community amenity value; and

WHEREAS, the community amenity implementing regulations also implement the screening process identified by the City Council at its meeting on April 20, 2021; and

WHEREAS, the updated appraisal instructions and community amenity implementing regulations provide applicants with consistent and objective criteria for preparing appraisals for bonus level development and for the review process for determining the bonus level development value; and

WHEREAS, the proposed update to the appraisal instructions and community amenity implementing regulations is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to §15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the update to the community amenities list would have a significant effect on the environment, and pursuant to CEQA Guidelines §15183 (consistent with the general plan and zoning) as the updated appraisal instructions and community amenity implementing regulations would be consistent with the zoning ordinance and general plan; and

WHEREAS, future development projects proposed at the bonus level and any proposed physical community amenities would be evaluated for consistency with the ConnectMenlo Program Level Environmental Impact Report (EIR) and the Housing Element Subsequent EIR (SEIR), as applicable, and the City, as the lead agency, would undertake the required level of environmental analysis for each individual project; and

WHEREAS, the City finds that the Appraisal Instructions to Determine the Value of Community Amenities Under Bonus Level Zoning clarifies definitions and appraisal criteria and provides applicants with clear guidance on preparation of appraisal for bonus level development projects;

WHEREAS, the City finds that the Community Amenity Implementing Regulations outline the objective criteria the City will utilize to review the applicant's appraisal to determine the bonus level development value and required community amenity value, include a screening process for the City Council to provide direction on the initial community amenity(ies) proposal in advance of the release of the notice of preparation for the project-level environmental impact report, and provide applicants with clear guidance on the process for determining the bonus level development value and the initial review of the community amenity(ies) proposal.

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 meeting held on August 15, 2023, the City Council fully reviewed, considered, and evaluated the whole of the record including all public and written comments, pertinent information, documents, the updated appraisal instructions, and community amenity implementing regulations, prior to taking action.

NOW, THEREFORE, THE MENLO PARK CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals. The City Council 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 finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. The City Council of the City of Menlo Park does hereby approve the Appraisal Instructions to Determine the Value of Community Amenities Under Bonus Level Zoning, attached hereto and incorporated herein by this reference as Exhibit A.

Section 3. The City Council of the City of Menlo Park does hereby approve the Community Amenity Implementing Regulations, attached hereto and incorporated herein by this reference as Exhibit B.

Section 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

The City Council finds the proposed appraisal instructions statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to §§15061(b)(3) and 15183. The City Council does further find the proposed community amenity implementing regulations statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to §§15061(b)(3) and 15183.

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

AYES: Combs, Doerr, Nash, Taylor, Wolosin

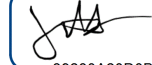
NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this thirty-first day of August, 2023.

DocuSigned by:



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Judi A. Herren, City Clerk

Exhibits

- A. Appraisal instructions to determine the value of community amenities under bonus level zoning
- B. Community amenities implementing regulations