



REGULAR MEETING AGENDA

Date: 11/14/2022
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 871 4022 8110 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

Consistent with Government Code section 54953(e), and in light of the declared state of emergency, and maximize public safety while still maintaining transparency and public access, 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 Council Chambers
- Access the meeting real-time online at:
zoom.us/join – Meeting ID# 871 4022 8110
- Access the meeting real-time via telephone (listen only mode) at:
(669) 900-6833
Regular Meeting ID # 871 4022 8110
Press *9 to raise hand to speak
- Submit a written comment online up to 1-hour before the meeting start time:
PlanningDept@menlopark.org *
Please include the agenda item number you are commenting on.

*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: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, 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

None

F. Public Hearing

- F1. Adopt resolutions adopting the Initial Study and Mitigated Negative Declaration and approving the use permit and architectural control to demolish an existing commercial building and develop a new 163-room hotel at 3723 Haven Avenue, in the O-B (Office - Bonus) zoning district. The building would contain three stories of podium parking, five levels of hotel rooms, a ground floor lobby space, and a coffee shop, which would be open to the public, and a fourth floor bar and restaurant area, which would include an outdoor rooftop garden and would also be publicly accessible (regardless of coffee shop and bar/lounge patronage) from 6 a.m. to 10 p.m. Hotels are a conditional use in the O-B zoning district, requiring a use permit. The project also includes use permit requests to allow modifications to the Zoning Ordinance requirements for modulations and setback design standards and to allow outdoor seating for the coffee shop and bar and restaurant. Pursuant to the California Environmental Quality Act (CEQA), the Initial Study and Mitigated Negative Declaration (IS/MND) was released on Oct. 13, 2022 and the 30-day comment period for the IS/MND has been set from Thursday, Oct. 13, 2022, through Monday, Nov. 14, 2022. The IS/MND identifies less-than-significant effects with mitigation in the following categories: air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, and tribal cultural resources. The IS/MND identifies less-than-significant effects in the following categories: aesthetics, energy, hydrology and water quality, land use and planning, population and housing, public services, recreation, transportation and traffic, utilities and service systems, and wildfire. The IS/MND identifies no effects in the following categories: agricultural resources and mineral resources. The IS/MND does not identify any significant and unavoidable environmental impacts from the proposed project. The project location does not contain a toxic site pursuant to Section 65962.5 of the Government Code. ([Staff Report #22-062-PC](#))

F2 and G1 are associated items with a single staff report

F2. Public hearing to receive comments on the Draft SEIR for the City of Menlo Park 6th Cycle Housing Element Update; Safety Element Update; and a new Environmental Justice Element for the City's General Plan, and associated General Plan, Zoning Ordinance and El Camino Real/Downtown Specific Plan Amendments (collectively referred herein as "the Project"). The SEIR is a Subsequent EIR to the City's 2016 General Plan EIR (State Clearinghouse Number 2015062054). The SEIR relies on and incorporates information contained in the 2016 General Plan Final EIR where that information remains relevant, and provides additional information and analysis where warranted. The SEIR is a Program EIR, as provided for in CEQA Guidelines Section 15168. Future discretionary actions that would be facilitated by the Project's adoption, particularly those related to the development of housing, would require additional assessment to determine consistency with the analysis and mitigation provided in the SEIR. The Draft SEIR was prepared to address potential physical environmental effects of the proposed project in the following areas: aesthetics, air quality, biological resources, cultural resources, energy, geology and paleontological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise and vibration, population and housing, public services and recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. The topic areas of agricultural and forestry resources and mineral resources were scoped out of review and not anticipated to require further analysis. The Draft SEIR identifies significant and unavoidable environmental impacts from the proposed project in the following areas: air quality, cultural resources, and transportation. The Draft SEIR identifies less than significant impacts with mitigation in the following areas: biological resources, geology and paleontological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and tribal cultural resources. The Draft SEIR identifies less than significant impacts in the following areas: aesthetics, energy, noise and vibration, population and housing, public services and recreation, utilities and service systems, and wildfire. The Project identifies 69 potential housing opportunity sites made up of 83 parcels, plus a number of areas within the city, as candidates for housing development. It is possible that one or more of these locations are on a toxic site list pursuant to Section 65962.5 of the Government Code, but the question is not addressed in the Draft SEIR. The matter is more appropriately considered if and when future development applications for specific sites are submitted. Written comments on the Draft SEIR should be submitted through the web form located at menlopark.gov/HousingElementDEIRComments no later than 5:00 p.m. on December 19, 2022. ([Staff Report #22-063-PC](#))

G. Study Session

G1. Study session for introduction of changes to the Zoning Ordinance and El Camino Real/Downtown Specific Plan that might be needed to modify residential densities and associated development standards to implement the Housing Element Update. ([Staff Report #22-063-PC](#))

H. Informational Items

H1. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.

- Regular Meeting: December 5, 2022
- Regular Meeting: December 12, 2022

I. Adjournment

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

At every special meeting of the Planning Commission, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

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

Any writing that is distributed to a majority of the Planning Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.org. 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.org/agendas and can receive email notification of agenda postings by subscribing at menlopark.org/subscribe. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 11/9/2022)



STAFF REPORT

Planning Commission

Meeting Date: 11/14/2022

Staff Report Number: 22-062-PC

Public Hearing: **Final Actions on Environmental Review, Use Permit, and Architectural Control for the proposed 3723 Haven Avenue hotel project**

Recommendation

Staff recommends that the Planning Commission take the following actions on the proposed project:

1. **Adopt a resolution (Attachment A)** adopting findings required by the California Environmental Quality Act (CEQA), adopting the Initial Study and Mitigated Negative Declaration, and adopting a Mitigation, Monitoring and Reporting Program (MMRP);
2. **Adopt a resolution (Attachment B) to:**
 - a. **Approve the use permit** to construct a new 163-room hotel of up to 58,014 square feet, in the O-B zoning district. The proposed project also includes a use permit request to allow modifications to the Zoning Ordinance requirements for modulations and stepback design standards and a use permit request to allow outdoor seating for the proposed coffee shop and bar and restaurant; and
 - b. **Approve the architectural control permit** for the design of the new hotel and associated site improvements.

The proposed project also includes a request to remove one heritage size Monterey pine tree and two non-heritage size little leaf linden street trees that conflict with development of the proposed project and plant heritage tree replacements per the City's municipal code requirements. The City Arborist has approved the heritage tree removal permit on the basis of health, in addition to the two street trees.

Policy Issues

The proposed project requires the Planning Commission to consider the merits of the project, including the project's consistency with the City's General Plan, O-B zoning district standards, BMR housing program, and other adopted policies and programs. As part of the project review, the Planning Commission will need to consider the environmental review and determine whether to adopt the IS/MND, make findings regarding the Project's environmental effects pursuant to the California Environmental Quality Act (CEQA), and adopt the MMRP. Additionally, the Planning Commission will need to consider the use permit and architectural control permit. All requested entitlements would be reviewed and acted upon by the Planning Commission and are final, unless appealed to the City Council.

Background

Site location

The project site is a 0.76-acre, O-B (Office, Bonus) zoned parcel that is located in the Bayfront area of Menlo Park, at 3723 Haven Avenue. The subject property currently contains an approximately 13,681-square-foot office building and a surface parking lot with 36 parking spaces. For the purposes of this staff report, Haven Avenue (at the project site) is considered to have a north-south orientation (before changing to an east to west direction parallel to US 101, to the south of the project site, and also at its approach to the Bayfront Expressway intersection, to the east of the project site), and all compass directions referenced in this document are based on this orientation.

The project site is located to the west of the intersection of Marsh Road/Bayfront Expressway (State Route 84) and Haven Avenue, specifically at a bend in the road where Haven Avenue transitions from an east-west to a north-south orientation. East of the intersection, Haven Avenue intersects with Bayfront Expressway. Generally, Haven Avenue is an east-west street, running parallel to US 101. Atherton Channel is a neighboring waterway that runs parallel to Haven Avenue across the public right-of-way from the project site.

The project site is bounded by Haven Avenue to the east, and private properties in the other directions. The parcels to the west of the project site, within two separate developments, contain 540 multi-family dwelling units, ranging between three and four stories in height. These properties are located in the R-4-S (AHO) (High Density Residential, Special – Affordable Housing Overlay) zoning district. The adjacent parcel to the south (addressed 3715 Haven Avenue) contains a two-story building with professional office uses and is also zoned O-B, and parcels to the north include one-story buildings containing warehousing uses (self-storage) and an animal boarding/day care business, located in the M-2 (General Industrial) zoning district. Slightly farther north, undeveloped wetlands connect to the San Francisco Bay, alongside Bedwell Bayfront Park. A location map is included as Attachment C.

Previous Planning Commission review

The Planning Commission held a study session on August 26, 2019 on the overall proposal, including design and aesthetics. At this study session, the project proposed some alternative open space areas for Planning Commission consideration, which included the covered loggia (facing Haven Avenue) on the ground floor, the rooftop deck on the fourth floor, and a rear perimeter pathway as part of the publicly accessible open space for this site. The staff report from this study session is available as Attachment D, and an excerpt of the meeting minutes is available as Attachment E. Planning Commissioners provided individual comments that generally encompassed the following:

- General support for the design style.
- Questions on the appropriateness of the use of a hotel on this parcel, given the fact that the hotel use is conditional in the subject property's zoning district and the overall amount of hotel growth in the City.
- Consider possible connections the site could have to Bedwell Bayfront Park.
- Concerns with the location and design of the proposed publicly accessible open spaces.
- Potential wind impacts that could occur on the fourth-floor rooftop garden.

- Suggestion to use a different façade material than stucco.

The applicant has since revised aspects of the massing, façades, materials and colors, and landscaping, as is discussed in more detail in the design and materials section.

Analysis

Project description

The applicant, FPG Development Group, LLC., is proposing to demolish the existing office building and surface parking lot and construct an approximately 58,014-square-foot, 163-room hotel. The building would contain three stories of podium parking, five levels of hotel rooms, and a ground floor lobby space and coffee shop, which would be open to the public, and a fourth floor bar and restaurant area, which would include an outdoor rooftop garden and would be publicly accessible (regardless of coffee shop and bar/lounge patronage) from 6:00 am to 10:00 pm. For the coffee shop and bar and restaurant, the applicant is also requesting a use permit to allow outdoor seating. Based on O-B zoning district regulations, this action is possible through an administrative permit, but because the applicant is proposing the outdoor seating along with other entitlement requests, the request is reviewed as a use permit. The proposed project includes 124 parking spaces, and apart from five surface level spaces wrapped around the building, 119 of the parking spaces would be provided within the three-level podium parking structure within the hotel. The project plans are included as Attachment A, Exhibit A.

Table 1 provides a comparison between the existing development, proposed new development, and base level maximums for development in the O-B zoning district.

| Table 1: Project Data | | | |
|-----------------------|----------------------|--------------------|--|
| | Existing Development | Proposed Project | Zoning Ordinance Base Level (Maximums) |
| Floor area ratio | 41.2% | 174.8% | 175.0% |
| Gross floor area | 13,681 s.f. | 58,014 s.f. | 58,086 s.f. |
| Height (maximum) | 22.0 feet | 91.7 feet | 110.0 feet |
| Parking* | 36 spaces | 124 spaces | 179 spaces* |
| Total open space | --** | 30.1% (9,996 s.f.) | 30% (9,958 s.f.) |
| Public open space | --** | 16.2% (5,393 s.f.) | 15% (4,979 s.f.) |

* The minimum required parking for the site, based on a hotel use and using a rate of 0.75 spaces per hotel room, is 123 parking spaces. The O zoning district establishes minimum and maximum parking values to limit construction and operational transportation impacts.

** The existing development was constructed under the M-2 zoning regulations that previously applied to the site, which did not include requirements for open space and public open space.

Site layout

The proposed project would be located in a centralized location on the project site, as the property is limited for development by a 20-foot emergency vehicle access (EVA) easement along its northern side and a 40-

foot Pacific Gas and Electric (PG&E) easement along its southern side.

The coffee shop on the ground floor would be located along the Haven Avenue (front façade), with direct pedestrian access to Haven Avenue and next to the main lobby entrance, and members of the public could patronize this business without being a hotel guest. The bar and restaurant for the hotel, which also would be publicly accessible for patrons not staying at the hotel, would be located on the fourth floor.

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

The proposed new building would be developed up to 58,014 square feet of gross floor area (GFA). The proposed project would be developed at a base level FAR of 174.8 percent, near the maximum FAR. Table 1 includes more details regarding GFA and FAR for the proposed project.

Height

The proposed building would have a maximum height of 85.6 feet, where 120 feet is the maximum height permitted for any hotel (inclusive of properties located within the flood zone), regardless of whether the development is base level or bonus level development in the O-B district.

Site access and circulation

The project site currently has two vehicle access points on Haven Avenue, with the first connecting to a service road running along the northern portion of the property and servicing neighboring properties. The other curb cut is near the southern edge of the property and located within the PG&E easement, with high voltage overhead power lines above. Both of these curb cuts are proposed to remain, and the proposed hotel would be constructed outside the 40-foot easement within the southern portion of the property and provide a 20-foot-wide fire lane for emergency vehicle access along the northern portion of the proposed building. Along the southern driveway, vehicles would pass along a designated drop-off area near the front of the property before driving into the lot and circling around the southwest corner of the hotel to access the three-story podium parking structure. Much of this driveway is located within an existing 40-foot PG&E easement, upon which the project cannot develop (except for paving and limited surface improvements).

The City is planning to install Class II bicycle lanes on Haven Avenue, which would provide bicycle access (independent of this project), and the applicant would be required to pay for the project costs attributed to frontage improvements. The total scope of work for the bicycle and pedestrian access improvements along Haven Avenue (referred to by the City as the Haven Avenue streetscape project) includes improvements to the curb and gutter, sidewalk, and driveway, and a pedestrian and bicycle bridge structure over Atherton Creek, all within the public right-of-way. The applicant would be required to provide and pay for frontage improvements in both City and Caltrans right-of-ways, including but not limited to curb, gutter, driveway, curb ramp, sidewalk, street tree and street light replacement, and undergrounding of overhead electric distribution lines, as well as water and sanitary sewer laterals, where needed along the frontage. These features are tentatively proposed to be constructed in 2023 and should be in place prior to completion of the proposed project.

Site parking

The proposed building would be primarily located on a three-story podium at the base of the hotel that would provide 119 of the proposed 124 parking stalls. Five surface parking spaces would be located around the perimeter of the building. Within the parking podium, 40 of the ground floor parking spaces would be provided using a stacker system.

The applicant is proposing 10 short-term bicycle parking spaces within the outdoor area in the front of the property and 12 long term bicycle parking lockers within the parking garage, for a total of 22 bicycle parking

spaces. The bicycle parking proposed on site is in compliance with the Zoning Ordinance requirements.

Open space

The minimum open space required for the project would be 9,958 square feet (30 percent of site area), of which a minimum of 4,979 square feet must be publicly accessible (15 percent of site area). As shown in Table 1, the applicant is proposing 9,996 square feet (30.1 percent) of open space for the development and 16.2 percent public open space. As a whole, the applicant is proposing to include front plaza areas, portions of the rooftop deck on the fourth floor, and landscape areas to the left side of the hotel as open space.

The applicant is proposing a portion of the rooftop garden, located on the fourth floor of the hotel, as a publicly accessible open space component for the proposed project. The applicant has stated that members of the public do not have to be customers or guests of the hotel to access the rooftop garden, and direct access is provided by a direct stair and elevator without the need to access via the hotel lobby. This does not include the portions of the rooftop deck used for the restaurant, which are also outdoors and cordoned off from the publicly accessible component of the rooftop deck.

Trees and landscaping

There are currently 18 trees on the project site, four of which are heritage size. Of those 18 trees, three would be removed; one is a heritage tree, proposed for removal due to poor health, while the other two are street trees. The two street trees are proposed to be transplanted to more optimal locations in relation to the proposed development. However, due to the risk to the health of these trees upon relocation, the applicant has been required to complete the heritage tree removal permit application to account for the potential loss, along with providing additional street trees as suitable replacements. On August 18, 2021, the City Arborist reviewed and approved heritage tree removal (HTR) permits for these three trees. (Removal of street trees requires an HTR permit even if they are not heritage trees. In this case, the two street trees are not heritage size.) The applicant would be required to plant heritage tree replacements in an amount equal to the appraised value of the removed heritage trees, subject to approval by the City Arborist.

The majority of the landscaping would be located along the perimeter of the project site and would consist of a variety of native and drought-resistant plants. A total of 17 new trees are proposed, of which three ginkgo biloba trees would serve as the replacement value of the removed heritage tree.

Design standards

In the O-B zoning district, all new construction and building additions of 10,000 square feet of gross floor area (GFA) or more must meet design standards subject to architectural control review. The design standards regulate the siting and placement of buildings, landscaping, parking, and other features in relation to the street; building mass, bulk, size, and vertical building planes; ground floor exterior facades of buildings; open space, including publicly accessible open space; development of paseos to enhance pedestrian and bicycle connections between parcels and public streets in the vicinity; building design, materials, screening, and rooflines; and site access and parking. Below is a summary of how the project complies with various design standards.

Architectural style and building design

The design of the proposed building would have a contemporary architectural style. Façade materials would be a combination of high reflective white and endless sea (blue) stucco, techno gray wood paneling, and metal panels that consist of two shades of orange and one shade of brown. Some limited modulations would be provided along the front (Haven Avenue) façade, but only between floors four through eight and not the entirety of the building height. Section 16.43.130 (2) of the Municipal Code requires the project to

provide one building modulation along any façade facing publicly accessible spaces, such as streets. The proposed project would need to provide one modulation along the façade facing Haven Avenue. The building would be designed in seven vertical segments that would provide articulation along the main façade (Haven Avenue frontage). This differs from the development standard, which requires at least one major modulation along the Haven Avenue façade. The applicant states in their project description letter (Attachment F) that the overall mixture of limited modulations, though not consistent from ground to sky, meet the spirit of the requirement by providing a unique relation to one another and a three-dimensional geometric form. This is in alignment with Section 16.43.130 of the Municipal Code, which allows for any design standard to be modified through a use permit. The main entry of the proposed building would be located near the middle left of the front façade along Haven Avenue and would be clad in glass with aluminum framing. Columns supporting the loggia, in front of the main entrance and coffee shop, would be smooth-troweled stucco and painted high reflective white. Stair towers would be located on nearly opposing ends of the building and would project above the roof level.

Hotels in the O-B zoning district, per Section 16.43.130 (2) of the Municipal Code, are also required to provide a stepback of at least 15 feet from the building face along the Haven Avenue façade, for all portions of the building above 60 feet in height. The proposed project does not provide the required 15-foot stepback, but the vertical mass has inset portions along the front façade that step back as much as 12 feet from the primary building façade. Similarly, Section 16.43.130 of the Municipal Code also allows for this design standard to be modified through a use permit. The applicant states in their project description letter that the curved nature of Haven Avenue near the site frontage offers a greater visual distance from the street than the 20-foot (ground level) front setback, which, in conjunction with the proposed landscaping in the front setback, creates a significantly greater stepping back and siting of the building in relation to the street overall.

The proposed parking podium would be integrated into the footprint of the building and would encompass the rear half of the ground floor and the entirety of the second and third floors. All parking podium openings would be screened with Kaynemaile, a polycarbonate material mimicking metallic chainmail that would have a silver color.

In terms of the proposed building design and parking and circulation plans, the project has not changed substantially from the study session conducted on August 26, 2019, apart from the reduction from 126 to 124 parking spaces and additional precision given to ensure accurate aisle and stall dimensions. With regard to the overall project design/style and the application of O-B district standards, staff believes that the design would be in compliance subject to the requested modifications that would be allowed through the use permit. Staff believes the two use permit requests to modify the modulation and stepback requirements are reasonable and would help create a cohesive design and the proposed outdoor seating for the coffee shop and bar and restaurant would help further integrate the hotel and its private amenities with the public open space areas.

Green and sustainable building regulations

The proposed project would, at a minimum, comply with the green and sustainable building requirements of the City's Zoning Ordinance, reach code, and EV charger ordinance. The summary below includes the City's requirements for the proposed project:

- 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) Silver 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 including the use of recycled water for all City-approved non-potable applications;
- Locate the proposed buildings 12 inches above the Federal Emergency Management Agency (FEMA) base flood elevation (BFE) to account for sea level rise;
- Plan for waste management during the demolition, construction, and occupancy phases of the project (including the preparation of the required documentation of zero waste plans); and
- Incorporate bird friendly design in the placement of the building and use bird friendly exterior glazing and lighting controls.

In addition, the proposed project would be required to use electricity as the only source of energy for all appliances used for space heating, water heating, cooking, and other activities, consistent with the City's reach code. Condition 2j states that the applicant would be required to provide the City with documentation demonstrating implementation of this requirement on an annual basis.

Level of service (LOS) or roadway congestion analysis (non-CEQA transportation analysis)

LOS is no longer a CEQA threshold of significance; however, the City's TIA Guidelines require that the TIA also analyze LOS for planning purposes. 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.

In total, the following seven intersections were assessed in the TIA for LOS impacts:

- Intersection #1, Marsh Road and US 101 Northbound Off Ramp
- Intersection #2, Marsh Road and US 101 Southbound Off Ramp
- Intersection #3, Marsh Road and Haven Avenue/Bayfront Expressway (SR 84)
- Intersection #4, Chrysler Drive and Bayfront Expressway (SR 84)
- Intersection #5, Chilco Street and Bayfront Expressway (SR 84)
- Intersection #6, University Avenue (SR 109) and Bayfront Expressway (SR 84)
- Intersection #7, Willow Road (SR 114) and Bayfront Expressway (SR 84)

Existing plus project conditions

With implementation of the proposed project, five of the seven intersections studied (#1, #2, #3, #4, and #5) would continue operating at acceptable LOS D or better and would comply with the City's TIA Guidelines with the proposed project. Two of the seven intersections assessed (#6 and #7) would exceed the established threshold; however, these intersections would not meet the criteria established by the City of Menlo Park to define non-compliance with local policies for intersections involving two State routes.

Near-term (2022) plus project conditions

With implementation of the proposed project, four of the seven intersections studied (#1, #2, #4, and #5) would continue operating at acceptable LOS D or better and would comply with the City's TIA Guidelines with the proposed project. Two of the seven intersections (#6 and #7) assessed would exceed the established threshold, but would not meet the criteria established by the City of Menlo Park to define non-compliance with local policies for intersections involving two State routes.

Intersection #3 (Marsh Road and Bayfront Expressway [SR 84]) would continue operating at LOS E during the AM peak hour under near-term (2022) plus project conditions and the proposed project would cause the critical movement delay on the local approach to increase by more than 0.8 seconds per vehicle. This could

cause the intersection to be non-compliant with local policies during the AM peak hour.

Per the TIA, the City's planned Haven Avenue streetscape project would restripe the eastbound approach at the intersection of Marsh Road and Bayfront Expressway to include a shared through-left lane, a shared through-right lane, and a right-turn only lane. With the planned reconfiguration, the intersection at Marsh Road and Bayfront Expressway would operate at an acceptable level of service (LOS) D during both the AM and PM peak hours. As the proposed project would provide partial funding for the Haven Avenue streetscape project and associated improvements for the affected intersections, the proposed project would also comply with local policies related to intersection levels of service.

Cumulative (2040) plus project conditions

With implementation of the proposed project, two of the seven intersections studied (#1 and #2) would continue operating at acceptable LOS D or better and would comply with the City's TIA Guidelines with the proposed project. Two of the seven intersections (#6 and #7) assessed would exceed the established threshold, but would not meet the criteria established by the City of Menlo Park to define non-compliance with local policies for intersections involving two State routes.

Under cumulative (2040) plus project conditions, Intersections #3, #4, and #5 would be non-compliant with local policies during either the AM or PM peak hour. Intersections #3 and #5 would have a delay of the critical movement on the local approach by more than 0.8 seconds during the AM peak hour, while Intersection #4 would have a delay of the critical movement on the local approach by more than 0.8 seconds during the PM peak hour. This would be a result of the cumulative development combined with the proposed project.

The City is currently in the process of implementing a traffic signal adaptive coordination on the Marsh Road, Bayfront Expressway, and Willow Road corridors to improve traffic flow overall. Adaptive traffic control is a technology that automatically adjusts traffic signal timing based on actual traffic demand at an intersection, in real time. This measure could improve intersection operations and could reduce the delays at these intersections. However, per the TIA, the reduction in delay due to adaptive signal coordination is not expected to bring the intersections into compliance with the City's level of service policy. Other physical intersection improvements have been assessed, but were deemed infeasible due to right-of-way constraints and/or adverse effects on pedestrian and bicycle travel. Additionally, Caltrans approval would be needed for any improvements.

Below market rate (BMR) ordinance

The City's BMR Housing Program requires commercial development projects to provide BMR housing on site (if allowed by the zoning district) or off site. If it is not feasible to provide BMR units, the developer must pay an in-lieu fee prior to issuance of a building permit for the proposed project. The applicant submitted a preliminary BMR housing term sheet that was reviewed by Planning and Housing staff. Because the applicant does not own property zoned for residential land uses elsewhere in the city, the applicant has requested to pay the applicable in-lieu fee for the proposed project.

On March 3, 2021, the Housing Commission reviewed and recommended approval of the applicant's proposed BMR term sheet. At the time, the in-lieu fee the rate for office uses was \$19.61 per square foot of gross floor area and the rate for non-office uses was \$10.64 per square foot of gross floor area, which equated to approximately \$349,122.87, based on the net change in GFA of 58,027 square feet of proposed hotel replacing 13,681 square feet of office. In-lieu fee rates are adjusted annually on July 1. As of July 1, 2022, the in-lieu fee rate was increased to \$21.12 per square foot of gross floor area of office uses and

\$11.46 per square foot of gross floor area of non-office uses. The applicant would be responsible to contribute approximately \$396,556.03 to the City's BMR housing fund. The BMR fee rate is subject to change annually on July 1 and the final fee would be calculated based on the square footage and the fee rate at the time of fee payment.

Correspondence

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

Conclusion

Staff believes that the proposal would produce a visually refined architectural style and the podium parking would have a positive impact on the overall character of the site development, with parking concealed from public view. Staff believes the two use permit requests to modify the modulation and stepback requirements are reasonable and would help create a cohesive design. Aside from the two use permit requests, the proposal would adhere to the O-B zoning district design standards. For the coffee shop and bar and restaurant, the outdoor seating request would help further integrate the hotel and its private amenities with the public open space areas.

Vehicular and bicycle parking requirements would be met, and the development would also provide a positive pedestrian experience along the frontage facing Haven Avenue. New trees and landscaping would be planted throughout the site, and the open space for the parcel would satisfy the minimum standards for public and overall open space. Staff recommends that the Planning Commission approve the project.

Impact on City Resources

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

Environmental Review

An Initial Study and Mitigated Negative Declaration (IS/MND) have been prepared and circulated for public review in compliance with the California Environmental Quality Act (CEQA). The public review period began on October 13, 2022, and ends on November 14, 2022. The IS/MND (Attachments, G, H, and I) is available for review on the city website (menlopark.gov/hotelmoxy), and copies are also available at Menlo Park Library and Belle Haven Library upon request.

The IS/MND analyzed the potential environmental impacts of the project across a wide range of impact areas. In general, the IS/MND has determined that the proposed development on the 3723 Haven Avenue property is consistent with the program-level Environmental Impact Report that was prepared for the ConnectMenlo General Plan Update (GP EIR), and no additional CEQA review is required.

Relevant mitigation measures from the General Plan Environmental Impact Report (GP EIR) have been applied and would be adopted as part of the Mitigation, Monitoring, and Reporting Program (MMRP). Project-specific mitigation measures generally include demonstrating compliance with the current BAAQMD basic control measures for reducing construction emissions of PM10, demonstrating compliance with

California Air Resources Board (CARB) Tier 2 emissions standards for diesel-powered equipment that is 50 horsepower or more, providing worker environmental training, hiring and maintaining a licensed archaeologist on site, implementing all mitigations provided in the phase I environmental site assessment and risk management plan, constructing a construction noise barrier, and completing a rooftop noise analysis. The MMRP also includes two fully satisfied mitigation measures relating to cultural resources and one fully satisfied mitigation measure relating to biological resources. For Mitigation Measures AQ-2a and AQ-2b2, the applicant prepared an air-quality and greenhouse gas emissions technical assessment, which is included as an appendix for the IS/MND. For Mitigation Measure BIO-1, the applicant has prepared a biological resource assessment that examines potential impacts to sensitive biological resources, along with additional mitigations to protect those resources. No new significant impacts have been identified for the proposed project.

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.

Attachments

- A. Draft Planning Commission Resolution Adopting an Initial Study and Mitigated Negative Declaration, Adopting Findings Required by the California Environmental Quality Act, and Adopting a Mitigation, Monitoring, and Reporting Program
Exhibits to Attachment A:
- A. Hyperlink: Project plans: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/20221012-3723-haven-ave-plan-set.pdf>
 - B. Hyperlink: 3723 Haven Avenue Initial Study: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study.pdf>
 - C. Hyperlink: 3723 Haven Avenue Initial Study Appendices: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study-appendices.pdf>
 - D. Hyperlink: 3723 Haven Avenue Mitigated Negative Declaration: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-mitigated-negative-declaration.pdf>
 - E. Mitigation Monitoring and Reporting Program (MMRP)
- B. Draft Planning Commission Resolution Approving project Use Permit and Architectural Control, including project Conditions of Approval
Exhibits to Attachment B:
- A. Hyperlink: Project plans - <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/20221012-3723-haven-ave-plan-set.pdf>
 - B. Hyperlink: 3723 Haven Avenue Initial Study: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study.pdf>

- C. Hyperlink: 3723 Haven Avenue Initial Study Appendices:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study-appendices.pdf>
- D. Hyperlink: 3723 Haven Avenue Mitigated Negative Declaration:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-mitigated-negative-declaration.pdf>
- E. Mitigation Monitoring and Reporting Program (MMRP) (See Attachment A, Exhibit E)
- F. Conditions of approval
- C. Location Map
- D. Hyperlink: August 26, 2019 Study Session Staff Report:
<https://www.menlopark.org/DocumentCenter/View/22674/G2---3723-Haven-Avenue?bidId>
- E. Hyperlink: August 26, 2019 Planning Commission Meeting Minutes:
https://menlopark.org/AgendaCenter/ViewFile/Minutes/_08262019-3324
- F. Project Description Letter
- G. Hyperlink: Initial Study: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study.pdf>
- H. Hyperlink: Initial Study Appendices: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study-appendices.pdf>
- I. Hyperlink: Mitigated Negative Declaration: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-mitigated-negative-declaration.pdf>

Disclaimer

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

Report prepared by:
Matt Pruter, Associate Planner

Report reviewed by:
Corinna Sandmeier, Acting Principal Planner
Ed Shaffer, Assistant City Attorney

November 14, 2022

DRAFT PLANNING COMMISSION RESOLUTION NO. 2022-__

DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK ADOPTING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION, AND ADOPTING A MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP) FOR A DEVELOPMENT PROJECT

WHEREAS, the City of Menlo Park (“City”) received an application requesting environmental review, use permit, architectural control, and heritage tree removal permits from FPG Development Group, LLC (“Applicant”), to develop the property located at 3723 Haven Avenue (APN 055-170-350) (“Property”), with a base level hotel development project consisting of up to 58,014 square feet (hereinafter the “**Project**”). The Project is depicted in and subject to the development plans which are available by the internet link included in Exhibit A and incorporated herein by this reference; and

WHEREAS, the proposed Project is located in the O-B (Office, Bonus) zoning district. The O-B zoning district allows a mixture of land uses with the purposes of attracting professional office uses, allowing administrative and professional office uses and other services that support light industrial and research and development sites nearby, providing opportunities for quality employment and development of emerging technology, entrepreneurship, and innovation, and facilitating the creation of a thriving business environment with goods and services that support adjacent neighborhoods as well as the employment base; and

WHEREAS, the base level provisions identified in the City’s Zoning Ordinance allow a hotel development to seek a floor area ratio (FAR) of 175 percent; and

WHEREAS, pursuant to the City’s Below Market Rate (BMR) Housing Program (Chapter 16.96.040), the applicant would pay an in-lieu fee of approximately \$396,556.03, to be paid prior to issuance of building permits; and

WHEREAS, the proposed Project complies with all applicable objective standards of the City’s Zoning Ordinance, including design standards (assuming approval of the use permit application requesting certain modifications), green and sustainable building standards, and is consistent with the City’s General Plan goals, policies, and programs; and

WHEREAS, at a duly noticed public meeting on March 3, 2021, the Housing Commission considered the applicant’s BMR proposal and draft BMR Housing Agreement Term Sheet, inclusive of payment of an in-lieu fee of \$349,122.87, which has

been amended in the conditions of the approval to be \$396,556.03, accounting for current BMR in-lieu fee calculations; 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 City released an Initial Study and Mitigated Negative Declaration for the Project on October 13, 2022 for a 30-day public review period ending on November 14, 2022. The Initial Study disclosed relevant impacts and mitigation measures already covered in the program-level 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), identified additional impacts, and recommended additional project-specific mitigation measures; and

WHEREAS, the Initial Study and Mitigated Negative Declaration were 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 Belle Haven Library; and

WHEREAS, the City prepared or caused to be prepared a Mitigation Monitoring and Reporting Program (“MMRP”), which is part of the Initial Study and Mitigated Negative Declaration and included in Exhibit E incorporated herein by this reference, 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 November 14, 2022 at which all persons interested had the opportunity to appear and comment; and

WHEREAS, after closing the public hearing, the Planning Commission fully reviewed, considered and evaluated all public and written comments, pertinent information, documents and plans and all other evidence in the public record on the Project and on the Initial Study and Mitigated Negative Declaration.

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 Initial Study and Mitigated Negative Declaration have been prepared, published, circulated, and reviewed in compliance with the California Environmental Quality Act and the CEQA Guidelines.
2. The Initial Study and Mitigated Negative Declaration constitute an adequate, accurate, objective, and complete analysis addressing all issues relevant to approval of the proposed Project, including the issuance of a use permit and architectural control permit.
3. The Planning Commission has been presented with, reviewed and considered the information contained in the above recitals, within the Initial Study and Mitigated Negative Declaration, and within comments received on the Initial Study and Mitigated Negative Declaration and responses thereto by City staff and consultants, prior to acting on the proposed Project, and the Initial Study and Mitigated Negative Declaration reflects the independent judgment 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 Initial Study and Mitigated Negative Declaration have been given as required by law and the actions were conducted pursuant to the State Planning and Zoning Law, CEQA, and 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 Initial Study and Mitigated Negative Declaration which met or exceeded the requirements of State Planning and Zoning Law and CEQA.
5. The Initial Study and Mitigated Negative Declaration 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, including those in the MMRP, will be adopted and implemented as Conditions of Approval for the use permit and architectural control approval.
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 MMRP as set forth in Exhibit E of this Resolution.
8. The Planning Commission hereby adopts the Initial Study and Mitigated Negative Declaration based upon consideration of the staff report and associated attachments (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, _____, Acting 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 14th day of November, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibits

- A. Hyperlink: Project Plans including materials and color board:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/20221012-3723-haven-ave-plan-set.pdf>
- B. Hyperlink: 3723 Haven Avenue Initial Study:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study.pdf>
- C. Hyperlink: 3723 Haven Avenue Initial Study Appendices:
<https://menlopark.gov/files/sharedassets/public/community->

[development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study-appendices.pdf](#)

- D. Hyperlink: 3723 Haven Avenue Mitigated Negative Declaration:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-mitigated-negative-declaration.pdf>
- E. Mitigation Monitoring and Reporting Program (MMRP)

| Mitigation Monitoring and Reporting Program | | | | |
|---|---|---|------------------------|--|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| AIR QUALITY | | | | |
| <i>Initial Study Impact Air Quality b: The proposed project would 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. (Potentially Significant)</i> | | | | |
| <p>ConnectMenlo Mitigation Measure AQ-2a: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities.</p> | <p>Preparation of the operation-related air quality technical assessment.</p> <p>The assessment determined that the project would not exceed BAAQMD criteria, so additional mitigation measures are not required.</p> | <p>During the building permit and site development review process and prior to permit issuance.</p> <p>This has been completed.</p> | <p>Project sponsor</p> | <p>City of Menlo Park Community Development Department (CDD)</p> |

| Mitigation Monitoring and Reporting Program | | | | |
|---|---|--|------------------------|------------------|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>ConnectMenlo Mitigation Measure AQ-2b1: Prior to building permit issuance, the City shall require applicants for all development projects in the city to comply with the current Bay Area Air Quality Management District's (BAAQMD) basic control measures for reducing construction emissions of PM10 (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines.</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, 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 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. • All vehicle speeds on unpaved roads shall be limited to 15 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). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer 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 City of Menlo Park regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number for BAAQMD shall also be | <p>Demonstrate compliance with the current BAAQMD basic control measures for reducing construction emissions of PM10.</p> <p>Implement required measures.</p> | <p>During the building permit and site development review process and prior to permit issuance.</p> <p>During demolition and construction.</p> | <p>Project sponsor</p> | <p>CDD</p> |

| Mitigation Monitoring and Reporting Program | | | | |
|---|--|--|---------------------------|-------------------------|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| ConnectMenlo Mitigation Measure AQ-2b2: Prior to issuance of building permits, development projects in the City that are subject to CEQA and exceed the screening sizes in BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Menlo Park shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below the thresholds (e.g., Table 8-2, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Building Division and/or Planning Division. | Preparation of the construction-related air quality technical assessment. The assessment determined that the BAAQMD Additional Construction Mitigation Measures are not required. | During the building permit and site development review process and prior to permit issuance. This has been completed. | Project sponsor | CDD |
| Project Mitigation Measure AIR-1: During construction of the proposed project, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project construction at a minimum meets the California Air Resources Board Tier 2 emissions standards with Level 3 diesel particulate filters or equivalent. | Demonstrate compliance with CARB Tier 2 emissions standards for diesel powered equipment that is 50 horsepower or more. | During demolition and project construction. | Project sponsor | CDD |
| <i>Initial Study Impact Air Quality c: Implementation of the proposed project would expose sensitive receptors to substantial pollutant concentrations. (Potentially Significant)</i> | | | | |
| ConnectMenlo Mitigation Measure AQ-2b1: Implement ConnectMenlo Mitigation Measure AQ-2b1. | See above. | See above. | See above. | See above. |
| Project Mitigation Measure AIR-1: Implement Project Mitigation Measure AIR-1. | See above. | See above. | See above. | See above. |

| Mitigation Monitoring and Reporting Program | | | | |
|--|--|---|---|------------------|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| BIOLOGICAL RESOURCES | | | | |
| <i>Initial Study Impact Biological Resources a: The proposed project could 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 Wildlife or U.S. Fish and Wildlife Service. (Potentially Significant)</i> | | | | |
| <p>ConnectMenlo Mitigation Measure BIO-1: Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required as part of the CEQA review of the proposed project, if necessary, to confirm its adequacy.</p> | <p>Prepare a biological resource assessment.</p> <p>The assessment identified potential impacts and recommended Project Mitigation Measure BR-1.</p> | <p>Prior to project discretionary approval.</p> <p>This has been completed.</p> | <p>Qualified wildlife biologist retained by project sponsor</p> | <p>CDD</p> |

| Mitigation Monitoring and Reporting Program | | | | |
|--|---|-----------------------------------|--|------------------|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>Project Mitigation Measure BR-1: In accordance with ConnectMenlo Mitigation Measure BIO-1, implement the following additional, project-specific measures recommended by the BRA:</p> <p>A. Roosting and Breeding Bats</p> <ul style="list-style-type: none"> • If activities occur during the breeding season for bats (March 1 through August 31), young bats that cannot fly could be killed or injured during vegetation and building demolition. • Preconstruction surveys should be completed by a qualified bat biologist if the structure or trees are scheduled to be removed during the breeding season. At least two weeks prior to tree removal or demolition activities a qualified bat biologist with demonstrated bat survey experience shall conduct a focused survey for bats and potential roosting sites within trees and the building to be removed through visual surveys and emergence acoustic surveys. o If no roosting sites or bats are found the biologist shall submit a letter report confirming the absence and no further measures are required. o If roosting bats are found during the above survey and roosts will be affected, an avoidance and minimization plan shall be developed by the qualified bat biologist in consultation with CDFW. Avoidance measures may include no-disturbance buffer zones during construction, temporal avoidance during the maternity season, or other measures deemed necessary based on the survey results. | Complete all mitigation measures identified in the BRA. | Prior to and during construction. | Project sponsor; and qualified wildlife biologist retained by project sponsor. | CDD |

| Mitigation Monitoring and Reporting Program | | | | |
|---|---------------|---------------|---------------------------|-------------------------|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>B. Nesting Raptors and Migratory Birds</p> <ul style="list-style-type: none"> • For project activities occurring during the nesting bird breeding season (February 1 through August 31) a preconstruction survey is required from a qualified biologist with demonstrated experience conducting surveys for nesting birds, including raptors. The survey shall be conducted for birds in all habitats within the project site, including all disturbance, staging and access areas and a 250-foot buffer. This survey should be conducted no more than fourteen days prior to the initiation of project activities during the breeding season. If there is a lapse in construction related activities for more than seven (7) days, a new survey should be conducted. o If an active nest is identified during preconstruction surveys, the qualified biologist shall establish species and site-specific no disturbance buffer zones for each nest using high-visibility fencing, flagging or other method deemed appropriate by the biologist. No construction activities shall be allowed to occur within the buffer zones. The size of the buffer shall be determined based on the species sensitivity to disturbance and the planned activities within the vicinity. The qualified biologist shall develop a schedule for monitoring and evaluating the status of the nest(s). The buffer shall remain in effect until the nest is no longer active as determined by the qualified biologist. o If determined necessary by the qualified biologist, consultation with the USFWS and/or CDFW may be required depending upon the species and the circumstances. The results of the preconstruction surveys and/or nest disturbance activities shall be provided in a memorandum detailing the survey results. | | | | |

| Mitigation Monitoring and Reporting Program | | | | |
|---|---------------|---------------|---------------------------|-------------------------|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>C. Special Status Plants</p> <ul style="list-style-type: none"> • Fourteen days prior to the initiation of project activities during the breeding season. If there is a lapse in construction related activities for more than seven (7) days, a new survey should be conducted. o Install bird perching deterrents along suitable perching sites to deter avian predators. Such deterrents may include bird spikes, netting, sound deterrents or perching deterrents approved by USFWS and CDFW. o Landscaping used on the rooftop garden should consist of species that do not exceed 30 feet in height and may include native or non-invasive ornamental species. Species with broad canopies are preferred. Trees that are planted on the rooftop garden should be located away from the edge of the roof. o Reduce large areas transparent or reflective glass. o Locate water features, trees and bird habitat away from building exteriors to reduce reflection. o Reduce or eliminate the visibility of landscaped areas behind glass. o Turn non-emergency lighting off at night, especially during the bird migration season (February to May and August to November). o Include window coverings that adequately block light transmission from rooms where interior lighting is used at night and installation motion sensors or controls to extinguish lights in unoccupied spaces. o Design or install lighting fixtures that minimize light pollution including light trespass, over-illumination, glare, light clutter, and skyglow while using bird-friendly colors for lighting when possible. San Francisco's Standards for Bird-Safe Buildings (City and County of San Francisco, 2011) provides a good overview of building design and lighting guidelines to minimize bird/building collision. | | | | |
| <p><i>Initial Study Impact Biological Resources b: The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. (Potentially Significant)</i></p> | | | | |
| <p>ConnectMenlo Mitigation Measure BIO-1: Implement ConnectMenlo Mitigation Measure BIO-1.</p> | See above. | See above. | See above. | See above. |
| <p>Project Mitigation Measure BR-1: Implement Project Mitigation Measure BR-1.</p> | See above. | See above. | See above. | See above. |

| Mitigation Monitoring and Reporting Program | | | | |
|---|---------------|---------------|---------------------------|-------------------------|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <i>Initial Study Impact Biological Resources c: The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Potentially Significant)</i> | | | | |
| ConnectMenlo Mitigation Measure BIO-1: Implement ConnectMenlo Mitigation Measure BIO-1. | See above. | See above. | See above. | See above. |
| Project Mitigation Measure BR-1: Implement Project Mitigation Measure BR-1. | See above. | See above. | See above. | See above. |
| <i>Initial Study Impact Biological Resources d: The proposed project would 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. (Potentially Significant)</i> | | | | |
| ConnectMenlo Mitigation Measure BIO-1: Implement ConnectMenlo Mitigation Measure BIO-1. | See above. | See above. | See above. | See above. |
| Project Mitigation Measure BR-1: Implement Project Mitigation Measure BR-1. | See above. | See above. | See above. | See above. |
| <i>Initial Study Impact Biological Resources e: The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Potentially Significant)</i> | | | | |
| Project Mitigation Measure BR-1: Implement Project Mitigation Measure BR-1. | See above. | See above. | See above. | See above. |

| Mitigation Monitoring and Reporting Program | | | | |
|---|--|-----------------------------|--|------------------|
| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| CULTURAL RESOURCES | | | | |
| Initial Study Impact Cultural Resources a: The proposed project would cause a substantial adverse change in the significance of a historic resource pursuant to § 15064.5. (Potentially Significant) | | | | |
| ConnectMenlo Mitigation Measure CULT-2a: If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required. | If any archaeological artifacts are discovered during demolition/construction, all ground disturbing activity within 100 feet shall be halted immediately. A qualified archaeologist shall inspect any archaeological artifacts found during construction and if determined to be a resource shall prepare a plan meeting the specified standards which shall be implemented by the project sponsor(s). | Ongoing during construction | Project sponsor; and qualified archaeologist retained by the project sponsor | CDD |
| Initial Study Impact Cultural Resources b: The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5. (Potentially Significant) | | | | |
| ConnectMenlo Mitigation Measure CULT-2a: Implement ConnectMenlo Mitigation Measure CULT-2a. | See above. | See above. | See above. | See above. |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>Project Mitigation Measure CR-1: Mitigation Measure CR-1: Worker Environmental Training. Because of the potential for discovery of unknown buried cultural and paleontological resources, prior to the commencement of the first phase, the general contractor and those engaged in ground-disturbing activities shall be given environmental training regarding cultural and paleontological resource protection, resource identification and protection, and the laws and penalties governing such protection. This training may be administered by the project archaeologist and/or paleontologist as stand-alone training or included as part of the overall environmental awareness training required by the project. The training shall include, at minimum, the following:</p> <ul style="list-style-type: none"> • The types of cultural resources and human remains, that are likely to be encountered. • The procedures to be taken in the event of an inadvertent cultural resource or human discovery. • The penalties for disturbing or destroying cultural resources and human remains. • The types of fossils that could occur at the project site. • The types of lithologies in which the fossils could be preserved. • The procedures that should be taken in the event of a fossil discovery. • The penalties for disturbing paleontological resources or human remains. | Provide worker environmental training. | <p>Once prior to the start of issuance of grading permit</p> <p>As needed during duration of soil-disturbing or excavating activities and throughout ground-disturbing activities</p> | Qualified archaeologist and/or paleontologist (retained by the Project Sponsor) | CDD |
| <p>Project Mitigation Measure CR-2: On-site Licensed Archaeologist. During the demolition and excavation phases, the applicant shall hire a licensed archaeologist to be on-site and monitoring work activities to immediately handle and assess any archaeological resources encountered, along with engagement with tribal leadership.</p> | Hire a licensed archaeologist and keep them on site and available to assist with archaeological resource discovery and engagement with tribal leadership. | <p>Retained prior to issuance of grading permit.</p> <p>On-site as needed during duration of demolition, and throughout ground-disturbing or excavating activities.</p> | Project sponsor; and Qualified archaeologist and/or paleontologist (retained by the Project Sponsor) | CDD |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| Initial Study Impact Cultural Resources c: The proposed project would disturb any human remains, including those interred outside of formal cemeteries. (Potentially Significant) | | | | |
| ConnectMenlo Mitigation Measure CULT-4: Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC. | Initiated after a find is made during construction. | During construction, and regularly scheduled site inspections that would be initiated after a find is made during construction. | San Mateo County Coroner and Project Sponsor | CDD |
| Project Mitigation Measure CR-1: Implement Project Mitigation Measure CR-1. | See above. | See above. | See above. | See above. |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| GEOLOGY AND SOILS | | | | |
| Initial Study Impact Geology and Soils f: The proposed project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature. (Potentially Significant) | | | | |
| <p>ConnectMenlo Mitigation Measure CULT-3: In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities anywhere in the city, 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.</p> | <p>If any fossils or fossil bearing deposits are discovered during demolition/construction, all ground disturbing activity within 50 feet shall be halted immediately. A qualified paleontologist shall inspect any paleontological artifacts found during construction and if determined to be a resource shall prepare an excavation plan meeting the specified standards which shall be implemented by the project sponsor(s).</p> <p>If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards.</p> | Ongoing during construction | Project sponsor; and Qualified paleontologist retained by the project sponsor | CDD |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| GREENHOUSE GAS EMISSIONS | | | | |
| Initial Study Impact Greenhouse Gas Emissions a: The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (Potentially Significant) | | | | |
| ConnectMenlo Mitigation Measure AQ-2b1: Implement ConnectMenlo Mitigation Measure AQ-2b1. | See above. | See above. | See above. | See above. |
| HAZARDS AND HAZARDOUS MATERIALS | | | | |
| Initial Study Impact Hazards and Hazardous Materials b: The proposed project would 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. (Potentially Significant) | | | | |
| <p>ConnectMenlo Mitigation Measure HAZ-4a: Construction at 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.</p> <p>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.</p> | <p>Prepare an Environmental Site Management Plan (ESMP).</p> <p>Implement measures identified by the ESMP.</p> | <p>Prior to site excavation.</p> <p>During demolition, excavation and construction.</p> | <p>Qualified consultant (retained by the Project Sponsor; and Project Sponsor)</p> | <p>CDD</p> |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>ConnectMenlo Mitigation Measure HAZ-4b: 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 (Mitigation Measure HAZ-4a).</p> | <p>Prepare a vapor intrusion assessment.</p> | <p>Prior to site excavation.</p> | <p>Qualified consultant (retained by the Project Sponsor).</p> | <p>CDD</p> |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>Project Mitigation Measure HM-1: Implement the following additional, project-specific measures, as recommended by the Phase I ESA and RMP:</p> <ul style="list-style-type: none"> • Prior to issuance of a building permit, the applicant shall prepare a site-specific Health and Safety Plan (HASP), in accordance with California Occupational Safety and Health Administration (CAL-OSHA) Construction Safety Orders within Title 8 of the California Code of Regulations (CCR). The general contractor for the proposed project shall be responsible for notifying subcontractors and visitors of pertinent environmental conditions to ensure adequate protection for workers and visitors while on site, and subcontractors shall adopt the general contractor's HASP or prepare their own. • Prior to issuance of a building permit, the general contractor shall document and provide training for all workers involved with contact and/or management of contaminated soil or groundwater, in accordance with California Code of Regulations, Title 29, Part 1910.120 (Hazardous Waste Operations and Emergency Response [HAZWOPER] standards). • During excavation and construction, the applicant shall implement additional dust control measures when there is the potential for contaminated soil to affect the nearby community. It is anticipated that following placement of fill, hardscapes, and building pads, air monitoring will not be required, as there will not be exposed soil surfaces with concentrations exceeding residential and shallow soil exposure concentrations (if present). | Implement all additional mitigations per the Phase I ESA and RMP. | Prior to issuance of a building permit, prior to issuance of a demolition permit or prior to soil disturbance, and during excavation and construction. | Qualified consultant (retained by the Project Sponsor). | CDD |

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
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| <ul style="list-style-type: none"> • Prior to issuance of a demolition permit or any other actions involving soil disturbance, the general contractor and subcontractors shall read the Risk Management Plan for the proposed project and sign the Agreement and Acknowledgement Statement to certify that they have read, understood, and agreed to abide by its provisions. • During demolition and throughout the construction process, the applicant shall notify the RWQCB, and other agencies, where applicable, of all site development activities in accordance with the following protocols: <ul style="list-style-type: none"> o The applicant shall notify the RWQCB within 24 hours of discovery of: <ul style="list-style-type: none"> . Releases, spills, or releases of hazardous substances or petroleum hydrocarbons to soil or water that are considered, based on best professional judgement and/or physical evidence (including but not limited to olfactory, visual, field instrument, and laboratory data), to be an immediate threat to human health and the environment; and/or . Discovery of unknown conditions (underground storage tanks, sumps, vaults, piping, etc.) or newly found contamination. In this latter case, the applicant shall notify Menlo Park Fire Protection District within 24 hours of discovery as well. o The applicant shall notify the RWQCB 72 hours prior to any ground disturbing activities in areas of known or suspected contamination. o All notification to the RWQCB and the Menlo Park Fire Protection District shall be via email and phone. • Prior to issuance of a building permit, the applicant shall confirm and update all agency contacts provided in the RMP accordingly, and provide an agency contact sheet to the general contractor, which shall be posted in an accessible and suitable location at the project site. | | | | |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <ul style="list-style-type: none"> • During the construction period, if necessary, the general contractor and/or environmental consultant shall document any groundwater removal or soil excavation and disposal in daily field reports, which shall be kept at the project site and be made available to the RWQCB upon request. Documentation will include at a minimum the following, as applicable: <ul style="list-style-type: none"> o Groundwater: Groundwater is at approximately five feet below ground surface. Based on the current construction design, it is not expected to be encountered in excavations during construction activities. However, building support piers shall be advanced through groundwater. If groundwater is encountered, documentation shall include the location, volume of groundwater that is removed, characterization, treatment, and destination (transported to temporary holding tanks, used as dust suppression, and/or disposed of off-Site); o Underground Structures: type, contents, characterization, and destination (abandoned in place or disposed of off-site) of any underground structures discovered during site development activities; o Impacted Soil: origin, volume, characterization, and destination of any contaminated soil removed from the project site; o Imported Soil: origin, volume, characterization, and destination (location used on-site) of imported fill if obtained from a non-commercial quarry; o Disposal Records: date, time, trucking company, drivers and vehicles used for the trip, equipment decontamination and tarping, waste/material type, volume, copies of bills-of-lading, and hazardous waste manifests; o Dust Complaint Logs: time, name and contact information, compliant description, earthwork activities associated with complaint, and measures taken to mitigate dust; | | | | |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <ul style="list-style-type: none"> o Analytical Reports: laboratory analytical reports of samples of soil, groundwater, dust, and soil vapor, if samples are collected. • Prior to any soil disturbance, the applicant shall confirm with the RWQCB whether the requirement to continue sampling groundwater from the remaining monitoring well MW-8 (located on site) is still necessary, and if this well could instead be destroyed in compliance with applicable regulations and procedures of the RWQCB. • Prior to any soil disturbance, the applicant shall evaluate the following additional soil details and demonstrate that no further measures are needed for soil disturbance: <ul style="list-style-type: none"> o The quality of soil gas and potential risks to indoor air at the subject properties. o The amount of lead in the soil due to lead-based paint. | | | | |
| <i>Initial Study Impact Hazards and Hazardous Materials d: The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. (Potentially Significant)</i> | | | | |
| ConnectMenlo Mitigation Measure HAZ-4a: Implement ConnectMenlo Mitigation Measure HAZ-4a. | See above. | See above. | See above. | See above. |
| ConnectMenlo Mitigation Measure HAZ-4b: Implement ConnectMenlo Mitigation Measure HAZ-4b. | See above. | See above. | See above. | See above. |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| NOISE | | | | |
| <i>Initial Study Impact Noise a: The proposed project would 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. (Potentially Significant)</i> | | | | |
| <p>ConnectMenlo Mitigation Measure NOI-1a: To meet the requirements of Title 24 and General Plan Program N1.A, project applicants shall perform acoustical studies prior to issuance of building permits for citywide development of new noise-sensitive uses. New residential dwellings, hotels, motels, dormitories, and school classrooms must meet an interior noise limit of 45 dBA CNEL or Ldn. Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. Where exterior noise levels are projected to exceed 60 dBA CNEL or Ldn at the façade of a building, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the 45 dBA noise limit. Project applicants for all new multi-family residential projects subject to the review and approval of the Community Development Department, prior to building permit issuance, must perform acoustical studies within the projected Ldn 60 dB noise contours, so that noise mitigation measures can be incorporated into project design and site planning, subject to the review and approval of the Community Development Department.</p> | <p>Interior noise exposure assessed by qualified acoustical engineer and results submitted to City showing conceptual window and wall assemblies necessary to meet City standards.</p> | <p>Prior to the issuance of construction permits.</p> | <p>Project sponsors(s) and contractor(s)</p> | <p>CDD</p> |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>ConnectMenlo Mitigation Measure NOI-1c: 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 on-going 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. • Construction traffic shall be limited to the haul routes established by the City of Menlo Park. | Limit all construction activities to minimize noise. | Prior to the issuance of construction permits. | Project sponsors(s) and contractor(s) | CDD |
| <p>Project Mitigation Measure NOI-1: The construction contractor shall ensure that a minimum 16-foot-high barrier, such as a plywood structure or flexible sound control curtain that has a density of 2 lb/ft² or is sound rated with a minimum Sound Transmission Class (STC) rating of 28 or higher, shall be erected on the western project site boundary adjacent to the sensitive receptors to minimize the amount of noise during construction.</p> | Construct a noise barrier on site. | Prior to any excavation or construction. | Project Sponsor | CDD |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>Project Mitigation Measure NOI-2: The following mitigation measure is required to reduce heating, ventilation, and air conditioning (HVAC) operational noise levels:</p> <ul style="list-style-type: none"> • Once specifications of the rooftop HVAC equipment are determined, an analysis shall be prepared and submitted to the satisfaction of the City Planning Director to confirm that the operation of rooftop equipment would meet the City's nighttime 50 dBA equivalent continuous sound level (Leq) noise level standard. This can be achieved by the following design features: <ol style="list-style-type: none"> 1. Choosing rooftop mechanical equipment that has a reference noise level of 68 dBA Leq at 5 feet or less, or 2. Installation of silencers or enclosures capable of reducing noise levels by a minimum of 4 dBA. | <p>Complete an analysis of the rooftop equipment and implement the design features outlined in this measure.</p> | <p>During construction.</p> | <p>Project Sponsor</p> | <p>CDD</p> |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| Initial Study Impact Noise b: The proposed project would result in generation of excessive groundborne vibration or groundborne noise levels. (Potentially Significant) | | | | |
| <p>ConnectMenlo Mitigation Measure NOI-2a: To prevent architectural damage as a result of construction-generated vibration:</p> <ul style="list-style-type: none"> • Prior to issuance of a building permit for any development project requiring pile driving or blasting, the project applicant/developer shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. The maximum levels shall not exceed 0.2 inch/second, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed these thresholds, alternative methods such static rollers, non-explosive blasting, and drilling piles as opposed to pile driving shall be used. <p>To prevent vibration-induced annoyance as a result of construction-generated vibration:</p> <ul style="list-style-type: none"> • Individual projects that involve vibration-intensive construction activities, such as blasting, pile drivers, jack hammers, and vibratory rollers, within 200 feet of sensitive receptors shall be evaluated for potential vibration impacts. A vibration study shall be conducted for individual projects where vibration-intensive impacts may occur. The study shall be prepared during the project's approval process and by an acoustical or vibration engineer holding a degree in engineering, physics, or allied discipline and who is able to demonstrate a minimum of two years of experience in preparing technical assessments in acoustics and/or groundborne vibrations. The study shall be submitted to and approved by the City prior to issuance of building permits. | <p>A noise and vibration analysis shall be prepared to assess and mitigate potential noise and vibration impacts. A vibration study shall also be required for vibration-intensive activities occurring within 200 feet of sensitive receptors, to further evaluate vibration-related impacts. All vibration activities shall be required to not exceed specified vibration annoyance levels.</p> | <p>Prior to the issuance of construction permits</p> | <p>Project sponsors(s) and contractor(s)</p> | <p>CDD</p> |

| Mitigation Monitoring and Reporting Program | | | | |
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| Mitigation Measure | Action | Timing | Implementing Party | Monitoring Party |
| <p>Vibration impacts to nearby receptors shall not exceed the vibration annoyance levels (in RMS inches/second) as follows:</p> <ul style="list-style-type: none"> • Workshop = 0.126 • Office = 0.063 • Residential Daytime (7AM–10PM) = 0.032 • Residential Nighttime (10PM to 7 AM) = 0.016 <p>If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., nonexplosive blasting methods, drilled piles as opposed to pile driving, preclusion for using vibratory rollers, use of small- or medium-sized bulldozers, etc.). Vibration reduction measures shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project</p> | | | | |
| TRIBAL CULTURAL RESOURCES | | | | |
| <p><i>Initial Study Impact Tribal Cultural Resources a: The proposed project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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: 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 ii. 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subsection (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (Potentially Significant)</i></p> | | | | |
| ConnectMenlo Mitigation Measure CULT-2a: Implement ConnectMenlo Mitigation Measure CULT-2a. | See above. | See above. | See above. | See above. |
| ConnectMenlo Mitigation Measure CULT-4: Implement ConnectMenlo Mitigation Measure CULT-4. | See above. | See above. | See above. | See above. |
| Project Mitigation Measure CR-1: Implement Project Mitigation Measure CR-1. | See above. | See above. | See above. | See above. |
| Project Mitigation Measure CR-2: Implement Project Mitigation Measure CR-2. | See above. | See above. | See above. | See above. |

November 14, 2022

DRAFT PLANNING COMMISSION RESOLUTION NO. 2022-__

DRAFT RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING THE USE PERMIT AND ARCHITECTURAL CONTROL FOR THE PROPOSED 3723 HAVEN AVENUE PROJECT CONSISTING OF UP TO 58,014 SQUARE FEET OF HOTEL SPACE WITH 163 ROOMS AT 3723 HAVEN AVENUE (APN 055-170-350).

WHEREAS, the City of Menlo Park (“City”) received an application requesting environmental review, use permit, architectural control, and heritage tree removal permits from FPG Development Group, LLC (“Applicant”), to develop the property located at 3723 Haven Avenue (APN 055-170-350) (“Property”), with a base level hotel development project consisting of up to 58,014 square feet (hereinafter the “**Project**”). The Project is depicted in and subject to the development plans which are available by the internet link included in Exhibit A and incorporated herein by this reference; and

WHEREAS, the proposed Project is located in the O-B (Office, Bonus) zoning district. The O-B zoning district allows a mixture of land uses with the purposes of attracting professional office uses, allowing administrative and professional office uses and other services that support light industrial and research and development sites nearby, providing opportunities for quality employment and development of emerging technology, entrepreneurship, and innovation, and facilitating the creation of a thriving business environment with goods and services that support adjacent neighborhoods as well as the employment base.

WHEREAS, the proposed Project is located in the O-B (Office, Bonus) zoning district and is requesting outdoor seating for its café and bar and restaurant. The O-B zoning district allows for outdoor seating through an administrative permit. Because other entitlements are requested for the proposed Project, the request for outdoor seating is being processed as a use permit; and

WHEREAS, the proposed Project is seeking to modify the City’s modulation and setback design standard requirements, pursuant to Section 16.43.130 of the Zoning Ordinance; and

WHEREAS, the base level provisions identified in the City’s Zoning Ordinance allow a hotel development to seek a floor area ratio (FAR) of 175 percent; and

WHEREAS, pursuant to the City’s Below Market Rate (BMR) Housing Program (Chapter 16.96.040), the applicant would pay an in-lieu fee of approximately \$396,556.03, to be paid prior to issuance of building permits; and

WHEREAS, the proposed Project complies with all applicable objective standards of the City's Zoning Ordinance, including design standards (assuming approval of the use permit application requesting modifications to the modulation and stepback standards), green and sustainable building standards, and is consistent with the City's General Plan goals, policies, and programs; and

WHEREAS, at a duly noticed public meeting on March 3, 2021, the Housing Commission considered the applicant's BMR proposal and draft BMR Housing Agreement Term Sheet, inclusive of payment of an in-lieu fee of \$349,122.87, which has been amended in the conditions of the approval to be \$396,556.03, accounting for current BMR in-lieu fee calculations; and

WHEREAS, the proposed Project includes the removal of one heritage-size tree due to health and two street trees that have been evaluated by the City Arborist and on August 18, 2021, the City Arborist conditionally approved the heritage tree removal permit for the three trees; and

WHEREAS, the proposed Project would include minimum replacement of the value of the removed heritage trees per the replacement requirements of the Heritage Tree Ordinance; 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 City released an Initial Study and Mitigated Negative Declaration for the Project on October 13, 2022 for a 30-day public review period ending on November 14, 2022. The Initial Study disclosed relevant impacts and mitigation measures already covered in the program-level 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), identified additional impacts, and recommended additional project-specific mitigation measures; and

WHEREAS, the Initial Study and Mitigated Negative Declaration were 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 Belle Haven Library; and

WHEREAS, the City prepared or caused to be prepared a Mitigation Monitoring and Reporting Program (“MMRP”), which is part of the Initial Study and Mitigated Negative Declaration and included in Exhibit E incorporated herein by this reference, 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 November 14, 2022 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 on the Initial Study and Mitigated Negative Declaration; and

WHEREAS, the Planning Commission exercising its independent judgment approved and adopted the Initial Study and Mitigated Negative Declaration, and approved and adopted the MMRP; and

WHEREAS, the Planning Commission fully reviewed, considered, and evaluated the adopted Initial Study and Mitigated Negative Declaration, along with all public and written comments, pertinent information, documents and plans and all other evidence prior to taking action to approve the use permit and architectural control.

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 (“City”) hereby approves a use permit for the Project, subject to conditions attached hereto as Exhibit F incorporated herein by this reference. 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 Commission has given consideration and due regard to the nature and condition of all adjacent 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 Project Initial Study and Mitigated Negative Declaration 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 proposed Project includes on-site open space and parking, and the proposed building adheres to the design standards set forth by the Zoning Ordinance and therefore, the Project would be consistent with ConnectMenlo. For the coffee shop and bar and restaurant, the outdoor seating request, as a use permit, is compliant with the Zoning Ordinance. A request to modify the modulation and stepback requirements has been provided as part of this use permit request. The intent of the proposed modifications is still consistent with the spirit of ConnectMenlo, by providing varied masses and forms mainly facing the streetscape but also along other façades of the building. 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 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 by the value of the removed trees on the site, in compliance with the Heritage Tree Ordinance. 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 the Commission has considered whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances 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 hotel, which is a conditional use pursuant to Chapter 16.44.020 of the City of Menlo Park Municipal Code, allowable through a use permit request. 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 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 O-B zoning district. Specifically, the proposed Project would be a hotel designed to be compatible with surrounding uses, and the commercial building design addresses potential compatibility issues such as traffic, parking, light spillover, dust, and biological resource habitat encroachment. The proposed Project is designed with sufficient on-site vehicular and bicycle parking, as well as public and private open spaces. The proposed Project is designed with furnished, landscaped, publicly-accessible open space fronting the hotel and atop the

fourth floor rooftop deck to further the goals and policies of the land use, circulation, and open space design provisions within the project site. The Project is designed with appropriate ingress and egress and off-site improvements such as landscaping, street lighting, sidewalks, and green infrastructure. Further, the Initial Study and Mitigated Negative Declaration prepared for the Project found that Project would result in less than significant impacts on the environment after implementation of mitigation measures from the program-level EIR prepared for the ConnectMenlo General Plan Update and project-specific studies. 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 an architectural control permit for the Project, subject to conditions attached hereto as Exhibit F and incorporated herein by this reference. 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 both solid elements and glass paneling along the majority of the primary street façades. The materials and forms of the proposed buildings would provide a variety of modulations and articulations along the façades of the buildings. Outdoor seating areas for the proposed Project would offer compatible design features that would match the building design, and, programmatically, the outdoor seating areas would complement the proposed coffee shop and bar and restaurant components of the hotel. The materials would comply with the City’s Zoning Ordinance design standards and would provide visually interesting building facades. The facades would predominantly consist of metal clad windows, metal and wood paneling, and smooth-troweled stucco. The proposed windows would consist of high efficiency glass with aluminum mullions. The Project incorporates complementary colors. The Project would comply with the height and building projections, along with ground floor transparency, entrances, and garage entrance requirements. Compliance with the Zoning Ordinance would further the goals and policies of ConnectMenlo for hotel design and compatible buildings with surrounding land uses.
2. That the development will not be detrimental to the harmonious and orderly growth of the city; in that, the Project is a 58,014-square-foot hotel. The Project’s design is generally consistent with all applicable requirements of the City of Menlo Park Municipal Code. The proposed Project does include modifications to the design standards of the O-B zoning district, which include the modulation and stepback requirements. For the coffee shop and bar and restaurant, the outdoor seating use permit request is reasonable and further integrates the hotel and its private amenities with the public open space areas.

The proposed Project is consistent with the 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 commercial space. The Project would provide publicly-accessible open space along the Haven Avenue frontage. 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 Project is a 58,014-square-foot hotel, which is a use that is 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 would develop an underutilized site. The proposed Project would provide publicly accessible pedestrian and bicycle connectivity within the vicinity of the project site 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 124 vehicular parking spaces to serve the existing and proposed buildings, where a minimum number of 123 and maximum number of 179 parking spaces are required pursuant to the Zoning Ordinance requirements. 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. Lastly, consistent with the Zoning Ordinance requirements, the Project provides 10 short-term bicycle parking spaces and 12 long-term bicycle lockers to serve all the uses on site. 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 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, _____, Acting 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 14th day of November, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibits

- A. Hyperlink: Project plans -
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/20221012-3723-haven-ave-plan-set.pdf>
- B. Hyperlink: 3723 Haven Avenue Initial Study:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study.pdf>
- C. Hyperlink: 3723 Haven Avenue Initial Study Appendices:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-initial-study-appendices.pdf>
- D. Hyperlink: 3723 Haven Avenue Mitigated Negative Declaration:
<https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/under-review/hotel-moxy/3723-haven-ave-mitigated-negative-declaration.pdf>
- E. Mitigation Monitoring and Reporting Program (MMRP)
- F. Conditions of approval

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| LOCATION: 3723 Haven Avenue | PROJECT NUMBER: PLN2019-00098 | APPLICANT: Richard Mielbye | OWNER: FPG Development Group, LLC |
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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 shall be substantially in conformance with the plans prepared by Elevate Architecture Studio, attached to the November 14, 2022 Planning Commission staff report as Exhibit A to Attachment A, and consisting of 61 plan sheets, dated received on October 13, 2022 (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 shall be subject to the California Environmental Quality Act Initial Study and Mitigated Negative Declaration prepared for and certified prior to approval of the Project and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2022100258. The project shall comply with all mitigation measures of the MMRP, which is attached to Menlo Park Planning Commission Resolution No 2022-___ and incorporated herein by this reference.
- c. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of any building permit for the Project.
- 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 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.
- f. Applicant 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.

3723 Haven Avenue Project – Attachment B, Exhibit F – Conditions of Approval

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| LOCATION: 3723 Haven Avenue | PROJECT NUMBER: PLN2019-00098 | APPLICANT: Richard Mielbye | OWNER: FPG Development Group, LLC |
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PROJECT CONDITIONS:

- g. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park and all applicable local, State, and Federal laws and regulations.
- h. Prior to issuance of any building permit, the Applicant shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division that are directly applicable to the project and the type of building permit issued.
- i. Prior to issuance of foundation permit, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.
- j. Prior to issuance of any foundation permit for the Project, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Director of Community Development regarding any inability to satisfy all conditions of approval.
- k. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval; provided, however, that the Applicant’s or permittee’s duty to so defend, indemnify, and hold harmless shall be subject to the City’s promptly notifying the Applicant or permittee of any said claim, action, or proceeding and the City’s full cooperation in the Applicant’s or permittee’s defense of said claims, actions, or proceedings.

Building Division Conditions

- i. The Applicant shall be required to submit a complete building permit application for the project as delineated on Plans within one year from the date of approval (November 14, 2023) for the use permit to remain in effect as to the respective components of the project in accordance with Section 16.82.170 of the Menlo Park Municipal Code. The Community Development Director or their designee may extend the time to use the approval prior to its expiration upon written request of the Applicant for up to one year, 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, the Applicant 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 and Architectural Control Approval to revise the project approvals to remove or modify unbuilt project elements. If (1) or (2) do not occur, it shall be deemed a violation of these Conditions of Approval, and the Use Permit and Architectural Control approval for any portion of the project for which a building permit has not been submitted shall expire. Any project modifications shall be assessed for compliance with the 1350 Adams Court Final EIR, and subsequent environmental review may be required if necessary to comply with CEQA Guidelines Section 15162.

3723 Haven Avenue Project – Attachment B, Exhibit F – Conditions of Approval

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| LOCATION: 3723 Haven Avenue | PROJECT NUMBER: PLN2019-00098 | APPLICANT: Richard Mielbye | OWNER: FPG Development Group, LLC |
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PROJECT CONDITIONS:

- m. No later than upon the submittal of a complete building permit application, the Applicant shall submit plans to the Building Division verifying that the project complies with all applicable Municipal Code Title 12 (Buildings and Construction) provisions for review and approval.
- n. The project is subject to the California Building Standards Code, the California Building Code,, and any adopted Reach Codes and/or local building code ordinances in effect at the time of complete building permit application submittal.
- o. The project is subject to the California Green Building Standards Code (CalGreen) and any local amendments to the Code in effect at the time of submittal of the complete building permit application. Other forms of green building checklists will not be acceptable in-lieu of the CalGreen requirements.
- p. A list of all deferred submittals shall be approved by the Building Official or their designee prior to submittal of the complete building permit application.
- q. Detached structures require their own permit, have an occupancy category and are required to meet all Building Code requirements associated with their occupancy and location on the site.
- r. The complete building permit application shall include information on all imported fill. The imported fill must meet the City of Menlo Park’s requirements. Documentation demonstrating that the fill meets the City’s requirements must be submitted to and approved by the Building Official or their designee prior to fill being brought on site. Fill requirements are outlined in CBC appendix J section J107 as adopted in MPMC Section 12.06.020.
- s. No later than upon the submittal of a complete building permit application, prior to issuance of the foundation permit, approved soil management plans and work plans by the agency with jurisdiction over any remediation work is required to be submitted to the City for reference purposes. Any excavation related to soils remediation shall require issuance of a building permit from the City.
- t. All approved vapor mitigation systems are to be included in building plans and submitted to the City for reference purposes prior to issuance of the foundation permit.
- u. Each occupancy set forth in the Plans shall have the required fire protection systems, allowable building height and separations per Table 508.4 of the 2019 California Building Code (CBC) or whichever CBC is in effect at the time of building permit submittal. No later than upon the submittal of a complete building permit application, the Applicant shall include documentation the Plans have been reviewed and approved by the Menlo Park Fire District.
- v. The complete building permit application shall include construction documents needed to identify the location of electric vehicle (EV) spaces as per 2016 Cal Green Code Chapter 5 and Menlo Park City Ordinance 12.18.0808-110. Construction documents need to show specific requirements outlined in 5.106.5.3.2. If an electric vehicle parking is supplied, then it will have to conform

3723 Haven Avenue Project – Attachment B, Exhibit F – Conditions of Approval

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PROJECT CONDITIONS:

- with the requirements of CBC 406.9, as well as accessibility (CBC 11B-228.3) of the CBC.
- w. Prior to issuance of the demolition permit, the building permit application shall include pedestrian protection along the public right-of-way with sidewalks, as required per Section 3306 of the 2019 CBC or the CBC in effect at the time of submittal of a complete building permit application.
- x. No later than upon the submittal of a complete building permit application, the Applicant shall submit and get approval of a construction waste management plan per City’s ordinance 12.18.010. The construction waste management plan is subject to approval by the Building Official or their designee.
- y. The complete building permit application shall include details demonstrating that all sanitary sewer lines have a slope of at least 2% unless otherwise approved by the Building Official or their designee. The complete building permit application shall also demonstrate that all sewer lines are gravity feed to the sewer mains in the public right-of-way unless otherwise approved by the Building Official or their designee.
- z. The complete building permit application shall include details demonstrating that all slopes away from the building shall comply with Section 1804.4 of the 2019 CBC or the current CBC in effect at the time of submittal of a complete building permit application.
- aa. As part of the complete building permit application the project shall show that accessible routes comply with the requirements of 11B-402.
- bb. As part of the complete building permit application, the applicant shall include specific occupant loads and egress requirements for all courtyard and other outdoor use areas.
- cc. The building is located in a flood zone and is required to meet all the applicable floor design criteria and final certification.
- dd. No later than upon the submittal of a complete building permit application, the Applicant 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) 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 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.
- ee. No later than upon the submittal of a complete building permit application, the Applicant shall submit plans 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

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PROJECT CONDITIONS:

the wet season (October 1 through April 30), the Applicant 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 soil 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.hh.

Engineering Division Conditions

- ff. Prior to building permit issuance, Applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the existing water mains and service laterals meet the domestic and fire flow requirements of the project. If the existing water main and service laterals are not sufficient as determined by MPMW, Applicant may, as part of the project, be required to construct and install new water mains and service laterals sufficient to meet such requirements.
- gg. Prior to building permit issuance, Applicant shall coordinate with West Bay Sanitary District to confirm the existing sanitary sewer mains and service laterals have sufficient capacity for the project. If the existing sanitary sewer mains and service laterals are not sufficient as determined by West Bay Sanitary District, Applicant may, as part of the project, be required to construct and install new sanitary sewer mains and service laterals sufficient to meet such requirements.
- hh. All public right-of-way improvements shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
- ii. 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 the review and approval of the Engineering Division.
- jj. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:
 - i. Existing Topography (NAVD 88')
 - ii. Demolition Plan
 - iii. Site Plan (including easement dedications)
 - iv. Construction Parking Plan
 - v. Grading and Drainage Plan
 - vi. Utility Plan
 - vii. Erosion Control Plan / Tree Protection Plan
 - viii. Planting and Irrigation Plan
 - ix. Off-site Improvement Plan
 - x. Construction Details (including references to City Standards)

3723 Haven Avenue Project – Attachment B, Exhibit F – Conditions of Approval

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PROJECT CONDITIONS:

- kk. During the design phase of the construction drawings, all potential utility conflicts shall be potholed and actual depths shall be recorded on the improvement plans.
- ll. Simultaneous with the submittal of a complete building permit application, the Applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and prepare a Hydrology Report to the satisfaction of the City Engineer. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels.
- mm. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Storm Water Management Report that meets the requirements of the San Mateo County's C.3 Stormwater Technical Guidance Manual.
- nn. The Project Stormwater Management Plan shall incorporate trash capture measures such as screens, filters or CDS/Vortex units to address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP). The Stormwater Management Plan shall be reviewed and approved by the Engineering Division prior to building permit issuance (grading and utilities phase).
- oo. Simultaneous with the submittal of a complete building permit application, the Applicant 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. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded with the San Mateo County Recorder's Office prior to building permit final inspection.
- pp. Simultaneous with the submittal of a complete building permit application, the Applicant 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). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
- qq. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- rr. If construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the Engineering Division prior to beginning construction.

3723 Haven Avenue Project – Attachment B, Exhibit F – Conditions of Approval

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PROJECT CONDITIONS:

- ss. All Public Works fees are due prior to issuance of building permit. Refer to City of Menlo Park Master Fee Schedule.
- tt. If existing utilities are in conflict with required frontage improvements, the utilities must be relocated at the Applicant's expense.
- uu. Prior to Building Permit issuance, the Applicant shall submit a heritage tree preservation plan, detailing the location of and methods for all tree protection measures.
- vv. The project is in Flood Zone AE and must be designed and constructed in compliance with current FEMA regulations, the City's Flood Damage Prevention Ordinance, and the MPMC 16.43.140(4) (Hazard mitigation and sea level rise resiliency).
- ww. Concurrent with the building permit submittal, the Applicant shall submit a FEMA Condition Letter of Map Revision-Fill (CLOMR-F) application to the Public Works Department for review and approval. In accordance with the National Flood Insurance Program (NFIP), Section 65.5, the Applicant shall prepare supporting data, including relevant hydraulic and hydrologic analyses, delineation of floodplain boundaries and all other information required by FEMA to review and evaluate the request for a CLOMR-F. Upon receiving City approval, the Applicant shall submit the CLOMR-F application to FEMA.
- xx. Prior to issuance of the building permit the Applicant shall obtain a CLOMR-F from FEMA.
- yy. The Applicant shall submit an elevation certificate to the Engineering Division prior to final signoff of the foundation inspection.
- zz. When construction is complete, appropriate as-built data must be supplied to FEMA for a permanent LOMR-F to be issued.
- aaa. For construction activity resulting in a land disturbance of one acre or more, Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board under the Construction Activities Storm Water General Permit (General Permit). The NOI indicates the Applicant's intent to comply with the San Mateo Countywide Stormwater Pollution Prevention Program, including a Stormwater Pollution Prevention Plan (SWPPP).
- bbb. 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.
- ccc. Prior to construction, the Applicant shall file and obtain a VOC and Fuel Discharge Permit with the San Francisco Bay Regional Water Quality Control Board as necessary for groundwater discharge. All groundwater discharge to the City storm drain during construction shall be approved to the satisfaction of the Public Works Department prior to commencement of work. The City may request, at the behest of the Public Works Department, additional narratives, reports, or engineering

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PROJECT CONDITIONS:

plans to establish compliance with state and local regulations prior to approval. Similarly, any discharge to the City’s Sanitary Sewer system shall be approved to the satisfaction of West Bay Sanitary District, with proof of acceptance, prior to commencement of work.

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

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

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

Engineering Division Conditions

a. The project’s frontage along Haven Avenue, as shown on Plan Set Sheet C-2.1, has portions within both City right-of-way and Caltrans right-of-way. The City is in the final design phase of the “Haven Avenue Streetscape” project, which includes new pedestrian and bicycle facilities along Haven Avenue, including the project frontage that is within the Caltrans right-of-way. The project will be required to construct the improvements along the project frontage that are within the Caltrans right-of-way per the Haven Avenue Streetscape plans. The scope of work includes but is not limited to curb and gutter, sidewalk, driveway, and curb ramp.

b. Concurrent with the Building Permit submittal, the Applicant shall submit engineered Off-site Improvement Plans (including engineer’s cost estimates) for approval by the City Engineer. Off-site improvement plans shall include all frontage improvements within the City and Caltrans right-of-way, including curb, gutter, driveway, sidewalks, street trees, street lights, undergrounding of overhead electric distribution lines, and water and sanitary sewer laterals. If relocation of existing utilities is required, it should be shown on the Off-site Improvement Plans as well. The Haven Avenue Streetscape design within the Caltrans right-of-way will be provided by the City to be included in the Off-Site Improvement Plans.

c. Prior to Building Permit issuance, the Applicant shall enter into an Agreement for Completion of Development Improvements and provide a performance bond for the completion of the off-site improvements within the City and Caltrans right-of-way, as shown on the approved Off-site Improvement Plans. The Applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction prior to commencing any work within the right-of-way or public easements.

d. All public right-of-way improvements, including frontage improvements and the dedication of easements, shall be completed to the satisfaction of the Engineering Division prior to final inspection of the final building permit to allow occupancy.

e. The City will evaluate the condition of asphalt paving on Haven Avenue following construction and prior to final occupancy. If necessary, the City and or Caltrans may require a grind and overlay of damaged pavement along the project frontage.

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| LOCATION: 3723 Haven Avenue | PROJECT NUMBER: PLN2019-00098 | APPLICANT: Richard Mielbye | OWNER: FPG Development Group, LLC |
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PROJECT CONDITIONS:

All existing striping, markings, and legends shall be replaced in kind, or as approved by the City and Caltrans.

Planning Division Conditions

- f. No later than upon the submittal of a complete building permit application, the Applicant shall enroll in EPA Energy Star Building Portfolio Manager. Prior to issuance of a final certificate of occupancy, the Applicant shall submit documentation showing compliance to the satisfaction of the Planning and Building Divisions.
- g. No later than upon the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP shall submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the superstructure building permit. Prior to final inspection of the building permit or as early as the project 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 Silver certification. Occupancy and/or final inspection can be granted with an agreed upon timeline for final certification between the City and the Applicant.
- h. No later than upon the submittal of a complete building permit application and prior to issuance of the demolition permit, the Applicant shall submit a zero-waste management plan to the City, which will cover how the Applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations, including compliance with the requirements of Chapter 16.43.140(5)(A) of the Zoning Ordinance. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from occupancy phases of the 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.
- i. Prior to issuance of superstructure building permit, 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 if natural gas use is approved), as required by Chapter 16.43.140(2) 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;

3723 Haven Avenue Project – Attachment B, Exhibit F – Conditions of Approval

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PROJECT CONDITIONS:

- 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 off-sets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas if natural gas use is approved) through a minimum of 30% of the maximum feasible on-site energy generation, as determined by an On-Site Renewable Energy Feasibility Study and any combination of measures ii to iv above. The On-Site Renewable Energy Feasibility Study shall demonstrate the following cases at a minimum: 1. Maximum on-site generation potential. 2. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment). 3. Maximum solar generation potential solely on the roof area.

- j. Following issuance of the certificate of occupancy, the Applicant shall submit an annual report on 1st January of every year demonstrating that tenants and occupants of the building on site purchased or used 100% renewable energy to the Community Development Director of their designee for their review. Should there be a case where not 100% of tenants are using renewable energy, then the Applicant shall identify what non-renewable energy usage was offset with renewable energy in the community or with credits in the annual report.
- k. No later than upon the submittal of a complete building permit application and prior to issuance of the superstructure building permit, the project design shall incorporate dual plumbing for internal use of future recycled water to the satisfaction of the Building Division.
- l. No later than upon the submittal of a complete building permit application and issuance of the superstructure building permit, the Applicant shall submit updated water budgets and accompanying calculations following the methodology approved by the City and consistent with submitted building permit plans. The water budget and calculations shall be reviewed and approved by the City's Public Works Director prior to certification of occupancy. On January 1 of the year following the first full calendar year after the date of occupancy, the building owner 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. Twelve (12) months after City approval of the water conservation program, the building owner 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

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PROJECT CONDITIONS:

- for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.
- m. During all phases of construction, potable water shall not be used for dust control.
- n. Prior to final inspection, occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between ten (10) p.m. and sunrise, as required by Section 16.43.140(6)(C) of the Zoning Ordinance.
- o. Prior to issuance of the certificate of occupancy, the Applicant shall construct the publicly accessible open space for the project to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions.
- p. During all phases of construction and after final inspection for the life of the project, rodenticides shall not be used on the property in accordance with Section 16.43.140(6)(G) of the Zoning Ordinance.
- q. The applicant shall diligently pursue the project's construction through to completion, and, if at any point after building permits have been issued, the applicant abandons construction and the building permits expire, the applicant shall demolish the uncompleted portions of the project and restore the site to rough grade condition and shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.
- r. If the applicant leaves any work of construction in an unfinished state for more than seven (7) consecutive days, applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Building and Engineering Divisions.
- s. If the applicant leaves any work of construction in an unfinished state for more than one hundred and twenty (120) consecutive days, applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.
- t. Utility equipment shall meet the requirements of Chapter 16.43.130(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping, subject to review and approval of the Planning, Engineering, and Building Divisions.
- u. 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 and the arborist report prepared by Urban Tree Management, dated April 12, 2022. Tree protection zone shall be established and perimeter fence shall be erected prior to commencement of any construction activity on site including but not limited to demolition, rough grading, etc.

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PROJECT CONDITIONS:

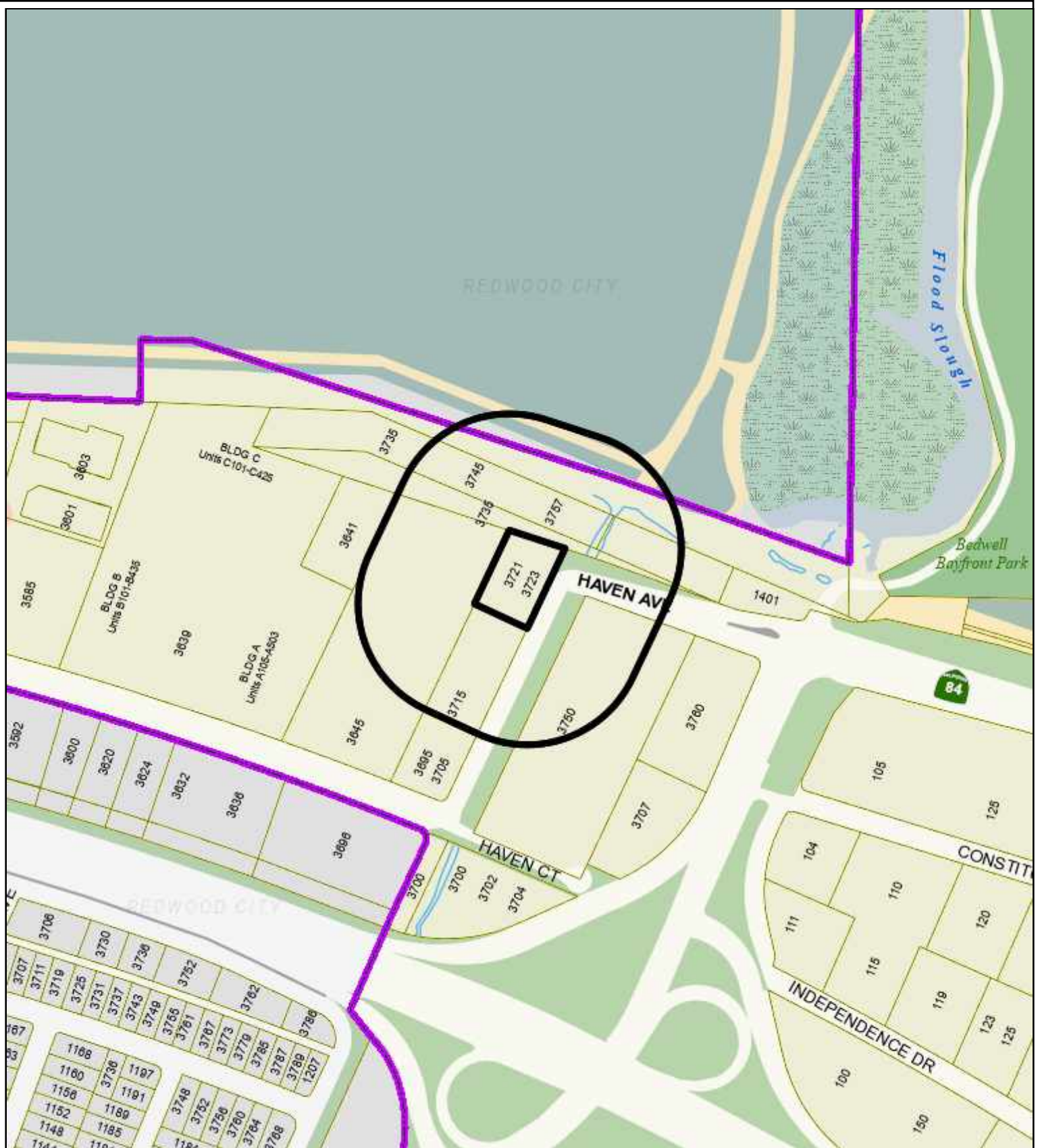
- v. Heritage tree replacements, required as part of the approval of heritage tree permit HTR2021-00023, shall be planted on the project site to the satisfaction of the City Arborist and Planning Division prior to final building permit inspection.
- w. Prior to the issuance of the building permit for the superstructure, the Applicant shall pay the Below Market Rate Housing in-lieu fee of approximately \$396,556.03. The BMR fee rate is subject to change annually on July 1 and the final fee will be calculated based on the square footage and the fee rate at the time of fee payment.
- x. No later than upon the submittal of a complete building permit application and prior to issuance of the foundation building permit, the Applicant shall submit a plat and legal description and proposed form of irrevocable easement agreement for public utilization of the Publicly Accessible Open Space to the satisfaction of the Public Works Director and City Attorney. The form of irrevocable easement shall ensure, to the satisfaction of the City, that the Applicant 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, which may be determined by the Applicant provided that the Publicly Accessible Open Space shall be open to the public at least between sunrise and thirty minutes past sunset.
- y. Upon completion of the proposed project, the Applicant shall not install natural gas for any kitchen appliances.

Transportation Division Conditions

- z. All public right-of-way improvements, including frontage improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy.
- aa. Prior to issuance of any building permit, the Applicant shall pay the transportation impact fee (TIF). Such fee includes:
- bb. The TIF is estimated to be \$1,562,374.00. This was calculated by multiplying the fee of \$11,421.56 per hotel room by 163 rooms and subtracting a credit by multiplying \$21.88/s.f. per office space by 13,681 s.f. of existing office space. Fees are due prior to issuance of the first building permit and subject to adjustment on July 1st of each year based on the ENR Construction Cost Index percentage for San Francisco.
- cc. Prior to issuance of building permit, the Applicant shall submit plan for streetlight design and installation per City standards LE-02A and LE-02B, at locations approved by the Transportation Division based on the photometric analysis submitted by the applicant. The photometric analysis shall include lighting levels for roadway and walkway lighting that is consistent with the Illuminating Engineering Society (IES) roadway and walkway lighting standards using illuminance values based on location and adjacent uses.

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| LOCATION: 3723 Haven Avenue | PROJECT NUMBER: PLN2019-00098 | APPLICANT: Richard Mielbye | OWNER: FPG Development Group, LLC |
| <p>PROJECT CONDITIONS:</p> <ul style="list-style-type: none"> <li data-bbox="370 346 1429 619">dd. Prior to issuance of any project-related building permit and within each construction phase, the Applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the City. The Applicant 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. <li data-bbox="370 651 1429 1102">ee. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit a Transportation Demand Management (TDM) plan consistent with the plan outlined in the Initial Study Mitigated Negative Declaration. Any changes to the plan are subject to review and approval by the City prior to occupancy. On January 1 of the year following the first full calendar year after the date of occupancy, or as otherwise designated in the Zoning Ordinance, the Applicant shall submit an Annual Monitoring Report to determine that implementation of the 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. If the subject site is not in compliance with the anticipated trip reductions from the TDM program, the Applicant 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. | | | |



City of Menlo Park
 Location Map
 3723 Haven Avenue





Updated October 12, 2022

August 15, 2019

Matthew Pruter

City of Menlo Park

City Hall -1st Floor 701 Laurel Menlo Park, CA 94025

RE: Menlo Park Proposed Hotel Narrative

Dear Mr. Pruter,

Thank you for your consideration of the proposed hotel development. We look forward to the next meeting on August 28, 2019.

We have provided the project narrative below for your review.

Address

3723 Haven Avenue, Menlo Park, CA

Existing

Currently, there is a 1-story office building on the site with approximately 13,681 square feet.

Proposed

Proposed 8-Story hotel building, consisting of 163 rooms and 124 parking spaces.

Level 1: Parking, Service areas, Elevators to Jump Lobby Levels 2-3:

Above grade parking

Level 4: Jump Lobby including an indoor/outdoor lounge, fitness center and library.

Levels 5-8: Guestrooms & back of house.

The guestroom levels will begin at 44'-8" (Level 5) above the finished floor.

Design Overview

In general, the Hotel intends to be a neighborhood resource, and thus will provide reasonable access to the roof garden amenity, bar and lounge area for dining and entertaining.

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The project has many areas open to the public, including the rooftop garden, the front plaza area along Haven Avenue, the coffee shop, and the hardscape area around the main entry.

As the ground level garden and hardscape shall be accessed by the public, especially the neighbors who live in the apartments behind our hotel, and the office workers on each side of the hotel, a ground floor coffee shop is being offered as a neighborhood amenity which can be directly accessed from the street and sidewalk, as opposed to entering through the hotel.

Access to the podium level public garden space is via a dedicated elevator and stair at the

Northeast corner of the building with a direct connection to this space. The provided elevator does not stop at any other level and will be an express connection to the public space. Both the stair and elevator will be clearly signed and provide wayfinding for the public to use this space.

The front façade of the building, which faces Haven Avenue is divided into 5 vertical slices. The base of the building is set back a minimum of twenty feet from the property line, and further, a Loggia provides relief, rain protection and shade for the ground floor coffee shop. A majority of the façade is set back an additional ten feet from the base of the building to provide vertical relief. The façade is characterized by different punched window types, storefront glazing as well as different materials in each vertical section. The roof line is staggered to provide interest, and a large tower element punctuate the entrance to the hotel.

Per Response Letter previous responses are included below from the following comments:

The development team feels that the modulation requirement has been met by the current geometry along Haven Avenue. The building is divided into 7 vertical segments along the front façade and those vertical segments have a staggered roof line, as well as being in different planar relation to one another. Additionally, the Hotel is designed so that the South wing follows the easement line which makes a diagonal through the site, that diagonal is expressed on the entry tower, which stands taller than the rest of the facades and contains the Moxy signage, the as well as the transparent storefront at level 4 contained within silver metal panel which provides a portal to the rooftop community garden. The stair tower at the end of the building is then set back from the face in a significant manner. The two-bay sliver to the South of the community garden portal is set back from the adjacent planes by four feet.

The base of the building along the front is divided into 6 segments, and features a loggia along two of the segments, which provides rain protection and shade along the window wall into the lobby and coffee shop. The building is very much articulated and meets and exceeds the spirit of your community ordinance calling for 1 modulation. In comparison with the adjacent, recently constructed Hotel Nia by Marriott, the Moxy has significantly more articulation, and is a smaller building. The parking structure is also nicely disguised using Silver Kaynemail screening as shown in the material board on sheet CO-36 on the second and third level, and actually contributes to the variety in the front façade and creating balcony areas on the 4th floor for public enjoyment. For the coffee shop and bar and restaurant, we are requesting a use permit to accommodate outdoor seating. The corner towers along the front façade

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announce two entryways, the Hotel entrance as primary, and the community garden entrance as secondary.

elevation sheets to best explain the 3d geometry of the façade along with the perspective provided on the cover sheet. The horizontal offsets are shown on the elevation sheets and dimensions have been provided to show the height differential. In addition, sheets CO-25 through CO-38 show the roofline, as well as the horizontal offsets at the 3 vertical segments of the façade.

In summary, we feel that the building design meets the spirit of the ordinance, and we have heard positive comment from Planning Commission on the façade design facing Haven Avenue. The development team therefore would like to move forward with the unaltered design of the façade and let the Planning Commission subjectively assess the design.

Alcohol Licensing Deferral

We are deferring the administrative approval and obtaining the Class 47 license through the California Department of Alcoholic Beverage Control, to after the Planning Commission action.

Generator Deferral

The diesel-powered back-up generator, which requires administrative permit is being deferred until after Planning Commission action.

17. Please provide an adequate series of step-backs, in alignment with Section 16.43.130 (2) of the Zoning Ordinance. Because the site is located in the flood zone, this property is subject to a 10-foot increase per the requirements, and based on the table in the aforementioned section, please provide the following step-backs along the front elevation (facing Haven Avenue): • One step-back of 15 feet at 70 feet height, and an additional 10-foot step- back at 85 feet in height.

Response: Acknowledged. We understand the ordinance, and understand that the diagram shows an urban street front condition, in which the building façade is on the edge of the public sidewalk (likely the property line). Due to the business owners in our neighborhood imposing a twenty-foot set-back on buildings, we conclude that we exceed the building setback requirements, which are meant to provide visual relief and reduce urban shadow.

The existing design of the front plaza provides adequate landscaped areas, shaded seating and a minimum of 20-foot setback to the sidewalk. Due to the curvature of Haven

Avenue along the North end, the setback to the sidewalk is actually much greater, actually doubling the distance to 40 feet at some points and provides a generous landscape area to buffer the outdoor seating in the approach to the community garden entrance.

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The vertical setbacks as requested by the city were then incorporated into the November 2020 submittal, as requested, and the Haven Avenue Façade updated to provide more vertical relief between the tower entry element and the balance of the façade

Generator Details

1. Please clarify the use of the diesel generator (and hazardous materials) in more detail, outlining when it would be needed and whether it would service the entire site, or something more particular. In particular, an explanation of its purpose and how the hazardous materials are used to power the generator is needed. Please also explain the amount of fuel that would be stored on site, how often and when refueling would need to occur, how often and when (specific day of the week and time of day) testing will need to occur (along with the duration of testing), and how the project will address any noise implications.
 - a. JSE Response: The Generator will be used to provide backup power to life safety branch, standby branch, & optional branches of emergency system. The Life safety branch will include emergency lighting, fire alarm, & fire pump. The standby branch will include elevators & HVAC systems associated with any smoke control systems. The optional branch will include any non code required areas such as kitchen equipment, freezers, motors, points of sale, HVAC systems, etc. The fuel system shall include a UL Listed, 600gallon (approximately 18 hours of runtime), double wall fuel tank base. It shall have the structural integrity to support the engine-generator set. Minimum features shall include all welded construction, a lockable fuel filler cap, fuel gauge, low fuel level alarm, tank rupture alarm, fuel line check valve and fittings for fuel supply, return, fill and vent. The generator must maintain no less than 300 gallons of fuel (8 hours runtime is minimum code requirement for fire pump). Re-fueling is subject to the amount fuel level due to generator running during emergency situations and/or exercising and maintenance. Refuel would occur every 12 weeks and testing would occur the first Monday of every Month at 9 AM. Testing will last approximately 30 minutes.
2. Please explain the ventilation that would be used and describe the method(s) by which ventilation would occur.
 - a. JSE Response: Ventilation will be achieved bases on requirements from the manufacturer via intake and exhaust louvers sized accordingly and located on opposing walls of the generator room. Louvers will have motorized dampers to maintain fire rating.
3. Based on the recent reviews of diesel generator projects, please also explain why a diesel generator is the most feasible option for the project's back-up power supply. A justification will be needed in this letter, in addition to the description explaining whether any alternatives have been considered and why they may not be feasible. At the recent 2/22/2021 Planning Commission meeting, the Planning Commission expressed concern about the proposed use of a diesel-powered generator for a project at 1395 Chrysler Drive (the staff report is available here:

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https://www.menlopark.org/DocumentCenter/View/27404/F1_1395-Chrysler-Drive?bidId, and the minutes are available here:

https://www.menlopark.org/AgendaCenter/ViewFile/Minutes/_02222021-3581). Please note that the discussion mainly involved seeing if alternative energy sources (e.g., rechargeable batteries, etc.) could be used instead of diesel, and whether alternative energy sources were considered. It is likely that the Planning Commission will ask similar questions for this project.

- a. JSE Response: Diesel is a reliable source of fuel for an emergency backup system. Natural Gas is not allowed within this jurisdiction. Backup power for the fire pump is required to have 8 hours of runtime per NFPA, which batteries will not be able to meet efficiently.
4. Any construction details pertaining to the installation of the hazardous materials (namely, timing) are also needed in the project description letter. If possible, please include specifications for the generator as part of the project description letter.
- a. JSE Response: Generator cut sheet provided. Fuel tank size and run time has been modified to meet the requirements stated in project description.
- *Please note spec in plan is 1000 Gallon / we will be utilizing 600 Gallon.

Food and Beverage

The hotel management will make the bar and rooftop garden open to the public during daytime business hours, and until bar closing hour which is 10pm daily. Any public activity past ten PM maybe subject to control due to noise which can interfere with hotel guests trying to sleep.

While interior dining and lounge spaces may be reserved for hotel guests or paying customers, the public shall be allowed to access these spaces as a customer, during normal business operations between 6am and 10pm.

The Hotel will have a full bar, defined by serving beer, wine, spirits as allowed by the State of California and open standard hours per city code. Lobby and public areas are open 24 hours. Residents from neighboring areas will have 24 access to the hotel however loitering and soliciting will not be allowed. "Doors will always be open."

Lobby area will be open 24 hours to all guests and the public and will offer free "super" wifi internet. Guests and the public can essentially use the hotel lobby work areas as no charge "we-work" space with local coffee and beverage available for purchase – i.e. Emerald Hills Roastery, etc. Our goal is to make the F&B experience very "Menlo" and unique from neighboring cities.

Light continental breakfast and tapas style foods will be served for lunch and dinner. Menu will be determined by Marriott but will be local foods based with as much of a farm to table concept as possible and a local fare twist. Special food events (unique food trucks,

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celebrity chef, etc.) will be advertised and open to the public, mostly on the weekends. The dining concepts will not be full fare meals, just very healthy small plates at price points to serve the general public.

Parking

Parking will be valet only 24/7. Depending on need public parking will be available during slower periods however guest parking will be priority. Parking Stackers will only be operated by the trained professional valet staff. Guest will not have access them.

The stacker being used is a hydraulic, prefabricated system, that is progressive in its design, as it can provide greater parking capacity to valet parking, with environmentally friendly benefits of utilizing less space, concrete and building structure, while conveniently storing away cars for easy retrieval Electric Vehicle charging stations are provided for both standard parking stalls and for accessible stalls. Accessible stalls are located on all 3 levels of the parking structure.

Five convenience parking stalls are located near the front entry drop off zone to accommodate people waiting for hotel guests.

Public Space

The Moxy Hotel enjoys a generous front yard in the form of a linear park. Planting beds arranged like piano keys perpendicular to the façade allow for the public to easily stroll through the gardens and enjoy a nice moment on one of the Hotel's Park benches. As the café is the backdrop for the linear park, it is also convenient as a neighborhood gathering area. Toward the North end of the park, umbrella tables and a small plaza are ringed by existing boulders, which provide the entryway to the Hotel roof garden.

The balcony of the roof garden is visible from the Haven Avenue sidewalk, and is accessible by an elevator and stairway, with direct, non-stop service to the roof deck. There will be individual wayfinding and signage for the Roof deck public space. This will be visible from the public way along Haven Ave. and from the vehicular entry of the property.

The stairwell itself has plenty of glass to be transparent to the public, and the 4th level is punctuated by a picture window and an open-air balcony. Once off the elevator, you are directly into the public open space area, and have ample seating, planters, fire pits, and other amenities which are also found on the Hotel guest side of the roof deck.

While a Pergola is a visual barrier between the public garden and the hotel bar area, there is restricted movement between both halves to provide alcohol service on the bar side.

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Comfortable outdoor furniture, night lighting and a peaceful ambiance make this a perfect neighborhood amenity, and provide a view opportunity to the Bay, over the tops of the adjacent warehouses. This is truly an enhancement, and a value add to the residents adjacent to our project.

None of the covered areas have been tabulated in our public open space calculations, but the ancillary areas certainly do add shade and comfort to the edge of the public open space that is a further enhancement of the park and leisure concept.

The South side of the site is a landscape area with dense landscape and a bioswale. The Southeast corner has a monument sign for the Hotel. The public open space is a non-programmed space; however, this serves as a landscape buffer and visual barrier on that edge of the site. Furthermore, there is additional open space on the podium roof deck, which is the Hotel bar area. We have approximately split the types of open space programmed for the roof deck.

Per Menlo Park ordinance, use of the podium roof for a rooftop garden, and added public open space is encouraged as a design principal. Due to the size of our site at 33,192sf our code required open space is 30%, or 9,958 sf. See revised sheet CO-35 for updated areas tabulated for Public and Private Open Space. In so doing we have also enhanced the neighborhood experience in providing a long, elevated view out to the Bay. The open space provided includes outdoor furniture, landscape planters, decorative hardscape, potted plants, shaded pergolas and umbrella tables to lengthen and enrich the experience both at the ground level and roof top / podium garden level. The advantage of utilizing the podium for the garden space is that it elevates the view corridor above the neighboring warehouse buildings so that there can be a line of site to San Francisco Bay. More than any other property, this amenity will be distinctive for the Moxy Hotel and a signature attraction for Menlo Park.

In summary, the Moxy Hotel affords the neighborhood an elegant park environment for leisure and relaxation, as a neighborhood meeting place, and allows the public to passively enjoy the Hotel as well as interact with the Hotel amenities (food and bar service). We can see this becoming a very popular destination by those living adjacent in addition to the rotation of guests. The linear park along Haven Avenue, coupled with the easily accessible podium level garden provide a great variety of experience, and allow the public to enjoy the sunny or shady side of the building, depending upon the mood.

Neighborhood Meeting

We had our neighborhood meeting as scheduled on 8/6/19. As you are aware, we had the meeting at the Hotel Nia which is very close to the proposed Moxy Hotel site.

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We had only three people come to the meeting. One stated he lived nearby but not very close. One stated he was from LA and was a friend of an employee at Facebook. We didn't get the other individual who was with these folks.

Upon further research, we found out they were from the Hotel Nia. They are as follows: These gentlemen from Ensemble showed up to our meeting.

<https://ensemble.net/company/team/>.

1. Kambiz Babaooff – Chairman
2. Brian Ehrlich – Chief Investment Office
3. Third I did not see on their website.

They were basically inquiring information on our project since they were part of the group that financed the Nia.

No neighbors showed up.

I also met personally with JoAnn and Paul Tyson on 8/5/19 at 1:30pm. They are the adjacent landowners of the dog kennel, daycare, boarding and grooming business as well as the storage facility located at 3757 Haven Avenue, Menlo Park, CA. This meeting went extremely well, and I am having my attorney write up the agreement. I promised them that I would proffer several things during the approval process. They are as follows:

1. When we rework the driveway, we cannot do any work between the hours of 6:30AM – 9:30 AM and 4:30 PM – 7:00 PM.
2. We will be required to provide the landowners the following:
 - i. Updated plans with details showing the revised driveway, curbing etc.
 - ii. They want to have the contact information of the project supervisor so if they have any questions and concerns, they have direct access to that person.
 - iii. We will need to keep them updated as to the schedule and invite them to the job meetings (monthly) so if they want to attend, they are more than welcome. The schedule is critical to them because one of the businesses is a dog grooming and training facility. Noise is a big factor with this type of business.
 - iv. We need to have a pre-construction meeting with them to show the “anticipated” schedule and introduce the parties. This should take place a minimum of two weeks prior to the start of construction.
 - v. A critical provision needs to include that we are well aware this is a dog kennel, daycare and boarding facility which provides some grooming

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services. Also, we have no issue with this business and the related noise of barking dogs.

We conducted a neighborhood outreach meeting in 2019 prior to Covid 19 protocols and suspension of in person meetings. No further neighborhood meetings will be held at this time.

Brand

Moxy Hotels serves as a playground that attracts Fun Hunter travelers and is designed to give guests everything they want and nothing they don't at an affordable price.

Lively public spaces, minimalist style and cozy guest rooms offer up a new way of traveling. The brand is well suited for urban/metro areas with a favorable cost-to-build model, featuring efficient rooms and a lean staffing model.

For more information, please visit <http://moxy-hotels.marriott.com/en/our-story>.

FPG Development Group

Based in Palm Beach, Florida, FPG Development Group is a fully integrated, privately held, real estate operating company with a knowledgeable and experienced management team. As a group, they have more than 150 years of experience in development and operations in the top 25 U.S. MSAs and major coastal markets and have been involved, together with their investors, in the development, acquisition and management of more than 170 hotels, valued at more than \$1.75 billion.

The company has well established, strong relationships with the hotel industry's leading premium brand families, including Hilton, Hyatt, Marriott.

Sincerely,

Richard Mielbye
Consultant to
FPG Development Group LLC

CC: Nitin Patel, Elevate Architects
Al Shaghghi, AMS Assoc.
Stephanie Mielbye, Consultant to FPG Development Group LLC

222 Lakeview Avenue, Suite 200
West Palm Beach FL 33401



STAFF REPORT

Planning Commission

Meeting Date: 11/14/2022

Staff Report Number: 22-063-PC

Public Hearing and Study Session:

Receive comments on the Draft Subsequent Environmental Impact Report (Draft SEIR) and study session introducing potential Zoning Ordinance and Specific Plan amendments associated with the Housing Element Update project

Recommendation

Staff recommends that the Planning Commission conduct:

- A public hearing to receive public testimony and provide comments on the Draft SEIR; and
- A study session to provide feedback and receive public comments on an introduction of changes to the Zoning Ordinance and El Camino Real/Downtown Specific Plan (Specific Plan) that might be needed to modify residential densities and associated development standards to implement the Housing Element Update.

A public hearing on the Draft SEIR provides an opportunity for the Planning Commission and the public to comment on the completeness and accuracy of the Draft SEIR. A study session provides an opportunity for the Planning Commission and community members to provide comments and ask clarifying questions on the proposed project's details, particularly with regard to proposed modifications to the Zoning Ordinance and Specific Plan development standards. The Draft SEIR public hearing and the study session should be considered as separate items, with comments and clarifying questions used to inform future consideration of the proposed project.

The November 14th meeting will not include any project actions. The City Council will be the final decision-making body for certification of the SEIR; amendments to the General Plan, Zoning Ordinance, and Specific Plan; and rezoning of certain parcels to allow multifamily residential or mixed use developments. The Planning Commission will be required to review and make a recommendation on the various discretionary actions at a future public hearing tentatively scheduled for early January 2023.

Staff recommends the following meeting procedure for the two items, allowing the public and the Planning Commission to focus comments and discussion on the specific project components:

Draft SEIR Public Hearing

- Introduction by project team
- Presentation by City's SEIR consultant
- Public comments on Draft SEIR
- Commissioner questions and comments on Draft SEIR
- Close of public hearing

Study Session

- Introduction by project team
- Public comments on proposed project
- Commissioner questions and comments

Policy Issues

The proposed project would require the following actions:

1. **Environmental Review** to analyze potential environmental impacts and certify the SEIR as legally compliant with CEQA;
2. **General Plan Amendments** to update the Housing and Safety Elements and adopt a new Environmental Justice Element and any corresponding changes to other elements of the General Plan necessary to maintain internal consistency, including an amendment of the General Plan Land Use Designations diagram;
3. **Specific Plan Amendments** to modify residential densities and associated development standards in various subdistricts, and remove the 680-unit cap on residential development;
4. **Zoning Ordinance Amendments** to modify residential densities and associated development standards in the C-1, C-1-A, C-1-C, C-2, C-2-A, C-2-B, C-2-S, C-4, and P zoning districts; remove the minimum lot size requirement for R-3 zoned properties located around downtown; and modify the Affordable Housing Overlay district; and
5. **Rezoning** of certain housing opportunity sites to allow multifamily residential or mixed use developments.

In addition, a fiscal impact analysis (FIA) is being prepared and will be published in the near future to analyze the proposed project and inform reviews by community members, the Planning Commission, and the City Council. The FIA is not subject to specific City action, but will provide additional information for consideration.

After the close of the Draft SEIR public comment period on December 19, 2022, the City and its environmental consultant will review and respond to all substantive comments received in what is referred to as a “Response to Comments” document, which along with the Draft SEIR and any revisions, additions, or clarifications to the Draft SEIR, will constitute the Final SEIR. The City Council is charged with reviewing and certifying the Final SEIR. Certifying the SEIR as legally adequate and adopting findings to comply with CEQA must be completed prior to taking final action on the proposed project. After certifying the Final SEIR, the City Council would then consider and take action on the proposed components of the project. Certifying the SEIR is a separate action and does not automatically mean approval of the project.

Background

State law requires the City to have and maintain a general plan with specific contents in order to provide a vision for the City’s future, and inform local decisions about land use and development, including issues such as circulation, conservation, and safety. The City’s General Plan Land Use and Circulation Elements were most recently updated and adopted in 2016. The City’s Safety Element was updated in 2013 and the Housing Element for the 2015 to 2023 planning period was adopted in 2014.

The City of Menlo Park is currently updating its required General Plan Housing Element and Safety Element, and preparing a new Environmental Justice Element, as well as associated General Plan, Zoning

Ordinance, and Specific Plan amendments. Collectively, these are referred to as the Housing Element Update project.

Purpose of the General Plan Housing Element Update

The Housing Element is one of the state-mandated elements of the General Plan. State law specifically requires the City to update the Housing Element of its General Plan by January 31, 2023, while making any changes to other elements of the General Plan needed to maintain internal consistency and undertaking any related changes to the City's Zoning Ordinance and Specific Plan. In accordance with State law, the eight-year planning period for the updated Housing Element will extend from 2023 to 2031. This is also referred to as the 6th Cycle Housing Element Update.

The City is updating its Housing Element to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories. On July 25, 2022, the City submitted a Draft Housing Element to the State Department of Housing and Community Development (HCD), which initiated a 90-day review period for HCD to evaluate the document and return any comments to the City. On October 21, 2022 the City received a letter from HCD with a list of revisions requested in order to comply with State law. The project team is currently reviewing and addressing the comments in preparation for an update on the project to the City Council, tentatively scheduled for December 6.

Regional Housing Needs Allocation

In addition to including goals, policies, and implementation programs concerning housing issues, housing elements must include an inventory or list of housing sites on which housing development is allowed at sufficient densities to accommodate a specific number of units at various levels of affordability. HCD sets a statewide number of units to be developed during the Housing Element planning period and allocates a share to each region of the state based on a variety of factors. In the Bay Area, the Association of Bay Area Governments (ABAG) determines how the regional assignment of housing units is divided among local jurisdictions. This assignment is referred to as the Regional Housing Needs Allocation (RHNA), and the City is required to demonstrate it can meet its RHNA by developing a site inventory in its Housing Element.

The City's current 5th Cycle Housing Element, adopted in 2014, provides sites sufficient to accommodate the 2015 RHNA allocation of 655 units, along with an appropriate "buffer." This means that the current Housing Element identifies enough land zoned at appropriate densities to accommodate the 2015 RHNA allocation. A buffer is necessary to ensure that if one or more of the identified sites are developed at lower densities than projected, or with non-housing uses, there is remaining capacity to provide an ongoing supply of sites for housing during the eight-year planning period of the Housing Element. If there were no buffer and an identified site developed with a non-housing project or at a density less than that anticipated in the Housing Element, then the City could be obliged to identify new sites and amend the Housing Element prior to the end of the cycle. It is considered more efficient and less disruptive to include a buffer amount of housing sites now versus undertaking a process to add more sites later.

The need for a substantial buffer is more important for the new 6th Cycle Housing Element Update because of "no net loss" provisions in the State's Housing Accountability Act. California State Senate Bill 166 (2017) requires that the land inventory and site identification programs in the Housing Element always include sufficient sites to accommodate unmet RHNA. This means that if a site is identified in the Housing Element as having the potential for housing development that could accommodate lower-income units towards meeting the RHNA but is developed with units at a higher income level, or at a lower density, or with non-housing uses, then the locality must either: 1) identify and rezone, if necessary, an adequate substitute site; or 2) demonstrate that the land inventory still contains enough substitute sites. An adequate buffer will help

ensure that the City remains compliant with these provisions without having to identify and rezone sites prior to the end of the planning period.

On December 16, 2021, ABAG adopted the Final RHNA, which distributed the regional housing need of 441,176 units across all local jurisdictions in the Bay Area, divided into different income levels. San Mateo County's 2021 Area Median Income (AMI) for a household of four persons is \$149,600. Income groups include “very low income” (less than 50% of AMI); “low income” (51-80% of AMI); “moderate income” (81-120% of AMI); and “above moderate income” (greater than 120% of AMI). Within the 6th Cycle Housing Element Update, the City is required to plan for its fair share allocation of housing units by income group. Table 1 shows the RHNA breakdown of required units in Menlo Park across the four income categories. The 5th Cycle RHNA and 6th Cycle RHNA with and without a 30 percent buffer are included for comparison.

| | Very Low Income (0-50% AMI) | Low Income (51-80% AMI) | Moderate Income (81-120% AMI) | Above Moderate Income (>120% AMI) | Total New Housing Units |
|--|--|--|--|---|--|
| 5 th Cycle RHNA | 233 | 129 | 143 | 150 | 655 |
| 6 th Cycle RHNA without buffer | 740 | 426 | 496 | 1,284 | 2,946 |
| 6 th Cycle RHNA with 30% buffer | 962 (740+222) | 554 (426+128) | 645 (496+149) | 1,669 (1,284+385) | 3,830 (2,946+884) |
| Note: The California Department of Housing and Community Development recommends a 15-30% buffer of additional housing units above the RHNA. Menlo Park’s 6 th Cycle RHNA is 3,388 (with 15% buffer) to 3,830 (with 30% buffer) total new housing units. | | | | | |

The total housing units required in the 6th Cycle RHNA are higher than the 5th Cycle RHNA in part because the Bay Area region’s overall allocation of 441,176 units from HCD is more than double the last Housing Element cycle’s allocation, which was approximately 189,000 units.

Based on HCD’s requirements, the City’s 6th Cycle Housing Element must identify housing sites for at least 2,946 units at specified levels of affordability (income limits/groups based on AMI, adjusted annually by HCD) plus a buffer of additional units at appropriate densities. The City will also need to rezone the identified sites, as necessary, to accommodate the new units and amend other elements of the General Plan to ensure that the General Plan as a whole remains consistent with the 6th Cycle Housing Element Update.

Future development on identified sites will be at the discretion of individual property owners and will be largely dependent on market forces and in the case of affordable housing, available funding and/or other incentives.

The Draft SEIR considers potential impacts of the 6th Cycle Housing Element Update as well as the associated Specific Plan, Zoning Ordinance, and General Plan amendments that would occur as part of implementation of the Housing Element.

Purpose of the General Plan Safety Element update

The Safety Element is also a state-mandated component of a General Plan. State law (SB 379) requires that it be updated as needed to address fire risk and climate adaptation and resiliency strategies. The Safety Element focuses on protection of the community from risks associated with climate change, earthquakes, floods, fires, toxic waste, and other hazards. The Safety Element is the means by which the City defines what measures will be undertaken to reduce potential risk of personal injury, property damage, and economic and social dislocation resulting from natural and human-made hazards. The project team is currently preparing a draft Safety Element update, which will be released for public review in the near future.

Purpose of the General Plan Environmental Justice Element

Recent changes in State law (SB 1000) require some jurisdictions to include policies related to environmental justice in their general plans. Accordingly, the City is preparing a new Environmental Justice Element concurrent with the updates to the Housing Element and Safety Element. The purpose of the Environmental Justice Element is to address the unique or compounded health risks in “Disadvantaged Communities” within a jurisdiction. Proposed measures could include, but are not limited to, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity. In addition, the element will serve to promote civic engagement in the public decision-making process and prioritize improvements and programs that address the needs of these communities. The project team is currently preparing a draft Environmental Justice Element, which will be released for public review in the near future.

Project overview

The project analyzed in the SEIR would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing, safety, and environmental justice that would apply citywide, and would address the maintenance, preservation, improvement, and development of housing in the city. General Plan amendments would also include conforming amendments to other elements of the General Plan that are necessary to ensure internal consistency.

In addition, as discussed above, the Housing Element identifies specific sites appropriate for the development of multifamily housing (in particular affordable units), and the City would rezone those sites and modify associated zoning districts as necessary to demonstrate that the City can meet its RHNA obligation. The list of existing and proposed sites that can accommodate development of multifamily housing includes sites across the city. These proposed sites are listed in Attachment A as “potential housing opportunity sites” for the Housing Element’s housing sites inventory, and represent the land use strategy outlined in the following sections. Locations of the potential housing opportunity sites are shown on the maps in Attachment B.

Pipeline projects

Adoption of the El Camino Real/Downtown Specific Plan in 2012, the fourth cycle RHNA in 2013, the 5th Cycle Housing Element in 2014, and the ConnectMenlo General Plan Update in 2016 enabled opportunities for over 5,000 new housing units in the city. Currently there are seven major residential projects in the “pipeline” as either approved or pending housing developments that would provide approximately 3,650 new units. These units, as well as smaller projects in the city, could potentially count towards Menlo Park’s RHNA requirement because the residential units will be completed after June 30, 2022.

Accessory dwelling units (ADUs)

HCD allows the City to determine an annual ADU production rate based on outcomes from 2018 to 2020. Between 2018 and 2020, Menlo Park produced an average of 10.6 units per year. At that rate, 85 units

could be anticipated during the 6th Cycle Housing Element planning period.

Net RHNA

The City’s RHNA will be met through a combination of strategies including pipeline projects, ADUs, and sites zoned for housing and/or mixed use developments. The latter strategies include existing sites and sites that will be rezoned to allow for residential uses and/or higher density housing. The net RHNA is what the City needs to plan for and is the focus of the land use scenario described in the next section. Table 2 provides a comparison of the total RHNA and the net RHNA, with a breakdown of the remaining number of housing units in each income category. Accounting for approved and pending pipeline projects (3,644 units) and the anticipated ADU production (85 units), the net RHNA (or net new units remaining to meet the City’s RHNA) is 1,490 units affordable to very low, low, and moderate income categories and zero (0) above moderate income, or “market rate,” units.

| Table 2: Net RHNA | | | | | |
|---|-------------------------|-------------------------|-------------------------|----------------|-------------------------------|
| | Very low | Low | Moderate | Above moderate | Total new housing units |
| | 0-50% AMI | 51-80% AMI | 81-120% AMI | >120% AMI | |
| Sixth cycle RHNA without buffer | 740 | 426 | 496 | 1,284 | 2,946 |
| 30% Buffer | 222 | 128 | 149 | 385 | 884 |
| 6 th cycle RHNA with 30% buffer | 962 | 554 | 645 | 1,669 | 3,830 |
| 6 th cycle RHNA credit | | | | | |
| Pipeline projects | 134 | 230 | 230 | 3,050 | 3,644 |
| Accessory dwelling units | 26 | 25 | 26 | 8 | 85 |
| Credit subtotal | 160 | 255 | 256 | 3,061 | 3,729 |
| Total net new units needed, without buffer considered | 580 (740-160) | 171 (426-255) | 240 (496-256) | | 991 (580+171+240) |
| Total net new units needed, with 30% buffer considered | 802 (962-160) | 299 (554-255) | 389 (645-256) | | 1,490 (802+299+389) |

Land use scenario

In addition to the pipeline projects and ADUs described above, the SEIR analyzes up to 4,000 net new housing units to allow the City to flexibly meet its RHNA during the upcoming planning period through any combination of 100 percent affordable housing projects, market-rate housing projects with required below market rate housing, and/or other projects with a mix of affordable and market-rate units to achieve the 1,490 affordable units in the City’s target net RHNA. The housing sites would be geographically dispersed throughout the city, primarily located in City Council Districts 2, 3, 4 and 5, and could be produced through a combination of rezoning and/or updates to the Zoning Ordinance and Specific Plan to increase residential densities and modify other development standards, based on the following general strategies:

- “Re-use” sites from the City’s current 5th Cycle Housing Element that were not developed with housing during the current planning period and allow “by right” development for projects that include at least 20 percent affordable units. Densities would allow at least 30 dwelling units per acre (du/ac) on these sites, and the maximum potential density may increase beyond 30 du/ac as part of additional zoning

refinements.

- Increase the permitted densities for sites within the Specific Plan area to allow at least 30 du/ac at the base level density and potential increases to the maximum bonus level density. The existing residential cap of 680 units would also be removed to allow for greater development potential in the Specific Plan area.
- Modify the affordable housing overlay (AHO; Menlo Park Municipal Code Chapter 16.98) to allow up to 100 du/ac for 100 percent affordable housing developments (meaning 100 percent of units would be available to low and very low-income residents) and a potential increase in densities for mixed-income developments where the percentage of affordable housing exceeds the City's Below Market Rate (BMR) requirement.
- Modify certain retail/commercial zoning districts to allow for residential uses and add or change other development standards to encourage the production of mixed-use developments (specifically in the C-1, C-1-A, C-1-C, C-2, C-2-A, C-2-B, C-2-S, C-4, and P zoning districts).
- Remove the 10,000 square-foot minimum lot size requirement for R-3 zoned properties located around downtown, which would allow all R-3 sites a density of up to 30 du/ac.

Zoning modifications to achieve the increased densities (such as floor area ratio, height, and/or others) may be refined based on additional public input and analysis and, in combination with the actions described above, would result in a theoretical capacity for housing production greater than the 4,000 net new housing units studied in the SEIR. However, 4,000 housing units represents a conservatively large “umbrella” of study for the purposes of environmental review and exceeds the amount of residential development anticipated over the eight-year planning period from 2023 to 2031. Further discussion on the proposed Zoning Ordinance and Specific Plan amendments is included in the study session section below.

CEQA review

A Draft SEIR 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 are thresholds 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 SEIR for the proposed project, which was released on November 4, 2022. The Draft SEIR is included through the hyperlink in Attachment C.

The SEIR is a Subsequent EIR to the City's 2016 General Plan EIR (State Clearinghouse Number 2015062054). The SEIR relies on and incorporates information contained in the 2016 General Plan Final EIR where that information remains relevant, and provides additional information and analysis where warranted. The SEIR is a Program EIR, as provided for in CEQA Guidelines Section 15168, studying the

programs and policies in the Housing Element Update but not specific housing development projects – which are not known at this time. Future discretionary actions that would be facilitated by the project’s adoption, such as the development of housing, would require additional assessment to determine consistency with the analysis and mitigation measures in the SEIR. Future discretionary projects would be subject to the mitigation measures and the performance criteria established in the SEIR, or as determined in a subsequent environmental document if it is found that future actions could result in environmental impacts not foreseen in the SEIR.

The November 14, 2022 Planning Commission meeting falls within the Draft SEIR comment period, which ends on Monday, December 19, 2022 and serves as a public hearing to receive comments from interested persons and the Planning Commission on the Draft SEIR. The CEQA process recognizes that a Draft SEIR may require corrections, modifications, and/or clarifications after release and review by responsible agencies and community members. As a result, comments are solicited on the substantive analysis provided in the Draft SEIR. Oral comments received during the public hearing and written comments received during the Draft SEIR comment period will be considered while preparing the Final SEIR for the proposed project. Responses to substantive comments on the Draft SEIR will be included in the Final SEIR.

Prior to development of the Draft SEIR, and in accordance with CEQA Guidelines, a Notice of Preparation (NOP) was released on December 23, 2021, beginning the SEIR process. The NOP is included via hyperlink in Attachment D. Following release of the NOP, the Planning Commission conducted a scoping session on January 24, 2022, to provide an opportunity early in the environmental review process for the Planning Commission and interested persons to provide comments and suggestions on the scope and content of the SEIR. That input was considered in preparing the Draft SEIR.

Analysis

Draft SEIR

Most potential CEQA topic areas were included in the Draft SEIR, including the following:

- Aesthetics
- Air quality
- Biological resources
- Cultural resources
- Energy
- Geology and paleontological resources
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology and water quality
- Land use and planning
- Noise and vibration
- Population and housing
- Public services and recreation
- Transportation
- Tribal cultural resources
- Utilities and service systems
- Wildfire

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 to be significant and were therefore not discussed in detail in the EIR.” Implementation of the project would not result in significant environmental impacts on agricultural and forestry resources or mineral resources. These issues are not analyzed in the Draft SEIR.

Impact analysis

For each of the analyzed topic areas, the Draft SEIR describes the existing conditions (including regulatory and environmental settings) and analyzes potential environmental impacts (noting the thresholds of significance and applicable methods of analysis for each topic). Impacts are considered both for the project individually, as well as cumulatively for the project in combination with other reasonably foreseeable probable future projects and cumulative growth. In addition to the 4,000 net new units studied in the SEIR based on proposed modifications to the Zoning Ordinance and Specific Plan, the SEIR also includes an update of the cumulative growth projections from the City’s 2016 General Plan EIR and assumes that an additional 299 housing units could be developed through the year 2040 because of the land use strategies described earlier in this report. These additional units are considered as part of the cumulative impact analyses for each topic area.

The Draft SEIR identifies and classifies the potential environmental impacts as:

- No Impact (NI)
- Less than Significant (LTS)
- Significant (S)
- Potentially Significant (PS)

Where a significant or potentially significant impact is identified, mitigation measures are considered to reduce, eliminate, or avoid the adverse effects. If a mitigation measure can reduce an impact below the threshold of significance, the impact is considered less than significant with mitigation. If a mitigation measure cannot reduce, eliminate, or avoid an impact, or reduce the impact below the threshold of significance, it is considered a significant and unavoidable impact. The following determinations are then applied to the impact:

- Less than Significant with Mitigation (LTS/M)
- Significant and Unavoidable (SU)

The Draft SEIR prepared for the project identifies less than significant effects and effects that can be mitigated to a less-than-significant level in all topic areas except air quality, cultural resources, and transportation. The Draft SEIR finds that impacts related to air quality, cultural resources, and transportation would be significant and unavoidable even with mitigation. The project would result in potentially significant impacts related to biological resources, geology and paleontological resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, and noise and vibration, but these impacts would be reduced to a less-than-significant level with implementation of identified mitigation measures. Impacts related to aesthetics, energy, hydrology and water quality, population and housing, public services and recreation, utilities and service systems, and wildfire would be less than significant and thus do not require the SEIR to identify mitigation measures. Attachment E includes Table 2-5 from the executive summary of the Draft SEIR for all impact areas and mitigation measures. A more detailed analysis of the proposed project’s impacts and associated mitigation measures by topic area, is provided in the Draft SEIR. Interested parties are encouraged to review specific topics of interest in the full Draft SEIR (hyperlinked in

Attachment C). Links to individual appendices and additional related documents are on the City-maintained project webpage (hyperlinked in Attachment F).

Significant and unavoidable impacts

While identified impacts for most topic areas can be mitigated to a less than significant level with mitigation measures, impacts related to air quality, cultural resources, and transportation remain significant and unavoidable even with the application of mitigation measures. CEQA Guidelines Section 15126.2(c) requires SEIRs to include a discussion of the significant environmental effects that cannot be avoided if the proposed project is implemented. More detailed analysis for each impact and associated mitigation measures (which should be applied even if unable to fully reduce the impact to less than significant) are included in the air quality (Chapter 4.2), cultural resources (Chapter 4.4), and transportation (Chapter 4.14) sections of the Draft SEIR.

Air quality impacts

Impact AQ-2: Projects that could be developed under the Housing Element Update project would result in criteria air pollutant emissions from construction (e.g., construction equipment exhaust and fugitive dust from earthmoving) and operations (e.g., landscape maintenance and painting). These emissions cannot be quantified without specific details about future potential developments, such as construction schedules and equipment that would be needed to construct buildings. Despite Mitigation Measure AQ-2, which would require each residential development project that exceeds screening sizes in the Bay Area Air Quality Management District's (BAAQMD's) CEQA Air Quality Guidelines to prepare a quantitative analysis and implement emission reduction measures if necessary, individual large projects with substantial ground disturbance, compressed construction schedules, or other distinctive circumstances may exceed emissions significance thresholds. Due to the uncertainty and lack of detail about specific developments that may result from implementation of the Housing Element Update, at this time criteria pollutant emissions from construction and operation of subsequent projects are conservatively deemed significant and unavoidable even with mitigation.

Cultural resources impacts

Impact CR-1: Housing development that may occur under the Housing Element Update could result in the demolition or significant alteration of historical resources, which would be considered a substantial adverse change in the significance of the resources. Mitigation Measures CR-1a through CR-1c would require the identification and documentation of historical resources, but the mitigations would not fully reduce adverse changes to a less than significant level if the resources were permanently lost. As a result, the impact would be significant and unavoidable with mitigation.

Impact CR-4: Future development under the Housing Element Update, as well as other development within the city, could potentially impact architectural historic resources. The cumulative effect of future development would be the continued loss of significant architectural historic resources. Potential future development beyond the Housing Element Update increases the likelihood that additional architectural historic resources could be lost. The loss of these resources would result in a significant impact and impacts associated with the Housing Element Update would be cumulatively considerable. Mitigation Measures CR-1a through CR-1c would reduce the severity of the impact, but the cumulative effect would remain significant and unavoidable.

Transportation impacts

Impact TRANS-1: The ConnectMenlo EIR found that development potential under ConnectMenlo would generate new bicyclists and pedestrians, and that implementation of ConnectMenlo and other City standards and regulations would provide for an integrated network of bicycle and pedestrian facilities.

However, since much of the anticipated development under ConnectMenlo would occur in the Bayfront area, including properties that are not adequately connected to the pedestrian and bicycle network citywide and properties that lack continuous sidewalks, the ConnectMenlo EIR found that implementation of ConnectMenlo would not provide adequate bicycle or pedestrian facilities. Mitigation Measure TRANS-6a was provided to update the City's transportation impact fee (TIF) to secure a funding mechanism for future bicycle and pedestrian improvements to mitigate impacts from future projects. However, the required nexus study had not yet been prepared and the City could not guarantee the improvements, so the impact was considered significant and unavoidable. Subsequently, the City's TIF program was updated and approved by the City Council and the Transportation Master Plan was approved on November 17, 2020. However, the identified bicycle and pedestrian improvements would not be fully funded by the TIF and the ConnectMenlo impact would remain. While most of the Housing Element Update's potential units would be developed south of US-101, the units located north of US-101 would contribute to the impact identified in the ConnectMenlo EIR and it would remain significant and unavoidable.

Impact TRANS-2: For the Housing Element Update project, the City's Transportation Impact Analysis (TIA) Guidelines adopted in June 2020 and updated in January 2021 do not outline any thresholds for a program-level analysis. For the Housing Element Update SEIR, the Housing Element Update is assumed to generate a significant vehicle miles travelled (VMT) impact if buildout of the Housing Element Update would cause the citywide average residential VMT per capita to increase beyond the existing baseline citywide average VMT per capita. The citywide travel demand forecast model, using 2021 as the base year for analysis, estimated the citywide average residential VMT as 12.18 home-based VMT per capita (person). With the addition of the Housing Element Update, the average citywide home-based VMT is estimated to fall to 11.74 per capita, and thus the impact would be less than significant. This likely is because many of the Housing Element Update units would be located within close proximity to the Menlo Park Caltrain station, and/or could take advantage of the complementary land uses in the downtown area to reduce vehicular trips and vehicular trip length, both of which reduce VMT.

However, future individual development projects allowed by the Housing Element Update that are subject to additional review may require a separate, project-specific VMT analysis. (Certain residential development projects are exempt from the City's TIA Guidelines and are able to "screen out of" a VMT analysis, such as those with fewer than 100 vehicle trips per day, projects located in a low VMT area, and others as described on page 4.14-22 of the Draft SEIR.) For applicable projects, the project-specific VMT analysis, which would be based on characteristics of each proposed project and its location, may result in a project exceeding the VMT significance threshold criteria of achieving 15 percent below the regional average VMT per capita indicated in the City's TIA Guidelines, particularly for housing sites that have limited access to transit. For this reason, the impact of the Housing Element Update is conservatively considered potentially significant, requiring mitigation. Despite Mitigation Measure TRANS-2, which would implement VMT reduction measures such as transportation demand management (TDM), the effectiveness of those measures cannot be determined to reduce an individual project's VMT impact to a less than significant level without knowing the specific characteristics of a project. As a result, the impact is conservatively considered significant and unavoidable with mitigation.

Impact TRANS-5: As outlined in the discussion for Impact TRANS-1, the ConnectMenlo Final EIR identified significant and unavoidable impacts for pedestrian, bicycle, and transit facilities due to the lack of funding for necessary improvements, an impact that would also occur with the Housing Element Update. Under cumulative conditions, the city would experience growth associated with ConnectMenlo and the Housing Element Update that is above and beyond the ConnectMenlo housing totals. No additional funding for necessary transportation improvements has been identified, and therefore the cumulative impact on pedestrian, bicycle, and transit facilities would also be significant and unavoidable.

Impact TRANS-6: Although the citywide residential VMT per capita under cumulative plus Housing Element Update scenario would be lower than the 2021 baseline, and therefore, the Housing Element Update program would generate a less than significant cumulative VMT impact, as discussed under Impact TRANS-2, the SEIR also considers the potential for impacts associated with individual future developments allowed by the Housing Element Update. Not all future individual development proposals under the Housing Element Update would be able to screen out of a VMT analysis. Those that could not be screened out would require a separate project-specific VMT analysis once the project characteristics and location are known. The results of that analysis could exceed the VMT criteria. For this reason, the cumulative impact of the Housing Element Update is conservatively considered potentially significant. As with Impact TRANS-2, Mitigation Measure TRANS-2 cannot be determined to reduce future individual projects' VMT to a less than significant level, and the impact would conservatively remain cumulatively significant and unavoidable with mitigation.

Project alternatives

The CEQA Guidelines require study of a reasonable range of alternatives to the proposed project. A "reasonable range" includes alternatives that could feasibly attain most of the project's basic objectives, while avoiding or substantially lessening any of the significantly adverse environmental effects of the project. A SEIR does not need to consider every conceivable alternative to a project, but it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Section 15126.6(e) of the State CEQA Guidelines requires the evaluation of a No Project Alternative. Other alternatives may be considered during preparation of the SEIR that will comply with the State CEQA Guidelines.

The Draft SEIR alternatives analysis focuses on potential alternatives to reduce and/or eliminate the significant and unavoidable impacts associated with transportation. Potential alternatives that might reduce impacts related to air quality and cultural resources were not considered because they were deemed to run counter to the objectives of the Housing Element Update because they would substantially reduce or restrict potential housing developments. The Draft SEIR includes the two alternatives listed below. For a summary and list of the alternatives considered but rejected, please review Chapter 5: Alternatives in the Draft SEIR.

1. **No Project Alternative:** This alternative assumes that the proposed Housing Element Update would not be adopted and that the goals and policies within the existing Housing Element would remain unchanged. An update of the General Plan's Safety Element, preparation and adoption of a new Environmental Justice Element, and conforming amendments to other elements of the General Plan would not occur under this alternative. Housing opportunity sites and land use strategy sites proposed as part of the Housing Element Update to meet the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance and Specific Plan, would not occur under this alternative. However, approved and pending development and continued ADU development would be assumed to proceed under this alternative. In addition, residential development within the city would continue to be directed and governed in the manner that it is currently pursuant to the City's General Plan, Zoning Ordinance, and Specific Plan in their present form.
2. **Low VMT Area Alternative:** This alternative would concentrate all residential zoning density increases associated with the proposed Housing Element Update to areas of the city that lie within a designated Priority Development Area (PDA), along with adjoining areas of the city that have been identified as generating low VMT (as shown in Attachment G). Generally, these areas are close to quality transit facilities and already are developed at relatively high densities. By concentrating all Housing Element Update development within the low VMT area, the City could potentially meet its RHNA obligations and

also reduce the adverse VMT impacts of the project.

Table 5-2 from the Draft SEIR (Attachment H) contains a comparison of the impacts of the Housing Element Update project to the project alternatives. The No Project Alternative and the Low VMT Area Alternative both would be environmentally superior alternatives with the fewest environmental impacts; however, the No Project Alternative could result in the need to develop housing further from the city, and could thus contribute to greater regional impacts related to air quality, greenhouse gas emissions, and VMT. Regardless, the No Project Alternative would not meet any of the basic objectives of the project, nor is it legally feasible to adopt and implement because of the State's RHNA requirement. State CEQA Guidelines Section 15126.6(e)(2) states that when the No Project Alternative is identified as the environmentally superior alternative, the SEIR must also identify an environmentally superior alternative from among the other alternatives. Therefore, the Low VMT Area Alternative would be the environmentally superior alternative for the purpose of this analysis.

Under the Low VMT Area Alternative, significant and unavoidable impacts TRANS-2 and TRANS-6 would no longer occur, but the other significant and unavoidable impacts described earlier in this report would remain. While the Low VMT Alternative would potentially reduce VMT based on the alternative's location within a PDA and low VMT area, impacts related to aesthetics, land use, noise, public services, utilities, and transportation infrastructure would be more severe than the Housing Element Update as proposed because it would concentrate more intensive housing development in that portion of the city. While it cannot be stated with certainty whether these effects would be significantly adverse and unavoidable, the overall effect would be greater than the Housing Element Update as currently proposed, which would tend to distribute these effects over a broader area.

SEIR next steps

The comment period for the Draft SEIR is open through December 19, 2022. After the Draft SEIR comment period ends, the environmental consultant will review and respond to all substantive comments received in what is referred to as a "Response to Comments" document or Final SEIR. The Final SEIR will be circulated a minimum of 10 days prior to the Planning Commission's review and recommendation on the Final SEIR and associated actions, to allow for public review and comments prior to the public hearings by the Planning Commission and City Council. The SEIR must be certified by the City Council before final actions can be taken on the proposed project. Certification of the Final SEIR does not require that the City Council approve the project.

Study session

For a general overview of the Housing Element Update project, please see the Background section of this staff report. The following sections provide an introduction to potential modifications to the Zoning Ordinance and Specific Plan that could provide the capacity for up to 4,000 net new housing units on housing opportunity sites and in zoning districts identified in Chapter 7: Site Inventory and Analysis of the draft Housing Element (hyperlinked in Attachment I). The proposed zoning modifications are also outlined in the Land Use Strategies section of this report.

Introduction to proposed Specific Plan changes

In the Specific Plan area, the densities of certain zoning subdistricts are proposed to be modified with a minimum permitted density of 30 dwelling units per acre (du/ac) or more, which HCD has deemed appropriate to accommodate housing for lower income households. The density increases would assist the City in demonstrating zoning capacity to meet its 6th Cycle RHNA with a buffer (as described earlier in this report). The permitted base and bonus floor area ratios (FAR) and heights may also be increased to correspond with the increased densities. The intent of the increased FARs and heights would be to make

residential development at the increased densities feasible in the Specific Plan area (Program H4.L of the draft Housing Element), and to promote a variety of unit sizes including those designed for larger families (Program H3.L of the draft Housing Element). Table 3 shows the existing and proposed residential densities in du/ac for the applicable Specific Plan subdistricts. A map and table of the subdistricts and their existing densities and FARs is included as Attachment J.

| Subdistrict | Existing Base Density | Proposed Base Density | Existing Bonus Density | Proposed Bonus Density |
|--|------------------------------|------------------------------|-------------------------------|-------------------------------|
| Downtown (D) | 25 | 40 | 40 | 60 |
| Downtown Adjacent (DA) | 18.5 | 30 | 25 | 50 |
| El Camino Real North-East (ECR NE) | 25 | 30 | 40 | 50 |
| El Camino Real North-East Low Density (ECR NE-L) | 20 | 30 | 30 | 40 |
| El Camino Real North-West (ECR NW) | 25 | 30 | 40 | 50 |
| Station Area East (SA E) | 50 | 50 | 60 | 80 |
| Station Area West (SA W) | 50 | 50 | 60 | 80 |
| El Camino Real South-West (ECR SW) | 25 | 30 | 40 | 50 |

Note: Density, FAR, and height would remain as-is for the ECR SE and ECR NE-R subdistricts.

As an example of potential modifications to zoning standards of the Specific Plan subdistricts above, staff has prepared examples for two of the subdistricts, Downtown and El Camino Real North-East Low Density, which are described in the following sections.

Downtown subdistrict

For the Downtown subdistrict, the project team proposes to maintain the existing base FAR of 2.00 and the public benefit bonus FAR of 2.25. In this subdistrict, the focus would remain on keeping retail uses at the ground floor and the opportunity for other non-residential uses throughout new developments to promote a vibrant downtown for existing and new residents. To encourage more residential development, units with higher bedroom counts for larger families, and more for-sale units, an increase in FAR tentatively called the “step up” base and public benefit bonus FAR would be offered to developers who provide between 50 percent and 65 percent of the overall building FAR toward residential uses and one of the following options: a) a minimum 50 percent of units with two or more bedrooms including 5 percent of units with three or more bedrooms, or b) all for-sale units. The step up base FAR would be 2.40 and the step up public benefit bonus FAR would be 3.00. An average residential net unit size for buildings using the step up FAR would be approximately 1,000 square feet; otherwise unit sizes may vary. The maximum building height would increase from 38 feet to 50 feet for buildings with 20 to 40 du/ac and 60 feet for buildings with 40 to 80 du/ac. The height of a building façade along public rights of way and other public spaces would increase from 30 feet to 38 feet for buildings with 20 to 40 du/ac. This approach would allow taller residential or mixed use buildings than currently exist in the Downtown subdistrict, but preserve a stepback in height to reduce the massing of new buildings. Table 4 compares the existing and proposed FAR and heights for the Downtown subdistrict.

Table 4: Select Existing and Proposed Development Standards for Downtown Subdistrict

| Development Standard | Existing | Proposed |
|--|----------|-------------------------------|
| Maximum Base FAR | 2.00 | 2.00 |
| Maximum Public Benefit Bonus FAR | 2.25 | 2.25 |
| Maximum Step Up Base FAR | N/A | 2.40* |
| Maximum Step Up Public Benefit Bonus FAR | N/A | 3.00* |
| Base Residential Density | 25 du/ac | 20 du/ac min. / 40 du/ac max. |
| Public Benefit Bonus Residential Density | 40 du/ac | 20 du/ac min. / 60 du/ac max. |
| Maximum Building Height | 38 ft | 50-60 ft** |
| Maximum Public Façade Height | 30 ft | 38 ft |

*Step up FAR would be available to developments that provide between 50 percent and 65 percent of the overall building FAR toward residential uses and one of the following options: a) a minimum 50 percent of units with two or more bedrooms including 5 percent of units with three or more bedrooms, or b) all for-sale units.
**The maximum height for buildings with a residential density of 20 to 40 du/ac would be 50 feet. For buildings with a density over 40 du/ac, 60 feet would be the maximum.

El Camino Real North-East Low Density subdistrict

For the El Camino Real North-East Low Density subdistrict, the project team proposes to maintain the existing base FAR of 0.75 and the public benefit bonus FAR of 1.10. However, a step up base FAR of 1.25 and a step up public benefit bonus FAR of 1.55 would be available to developments that meet similar residential FAR and unit type requirements as described for the Downtown subdistrict. An average residential net unit size for buildings using the step up FAR would be approximately 1,000 square feet; otherwise unit sizes may vary. The maximum height for developments that include 20 to 30 du/ac would increase from 38 feet to 40 feet for buildings with flat roofs or 44 feet for buildings with pitched roofs of 3:12 or greater. Buildings with residential densities greater than 30 du/ac would be permitted heights up to 50 feet for flat roofs or 54 feet for pitched roofs of 3:12 or greater. The height of building façades on all sides would remain at the current 30 feet to provide a more gradual transition to the small-scale commercial and lower-density residential development typical at the periphery of the El Camino Real North-East Low Density subdistrict. Table 5 compares the existing and proposed FAR and heights for the El Camino Real North-East Low Density subdistrict.

Table 5: Select Existing and Proposed Development Standards for El Camino Real North-East Low Density Subdistrict

| Development Standard | Existing | Proposed |
|--|----------|-------------------------------|
| Maximum Base FAR | 0.75 | 0.75 |
| Maximum Public Benefit Bonus FAR | 1.10 | 1.10 |
| Maximum Step Up Base FAR | N/A | 1.25* |
| Maximum Step Up Public Benefit Bonus FAR | N/A | 1.55* |
| Base Residential Density | 20 du/ac | 20 du/ac min. / 30 du/ac max. |
| Public Benefit Bonus Residential Density | 30 du/ac | 20 du/ac min. / 40 du/ac max. |
| Maximum Building Height | 38 ft | 40-54 ft** |

| Maximum Public Façade Height | 30 ft | 30 ft |
|--|-------|-------|
| *Step up FAR would be available to developments that provide more than 50 percent of the overall building FAR toward residential uses and one of the following options: a) a minimum 50 percent of units with two or more bedrooms including 5 percent of units with three or more bedrooms, or b) all for-sale units. **The maximum height for developments that include 20 to 30 du/ac would be 40 feet for buildings with flat roofs or 44 feet for buildings with pitched roofs of 3:12 or greater. Buildings with residential densities greater than 30 du/ac would be permitted heights up to 50 feet for flat roofs or 54 feet for pitched roofs of 3:12 or greater. | | |

Other Specific Plan subdistricts

The project team will utilize feedback from the Planning Commission study session to revise development standards for the Downtown and El Camino Real North-East Low Density subdistricts, as necessary, and develop new standards for the remaining six subdistricts in Table 3. In general, it is anticipated that the Station Area East and Station Area West subdistricts may offer proportionally larger step up base and public benefit bonus FARs and taller heights than the Downtown subdistrict, given the proposed densities between 60 and 80 du/ac for those districts. The El Camino Real North-East, El Camino Real North-West, and El Camino Real South-West subdistricts would likely have step up base and public benefit bonus FARs and heights similar to the El Camino Real North-East Low Density subdistrict, since they would also have densities between 30 and 40 du/ac.

Specific Plan-wide changes

In addition to modifying the zoning standards of certain subdistricts, the following changes would be made across the entire Specific Plan:

- The limit of 680 new residential units in the Specific Plan area would be removed, and Chapter G: Implementation of the Specific Plan would be updated accordingly.
- For all of the Specific Plan subdistricts, a minimum density of 20 du/ac would be established to set a common floor for the amount of housing to be developed on any site.
- Finally, the minimum parking rate for residential uses in the Specific Plan area would potentially be removed or reduced from the current requirement of one space per unit, and a new maximum parking rate per unit would be established. The project team is refining the proposed rates for future discussion.

Other considerations for sites near major transit stops

When considering proposed changes to the Specific Plan densities and heights, it should be noted that a recent State housing law, AB 1763, would allow projects that are 100 percent affordable to low and very low income residents and sited within one-half mile of a major transit stop to have unlimited density and a height increase of up to three stories or 33 feet. The Menlo Park Caltrain station is considered a major transit stop and future projects meeting the necessary criteria could utilize these provisions and exceed the proposed maximum density and height for an applicable site.

Another State housing law, AB 2097, was recently signed by Governor Newsom and would generally prohibit local jurisdictions from imposing any minimum automobile parking requirement on any residential, commercial, or other development project located within one-half mile of major transit stops, except in special circumstances that would require written findings and evidence of substantial negative impacts from a lack of parking for a project. For developments that are eligible and choose to utilize the provisions of AB 2097, no parking would be required.

Introduction to proposed Zoning Ordinance changes

As described in Chapter 7 of the draft Housing Element and outlined in the Land Use Strategies section of this report, the City is pursuing opportunities for additional housing by modifying the zoning standards of the zoning districts in which the 69 sites listed in the draft Housing Element housing inventory are located. In particular, a land use strategy was included to modify the Zoning Ordinance to permit residential and mixed

use developments in certain zoning districts that currently primarily or exclusively allow for commercial development. (One of the zoning districts included in this strategy, C-2-S, does allow mixed-use development, but at a density less than 30 du/ac.) The commercial zoning districts would be modified to allow residential uses with densities up to 30 du/ac, either through redevelopment of the entire site or through “carveouts” intended to maintain existing commercial buildings while adding new housing on vacant spaces or large surface parking areas on a site.

Commercial zoning districts

Table 6 lists the commercial zoning districts that may be modified, their current residential densities (if any), and proposed residential densities. The C-2-B district, a mixed use zoning district that allows residential development up to 30 du/ac, is provided in italics for reference.

| Table 6: Commercial Districts Existing and Proposed Residential Densities (in du/ac) | | |
|--|------------------|------------------|
| District | Existing Density | Proposed Density |
| Administrative and Professional, Restrictive (C-1) | N/A | 30 |
| Administrative and Professional (C-1-A) | N/A | 30 |
| Administrative, Professional and Research, Restrictive (C-1-C) | N/A | 30 |
| Neighborhood Shopping (C-2) | N/A | 30 |
| Neighborhood Shopping, Restrictive (C-2-A) | N/A | 30 |
| <i>Neighborhood Mixed Use, Restrictive (C-2-B)</i> | 30 | 30 |
| Neighborhood Commercial, Special (C-2-S) | 18.5 | 30 |
| General Commercial (C-4) | N/A | 30 |
| Parking (P) | N/A | 30 |

As mentioned, the C-2-B district does allow residential development at 30 du/ac and its basic zoning regulations for residential or mixed use development are as follows:

- The FAR for multiple dwelling units shall increase on an even gradient up to 0.90 for 30 du/ac;
- The FAR for mixed residential and commercial developments shall not exceed 1.00; and
- Height of structures shall not exceed 30 feet, except for a mixed use structure, which shall not exceed 40 feet.

Although specific zoning standards related to FAR and height have not been set for the commercial districts, in general, staff believes that the standards of the C-2-B district are an appropriate starting point to develop residential zoning regulations for the other districts.

Affordable Housing Overlay zone

The existing Affordable Housing Overlay (AHO) zone (Chapter 16.98 of the Zoning Ordinance, hyperlink Attachment K) was originally created by the City to encourage the development of affordable units for low, very low, and extremely low income households at greater percentages than permitted by the State’s density bonus law (hyperlink Attachment L) by allowing more generous density bonuses. The AHO currently applies to properties in the Specific Plan area and certain properties zoned R-4-S (AHO).

The original state density bonus law went into effect in 1979 and permitted a maximum bonus of 35 percent for developments with:

- 11 percent or more of the total units for very low income households; or

- 20 percent or more of the total units for low income households; or
- 40 percent or more of the total units for moderate income households.

For comparison, the AHO offers a maximum bonus of up to 60 percent for developments with:

- 12 percent or more of the total units for very low income households; or
- 21 percent or more of the total units for low income households; and
- At least 25 percent of units must be very low and/or extremely low income units, or at least 15 percent of units must be extremely low income units.

A more detailed explanation of the requirements and additional qualifications is provided in Chapter 16.98.020 of the Zoning Ordinance.

In 2021, the state density bonus law was modified (AB 2345) to offer density increases up to 50 percent and enhanced incentives for developments with:

- 15 percent or more of the total units for very low income households; or
- 24 percent or more of the total units for low income households; or
- 44 percent or more of the total units for moderate income households.

For developments that are 100 percent affordable to low and very low income households, the state density bonus law offers density increases up to 80 percent per AB 1763 (2019). If a project is within one half mile of a major transit stop, AB 1763 also eliminates restrictions on density and allows a height increase of up to three stories or 33 feet.

As a result, in some cases the City's AHO is no longer as competitive with the state density bonus law in generating potential affordable units and consequently, developers may find the State's density bonus law more attractive. Projects that utilize the state density bonus law can request up to four concessions, depending on the percentage of affordable units in the proposed development, and can also ask for waivers of development standards, such as setbacks or open space requirements, in order to achieve the permitted density. The City's AHO provides flexibility for proposed developments that offer affordable units, but also sets more specific zoning standards to address façade heights, setbacks, and other site factors.

To assist the City in meeting its RHNA and creating a more robust AHO (draft Housing Element Program H4.D), application of the AHO would be expanded to include all 6th Cycle RHNA housing opportunity sites, in addition to the current sites and Specific Plan Area. Whereas the AHO is currently designed to work alone as an alternative to the state density bonus, the AHO would be modified to work in combination with the updated state density bonus law on a site, if a developer desired to apply both. The AHO density bonus for any applicable site would be set at 55 du/ac minus the base density of the underlying zoning for the site, which would have the following effect:

- For developments that qualify for the updated maximum state density bonus of 50 percent, the combined AHO and state density bonuses would yield a development with a total density of up to 83 du/ac.
- For 100 percent affordable developments that qualify for the updated state density bonus of 80 percent, the combined AHO and state density bonuses would yield a development with a total density of up to 99 du/ac.

The income categories and affordable unit percentages for developments that would be eligible to use the AHO would be updated to reflect the changes in the 2021 state density bonus law, but would generally focus on providing bonuses for including low, very low, and extremely low income units on a sliding scale,

similar to the current AHO. Table 7 provides an example of how the updated AHO would apply for a theoretical 100 percent affordable development on a one-acre C-1 zoned parcel with an 80 percent state density bonus.

Table 7: Example AHO Application to C-1 Zoned Parcel with 80 Percent State Density Bonus

| Acres | Max Density | Max Base Units | AHO Density Bonus | AHO Bonus Units | Base Units + AHO Bonus Units | 80% State Density Bonus Units | Total Units | Total Density |
|-------|-------------|----------------|-------------------|-----------------|------------------------------|-------------------------------|-------------|---------------|
| (A) | (B) | A*B=(C) | 55-B=(D) | A*D=(E) | C+E=(F) | F*.80=(G) | F+G=(H) | H/A=(I) |
| 1.0 | 30 du/ac | 30 units | 25 du/ac | 25 units | 55 units | 44 units | 99 units | 99 du/ac |

Other zoning ordinance modifications

In addition to modifying the commercial and mixed use zoning districts as described above, the following changes would be made to the Zoning Ordinance:

- The 10,000 square-foot minimum lot size requirement for R-3 zoned properties located around downtown would be removed, and all R-3 sites would be able to develop at a density of up to 30 du/ac.
- An overlay district would be developed for “carveout” development on certain housing opportunity sites included in the City’s 6th Cycle RHNA housing inventory. The intent of the overlay would be to allow housing development of one or two acres that could be located anywhere on the applicable parcels.

Planning Commission considerations

The following key topics are provided by staff for the Planning Commission’s consideration. The Commission should use the study session as an opportunity to review the proposed zoning changes, receive public comment, and ask clarifying questions.

- Zoning standards for proposed Specific Plan subdistricts
- Reduced parking minimums and a new parking maximum in the Specific Plan area
- Use of C-2-B zoning standards as model to develop modified commercial districts’ standards
- AHO modifications to achieve increased densities for affordable housing

Next Steps

Following feedback from the Planning Commission, staff will further develop the proposed Zoning Ordinance and Specific Plan area modifications and create detailed ordinances, which would be reviewed at future Planning Commission and City Council meetings tentatively planned for January 2023.

Correspondence

As of the writing of this report, staff has not received any correspondence on the Draft SEIR or the study session items. All substantive comments received on the Draft SEIR during the 45-day public review period will be included and addressed as part of the Final SEIR.

Impact on City Resources

As part of the fiscal year 2020-21 budget, the City Council appropriated \$1.5 million from the general fund to support the Housing Element Update (including preparation of the SEIR), which is a City Council priority.

Environmental Review

A Draft SEIR has been prepared for the Housing Element Update project. Following the close of the 45-day comment period, the project team will consider and respond to substantive comments received on the Draft SEIR and compile a response to comments document. Repeated comments may be addressed with one main response, and portions of the SEIR may be revised in ~~strike through~~ (deleted text) and underline (new text) format, as needed. Once the responses and revisions are complete, the Final SEIR will be released, consisting of the response to comments document and the Draft SEIR. The Final SEIR will be considered by the City Council for certification in compliance with CEQA, with the Planning Commission providing a recommendation prior to the final project actions.

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.

Attachments

- A. Housing opportunity sites list
- B. Housing opportunity sites map
- C. Hyperlink Draft SEIR: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/menlo-park-housing-element-update-draft-seir.pdf>
- D. Hyperlink Notice of Preparation: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/housing-element-update-nop.pdf>
- E. Summary of impacts and mitigation measures table
- F. Hyperlink Project web page: <https://menlopark.gov/housingelement>
- G. Low VMT area alternative map
- H. Alternative impact summary and comparison table
- I. Hyperlink Draft Housing Element: <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/menlo-park-2023-2031-housing-element-primary-hcd-review-draft.pdf>
- J. Map and table of Specific Plan subdistrict FARs and densities
- K. Hyperlink Zoning Ordinance Chapter 16.98: Affordable Housing Overlay: <https://www.codepublishing.com/CA/MenloPark/#!/MenloPark16/MenloPark1698.html#16.98>
- L. Hyperlink state density bonus law: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65915

Report prepared by:
Tom Smith, Principal Planner

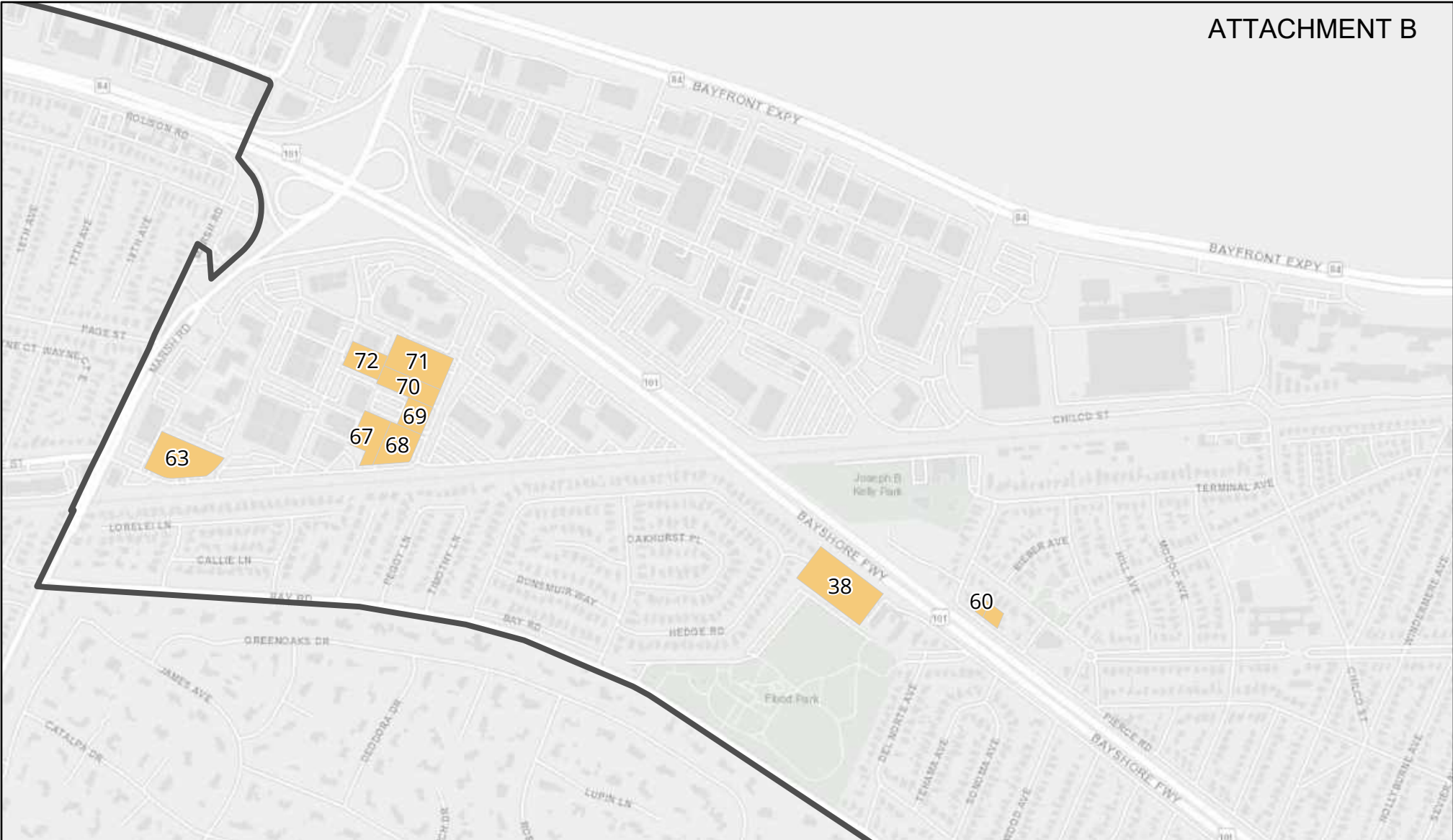
Report reviewed by:
Corinna Sandmeier, Acting Principal Planner
Ed Shaffer, Assistant City Attorney
Deanna Chow, Assistant Community Development Director

Figure 3. Potential Housing Opportunity Sites List

| Housing Opportunity Sites List | | | |
|--------------------------------|--|--|-------------------|
| Site Label | Address | Assessor's Parcel Number(s) | Zoning District |
| 1 | 525 El Camino Real | 071332130 | SP-ECR-D: SW |
| 2(R) | 1620 El Camino Real | 060344250; 060344240 | SP-ECR-D: NE-L |
| 3 | 2500 Sand Hill Road | 074270240; 074270250 | C-1-C |
| 4 | 2400-2498 Sand Hill Road | 074270280; 074270260; 074270170 | C-1-C |
| 5(R) | 1100 Alma Street | 061412440; 061412430 | SP-ECR-D: SA E |
| 6 | 900 Santa Cruz Avenue | 071084220; 071084200; 071084090; 071084110; 071084100 | SP-ECR-D: DA |
| 7 | 728 Willow Avenue | 062202050; 062202060; 062202210; 062202060 | C-4 |
| 8 | 906 Willow Road | 062211170; 062211180; 062211050 | C-4; R-3 |
| 9 | Between Chestnut and Curtis | 071284100; 071284080 | SP-ECR-D: D |
| 10 | Between Crane and Chestnut | 071283140; 071283050 | SP-ECR-D: D |
| 11 | 325 Sharon Park Drive | 074283100; 074283090; 074283040 | C-2 |
| 12 | 345 Middlefield Road | 062421070; 062390700 | P-F |
| 13(C) | 1105 Valparaiso Avenue | 071071070 | R-E |
| 14 | Lot between El Camino Real and Chestnut on west side of Santa Cruz | 071102400 | SP-ECR-D: D |
| 15 | Lot between University and Crane on west side of Santa Cruz | 071092290 | SP-ECR-D: D |
| 16 | Lot between Evelyn and Crane | 071281160 | SP-ECR-D: D |
| 17 | Lot between Curtis and Doyle | 071285160 | SP-ECR-D: D |
| 18 | Lot behind Draeger's | 071273160 | SP-ECR-D: D |
| 19 | Lot off Oak Grove | 071094180 | SP-ECR-D: D |
| 20 | 275 Middlefield Road | 062422120 | C-1 |
| 21 | 350 Sharon Park Drive | 074281110; 074281120 | R-3-A(X) |
| 22 | 85 Willow Road | 062422080 | C-1 |
| 23 | 200 Middlefield Road | 062271540 | C-1 |
| 24 | 250 Middlefield Road | 062271010 | C-1 |
| 25 | 8 Homewood Place | 062421010 | C-1 |
| 26 | 401 Burgess Road | 062390170 | C-1-A |
| 27 | 570 Willow Road | 062370420 | C-4 |
| 28 | 2200 Sand Hill Road | 074283070 | C-1(X) |
| 29 | 445 Burgess Drive | 062390200 | C-1-A |
| 30 | 720 Menlo Avenue | 071284110 | SP-ECR-D: D |
| 31 | 800 Oak Grove Avenue | 071091520 | SP-ECR-D: DA |
| 32 | 930 Santa Cruz Avenue | 071084140 | SP-ECR-D: DA |
| 33 | 1008 University Drive | 071274140 | SP-ECR-D: DA |
| 34 | 707 Menlo Road | 071288610 | SP-ECR-D: DA |
| 35 | 1300 University Drive | 071091310 | SP-ECR-D: DA |
| 36 | 1377 El Camino Real | 071103490 | SP-ECR-D: ECR NW |
| 37 | 801-877 El Camino Real | 071331180 | SP-ECR-D: ECR SW |
| 38 | 300 Sheridan Drive | 055303110 | R-1-U |
| 39(C) | 2250 Avy Avenue | 074351100 | R-1-S |
| 40(C) | 2650 Sand Hill Road | 074260740 | R-1-S |
| 41 | 431 Burgess Drive | 062390190 | C-1-A |
| 42 | 425 Burgess Drive | 062390180 | C-1-A |
| 43(R) | 1133-1159 El Camino Real | 071102130 | SP-ECR-D: SA W |
| 44(R) | 1436 El Camino Real | 061422350 | SP-ECR-D: ECR NE |
| 46(R) | 796 Live Oak Avenue | 071288560 | R-3 near SP-ECR/D |
| 47 | 555 Willow Road | 062285300 | R-3 |
| 48(R) | 700 El Camino Real | 071333200 | SP-ECR-D: ECR SE |
| 49 | 2700-2770 Sand Hill Road | 074260750 | C-1-A |

Housing Opportunity Sites List

| Site Label | Address | Assessor's Parcel Number(s) | Zoning District |
|------------|-----------------------|-----------------------------|-----------------|
| 50 | 600 Sharon Park Drive | 074282070; 074282090 | R-3-A(X) |
| 51 | 959 El Camino Real | 071288570 | SP-ECR-D |
| 52 | 1246 El Camino Real | 061430070 | SP-ECR-D |
| 53(R) | 1189 El Camino Real | 071102350 | SP-ECR-D |
| 54(R) | 607 Menlo Avenue | 071288190 | SP-ECR-D |
| 55(R) | 1161 El Camino Real | 071102390 | SP-ECR-D |
| 56(R) | 1179 El Camino Real | 071102370 | SP-ECR-D |
| 57 | 761 El Camino Real | 071332080 | SP-ECR-D |
| 58 | 751 El Camino Real | 071332090 | SP-ECR-D |
| 59(R) | 905 El Camino Real | 071288580 | SP-ECR-D |
| 60 | 335 Pierce Road | 062013170 | R3 |
| 61(R) | 610 Santa Cruz Avenue | 071102140 | SP-ECR-D |
| 62(R) | 550 Ravenswood Avenue | 061412160 | SP-ECR-D |
| 63 | 3875 Bohannon Drive | 055251120 | O |
| 64 | 795 Willow Road | 062470060 | PF |
| 67 | 3905 Bohannon Drive | 055253140 | O |
| 68 | 3925 Bohannon Drive | 055253150 | O |
| 69 | 4005 Bohannon Drive | 055253240 | O |
| 70 | 4025 Bohannon Drive | 055253190 | O |
| 71 | 4055 Campbell Avenue | 055253030 | O |
| 72 | 4060 Campbell Avenue | 055253200 | O |

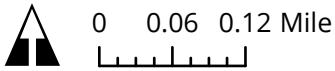
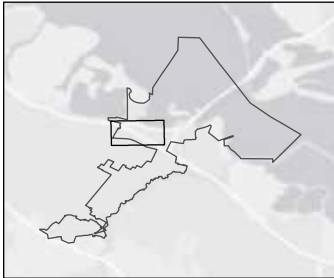


Site Selection

Marsh and US-101

Page 1 of 4

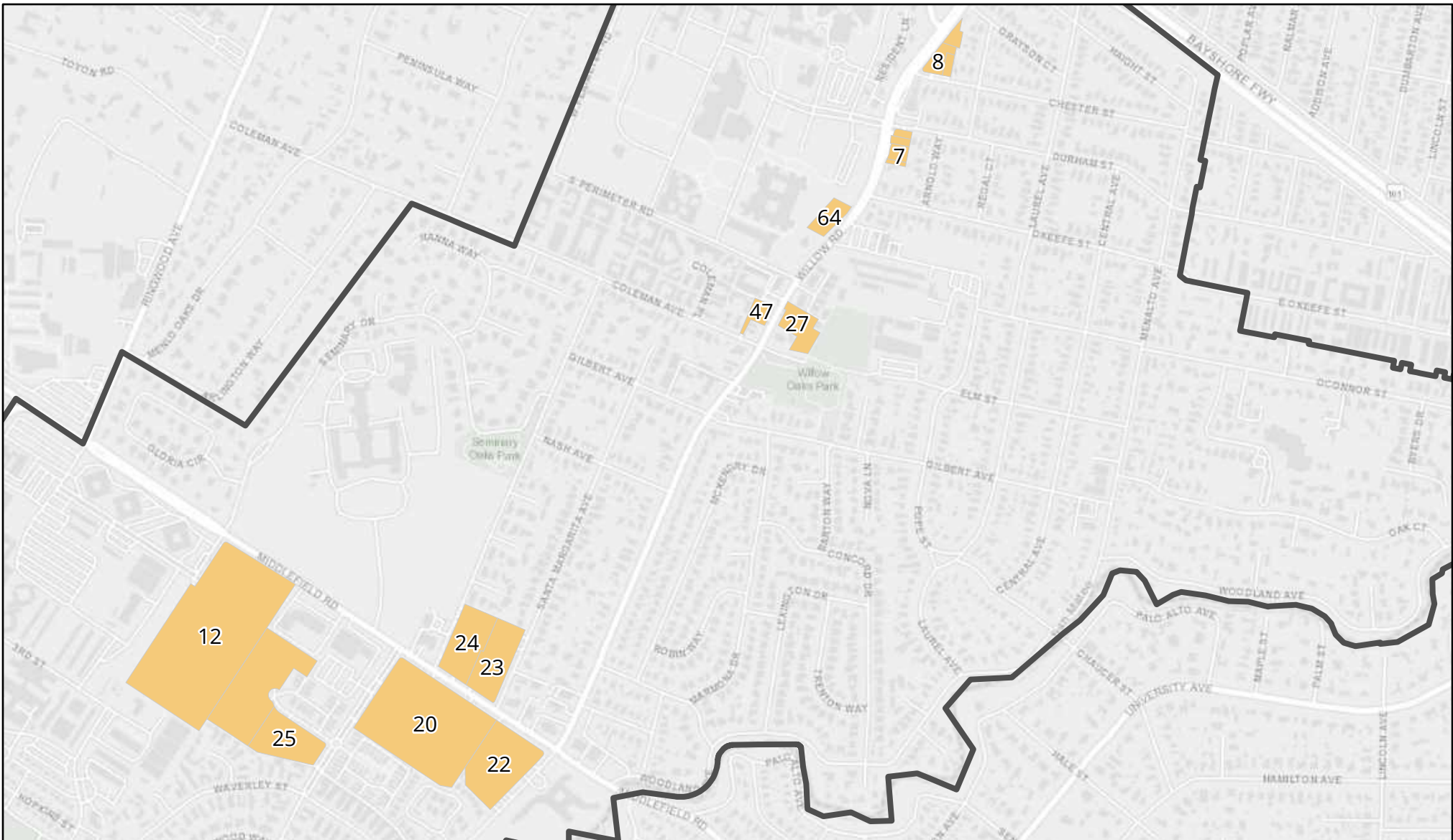
- City Boundary
- Opportunity Sites





Projection: NAD83 StatePlane
California III FIPS0403 (USFeet)

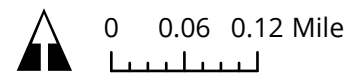
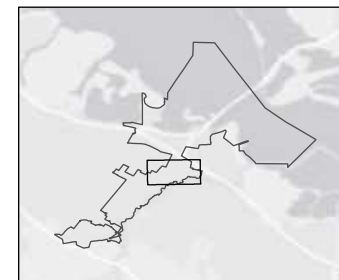


Figure 4. Potential Housing Opportunity Sites Maps



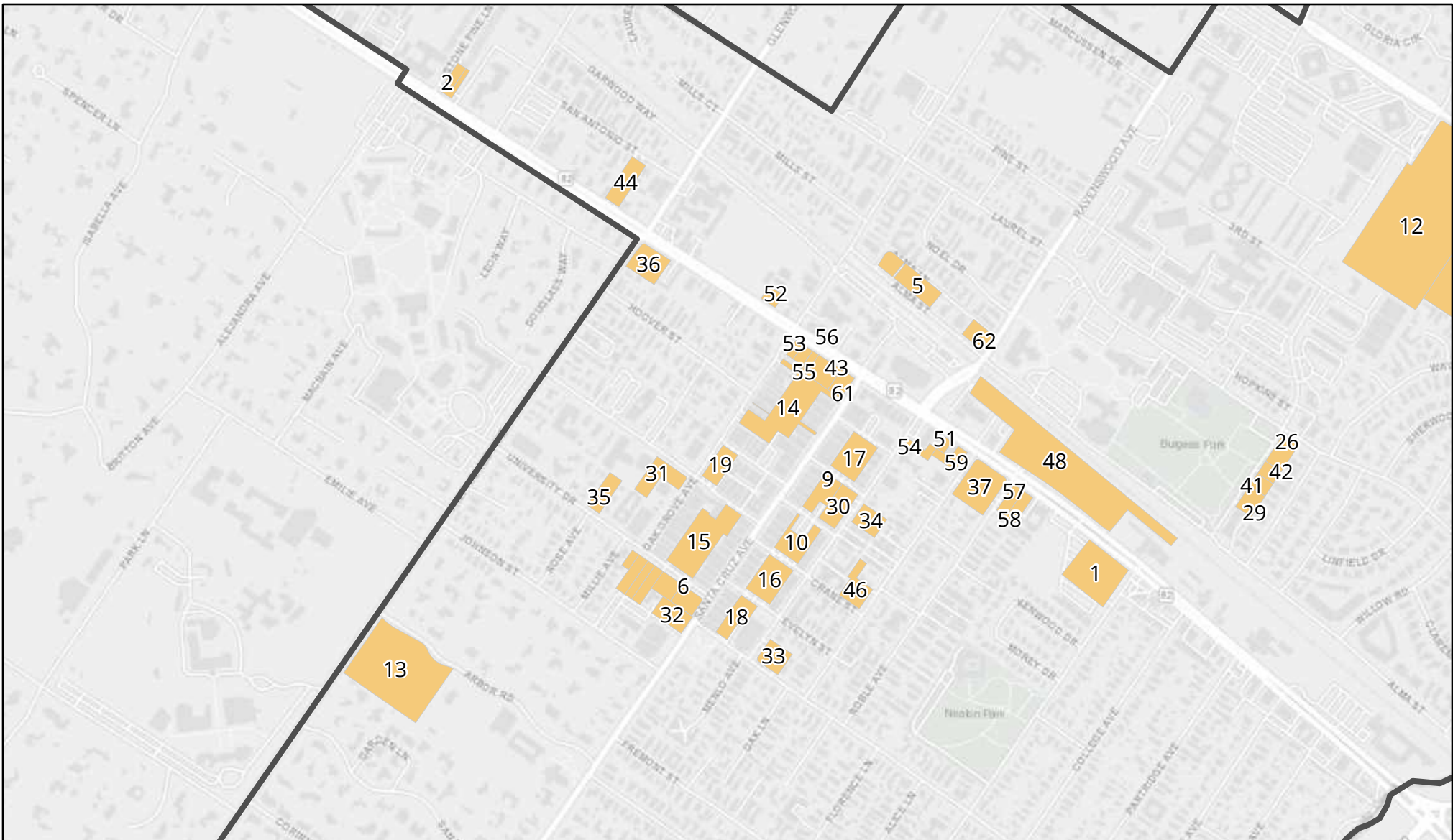
Site Selection

-  City Boundary
-  Opportunity Sites



Projection: NAD83 StatePlane California III FIPS0403 (USFeet)





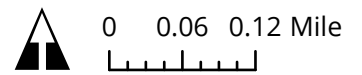
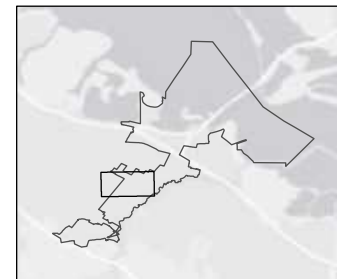


Site Selection

Downtown

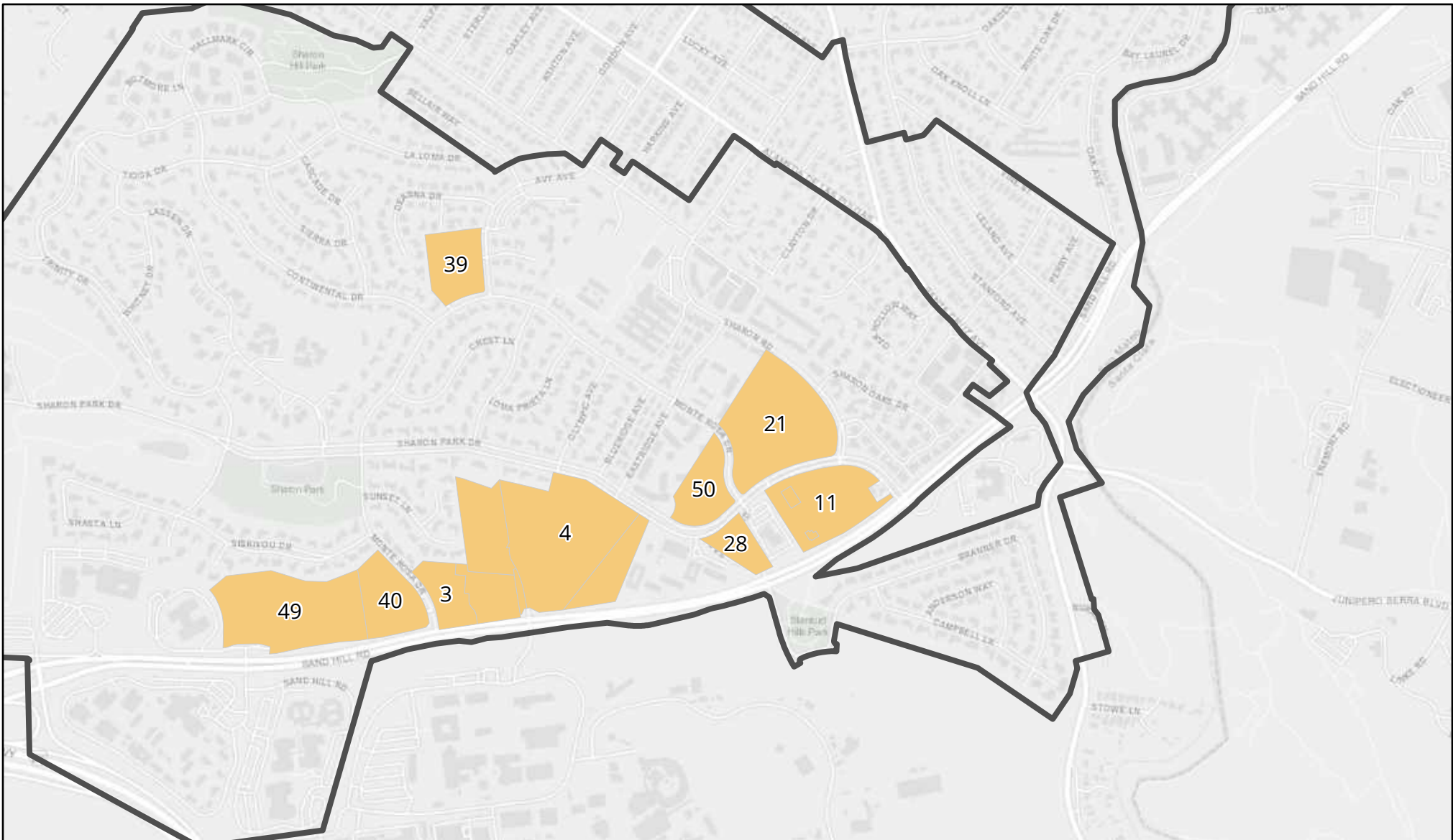
Page 3 of 4

-  City Boundary
-  Opportunity Sites



Projection: NAD83 StatePlane California III FIPS0403 (USFeet)





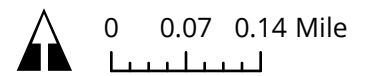
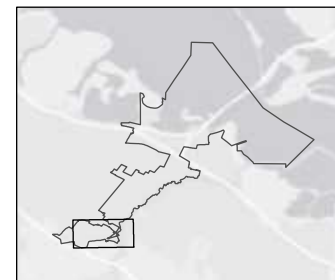


Site Selection

Sharon Heights

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-  City Boundary
-  Opportunity Sites



Projection: NAD83 StatePlane
California III FIPS0403 (USFeet)



**TABLE 2-5
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE**

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|--|---|
| 4.1. Aesthetics | | |
| Impact AES-1: Implementation of the HEU would not have a substantial adverse effect on a scenic vista. | None required | Less than Significant Impact |
| Impact AES-2: Implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. | None required | Less than Significant Impact |
| Impact AES-3: Implementation of the HEU would not substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality. | None available | Less than Significant Impact |
| Impact AES-4: Implementation of the HEU would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. | None required | Less than Significant Impact |
| Impact AES-5: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to aesthetics. | None required | Less than Significant Impact |
| 4.2 Air Quality | | |
| Impact AQ-1: Implementation of the HEU would not conflict with or obstruct implementation of the applicable air quality plan. | None required | Less than Significant Impact |
| Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. | <p>Mitigation Measure AQ-2: Emission Reduction Measures.</p> <p>The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.</p> <ul style="list-style-type: none"> a) [AQ-2b1 from <i>ConnectMenlo</i> with clarifying amendments]: As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM₁₀ (Table 8-18-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines). b) [AQ-2b2 from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If construction-related criteria | Significant and Unavoidable Impact, with Mitigation |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|---------|--|-------------------------------|
| | <p>air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Menlo Park shall require that applicants for new development projects incorporate <u>emission reduction</u> mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds of significance (see for example e.g., Table 8-28-3, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD).³ These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Building Division and/or Planning Division</p> <p>c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.</p> <ol style="list-style-type: none"> 1. Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract. <p>The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.</p> <ol style="list-style-type: none"> 2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, | |

³ Table 8-3 was previously numbered at Table 8-2 in BAAQMD's 2011 guidance document, as recorded in the *ConnectMenlo* EIR.

**TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE**

| Impacts | Mitigation Measures | Significance after Mitigation |
|--|--|--|
| | <p>Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.</p> <p>d) [AQ-2a from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate <u>emission reduction</u> mitigation measures to reduce air pollutant emissions during operational activities <u>to below the thresholds of significance</u>.</p> | |
| <p>Impact AQ-3: Implementation of the HEU would not expose sensitive receptors to substantial pollutant concentrations.</p> | <p>Mitigation Measure AQ-3: Health Risk Reduction Measures.</p> <p>a) [AQ-3b from <i>ConnectMenlo</i> with amendments]: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park within 1,000 feet of a major sources of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Menlo Park prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E⁻⁰⁶), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:</p> <ul style="list-style-type: none"> • Air intakes located away from high volume roadways and/or truck loading zones. • Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. <p>Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.</p> | <p>Less than Significant Impact, with Mitigation</p> |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|--|--|
| | <p>Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts.</p> <p>In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2(c) to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.</p> | |
| <p>Impact AQ-4: Implementation of the HEU would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact AQ-5: Implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter (PM_{2.5}) and TACs under cumulative conditions.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact AQ-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not combine with other sources of odors that would adversely affect a substantial number of people.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>4.3 Biological Resources</p> | | |
| <p>Impact BIO-1: Implementation of the HEU would not 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 Wildlife or the U.S. Fish and Wildlife Service.</p> | <p>Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.</p> <p>Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance</p> | <p>Less than Significant Impact, with Mitigation</p> |

**TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE**

| Impacts | Mitigation Measures | Significance after Mitigation |
|--|--|---|
| | or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy. | |
| Impact BIO-2: Implementation of the HEU would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. | Implement Mitigation Measure BIO-1. | Less than Significant Impact, with Mitigation |
| Impact BIO-3: Implementation of the HEU would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. | Implement Mitigation Measure BIO-1. | Less than Significant Impact, with Mitigation |
| Impact BIO-4: Implementation of the HEU would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites. | Implement Mitigation Measure BIO-1. | Less than Significant Impact, with Mitigation |
| Impact BIO-5: Implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. | None required. | Less than Significant Impact |
| Impact BIO-6: Implementation of the HEU in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to biological resources. | Implement Mitigation Measure BIO-1. | Less than Significant Impact, with Mitigation |
| 4.4 Cultural Resources | | |
| Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5. | <p>Mitigation Measure CR-1a: Identify Architectural Historic Resources.</p> <p>Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards evaluate the building or structure for eligibility for listing in the National Register, California Register, and for local eligibility.</p> <p>Mitigation Measure CR-1b: Identify Character-Defining Features.</p> <p>Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible</p> | Significant and Unavoidable Impact, with Mitigation |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|--|--|
| | <p>for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource “must retain... the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both <i>why</i> a property is significant...and <i>when</i> it was significant” (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.</p> <p>Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.</p> <p>Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service’s standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4”x5”) black-and-white negatives and 8”x10” enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.</p> | |
| <p>Impact CR-2: Implementation of the HEU would not cause a substantial adverse change in the significance of an archaeological historical resource or a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5.</p> | <p>Mitigation Measure CR-2a. Cultural Resources Study Requirements.</p> <p>The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall</p> | <p>Less than Significant Impact, with Mitigation</p> |

**TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE**

| Impacts | Mitigation Measures | Significance after Mitigation |
|---------|--|-------------------------------|
| | <p>include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.</p> <p>Mitigation Measure CR-2b. Inadvertent Discovery of Cultural Resources.</p> <p>If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.</p> <p>If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.</p> <p>If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).</p> | |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|--|---|
| <p>Impact CR-3: Implementation of the HEU could disturb human remains, including those interred outside of formal cemeteries.</p> | <p>Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.</p> <p>Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.</p> | <p>Less than Significant Impact, with Mitigation</p> |
| <p>Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impact with respect to historic architectural resources (<i>Significant and Unavoidable Impact, with Mitigation</i>), and less than significant cumulative impacts for archaeological resources and human remains.</p> | <p>Mitigation Measures: Implement Mitigation Measures CR-1a, CR-1b, CR-1c.</p> <p>Mitigation Measure: Implement Mitigation Measures CR-1a, CR-1b, CR-1c, CR-2a, CR-2b, CR-3.</p> | <p>Significant and Unavoidable Cumulative Impact, with Mitigation (historic architectural resources); and Less than Significant Cumulative Impacts (archaeological resources and human remains)</p> |
| <p>4.5 Energy</p> | | |
| <p>Impact EN-1: Implementation of the HEU would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact EN-2: Implementation of the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact EN-3: Implementation of the HEU, in conjunction with cumulative development in the City, would not result in energy use that would be considered wasteful and unnecessary, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency under cumulative conditions.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>4.6 Geology, Soils, and Paleontological Resources</p> | | |
| <p>Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |

**TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE**

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|--|---|
| Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil. | None required. | Less than Significant Impact |
| Impact GEO-3: The project would not 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 onsite or offsite landslide, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse. | None required. | Less than Significant Impact |
| Impact GEO-4: The project would not be located on expansive soil creating direct or indirect substantial risks to life or property. | None required. | Less than Significant Impact |
| Impact GEO-5: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. | <p>Mitigation Measure GEO-5, Discovery of Paleontological Resources</p> <p>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 2010), 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.</p> | Less than Significant Impact, with Mitigation |
| Impact GEO-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to geology and paleontological resources. | Mitigation Measure: Implement Mitigation Measure GEO-5. | Less than Significant Impact, with Mitigation |
| 4.7 Greenhouse Gas Emissions | | |
| Impact GHG-1: Implementation of the HEU would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment. | <p>Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement.</p> <p>Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the “all electric” requirement in the City’s Reach Codes.</p> <p>Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2.</p> <p>Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.</p> | Less than Significant Impact, with Mitigation |
| Impact GHG-2: Implementation of the HEU would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. | Mitigation: Implement Mitigation Measures GHG-1a and GHG-1b. | Less than Significant Impact, with Mitigation |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|--|---|---|
| 4.8 Hazards and Hazardous Materials | | |
| Impact HAZ-1: Implementation of the HEU would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials. | None required. | Less than Significant Impact |
| Impact HAZ-2: Implementation of the HEU would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. | None required. | Less than Significant Impact |
| Impact HAZ-3: Implementation of the HEU could result in development projects being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment. | <p>Mitigation Measure HAZ-3a: Environmental Site Management Plan</p> <p>Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared by qualified personnel in consultation with the RWQCB or the 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.</p> <p>The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall:</p> <ol style="list-style-type: none"> 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. <p>Mitigation Measure HAZ-3b: Vapor Intrusion Assessment</p> <p>Project applicants shall ensure that a vapor intrusion assessment is performed by a licensed environmental professional for sites with potential residual contamination in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. 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 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 (Mitigation Measure HAZ-3a).</p> | Less than Significant Impact, with Mitigation |

**TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE**

| Impacts | Mitigation Measures | Significance after Mitigation |
|--|---|--------------------------------------|
| Impact HAZ-4: Implementation of the HEU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. | None required. | Less than Significant Impact |
| Impact 4.8-4: Implementation of the HEU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. | None required. | Less than Significant Impact |
| Impact HAZ-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to hazards and hazardous materials. | Implement Mitigation Measures HAZ-3a and HAZ-3b. | Less than Significant Impact |
| 4.9 Hydrology and Water Quality | | |
| Impact HYDRO-1: Implementation of the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. | None required. | Less than Significant Impact |
| Impact HYDRO-2: Implementation of the HEU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable management of the groundwater basin. | None required. | Less than Significant Impact |
| Impact HYDRO-3: Implementation of the HEU would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or offsite; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows. | None required. | Less than Significant Impact |
| Impact HYDRO-4: Implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation. | None required. | Less than Significant Impact |
| Impact HYDRO-5: Implementation of the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. | None required. | Less than Significant Impact |
| Impact HYDRO-6: Implementation of the HEU, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality. | None required. | Less than Significant Impact |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|--|--|---|
| 4.10 Land Use and Planning | | |
| Impact LU-1: Implementation of the HEU would not physically divide an established community. | None required. | Less than Significant Impact |
| Impact LU-2: Implementation of the HEU would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. | <p>Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.</p> <p>Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park's Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies, and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.</p> | Less than Significant Impact, with Mitigation |
| Impact LU-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to land use and planning. | None required. | Less than Significant Impact |
| 4.11 Noise and Vibration | | |
| Impact NOI-1: Construction activities associated with implementation of the HEU would not result in generation of a substantial temporary 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>Mitigation Measure NOI-1: Construction Noise Control.</p> <p>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 on-going 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"> • Demonstrate that any construction activities taking place outside daytime 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 6:00 a.m. to 7:00 a.m. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA Leq at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours. • Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when working outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and verify compliance with the Menlo Park Municipal Code through measurement. | Less than Significant Impact |

**TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE**

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|--|-------------------------------------|
| | <ul style="list-style-type: none"> • 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. • Additional controls, as warranted, may include but are not limited to: <ul style="list-style-type: none"> – Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for project construction. – Equipment staging plans (e.g., locating stationary equipment at adequate distances). – Limitations on equipment and truck idling. – Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code. | |
| <p>Impact NOI-2: Stationary noise sources from development within the HEU area would not result in a substantial 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> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact NOI-3: Implementation of the HEU would not result in generation of excessive groundborne vibration or groundborne noise levels.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact NOI-4: Transportation increases along roadways under the HEU would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact NOI-5: Implementation of the HEU would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|--|---|
| Impact NOI-6: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary 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. | Implement Mitigation Measure NOI-1. | Less than Significant Impact, with Mitigation |
| Impact NOI-7: Stationary noise sources from development within the HEU area, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial 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. | None required. | Less than Significant Impact |
| Impact NOI-8: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels. | None required. | Less than Significant Impact |
| Impact NOI-9: Transportation activities under the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project and cumulative development. | None required. | Less than Significant Impact |
| 4.12 Population and Housing | | |
| Impact PH-1: Implementation of the HEU would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). | None required. | Less than Significant Impact |
| Impact PH-2: Implementation of the HEU would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. | None required. | Less than Significant Impact |
| Impact PH-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to create a significant impact to population and housing. | None required. | Less than Significant Impact |

**TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE**

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|---|---|
| 4.13 Public Services and Recreation | | |
| Impact PS-1: Implementation of the HEU would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. | None required. | Less than Significant Impact |
| Impact PS-2: Implementation of the HEU would not result in an increase in demand for police protection services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. | None required. | Less than Significant Impact |
| Impact PS-3: Implementation of the HEU would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts. | None required. | Less than Significant Impact |
| Impact PS-4: Implementation of the HEU would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. | None required. | Less than Significant Impact |
| Impact PS-5: Implementation of the HEU would not result in substantial adverse impacts associated with the provision of or the need for new or physically altered library facilities. | None required. | Less than Significant Impact |
| Impact PS-6: The HEU, combined with cumulative development in the vicinity and Citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental or park facilities, construction of which could have significant physical environmental impacts. | None required. | Less than Significant Impact |
| 4.14 Transportation | | |
| Impact TRANS-1: Implementation of The HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. | None feasible (bicycle and pedestrian facilities). None required (transit facilities). | Significant and Unavoidable Impact (bicycle and pedestrian facilities) Less than Significant Impact (transit facilities) |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

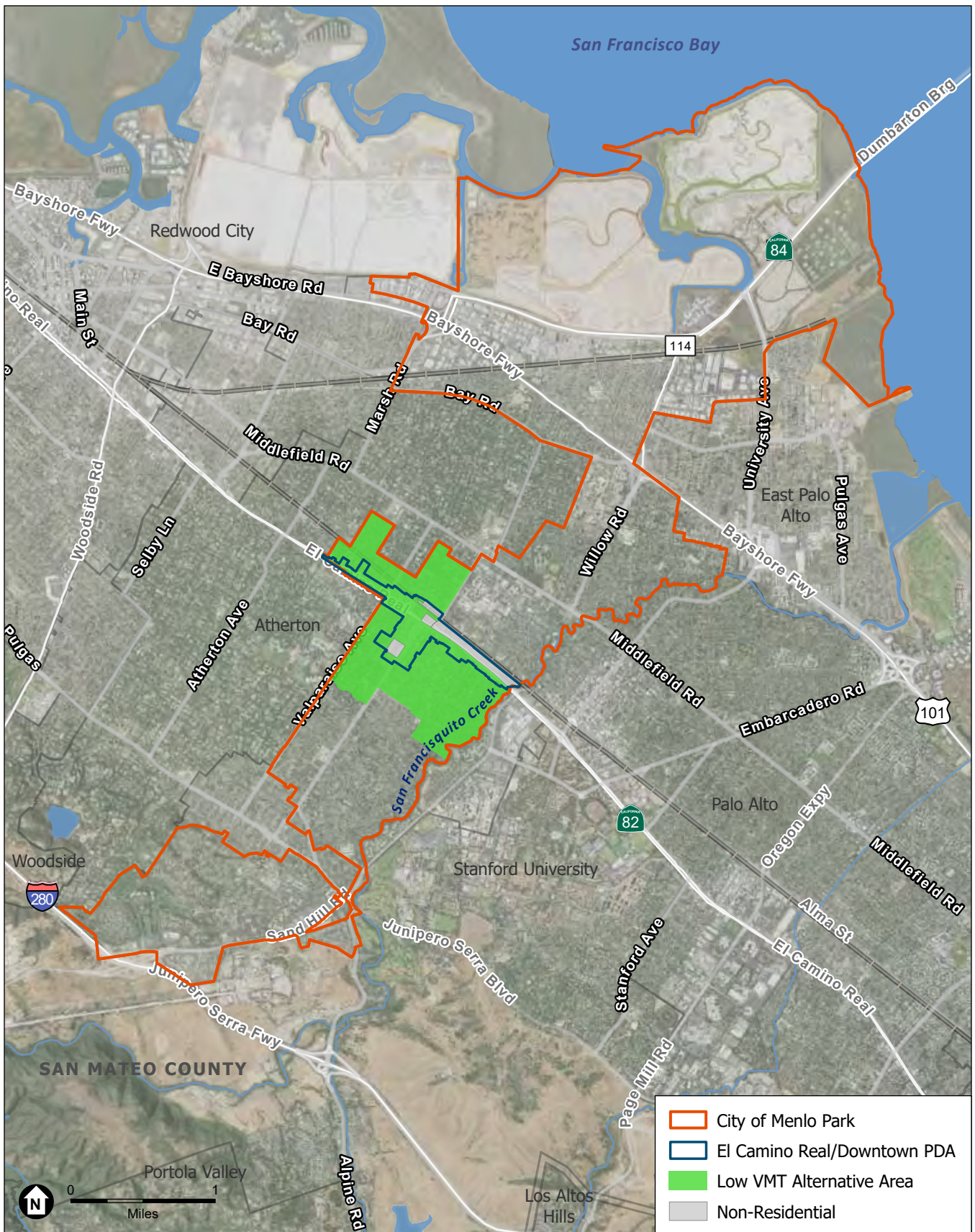
| Impacts | Mitigation Measures | Significance after Mitigation |
|--|--|---|
| <p>Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT threshold of significance.</p> | <p>Mitigation Measure TRANS-2: Implement VMT Reduction Measures.</p> <p>Individual multifamily housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City's most recent VMT guidelines. Projects that result in a significant impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.</p> <ul style="list-style-type: none"> • Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook. • Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. • Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook. | <p>Significant and Unavoidable Impact, with Mitigation</p> |
| <p>Impact TRANS-3: Implementation of the HEU would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact TRANS-4: Implementation of the HEU would not result in inadequate emergency access to development sites.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |
| <p>Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.</p> | <p>None feasible (bicycle and pedestrian facilities). None required (transit facilities).</p> | <p>Significant and Unavoidable Impact (bicycle and pedestrian facilities) Less than Significant Impact (transit facilities)</p> |
| <p>Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance.</p> | <p>Implement Mitigation Measure TRANS-2.</p> | <p>Significant and Unavoidable Impact, with Mitigation</p> |
| <p>Impact TRANS-7: Implementation of the HEU, in combination with cumulative development, would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.</p> | <p>None required.</p> | <p>Less than Significant Impact</p> |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|---|--|---|
| Impact TRANS-8: Implementation of the HEU, in combination with cumulative development, would not result in inadequate emergency access to development sites. | None required. | Less than Significant Impact |
| 4.15 Tribal Cultural Resources | | |
| Impact TCR-1: Implementation of the HEU would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a). | Implement Mitigation Measures CR-2a, CR-2b, and CR-3. | Less than Significant Impact, with Mitigation |
| Impact TCR-2: Implementation of the HEU, in combination with other cumulative projects, would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a). | Implement Mitigation Measures CR-2a, CR-2b, and CR-3. | Less than Significant Impact, with Mitigation |
| 4.16 Utilities and Service Systems | | |
| Impact UT-1: Implementation of the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects. | None required. | Less than Significant Impact |
| Impact UT-2: Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. | None required. | Less than Significant Impact |
| Impact UT-3: Implementation of the HEU would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. | None required. | Less than Significant Impact |
| Impact UT-4: Implementation of the HEU would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. | None required. | Less than Significant Impact |
| Impact UT-5: Implementation of the HEU would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. | None required. | Less than Significant Impact |

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

| Impacts | Mitigation Measures | Significance after Mitigation |
|--|---------------------|-------------------------------|
| Impact UT-6: Implementation of the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems. | None required. | Less than Significant Impact |
| 4.17 Wildfire | | |
| Impact WILD-1: Implementation of the HEU would not substantially impair an adopted emergency response plan or emergency evacuation plan. | None required. | Less than Significant Impact |
| Impact WILD-2: Implementation of the HEU would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. | None required. | Less than Significant Impact |
| Impact WILD-3: Implementation of the HEU would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities that could exacerbate fire risk or that could result in temporary or ongoing impacts to the environment. | None required. | Less than Significant Impact |
| Impact WILD-4: Implementation of the HEU would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. | None required. | Less than Significant Impact |
| Impact WILD-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would/would not result in a cumulative impact related to wildfire. | None required. | Less than Significant Impact |



SOURCE: Esri, 2022; City of Menlo Park, 2022; M-Group, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 5-1
Alternative 2: Low VMT Area Alternative

5.4.2 Overall Comparison of the Alternatives

The analysis of the alternatives is summarized in **Table 5-2**. Overall, this table shows that one alternative performs better or worse than the other in reducing or avoiding the proposed HEU impacts.

TABLE 5-2
ALTERNATIVE IMPACT SUMMARY AND COMPARISON

| Impact | HEU | Alternative 1: No Project | Alternative 2: Low VMT Area Alternative |
|--|------------------------------------|--------------------------------------|--|
| Aesthetics | Less than Significant | Less than Significant ↓ | Less than Significant ↑ |
| Air Quality | Significant and Unavoidable | Less than Significant ↑/↓ | Significant and Unavoidable ↑/↓ |
| Biological Resources | Less than Significant | Less than Significant ↓ | Less than Significant ↓ |
| Cultural Resources | Significant and Unavoidable | Significant and Unavoidable ↓ | Significant and Unavoidable ↓ |
| Energy | Less than Significant | Less than Significant ↓ | Less than Significant ↓ |
| Geology & Paleontological Resources | Less than Significant | Less than Significant ↓ | Less than Significant ↓ |
| Greenhouse Gas Emissions | Less than Significant | Less than Significant ↓ | Less than Significant ↓ |
| Hazards and Hazardous Materials | Less than Significant | Less than Significant ↓ | Less than Significant ↑/↓ |
| Hydrology and Water Quality | Less than Significant | Less than Significant ↓ | Less than Significant ↓ |
| Land Use and Planning | Less than Significant | Significant and Unavoidable ↑ | Less than Significant ↑/↓ |
| Noise | Less than Significant | Less than Significant ↓ | Less than Significant ↑/↓ |
| Population and Housing | Less than Significant | Significant and Unavoidable ↑ | Less than Significant ↑/↓ |
| Public Services and Recreation | Less than Significant | Less than Significant ↓ | Less than Significant ↑ |
| Transportation | Significant and Unavoidable | Less than Significant ↑/↓ | Less than Significant ↓ |
| Tribal Cultural Resources | Less than Significant | Less than Significant ↓ | Less than Significant ↓ |
| Utilities and Service Systems | Less than Significant | Less than Significant ↓ | Less than Significant ↑ |
| Wildfire | Less than Significant | Less than Significant ↓ | Less than Significant ↓ |

MENLO PARK EL CAMINO REAL AND DOWNTOWN SPECIFIC PLAN

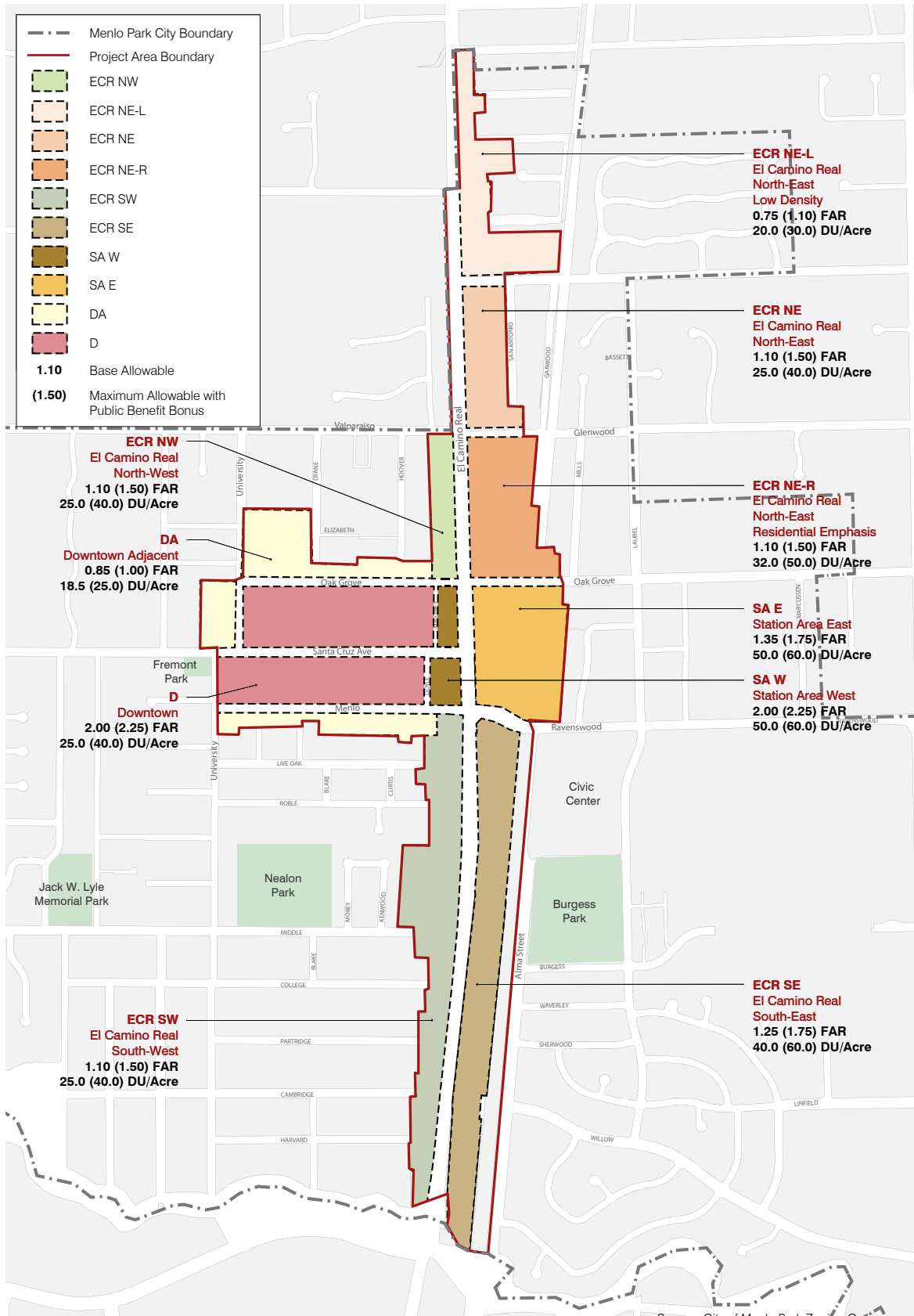


Figure E2. Development Intensity / Density

| Development Standards | | | | | | | | |
|-----------------------|----------------------|----------------------------|--|------------------------------------|--|----------------------------|-------------------------------------|--------------------|
| | | | | DEVELOPMENT INTENSITY | | | BUILDING HEIGHTS | |
| AREA | | | | LAND USE | FAR* | DU/ACRE | HEIGHT MAX. | FAÇADE HEIGHT MAX. |
| | | | | | X(Y) = Base Allowable (Max. Allowable with Public Benefit Bonus) | | | |
| El Camino Real | El Camino Real North | ECR NW | El Camino Real North-West | Mixed Use/ Residential | 1.10 (1.50) | 25.0 (40.0) | 38' | 38' |
| | | ECR NE-L | El Camino Real North-East - Low Density | Mixed Use | 0.75 (1.10) | 20.0 (30.0) | 38' | 30' |
| | | ECR NE | El Camino Real North-East | Mixed Use | 1.10 (1.50) | 25.0 (40.0) | 38' (Public Benefit Bonus - 48') | 38' |
| | | ECR NE-R | El Camino Real North-East - Residential Emphasis | Mixed Use/ Residential | 1.10 (1.50) | 32.0 (50.0) | 38' (Public Benefit Bonus - 48') | 38' |
| | El Camino Real South | ECR SW | El Camino Real South-West | Mixed Use & Mixed Use/ Residential | 1.10 (1.50) | 25.0 (40.0) | 38' | 30' |
| | | ECR SE | El Camino Real South-East | Mixed Use & Mixed Use/ Residential | 1.25 (1.75) | 40.0 (60.0) | 60' | 38' |
| Station | SA W | Station Area West | Retail/ Mixed Use & Main Street Overlay | 2.00 (2.25) | 50.0 (60.0) | 48' | 38' | |
| | SA E | Station Area East | Retail/ Mixed Use & Main Street Overlay | 1.35 (1.75) | 50.0 (60.0) | 60' (Alma Street - 48') | 38' | |
| Downtown | DA | Downtown Adjacent | Office/ Residential | 0.85 (1.00) | 18.5 (25.0) | 38' | 30' | |
| | D | Downtown Santa Cruz Avenue | Retail/ Mixed Use & Main Street Overlay | 2.00 (2.25) | 25.0 (40.0) | 38' | 30' | |

*Specific Plan limits the amount of general office allowed and the amount of medical office, based on community concerns, to the following:
 Office, General (inclusive of Medical and Dental Offices) - shall not exceed one half of the base FAR or public benefit bonus FAR
 Office, Medical and Dental - shall not exceed one third of the base FAR or public benefit bonus FAR (in the ECR districts, this is additionally limited to an absolute maximum of 33,333 square feet per development project)
 FAR and DU/acre include both Base and Public Benefit Bonus standards, discussed in Section E.3.1 "Development Intensity".

Table E2. Development Standards by Zoning Districts