



REGULAR MEETING AGENDA

Date: 12/18/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

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

How to participate in the meeting

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

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

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

Regular Meeting

A. Call To Order

B. Roll Call

C. Reports and Announcements

D. Public Comment

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

E. Consent Calendar

- E1. Architectural Control/Sharon Heights Golf and Country Club/2900 Sand Hill Road: Consider and adopt a resolution to approve an architectural control permit to construct a new 75-foot-tall netting structure that would replace an existing 50-foot-tall netting structure in the same location, at the rear of the driving range to protect neighboring residences, at an existing golf course in the OSC (Open Space and Conservation) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15302’s Class 2 exemption for replacement or reconstruction, and CEQA Guidelines Section 15303’s Class 3 exemption for new construction or conversion of small structures. ([Staff Report #23-073-PC](#))

F. Public Hearing

- F1. Use Permit and Architectural Control/Jimmy Ly/141 Jefferson Drive and 180-186 Constitution Drive: Consider and adopt a resolution to approve revisions to the use permit and architectural control permit for the previously approved Menlo Uptown project consisting of 483 multi-family dwelling units, comprised of 441 rental units in two, seven-story buildings, 42 for-sale townhome units, and approximately 2,940 square feet of commercial space. The proposed revisions include changes to the landscaping and design of the publicly accessible paseo through the project site to accommodate temporary emergency vehicle access until the future townhome component is constructed. The applicant is also requesting to modify the approved community amenity and provide an in-lieu fee payment instead of the approved urgent care center within the multi-family building fronting Constitution Drive and to utilize the 2,940 square-foot space for commercial uses. The project site is located in the R-MU-B (Residential Mixed Use, Bonus) zoning district; determine that these actions are consistent with the previously certified project-level Final Environmental Impact Report. ([Staff Report #23-074-PC](#))

F2 and G1 are associated items with a single staff report

- F2. Request for an Environmental Impact Report (EIR) Scoping Session for a project at 3705 Haven Avenue to comprehensively redevelop the 0.66-acre site, zoned Residential Mixed-Use Bonus (R-

MU-B), with a bonus level development project consisting of an eight-story mixed-use building with ninety-nine dwelling units, and approximately 1,550 square feet of commercial space. The proposed project would demolish an existing 10,361-square-foot commercial building. The Project includes a total of approximately 14,629 square feet of common open space, including approximately 4,670 square feet of publicly accessible outdoor space. In addition, the Project would potentially include a battery-powered electric emergency generator.

The Proposed Project would be developed using the bonus level development allowed by the City's Municipal Code, which provides for an increase in density, gross floor area (intensity), and/or height in exchange for the provision of community amenities. Additionally, the applicant is proposing to utilize State Density Bonus Law to incorporate additional density and square footage when on-site below market rate (BMR) housing units are provided. The proposed community amenity would not involve any additional building construction and would either be provided on site within the proposed building, payment of an in-lieu fee, or a combination of an on-site amenity and a fee. With the City's bonus-level density, the allowed density would result in 66 units. Of the 66 units, the project is providing 15 percent (equal to 10 units) as below market rate units affordable to very-low income households, which makes the Project eligible for the following State Density Bonus Law benefits: a 50 percent density bonus (for up to 99 units), three concessions, unlimited waivers, and use of State Density Bonus Law parking standards. The applicant is requesting concessions and waivers pursuant to the State Density Bonus Law to increase the density and gross floor area of the project, as well as to increase the building height, and modify the parking requirements. The proposed building would contain approximately 117,335 square feet of gross floor area of residential uses and 1,550 square feet of gross floor area of commercial space, for a total floor area ratio of approximately 413 percent.

The Project includes the removal of 13 trees, three of which are heritage trees. The proposed project is considered a housing development project pursuant to the Housing Accountability Act. Environmental review is required to assess the potential environmental impacts of the project. The Notice of Preparation (NOP) was released on December 1, 2023. The NOP provides a description of the proposed project, the location of the proposed project, and a discussion of the project's probable environmental effects. The EIR will address potential physical environmental effects of the proposed project, as outlined in the California Environmental Quality Act (CEQA). An initial study was not completed as it is anticipated this will be a full EIR and no topic areas will be scoped out with the exception of agricultural and forestry resources, mineral resources, and wildfire that are topic areas not anticipated to require further analysis. The City is requesting comments on the scope and content of this EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. Comments on the scope and content of the EIR are due by 5:00 p.m., Wednesday, January 10, 2024 ([Staff Report #23-0075-PC](#))

G. Study Session

- G1. Study session for a project at 3705 Haven Avenue to comprehensively redevelop the 0.66 acre site, zoned Residential Mixed-Use Bonus (R-MU-B). The Proposed Project would demolish an existing 10,361-square-foot commercial building and redevelop the project site with an eight-story (approximately 85 feet tall), 99-unit mixed-use building with approximately 1,550 square feet of ground floor commercial space and structured parking. The proposed project would result in a total of 118,885 square feet, which includes 117,335 square feet of residential use and 1,550 square feet of public facing commercial use. The proposed floor area ratio (FAR) would be 413 percent, through the application of state density bonus law, where a maximum of 250 percent (combined residential

and non-residential) is allowed through the City's bonus level development allowance, with the provision of community amenities. The project includes a total of approximately 14,629 square feet of common open space, including approximately 4,670 square feet of publicly accessible outdoor space. In addition, the project would potentially include a battery-powered electric emergency generator. The project would be developed using the bonus level development allowed by the City's Municipal Code, which provides for an increase in density, gross floor area (intensity), and/or height in exchange for the provision of community amenities. Additionally, the applicant is proposing to utilize State Density Bonus Law to incorporate additional density and square footage when on-site below market rate (BMR) housing units are provided. With the City's bonus-level density, the allowed density would result in 66 units. Of the 66 units, the Project is providing 15 percent (equal to 10 units) as below market rate units affordable to very-low income households, which makes the Project eligible for the following State Density Bonus Law benefits: a 50 percent density bonus (for up to 99 units), three concessions, unlimited waivers, and use of State Density Bonus Law parking standards.

The project includes the removal of 13 trees, three of which are heritage trees. The project would plant a total of 15 replacement trees. In addition, 24 new trees would be located on the podium courtyard and rooftop deck. The proposed project is anticipated to include the following entitlements: EIR certification, including Adoption of Findings and Mitigation Monitoring and Reporting Program (MMRP); Use permit for bonus level development, including approval of the community amenity; Architectural control permit; Below market rate (BMR) housing agreement; and Heritage tree removal permits. ([Staff Report #23-0075-PC](#))

H. Regular Business

- H1. Review of draft 2024 Planning Commission meeting dates and Planning Commission meeting start time; Not a CEQA Project. ([Staff Report #23-0076-PC](#))

I. Informational Items

- I1. 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: January 8, 2024

I. Adjournment

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

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

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

Menlo Park at, or before, the public hearing.

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

Agendas are posted in accordance with Cal. Gov. Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the city website at menlopark.gov/agendas and can receive email notifications of agenda postings by subscribing at menlopark.gov/subscribe. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 12/13/2023)



STAFF REPORT

Planning Commission

Meeting Date:

12/18/2023

Staff Report Number:

23-073-PC

Consent Calendar:

Consider and adopt a resolution to approve an architectural control permit to construct a new 75-foot-tall netting structure that would replace an existing 50-foot tall netting structure in the same location, at the rear of the driving range to protect neighboring residences, at the existing Sharon Heights Golf and Country Club in the OSC (Open Space and Conservation) zoning district, at 2900 Sand Hill Road, and determine this action is categorically exempt under CEQA Guidelines Section 15302's Class 2 exemption for replacement or reconstruction, and CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures

Recommendation

Staff recommends that the Planning Commission adopt a resolution approving a request for an architectural control permit to construct a new 75-foot-tall, 280-foot-wide netting structure that would replace the existing 50-foot-tall, 280-foot-wide netting structure, at the rear of the driving range of an existing golf course to protect neighboring residences from stray golf balls, at the existing Sharon Heights Golf and Country Club in the OSC (Open Space and Conservation) zoning district. The draft resolution, including the recommended actions and conditions of approval, is included as Attachment A.

Policy Issues

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

Background

Site location

The Sharon Heights Golf and Country Club (SHGCC) is located at 2900 Sand Hill Road, near the junction of Interstate 280 and Sand Hill Road in the OSC (Open Space and Conservation) zoning district. The golf course and associated facilities are located on multiple contiguous properties comprising approximately 111 acres on property that is owned or leased by the SHGCC.

The SHGCC encircles the multi-building office development located at 3000 Sand Hill Road, which is

zoned C-1-C(X) (Administrative, Professional and Research District, Restrictive – Conditional), the townhome developments located along Sand Hill Circle, which are zoned R-2(X) (Low Density Apartment District – Conditional), and the townhome and condominium developments located at the western terminus of Sharon Park Drive, which are zoned R-3-A(X) (Garden Apartment Residential District– Conditional). This includes a residential development at 1100 Sharon Park Drive, which contains some shared boundaries near the driving range. Single-family residences, located within the Town of Atherton, are located to the north of the project site.

The Sharon Heights neighborhood is located to the east of the SHGCC, containing a mixture of lower density residential zoning, including properties that are zoned R-1-S (Single Family Suburban Residential) and R-E-S (Residential Estate Suburban). To the southeast, several commercial offices are located along the northern side of Sand Hill Road that are zoned C-1-C (Administrative, Professional and Research, Restrictive), and the Rosewood Sand Hill hotel complex is located along the southern side of the street, zoned C-4(X) (General Commercial – Conditional). The SLAC National Accelerator Laboratory is also located to the south of Sand Hill Road, in unincorporated San Mateo County.

At the golf course site, the driving range is located just beyond the rear (or to the north) of the clubhouse building, generally in the center of the overall golf course, and the netting structure to be replaced is located to the north of the driving range, near the southern border of the 1100 Sharon Park Drive residential development.

A location map is included as Attachment B.

Analysis

Background

Since 1962, SHGCC has been operating a private recreational facility at the project site. Recreational facilities at the subject site include an 18-hole golf course and driving range, tennis courts, swimming pool, clubhouse, restaurant, and associated facilities. Use of these facilities is generally restricted to club members. In 2000, SHGCC received use permit approval to construct its current clubhouse.

In March 2012, SHGCC received a use permit to allow for the annual Fourth of July Celebration event to occur at the site, including a fireworks display, children’s carnival, and amplified music. In August 2012, SHGCC received use permit and architectural control approval to construct a new maintenance yard and to store and use hazardous materials. In September 2013, SHGCC received a use permit revision to allow a membership increase from 550 to 680 members. In March 2015, SHGCC received a use permit revision and architectural control approval to allow an expansion of the clubhouse facilities, including an addition to the existing clubhouse building, demolition of an existing pool building, construction of a new pool building with indoor and outdoor dining areas, and construction of a new movement building for fitness classes and wellness activities.

In July 2022, SHGCC received architectural control approval to allow construction of new pedestrian and vehicle entry gates, along with some fencing modifications, to enhance security and vehicular access to the main parking lot adjacent to the clubhouse and main entrance. The new gate and fencing configuration are currently under construction, and the fencing is in close proximity to the recently approved solar

carports, which are summarized in more detail below.

In March 2023, SHGCC received approval for a use permit revision and architectural control for landscaping, irrigation, and grading modifications to the golf course, expansion of the artificial lake for additional recycled water storage, and to construct three carports on the main parking lot adjacent to the existing clubhouse and two pergolas adjacent to the existing clubhouse and pool deck, to provide roof-mounted solar arrays. These components are also currently under construction. Through the Planning Commission review of this project, concerns regarding safety and potential property damage were raised by neighbors living at the 1100 Sharon Park Drive residential development, specifically concerning errant golf balls from the driving range. In response to these concerns, the applicant agreed to increase the height of the existing netting. The approved use permit revision did not include a project-specific condition to this effect.

Project description

The applicant is requesting to remove an existing netting structure for the driving range and replace it with a taller netting structure. Currently, the existing netting structure is 50 feet tall and 280 feet in length, and is located along the northern end of the driving range. The proposed netting structure would be 75 feet tall and 280 feet wide, and would be located in the same location as the existing netting structure. No other site changes are proposed with this architectural control permit. The project plans and the applicant's project description letter are included as Exhibits A and B within Attachment A, respectively.

Per the project description letter, the applicant states that the existing netting system is comprised of seven wooden poles that support a black nylon netting system. Per the applicant, due to concerns from neighbors located immediately to the rear of the driving range, generally at the 1100 Sharon Park Drive residential development, the applicant agreed to construct a taller netting structure to further limit errant golf balls from traveling into the neighboring development behind the driving range. The proposed netting structure would be comprised of seven steel poles, instead of wooden poles, that would provide an additional 25 feet in height of screening, with a larger netting fabric, also made of nylon. The length of the netting would remain the same, at 280 feet.

Regarding demolition, the applicant notes in their project description letter that the existing wooden poles of the netting structure are proposed to be cut down in sections, then laid down in place to limit impacts to adjacent trees. Additionally, the netting and its support wiring would be disconnected and then lowered to the ground.

Regarding assembly of the proposed netting structure, the applicant states that the seven steel poles are each divided into three sections. The bottom third of each pole would be installed into a three-foot-diameter concrete pier, in accordance with the structural requirements for the proposed netting structure. Next, a crane would lift and attach the remaining two-thirds of each pole until all seven poles are vertically in position. Following pole installation, a pulley system would be installed onto the poles, and the pulleys would allow for the nylon netting to be hoisted to the full height of the poles.

Staff believes that the proposed netting structure would be harmonious within the existing site context, as it would be replacing the existing netting structure in its exact location, apart from the increase in height

from 50 feet to 75 feet. The material would change for the poles from wood to steel, but would appear similar in nature to the existing structure. The proposed structure is generally screened by several tall trees, and the trees would continue to reduce the visual prominence of the proposed structure. In addition, the increased height for the netting structure would address a safety concern raised by the neighboring residents.

Trees and landscaping

The applicant has submitted an arborist report (Attachment C), detailing the species, size, and conditions of the nearby heritage and non-heritage trees. The report discusses the impacts of the proposed improvements and provides recommendations for tree maintenance and protection. As part of the project review process, an amendment to the earlier, comprehensive arborist report was reviewed by the City Arborist. No trees are proposed for removal as part of this project.

To protect the heritage and non-heritage trees on site, the arborist report has identified such measures as tree protection fencing, shallow excavation, and orange safety fencing wrapped with wooden boards or straw wattle around trunks. All recommended tree protection measures identified in the arborist report would be implemented and ensured as part of condition 1h.

Correspondence

As noted earlier, the applicant has indicated that this project is proposed to address concerns with errant golf balls from the driving range impacting the neighboring residential development. The applicant states in their project description letter that the property owner has completed some outreach efforts, which involved holding in-person meetings and additional communications with the homeowner's association representing the 1100 Sharon Park Drive development. Staff received an email expressing support for the project from the president of the aforementioned homeowner association, which is included in Attachment D.

Conclusion

Staff believes that the scale, materials, and proposed design would be compatible with the existing SHGCC site. The proposed netting structure would be harmonious with the existing site context, as it would be replacing the existing netting structure in its exact location, and other than the 25-foot height increase and the material change of the poles, it would appear similar in nature to the existing structure. In addition, no other changes are proposed. No additional heritage tree removals are proposed, and the City Arborist has approved the amended arborist report. Staff recommends that the Planning Commission approve the proposed project.

Impact on City Resources

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

Environmental Review

The proposed project is categorically exempt under Classes 2 (Section 15302, "Replacement or Reconstruction") and 3 (Section 15303, "New Construction or Conversion of Small Structures"), of the current CEQA Guidelines. The Class 2 exemption covers activities that consist of replacement or reconstruction of existing structures and facilities, provided that any new structures would be located on the same site as the structure replaced and would have the same purpose and capacity as the components being replaced. The proposed netting structure is located on the same site as the existing netting structure that is being replaced, and would have the same purpose and capacity. Further, the proposed structure would not involve any expansion or intensification of the facilities. In addition, the Class 3 exemption covers a variety of accessory (appurtenant) structures, which include fences. This form of netting serves as a protective fencing structure for the neighboring residential development at 1100 Sharon Park Drive.

Public Notice

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

Appeal Period

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

Attachments

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

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

Exhibits to Be Provided at Meeting

None

Report prepared by:
Matt Pruter, Associate Planner

Report reviewed by:
Corinna Sandmeier, Principal Planner

PLANNING COMMISSION RESOLUTION NO. 2023-XX**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING AN ARCHITECTURAL CONTROL PERMIT TO CONSTRUCT A NEW 75-FOOT-TALL NETTING STRUCTURE THAT WOULD REPLACE AN EXISTING 50-FOOT-TALL NETTING STRUCTURE IN THE SAME LOCATION, AT THE REAR OF THE DRIVING RANGE OF AN EXISTING GOLF COURSE, AT THE EXISTING SHARON HEIGHTS GOLF AND COUNTRY CLUB IN THE OSC (OPEN SPACE AND CONSERVATION) ZONING DISTRICT**

WHEREAS, the City of Menlo Park (“City”) received an application for an architectural control permit to construct a new 75-foot-tall, 280-foot-wide netting structure that would replace an existing 50-foot-tall, 280-foot-wide netting structure at the rear of the driving range of an existing golf course to protect neighboring residences from stray golf balls, at the existing Sharon Heights Golf and Country Club in the OSC (Open Space and Conservation) zoning district, (collectively, the “Project”) from Sharon Heights Golf and Country Club (“Applicant” and “Owner”), located at 2900 Sand Hill Road (APNs 074-250-280, 074-250-270, 093-471-010, 074-220-330, 074-500-050, 074-232-130, 074-500-300, 074-160-070, 074-250-340, 074-160-050, 073-250-150, 074-250-250, 074-250-290, 093-471-020, 093-480-010, and 074-500-310) (“Property”). The Project is depicted in and subject to the development plans and project description letter, which are attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by this reference; and

WHEREAS, the Property is located in the OSC (Open Space and Conservation) zoning district. The OSC zoning district supports private recreation facilities; and

WHEREAS, the proposed Project complies with all standards of the OSC zoning district; and

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

WHEREAS, the Applicant submitted an arborist report prepared by California Tree and Landscape Consulting, Inc. on February 16, 2023, which was amended on October 25, 2023, which was reviewed by the City Arborist and found to be in compliance with the Heritage Tree Ordinance and proposes mitigation measures to adequately protect heritage trees in the vicinity of the project; and

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

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

WHEREAS, the Project is categorically except from environmental review pursuant to CEQA Guidelines §15302 (Replacement or Reconstruction) and §15303 (New Construction or Conversion of Small Structures); and

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

WHEREAS, at a duly and properly noticed public hearing held on December 18, 2023, the Planning Commission fully reviewed, considered, and evaluated the whole of the record, including all public and written comments, pertinent information, documents and plans, prior to taking action regarding the Project.

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

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

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

The approval of the architectural control permit for the proposed netting structure is granted based on the following findings, which are made pursuant to Menlo Park Municipal Code Section 16.82.020:

1. That the general appearance of the structures is in keeping with character of the neighborhood; in that, the proposed netting structure is harmonious with the existing netting structure, driving range, and golf course overall.
2. That the development will not be detrimental to the harmonious and orderly growth of the city; in that, the Project contains one new netting structure that is proposed to replace an existing netting structure. The Project's design is generally consistent with all applicable requirements of the City of Menlo Park Municipal Code. The proposed Project is consistent with the development and population growth envisioned by ConnectMenlo, as no expansion of gross floor area (GFA) is proposed. The Project is designed to be located in the same

location as the existing netting structure. 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 contains a new netting structure that would replace an existing netting structure, 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. 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 Project is designed to retain the existing, previously approved parking spaces. 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 Sharon Heights neighborhood, which is not subject to any specific plan. However, the Project is consistent with all the applicable goals, policies, and programs of the General Plan and is consistent with all applicable codes, ordinances, and requirements outlined in the City of Menlo Park Municipal Code.

Section 3. Architectural Control Permit. The Planning Commission approves Architectural Control Permit No. PLN2023-00027, which is depicted in and subject to the development plans and project description letter, which are attached hereto and incorporated herein by this reference as Exhibit A and Exhibit B, respectively. The Architectural Control Permit is conditioned in conformance with the conditions attached hereto and incorporated herein by this reference as Exhibit C.

Section 4. Environmental Review. The Planning Commission finds, based on its independent judgment after considering the Project, and having reviewed and taken into consideration all written and oral information submitted in this matter, the Project is categorically except from environmental review pursuant to CEQA Guidelines §15302 (Replacement or Reconstruction) and §15303 (New Construction or Conversion of Small Structures), and none of the exceptions to the use of a categorical exemption as set forth in CEQA Guidelines §15300.2 apply to this Project:

Section 5. Severability. If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

I, Kyle Perata, Assistant Community Development Director 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 December 18, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of December, 2023

PC Liaison Signature

Kyle Perata
Assistant Community Development Director
City of Menlo Park

Exhibits

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

SHARON HEIGHTS GOLF & COUNTRY CLUB

Driving Range Net Replacement

2900 SANDHILL ROAD
MENLO PARK, CALIFORNIA

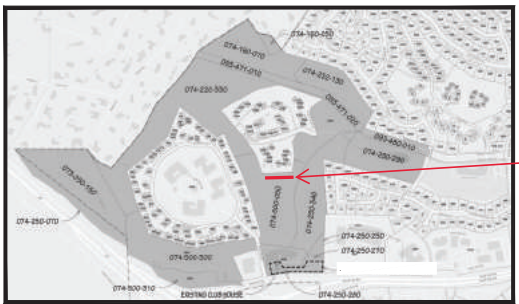
CLIFFORD BECKETT
AND ASSOCIATES, LLC
Engineering and Project Management
1301 25th Place, SE
Sammamish, WA 98075
800-333-0033
clifford@beckett.net



SHARON HEIGHTS GOLF AND COUNTRY CLUB
DRIVING RANGE NETTING REPLACEMENT
2900 SAND HILL ROAD
CITY OF MENLO PARK, CALIFORNIA

CONTENTS:
COVER & GENERAL NOTES

DATE: 10/23/23
SCALE: AS NOTED
REVISIONS:
DRAWN: C.B.
CHECKED: C.B.
JOB No.: 2019693
SHEET NO.:
C-0-0
OF 8 SHEETS



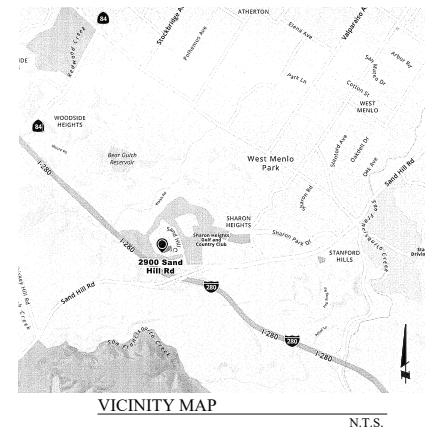
SHEET INDEX

CIVIL ENGINEERING

C-0-0	COVER PAGE
C-0-1	ARROUNDT REPORT & TREE PROTECTION SPECIFICATIONS
C-0-2	EXISTING NETTING PLAN
C-1-0	PROPOSED NETTING PLAN
C-2-0	CONSTRUCTION OPERATIONS PLAN & PHOTO RENDERING
S-0	COVER SHEET - STRUCTURAL NOTES & SPECIFICATIONS
S-1	FOUNDATION & POLE DETAILS
S-2	FENCE PROFILES

PROJECT DESCRIPTION:
THE PROJECT SCOPE IS TO RENOVATE THE EXISTING GOLF COURSE DRIVING RANGE NETTING. A NEW 75-FOOT HIGH AND 280 LINEAR FEET IN LENGTH TO BE INSTALLED AT THE REAR OF RANGE AND 300 LINEAR FEET OF 12 FOOT FENCE HIGH GOLF BALL CONTAINMENT NETTING ALONG BOTH SIDES OF RANGE.

- GENERAL NOTES:**
- CONTRACTOR TO VERIFY ALL CONTROLLING DIMENSIONS & SETBACKS WITH ARCHITECTURAL PLANS.
 - TOPOGRAPHIC INFORMATION PROVIDED BY AERIAL SURVEY COMPANY 2021.
 - ALL WORK SHALL BE IN ACCORDANCE WITH THE ATTACHED PLANS AND THE ARCHITECTURAL PLANS.
 - CONTRACTOR SHALL GRADE SITE, IN ACCORDANCE TO PLANS AND ACHIEVE POSITIVE DRAINAGE IN ALL AREAS.
 - ALL EARTHWORK, INCLUDING: CART PATH GRADING, POND FILL, CUTS, FILLS, ENTRY ROAD PREPARATION, FOUNDATION AND SLAB CONSTRUCTION, AND SITE DRAINAGE, REQUIRE GEOTECHNICAL OBSERVATION AND TESTING DURING CONSTRUCTION. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH GEOTECHNICAL STANDARDS.
 - IT IS RECOMMENDED THAT AN AS-BUILT PLAN FOR THE DRAINAGE SYSTEM BE PREPARED AT THE COMPLETION OF CONSTRUCTION.
 - THE OWNER RECOGNIZES THAT THE DRAINAGE FACILITIES WILL NEED TO BE PERIODICALLY CLEANED OF DEBRIS DURING THE FUNCTIONAL LIFE OF THE SYSTEM.
 - CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH ALL EXISTING CONDITIONS. THEY SHALL BRING ANY DISCREPANCIES TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING. VERIFY THE LOCATIONS OF ALL UNDERGROUND UTILITIES BEFORE STARTING CONSTRUCTION.
 - ANY SITE WORK THAT DEVIATES FROM WHAT IS SHOWN ON THE PLANS SHALL HAVE THE ENGINEER'S APPROVAL PRIOR TO PROCEEDING WITH THE DEVIATING WORK ITEM.
 - CONTRACTOR SHALL CALL "UNDERGROUND SERVICE ALERT" (800) 642-2444, 48 HOURS PRIOR TO EXCAVATION.
 - FOR ADDITIONAL SITE LAYOUT INFORMATION SEE ARCHITECTURAL PLANS.
 - PRIOR TO SETTING UP ACCESS ROUTE OR CONSTRUCTION ENTRANCES AT EDGE OF PUBLIC RIGHT OF WAY OR CONSTRUCTING ANY IMPROVEMENT WITHIN THE PUBLIC RIGHT OF WAY, CONTRACTOR SHALL OBTAIN AN ENCROACHMENT PERMIT FROM THE CITY ENGINEERING DEPARTMENT. SEE FRONTAGE NOTES BELOW.
 - CONTRACTOR SHALL ADHERE TO "BEST MANAGEMENT PRACTICES" (BMPs) GUIDELINES DURING CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR STORING, USING, AND DISPOSING OF ALL HAZARDOUS MATERIALS, IN ACCORDANCE WITH ALL STATE AND LOCAL LAWS. ALL AREA DRAINS TO BE COVERED WITH FILTER FABRIC DURING CONSTRUCTION. FILTER ROLLS TO BE INSTALLED BY OCTOBER 1, IF LANDSCAPING IS NOT COMPLETE.
 - CONTRACTOR SHALL REVIEW AND UNDERSTAND GRADING AND DRAINAGE GUIDELINES SET FORTH IN THE GEOTECHNICAL REPORT PRIOR TO STARTING ANY SITE WORK. FURTHERMORE, GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THE TOWN GRADING ORDINANCE. SOIL OR OTHER CONSTRUCTION MATERIALS SHALL NOT BE STOCKPILED IN THE PUBLIC RIGHT-OF-WAY UNLESS AN ENCROACHMENT PERMIT IS OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. GRADING SHALL NEITHER BE INITIATED NOR CONTINUED BETWEEN OCTOBER 1 AND APRIL 1, UNLESS APPROVED BY TOWN. GRADING SHALL BE DONE BETWEEN THE HOURS OF 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY UNLESS OTHERWISE SPECIFICALLY AUTHORIZED BY THE DIRECTOR OF PUBLIC WORKS. THE STORMWATER POLLUTION PREVENTION PROGRAM BEST MANAGEMENT PRACTICES (BMPs) FOR CONSTRUCTION SHALL BE IMPLEMENTED TO PROTECT WATER QUALITY.
 - CONTRACTOR SHALL ADHERE TO CAL OSHA STANDARD WHEN GRADING AND EXCAVATING.
 - ALL CONSTRUCTION AND RELATED ACTIVITIES WHICH REQUIRE A TOWN PERMIT SHALL BE ALLOWED ONLY DURING THE HOURS OF 7:30 AM TO 5:30 PM, MONDAY THROUGH FRIDAY AND 8:00 AM TO 1:00 PM, SATURDAYS. NO CONSTRUCTION ACTIVITY OR RELATED ACTIVITIES SHALL BE ALLOWED OUTSIDE OF THE AFORESAID HOURS OR ON SUNDAYS AND THE FOLLOWING HOLIDAYS: NEW YEAR'S DAY, PRESIDENT'S DAY, MEMORIAL DAY, 4TH OF JULY, LABOR DAY, THANKSGIVING AND CHRISTMAS DAY. ALL GASOLINE POWERED CONSTRUCTION EQUIPMENT SHALL BE EQUIPPED WITH AN OPERATING MUFFLER OR MUFFLING SYSTEM AS ORIGINALLY PROVIDED BY THE MANUFACTURER, AND NO MODIFICATION TO THESE SYSTEMS IS PERMITTED.
 - THE OWNER/APPLICANT SHALL ENSURE THAT APPLICABLE BEST MANAGEMENT PRACTICES (BMPs) FROM THE SAN MATEO STORMWATER POLLUTION PREVENTION PROGRAM (STOPPP) ARE FOLLOWED TO PREVENT DISCHARGE OF SOIL OR ANY CONSTRUCTION MATERIAL INTO THE GUTTER, STORMDRAIN SYSTEM OR CREEK.
 - DRAINAGE SHOWN ON CIVIL PLANS IS CONCEPTUAL. FINAL ALIGNMENT AND DEPTHS SHALL CONFORM TO FINAL GRADING AND POSITIVE DRAINAGE FLOW SHALL BE ACHIEVED. ENGINEER SHALL BE CONTACTED AND RESERVE DRAINAGE INSTALLATION TO ASSURE SYSTEM IS IN CONFORMANCE WITH PLAN CONCEPT AND PROJECT HYDRAULIC CALCULATIONS.



- EROSION AND SEDIMENT CONTROL NOTES:**
- STORM DRAIN POLLUTION PREVENTION: PROTECT DOWN SLOPE DRAINAGE COURSES, STREAMS AND STORM DRAINS WITH ROCK BAGS, HAY BALS, TEMPORARY DRAINAGE SWALES, FIBER ROLLS, SILT FENCES, BERMS OR STORM DRAIN INLET FILTERS.
 - A STABILIZED CONSTRUCTION ENTRANCE SHALL BE INSTALLED PRIOR TO THE INCEPTION OF ANY WORK ON-SITE, AND SHALL REMAIN IN PLACE UNTIL THE COMPLETION OF ALL LANDSCAPING. EXISTING ASPHALT DRIVEWAY CAN SERVE AS CONSTRUCTION ENTRANCE, IF CONTRACTOR CAN LEAVE INTACK FOR JOB.
 - DRY SWEEPING METHODS SHALL BE USED TO REMOVE ANY DEBRIS AND/OR SOIL TRACKED ON TO PUBLIC STREETS, AS NECESSARY. DRY SWEEPING SHALL BE DONE AT THE END OF EACH WORK DAY.
 - THE CONTRACTOR SHALL FOLLOW AND USE BEST MANAGEMENT PRACTICES (BMP) FOR DISCHARGE INTO THE CITY'S STORM WATER SYSTEM DURING SITE STOPPING, HAULING, EARTH MOVING ACTIVITIES, HEAVY EQUIPMENT OPERATIONS, GENERAL CONSTRUCTION AND SITE SUPERVISION, PAINTING, APPLICATIONS AND USE OF SOLVENTS AND ADHESIVES, LANDSCAPING AND GARDENING.
 - STOCKPILED MATERIAL SHALL BE COVERED WITH VISOQUEEN OR A TERPAULIN UNTIL THE MATERIAL IS REMOVED FROM THE SITE. ANY REMAINING BARE SOIL THAT EXISTS AFTER THE STOCKPILE HAS BEEN REMOVED SHALL BE COVERED UNTIL A NATURAL GROUND COVER IS ESTABLISHED OR IT MAY BE SEEDED OR PLANTED TO PROVIDE GROUND COVER PRIOR TO THE FALL RAINY SEASON.
 - EXISTING ON SITE INLETS TO REMAIN AND THE PROPOSED ON-SITE DRAINAGE INLETS (ONCE THEY HAVE BEEN INSTALLED), SHALL BE PROTECTED FROM ANY BARE SOIL ENTERING THE INLETS, BY INSTALLING FILTER FABRIC UNDER THE INLET GRATES. THE FILTER FABRIC SHALL REMAIN UNTIL NATURAL GROUND COVER IS ESTABLISHED.
 - CONTRACTOR SHALL CONTROL DUST AS OFTEN AS REQUIRED BY THE TOWN/CITY/COUNTY INSPECTOR.
 - IF EROSION DEVELOPS IN A TEMPORARY EROSION PROTECTED AREA OR ANY ESTABLISHED VEGETATED AREA, THE CONTRACTOR SHALL IMMEDIATELY ALLEVIATE AND REMEDY THE PROBLEM AND TAKE PREVENTATIVE MEASURES TO MINIMIZE THE POSSIBILITY OF ITS REOCCURRENCE AND ALSO TO PREVENT THE RESULTING FLOW OF SOILS OR WATER WITH SUSPENDED SOILS FROM GETTING INTO THE TOWN'S DRAINAGE SYSTEM OR ANY NATURAL DRAINAGE CHANNEL OR DITCH.
 - ALL DISTURBED AREAS SHALL BE LANDSCAPED OR PROTECTED.
 - ALL DISTURBED SLOPES GREATER THAN 5:1 SHALL BE PROTECTED WITH EROSION BLANKET (STRAW OR FIBER).
 - CONTRACTOR SHALL PLACE SAND BAGS IN GUTTER, DIRECTLY UP STREAM OF CATCH BASINS IN STREET, PRIOR TO BEGINNING WORK.
 - CONTRACTOR SHALL ESTABLISH A WATER SOURCE, ON SITE, PRIOR TO COMMENCEMENT OF WORK. WATER TRUCK ON SITE IS AN ACCEPTABLE WATER SOURCE.
 - CONTRACTOR SHALL ADHERE TO NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) BEST MANAGEMENT PRACTICES (BMP) FOR SEDIMENTATION PREVENTION AND EROSION CONTROL TO PREVENT DEleterious MATERIALS OR POLLUTANTS FROM ENTERING THE TOWN OR COUNTY STORM DRAIN SYSTEMS.
 - EROSION CONTROL PLAN SHOWN ON C-4-0 IS CONCEPTUAL. PROJECT SWPPP AND EROSION CONTROL PLAN SHALL BE MONITORED BY ENGINEER AND UPDATED DAILY, AS DISTURBED AREA ARE CREATED. EROSION AND SEDIMENT CONTROL IS A STATE AND LOCAL REQUIREMENT, THE FULL EXTENT OF PROTECTION IS TO BE DETERMINED BY THE ENGINEER & CONTRACTOR.
 - SITE CONDITIONS AT TIME OF PLACEMENT OF EROSION CONTROL MEASURES WILL VARY. THE CONTRACTOR SHALL ADJUST EROSION CONTROL MEASURES AS THE SITE CONDITIONS CHANGE AND AS THE NEED OF CONSTRUCTION SHIFT TO PREVENT EROSION AND SEDIMENTATION FROM LEAVING SITE.
 - TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DISPOSED OF INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION AND DISPERSAL BY WIND.
 - SILT FENCE(S) AND/OR FIBER ROLL(S) SHALL BE INSTALLED PRIOR TO SEPTEMBER 15 (PRIOR TO FIRST RAINY SEASON) AND SHALL REMAIN IN PLACE UNTIL THE LANDSCAPING GROUND COVER IS INSTALLED. CONTRACTOR SHALL CONTINUALLY MONITOR FENCES AND ROLLS, FOLLOWING AND/OR DURING ALL RAIN EVENTS, TO ENSURE FACILITIES ARE FUNCTIONING PROPERLY. SILT BUILD UP ON FACILITIES SHALL BE REMOVED REGULARLY, DISBURSED ON SITE, AND PROTECT FROM WASHING AWAY AGAIN.

October 25, 2023

Mr. Curt Woosick and Mr. Chad Twaddle
Sharon Heights Golf and Country Club
2900 Sand Hill Rd
Menlo Park, CA 94025
Email: curtwo@sd.com; chad@shgcc.com

RE: AMENDED ARBORIST REPORT FOR TREE PROTECTION PLAN FOR THE SHARON HEIGHTS DRIVING RANGE NET RECONSTRUCTION

Dear Mr. Woosick and Mr. Twaddle,

Thank you for the opportunity to provide additional arborist consulting services for the trees growing at the rear of the golf course driving range. The need was agreed to with the neighboring properties to increase the height of the rear driving range set and a replacement net along the side is not included at this time.

These trees were not identified and included in the initial golf course tree inventory. There is adequate open space to set up the crane and complete the install without removing any trees or encroaching within a reasonable tree protection zone.

The proposal is to install an appropriate tree protection zone and complete the removal of the existing net and wooden poles and install new taller steel poles and new net.

Summary: The project has been designed to complete the driving range net at a taller height to better protect the adjacent properties. There are no trees proposed to be removed, and the same quality tree protection that has been installed and practiced throughout the golf course renovation will be utilized for the trees adjacent to the net area.

The request is to have the installation of the net approved without the need for the tree inventory based on the site design and use of a crane to remove and install all the poles.

Observations: The trees behind the poles and net can be protected with a tree protection fence. The trees in front of the poles and net can be protected with a tree protection fence. The removal and installation will be performed with a crane with a large enough reach to work around the existing tree without impacts.

Other testing or examination: No additional testing or examination was requested at the time of the inspection.

159 Nevada Street, Suite 201, Auburn, CA 95603 Direct (916) 740-3461 Office (530) 745-4086 www.CaTLC.com

October 25, 2023

Appendix 2 Driving Range Tree Protection Layout



Tree protection fence (gold and enlarged blue) on both sides of the driving range

Appendix 3 Tree Protection

Tree protection shall be shown on the construction drawings and put in place prior to the beginning of demolition or construction work. The presence of existing asphalt or concrete on an existing developed site can be the best form of tree protection. In these areas, it protects the trees best if the asphalt or concrete is in place and as long as possible. If pavement is being replaced, at the time of replacement, excavation should be shallow to avoid ripping roots, if roots need to be pruned for installation of replacement pavement, the root pruning specifications above should be followed.

Tree Protection fencing shall be sturdy fencing placed over open soil areas or turf areas under the drip line of the tree. If the drip line is covered partially by concrete, only the open soil or turf areas need to be protected by fencing. If concrete is going to be removed after the initiation of construction activities, as soon as the concrete is removed, fencing shall be put in place over areas that will be open soil or turf in the final design.

The fencing shall have a clear sign designating the area as the tree protection zone and no people, equipment, or materials shall be allowed in the fenced area.

If approved work is to occur within the tree protection area, the fence shall remain in place and opened for the work, then immediately put back in place after the work is completed. To protect soil where work is approved in a tree protection zone, a layer of 4" thick wood chip mulch should be placed over the soil. The mulch can be moved for the approved work. After the work is complete, the mulch shall be spread back to cover the soil. If heavy equipment is

Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan
Page 4 of 12

October 25, 2023

Discussion: The project has been in progress demonstrating the care for the existing trees and installation and respect for the tree protection during the construction. The same care and protection will be practiced during the removal of the existing poles and net and installation of the new poles and net.

Attached are the installation layout and tree protection plan layout for the project. The golf course staff will perform the tree protection set up and confirm the tree protection is in place prior to the demolition, removal or construction work on the net and poles.

Conclusion: The Golf course has practiced quality tree protection according to the specifications during the golf course renovation work. The same quality and care will be practiced for the driving range net removal and installation work activities. The tree protection fence will be photographed and confirmed prior to the beginning of demolition or installation work.

Please contact me at 650.740.3461, or govtree@caatlc.com, if you have any questions about this report or any other services we provide.

Sincerely,

Consulting Arborist and Urban Forester
Registered Consulting Arborist #480
ISA Certified Arborist and Municipal Specialist PWE-0151AM
Caucic Certified Urban Forester #127
ISA Qualified Tree Risk Assessor
California Tree and Landscape Consulting, Inc.
1243 High Street
Auburn, CA 95603
650-740-3461
www.caatlc.com

Attachments:

- Appendix 1 Driving Range Net Layout
- Appendix 2 Driving Range Net Installation Tree Protection Plan
- Appendix 3 Tree Protection
- Appendix 4 Tree Pruning
- Assumptions and Limitations
- Resume for Gordon Mann
- Certificate of Performance
- Project Description

Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan
Page 2 of 12

October 25, 2023

approved to work within the tree protection fencing, steel plates shall be placed over the mulch and the equipment shall be staged on the plates to perform the work.

If work by equipment is approved within the tree protection zone, trunk protection shall be installed around the trunk to protect the trunk from impact. Appropriate trunk protection can be boards standing vertically around the trunk and wrapped with orange snow fencing. The boards must be appropriate size for the size of the tree. Smaller trees will use 2x4 boards. Larger trees can use 2x6 or 2x8 boards as appropriate and wrapped with orange snow fencing. An alternative trunk wrap to boards is straw wattle wound around the trunk and wrapped in orange snow fencing.

All trunk protector shall be in place prior to work commencing within the tree protection area.

Appendix 4 Tree Pruning

The trees to be pruned are the trees growing in the area where the new driving range net is being removed and installed. The objective is to prune the trees for proper clear area to avoid damage to the trees by equipment and not materials while moving by cranes around the trees while retaining as large a crown as possible.

The tree pruning will be performed as needed for clearance to avoid impact and damage from installation equipment and materials being constructed for the new driving range protective net. The majority of cuts will be in the outer third of the crown and be comprised of branch removal and reduction cuts. A cut heading cut may be needed to avoid pruning a whole branch back to the trunk.

The amount of foliage removal should not exceed 15% on any tree. The smallest sized cuts possible will be made, and the top edge of the cut should be from 2 to 4 inches, with an angle of pruning around. An eye at the edge of the fork beetle window in the pruning cuts should not cause an insect issue.

The purpose of the pruning is to avoid damage to the structure, so pruning prior to contact and damage is a more proactive approach to tree protection on these trees.

Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan
Page 5 of 12

October 25, 2023

Appendix 1 Driving Range Net Layout



Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan
Page 3 of 12

October 25, 2023

Assumptions and Limitations: This report provides information about the subject tree at the time of the inspection. Trees and conditions may change over time. This report is only valid for the tree with the conditions present at the time of the inspection. All observations were made while standing on the ground. The inspector does not provide any warranty or representation about the tree's attachments, loading, and a mulch and probe used to learn the extent of decay and hollow portions of the tree.

Arborists are tree professionals who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living trees. Clients may choose to accept or disregard the recommendations of the arborist or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that can fall in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, land-use/zoning matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the remedial measures.

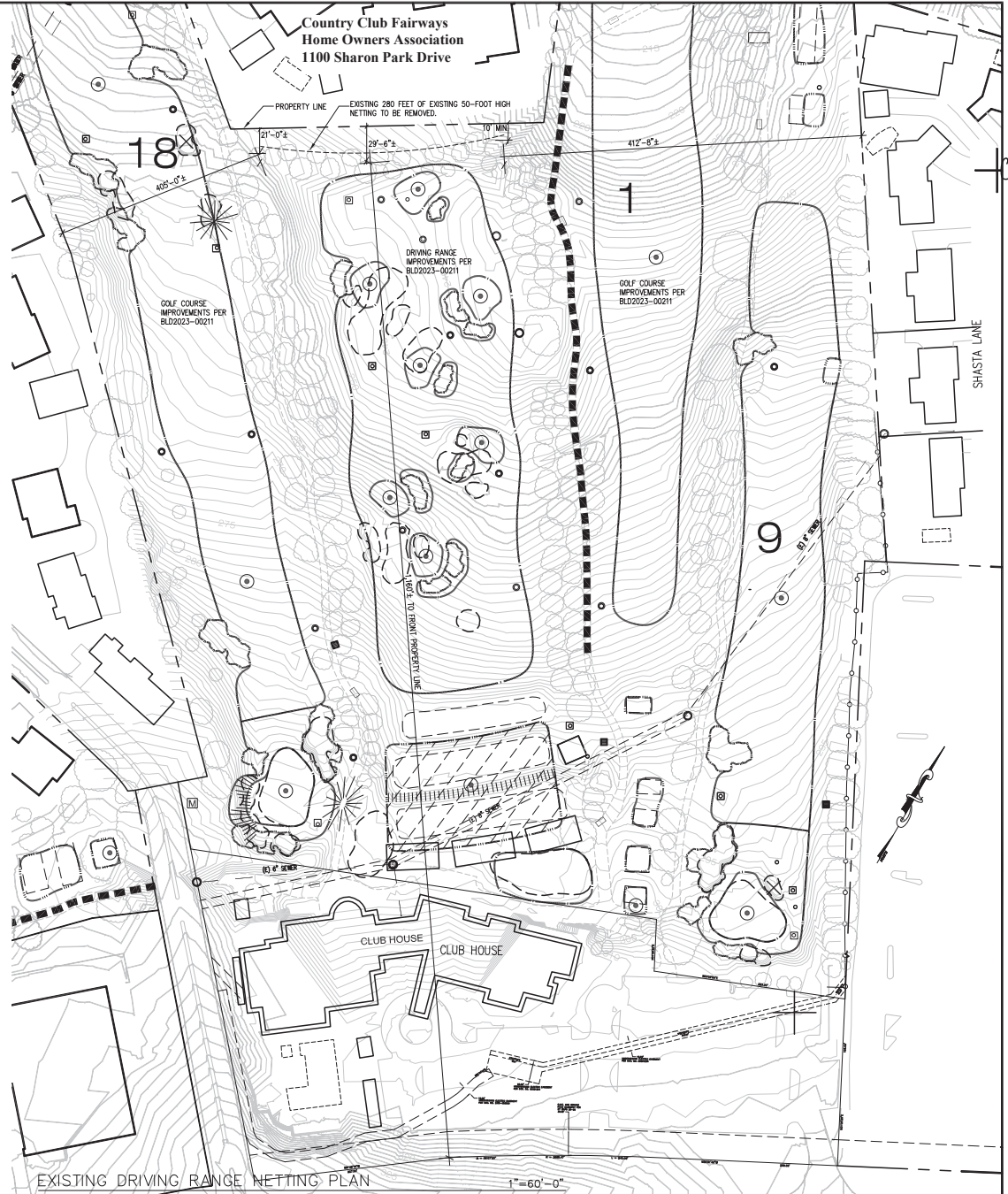
Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan
Page 6 of 12



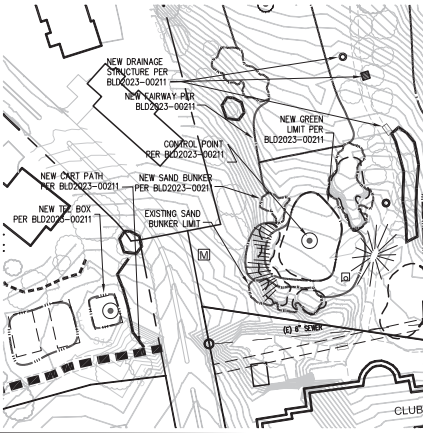


PHOTO EXISTING FENCING



LEGEND

- TREE PROTECTION LIMITS. SEE ARBORIST REPORT FOR SPECIFICATIONS
- EXISTING STORM DRAIN INLET
- EXISTING CART PATH DRAIN
- PROPOSED 12" STORM DRAIN INLET PER 2023-00211
- PROPOSED CART PATH DRAIN PER BLD2023-00211



CLIFFORD BOETTCHER
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Engineering and Project Management
1301 254th Place, SE
SUMNER, WA 98075
800-333-2003
clifford@cliffordboettcher.com

Professional Engineer
No. 20075
State of California

SHARON HEIGHTS GOLF AND COUNTRY CLUB
DRIVING RANGE NETTING REPLACEMENT
2900 SAND HILL ROAD
CITY OF MENLO PARK, CALIFORNIA

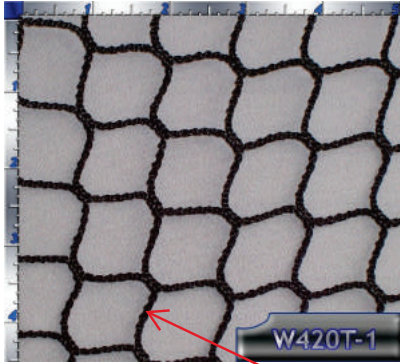
CONTENTS:
EXISTING DRIVING RANGE NETTING PLAN

DATE 10/23/23
SCALE AS NOTED

REVISIONS:

DRAWN C.B.
CHECKED C.B.

JOB No. 2019693
SHEET NO.
C-0.2
OF 8 SHEETS



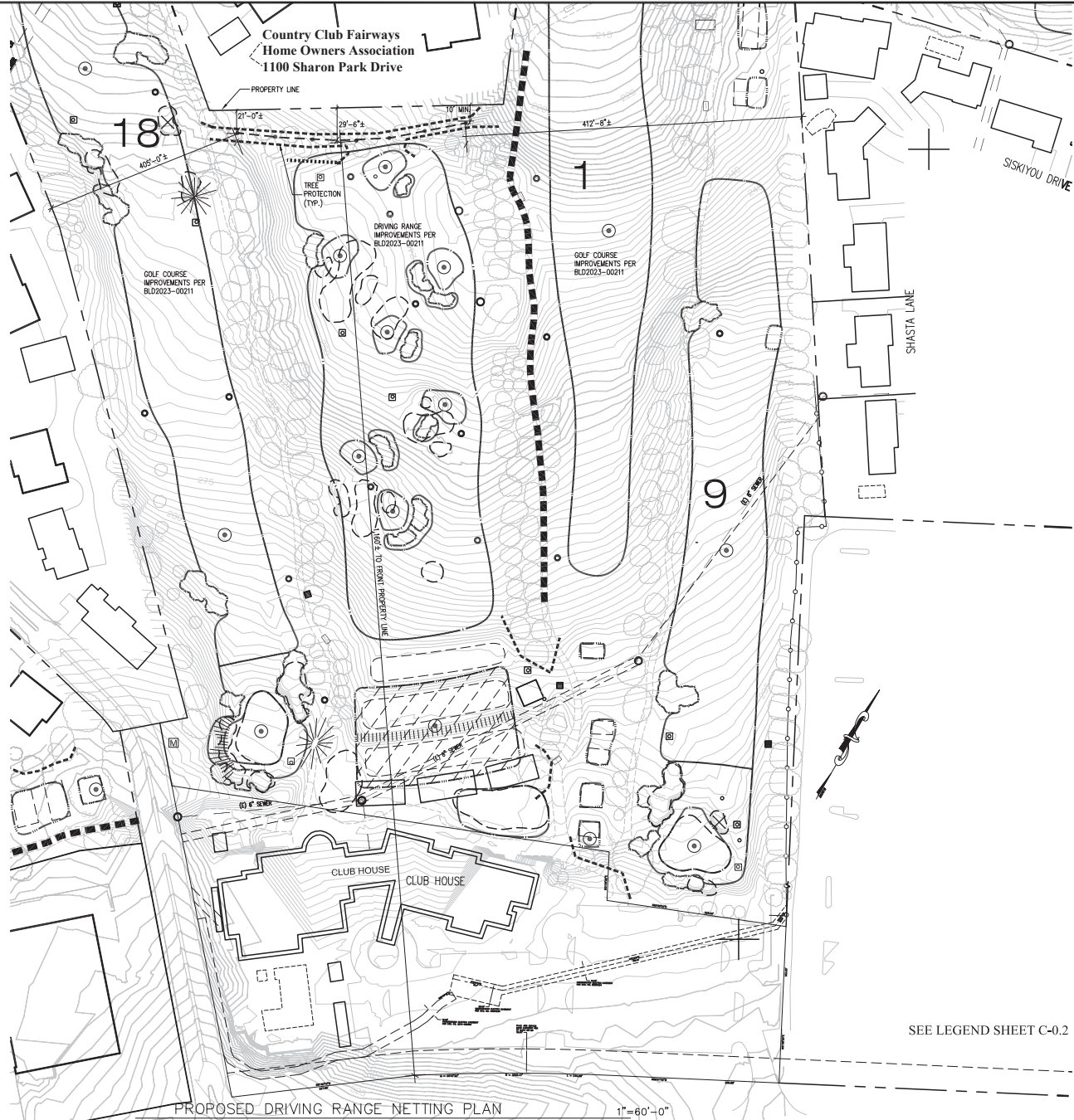
NETTING MATERIAL

BLACK COATED
A53 STEEL POLE
(TYP.)

HIGH STRENGTH
BLACK NYLON
NETTING



CONCEPT PHOTO NEW NETTING SYSTEM



PROPOSED DRIVING RANGE NETTING PLAN

1"=60'-0"

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AND ASSOCIATES, LLC
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1301 254th Place, SE
SUMMERS, WA 98075
602-333-2003
cliffboettch@comcast.net



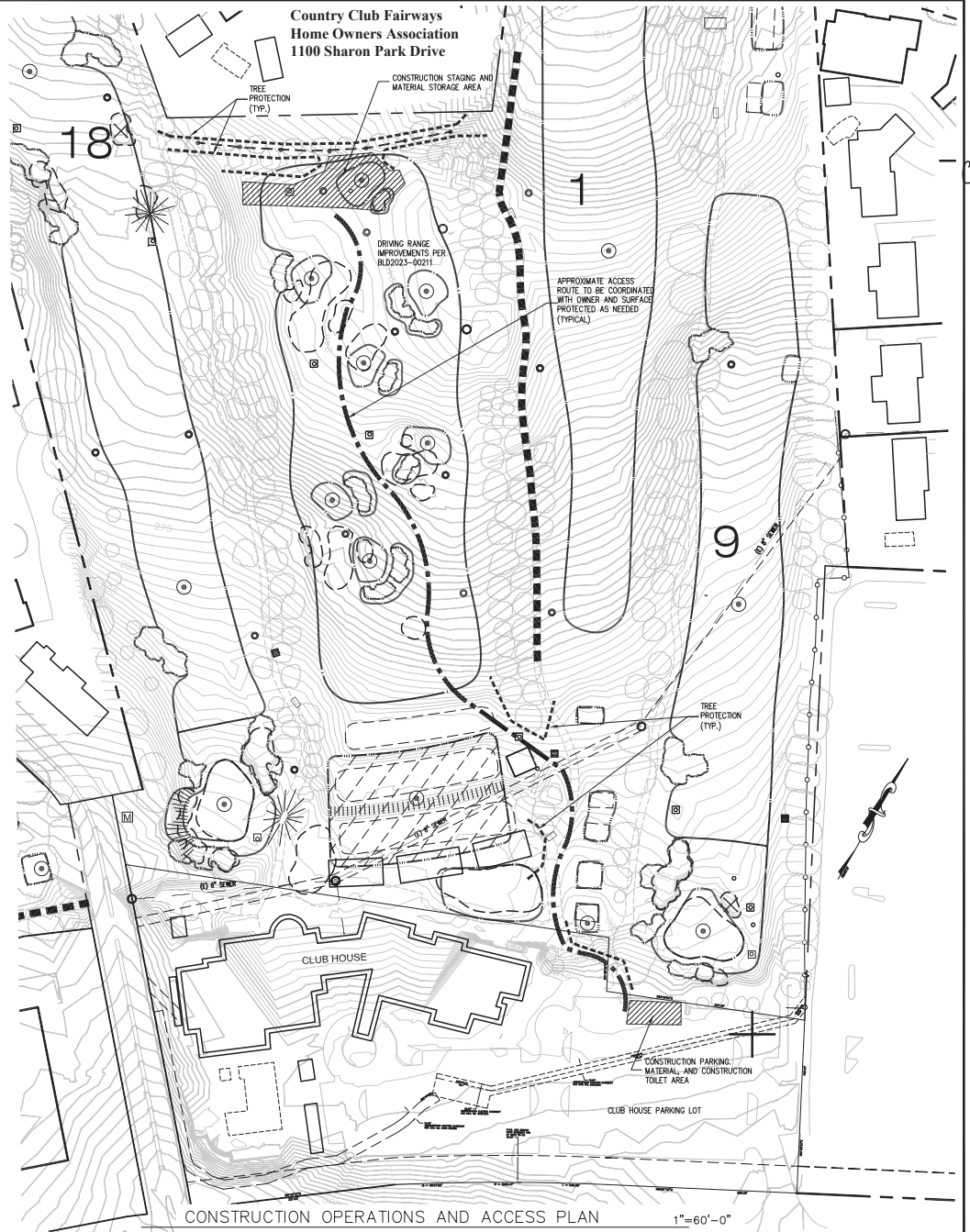
SHARON HEIGHTS GOLF AND COUNTRY CLUB
DRIVING RANGE NETTING REPLACEMENT
2900 SAND HILL ROAD
CITY OF MENLO PARK, CALIFORNIA

CONTENTS:
PROPOSED
DRIVING
RANGE
NETTING
PLAN

DATE 10/23/23
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REVISIONS:

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CHECKED C.B.
JOB No. 2019693
SHEET NO.

C-1.0
OF 8 SHEETS



CONSTRUCTION OPERATIONS AND ACCESS PLAN 1"=60'-0"



**EXHIBIT A
DRIVING RANGE**

PHOTO RENDERING – EXHIBIT A

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PROPOSED
DRIVING RANGE
NETTING REPLACEMENT
2900 SAND HILL ROAD
CITY OF MENLO PARK, CALIFORNIA

CONTENTS:
PROPOSED DRIVING RANGE NETTING PLAN

DATE: 10/23/23
SCALE: AS NOTED
REVISIONS:

DRAWN: C.B.
CHECKED: C.B.
JOB No.: 2019693
SHEET NO.
C-2.0
OF 8 SHEETS

BUILDING CODE / SITE DATA

CODES
 2022 CALIFORNIA BUILDING CODE
 ASCE 7-16 & ASCE 7-22
 THIS DESIGN MEETS AND / OR EXCEEDS THE MINIMUM STRUCTURAL REQUIREMENTS OF THE 2019 CBC, 2021 IBC & 2018 IBC

SITE DATA
 LOCATION / ADDRESS
 SHARON HEIGHTS GOLF CLUB
 2900 SAND HILL RD
 MENLO PARK, CA
 GROUND SNOW LOAD = 0 PSF
 WIND DATA

BASIC WIND SPEED (3 SEC GUST FACTOR) = 95 MPH
 WIND EXPOSURE = C IMPORTANCE FACTOR = 1.0
 DIRECTIONALITY FACTOR = 0.85 PRESSURE COEF = 0.85
 TOPOGRAPHY FACTOR = 1.0 ELEVATION FACTOR = 1.0
 SIMPLIFIED WIND DESIGN METHOD USED ON THIS PROJECT

SEISMIC DATA
 IMPORTANCE FACTOR = 1.0 SPECTRAL RESPONSE ACCELERATIONS (%g)
 SITE CLASSIFICATION = C S₁ = 0.26 S₁ = 0.109
 DESIGN CATEGORY = D S_{0.1} = 0.2760 S_{0.1} = 0.1716
 SEISMIC DESIGN METHOD USED = EQUIVALENT LATERAL FORCE
 DESIGN METHOD USED COMPLES WITH ASCE 7-16 AND ASCE 7-22

RESISTIVE METHOD
 DEFLECTION AMPLIFICATION FACTOR
 CANTILEVERED POLE 1.5 1.5
 SUPPORTING NET 1.5 1.5
 THIS DESIGN ASSUMES THAT THE POLES SUPPORTING THE CABLES THAT ARE SUPPORTING THE NETTING IS SIMILAR TO A STEEL POLE USED FOR TELECOMMUNICATIONS AND UTILITIES ETC

SYSTEM COMPONENTS REQUIRING SPECIAL INSPECTIONS FOR SEISMIC RESISTANCE
 NONE
FLOOD DATA
 THIS PROJECT IS NOT DESIGNED FOR FLOOD LOADS.
 FLOOD HAZARDS = N/A
SPECIAL LOADS
 SPECIAL LOADS = N/A

SPECIAL INSPECTION REQUIREMENTS
 ONLY AS REQUIRED BY PERMITTING AUTHORITY.

GENERAL

- LEGGETT ENGINEERING INC IS PROVIDING STRUCTURAL DESIGN SERVICES ONLY. ALL ZONING, BUILDING USE ISSUES, PLANNING, FIRE/LIFE SAFETY, MECHANICAL, ELECTRICAL, PLUMBING, GRADING, SHORING, JOBSITE SAFETY, OSHA REQUIREMENTS, ETC ARE THE RESPONSIBILITY OF OTHERS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND CONDITIONS AT THE JOBSITE BEFORE STARTING WORK AND SHALL NOTIFY LEGGETT ENGINEERING INC, IMMEDIATELY OF ANY DISCREPANCIES. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER SCALE ON PLANS.
- ALL WORK SHALL COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE AND ALL OTHER PUBLICATIONS AND STANDARDS LISTED HEREIN, AS ADOPTED BY THE GOVERNING AGENCY. ALL MANUALS AND OTHER REFERENCES TO BE THE LATEST EDITION.
- TEMPORARY SHORING, ERECTION BRACING, O.S.H.A. REQUIREMENTS ARE NOT A PART OF THESE PLANS OR DESIGN CONSIDERATIONS. CONTRACTOR SHALL PROVIDE SHORING, BRACING AND SAFETY REQUIREMENTS INCLUDING ANY NECESSARY ENGINEERING AND/OR PLANS AS REQUIRED BY THE GOVERNING AGENCIES AND SOUND CONSTRUCTION PRACTICES. JOBSITE SAFETY IS THE SOLE RESPONSIBILITY OF THE OWNER OR CONTRACTOR AND IS NOT PART OF THESE PLANS AND DESIGNS AND IS NOT THE RESPONSIBILITY OF THE FIRMS AND/OR PERSONS RESPONSIBLE FOR THE PREPARATION OF THESE PLANS AND/OR DESIGNS. THE EFFECTS OF EQUIPMENT VIBRATION HAVE NOT BEEN CONSIDERED IN THIS DESIGN.
- ANY UNAUTHORIZED DEVIATION FROM THESE STRUCTURAL PLANS, DETAILS AND SECTIONS ARE NOT THE RESPONSIBILITY LEGGETT ENGINEERING INC., OR ITS EMPLOYEES. APPROVAL BY THE BUILDING INSPECTOR OR OTHERS DOES NOT IMPLY THAT SUCH DEVIATIONS ARE ACCEPTABLE TO OR APPROVED BY THE ENGINEER OF RECORD.
- THE CONTRACTOR SHALL SUBMIT IN WRITING ANY REQUESTS FOR MODIFICATIONS TO THE PLANS AND/OR SPECIFICATIONS. SHOP DRAWINGS SUBMITTED TO THE ENGINEER OF RECORD FOR REVIEW DO NOT CONSTITUTE "IN WRITING" UNLESS CHANGES OR REVISIONS ARE CLEARLY AND PROMINENTLY NOTED THAT SPECIFIC CHANGES ARE BEING REQUESTED. ALL CHANGES MADE WITHOUT WRITTEN APPROVAL SHALL BE THE LEGAL AND FINANCIAL RESPONSIBILITY OF THE CONTRACTOR OR SUB-CONTRACTOR INVOLVED AND IT SHALL BE THEIR RESPONSIBILITY TO REPLACE OR REPAIR THE CONDITION AS DIRECTED BY THE ENGINEER OF RECORD. ALL COSTS THAT ARE THE DIRECT OR INDIRECT RESULT OF SUCH CHANGE INCLUDING MATERIAL, LABOR, ENGINEERING, PLANS AND GOVERNMENT APPROVAL SHALL BE INCLUDED AS PART OF THE CONTRACTOR'S AFORE MENTIONED FINANCIAL RESPONSIBILITY.
- ALL MODIFICATIONS OF A STRUCTURAL NATURE OR CHANGE OF FINISH MATERIALS THAT EXCEEDS OR CAUSES THE LIVE, DEAD OR LATERAL LOADS TO BE EXCEEDED SHALL BE REVIEWED AND AUTHORIZED BY THE STRUCTURAL ENGINEER OF RECORD. COSTS OF ANY MODIFICATION OF PLANS AND CALCULATIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR/OWNER REQUESTING CHANGES. ANY MODIFICATIONS OF SUCH NATURE NOT APPROVED BY THE ENGINEER OF RECORD SHALL MAKE THESE PLANS AND ALL RELATED DOCUMENTS PREPARED BY APPROVED BY OR REVIEWED BY THE ENGINEER OF RECORD NULL AND VOID IN THEIR ENTIRETY. IN SUCH CASES, THE ENGINEER OF RECORD WILL NO LONGER BE RESPONSIBLE FOR THE STRUCTURES INVOLVED. THIS APPLIES REGARDLESS OF ANY APPROVALS OBTAINED FROM BUILDING DEPARTMENTS OR OTHERS.
- THESE PLANS ARE THE EXCLUSIVE PROPERTY LEGGETT ENGINEERING INC.. THE RE-USE OF THESE DRAWINGS OR COPIES OF THESE DRAWINGS IN WHOLE OR IN PART AT THIS SITE OR OTHERS IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF LEGGETT ENGINEERING INC. UNAUTHORIZED USE OF THESE PLANS IN WHOLE OR IN PART CONSTITUTES FRAUD AND IS AT THE TOTAL RISK OF THE USER. ALL COSTS AND LIABILITIES INCURRED BY THE UNAUTHORIZED USE OF THESE PLANS ARE THE RESPONSIBILITY OF SAID USER. SUCH COSTS INCLUDE BUT ARE NOT LIMITED TO IDENTIFICATION, LEGAL, FEES, REIMBURSEMENT OR PAYMENT OF USUAL FEES, COST OF REPAIR AND ANY RELATED OR INCIDENTAL COSTS.

FOUNDATION / SOILS

SOILS REPORT - NONE
 SOIL BEARING PRESSURE 1500 PSF
 LATERAL SOIL BEARING PRESSURE 100 PSF
 INCREASE ALLOWED FOR WIND / SEISMIC - YES
 ASSUMED SOILS BEARING PRESSURE AND ASSUMED SOILS CONDITIONS ARE USED FOR THE DESIGN OF THIS PROJECT WHERE NO SOILS REPORT IS AVAILABLE. THIS IS DUE TO THE CHOICE OF THE CLIENT, AND/OR OWNER AND NOT THE DECISION OR THE RESPONSIBILITY OF LEGGETT ENGINEERING INC.. CONDITIONS ASSUMED ARE CONSISTENT WITH INFORMATION PROVIDED BY OTHERS OR GENERALLY ACCEPTED LOCAL PRACTICE BUT NOT CERTIFIED. LEGGETT ENGINEERING INC. ASSUMES NO RESPONSIBILITY FOR UNKNOWN CONDITIONS. THIS APPLIES TO ALL PROJECTS DESIGNED WITHOUT SOILS REPORT INCLUDING THOSE SITES THAT HAVE BEEN VISITED BY PERSONNEL FROM LEGGETT ENGINEERING INC.

CONCRETE

- ALL CONCRETE WORK SHALL BE DONE IN ACCORDANCE WITH A.C.I. MANUAL OF CONCRETE PRACTICE AND THE UNIFORM BUILDING CODE.
- CONCRETE COMPRESSIVE STRENGTH AT 28 DAYS HAS BEEN DESIGNED FOR 2500 P.S.I. CONCRETE DELIVERED TO JOB SITE SHALL BE A MINIMUM OF 3500 PSI
- CEMENT SHALL BE TYPE II, LOW ALKALI CONFORMING TO A.S.T.M. C-150, EXCEPT WHERE CONCRETE IS REQUIRED TO BE RESISTANT TO EXPOSURE TO CONDITIONS THAT REQUIRE AN ALTERNATE CEMENT TYPE. SEE GENERAL NOTE #10.
- CONCRETE EXPOSED TO SULFATES SHALL BE MIXED USING TYPE V CEMENT FOR SEVERE EXPOSURE. CONCRETE SUBJECT TO VERY SEVERE EXPOSURE SHALL BE MIXED USING TYPE V PLUS POZZOLAN.
- WATER CEMENT RATIOS FOR CONCRETE EXPOSED TO SULFATES SHALL NOT EXCEED 0.50 FOR MODERATE EXPOSURE AND 0.45 FOR SEVERE AND VERY SEVERE EXPOSURE.
- IF SULFATE CONTENT OF SOIL IS UNKNOWN AND IF SULFATE CORROSION OF CONCRETE EXISTS AT OR ADJACENT TO THIS JOBSITE, CONTRACTOR AND/OR OWNER SHALL OBTAIN A SULFATE TEST OR MAY USE TYPE V OR OTHER SULFATE RESISTANT CEMENT, RATED TO RESIST SEVERE EXPOSURE.
- THE MAXIMUM WATER SOLUBLE CHLORIDE, 10N (C1) IN CONCRETE, PERCENTAGE BY WEIGHT OF CEMENTITIOUS MATERIALS SHALL NOT EXCEED 1.00 FOR INTERIOR CONCRETE AND 0.30 FOR EXPOSED CONCRETE INCLUDING FOUNDATION CONCRETE FOR PERIMETER FOOTINGS.
- AGGREGATE SHALL CONFORM TO A.S.T.M. C-33.
- MAXIMUM SIZE OF COURSE AGGREGATE SHALL NOT EXCEED 3/4 THE MINIMUM CLEAR DISTANCE BETWEEN INDIVIDUAL REINFORCING BARS, NOR 1 INCH.
- WATER USED IN MIXING CONCRETE SHALL BE CLEAN AND FREE FROM INJURIOUS AMOUNTS OF OILS, ACIDS, ALKALIS, SALTS, ORGANIC MATERIALS OR OTHER SUBSTANCES THAT MAY BE DELETERIOUS TO CONCRETE OR REINFORCEMENT.
- NONPOTABLE WATER SHALL NOT BE USED IN CONCRETE UNLESS THE FOLLOWING ARE SATISFIED:
 A. SELECTION OF CONCRETE PROPORTIONS SHALL BE BASED ON CONCRETE MIXES USING WATER FROM THE SAME SOURCE.
 B. MORTAR TEST CUBES MADE WITH NONPOTABLE MIXING WATER SHALL HAVE SEVEN-DAY AND 28-DAY STRENGTHS EQUAL TO AT LEAST 90 PERCENT OF STRENGTHS OF SIMILAR SPECIMENS MADE WITH POTABLE WATER. STRENGTH TEST COMPARISON SHALL BE MADE ON MORTARS, IDENTICAL EXCEPT FOR THE MIXING WATER, PREPARED AND TESTED IN ACCORDANCE WITH APPROVED STANDARDS.

MATERIAL DESIGN REFERENCES

CONCRETE DESIGN BASED ON 2500 PSI (3500 PSI MIN TO BE DELIVERED TO JOBSITE)
 REINFORCING (WHERE USED) A.S.T.M. GRADE 40 FOR #5 AND SMALLER
 A.S.T.M. GRADE 60 FOR #6 AND LARGER
 STRUCTURAL STEEL A.S.T.M. A-36 (UNLESS NOTED OTHERWISE ON PLANS)
 STEEL POLES API-5L (42 KSI MIN), ASTM A252 (42 KSI MIN)
 BOLTS ASTM A-307
 ANCHOR BOLTS (WHERE USED) ASTM F1554 GRADE 36 (UNLESS NOTED OTHERWISE ON PLANS)
 WIRE ROPE / CABLES 7x19 CONSTRUCTION ASTM 1023A, ASTM 1023M, ASTM A603
 WIRE ROPE CLAMPS GALVANIZED - FED SPEC #FRC-C-45 TY I CL2
 THIMBLES GALVANIZED FED SPEC #FF-T-276B TY II
 TURNBUCKLE GALVANIZED - FED SPEC #FF-T-791B
 FENCING RINGS #9 GALVANIZED STEEL HOG RINGS
 NETTING WEST COAST NETTING
 OR EFFECTIVE SOIL 25 50 FT (MIN) / POUND
 DO NOT ATTACH SIGMAE, LIGHTS, ETC TO NET OR POLES

LEGGETT ENGINEERING INC

9303 N BROKEN SADDLE DR
 KINGMAN, AZ 86401
 leggettengineering@gmail.com
 LEGGETT ENGINEERING INC IS PROVIDING STRUCTURAL DESIGN SERVICES FOR WEST COAST NETTING. INSTALLATION BY OTHERS IS PROHIBITED WITHOUT THE EXPRESS WRITTEN PERMISSION OF LEGGETT ENGINEERING INC.
 LEGGETT ENGINEERING INC IS PROVIDING STRUCTURAL DESIGN SERVICES ONLY. ALL ZONING, BUILDING USE ISSUES, PLANNING, FIRE/LIFE SAFETY, MECHANICAL, ELECTRICAL, PLUMBING, GRADING, SHORING, JOBSITE SAFETY, OSHA REQUIREMENTS ETC., ARE THE RESPONSIBILITY OF OTHERS.
 THIS DRAWING SHALL BE CONSIDERED PRELIMINARY UNLESS THIS SHEET IS STAMPED AND SIGNED BY THE ENGINEER OF RECORD.

LEGGETT ENGINEERING INC IS ONLY RESPONSIBLE FOR STRUCTURAL ITEMS



5075 Flightline Drive
 Kingman, AZ 86401

Office (928) 692-1144 Fax (928) 692-1501
 Toll Free (800) 854-5741
 www.westcoastnetting.com

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PROJECT LOCATION:
 SHARON HEIGHTS GOLF & CC
 2900 SAND HILL ROAD.
 MENLO PARK, CA

MARK	DATE	DESCRIPTION

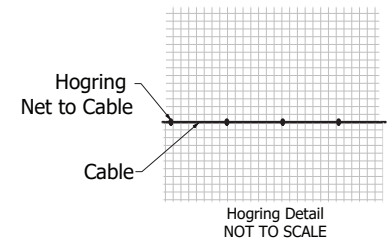
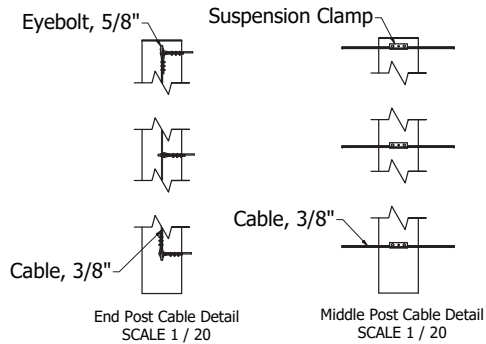
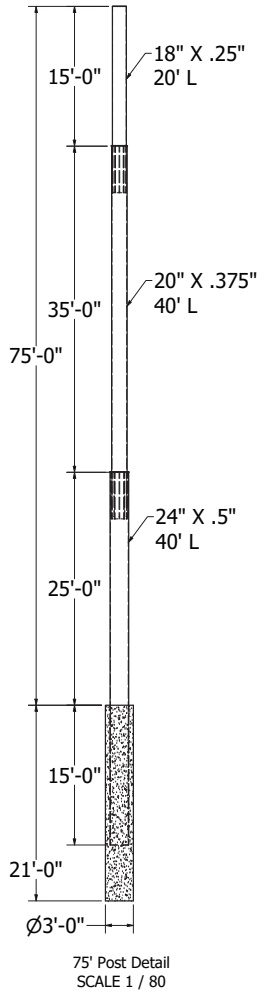
PROJECT TITLE:
 SHG&CC DRIVING RANGE
 FENCE REPLACEMENT

SHEET TITLE:
 STRUCTURAL NOTES & SPECS

DATE: 4-5-2023
 SCALE: NONE | SIZE: D
 DRAWN BY: DL
 PROJECT NO.:
 DRAWING NO.:
 SHEET: 1 OF 3 **S-0**

8 | 7 | 6 | 5 | 4 | 3 | 2 | 1

75' High Pole
Extend to 100'
At Later Date



5075 Flightline Drive
Kingman, AZ 86401

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PROJECT LOCATION:

SHARON HEIGHTS GOLF & CC
2900 SAND HILL ROAD,
MENLO PARK, CA

MARK	DATE	DESCRIPTION

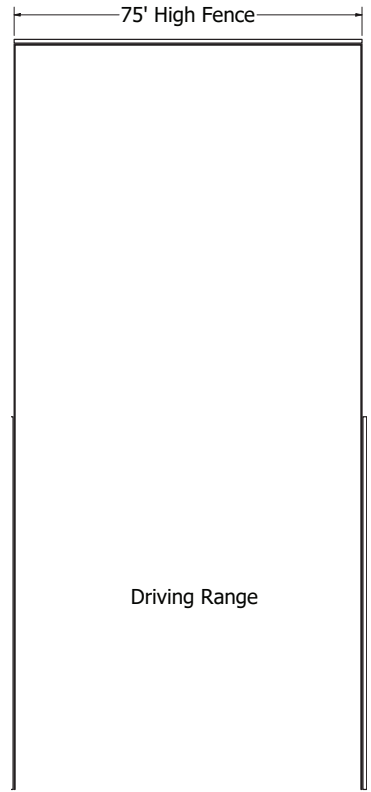
PROJECT TITLE:
SHG&CC DRIVING RANGE
FENCE REPLACEMENT

SHEET TITLE:
FOUNDATION & POLE DETAILS

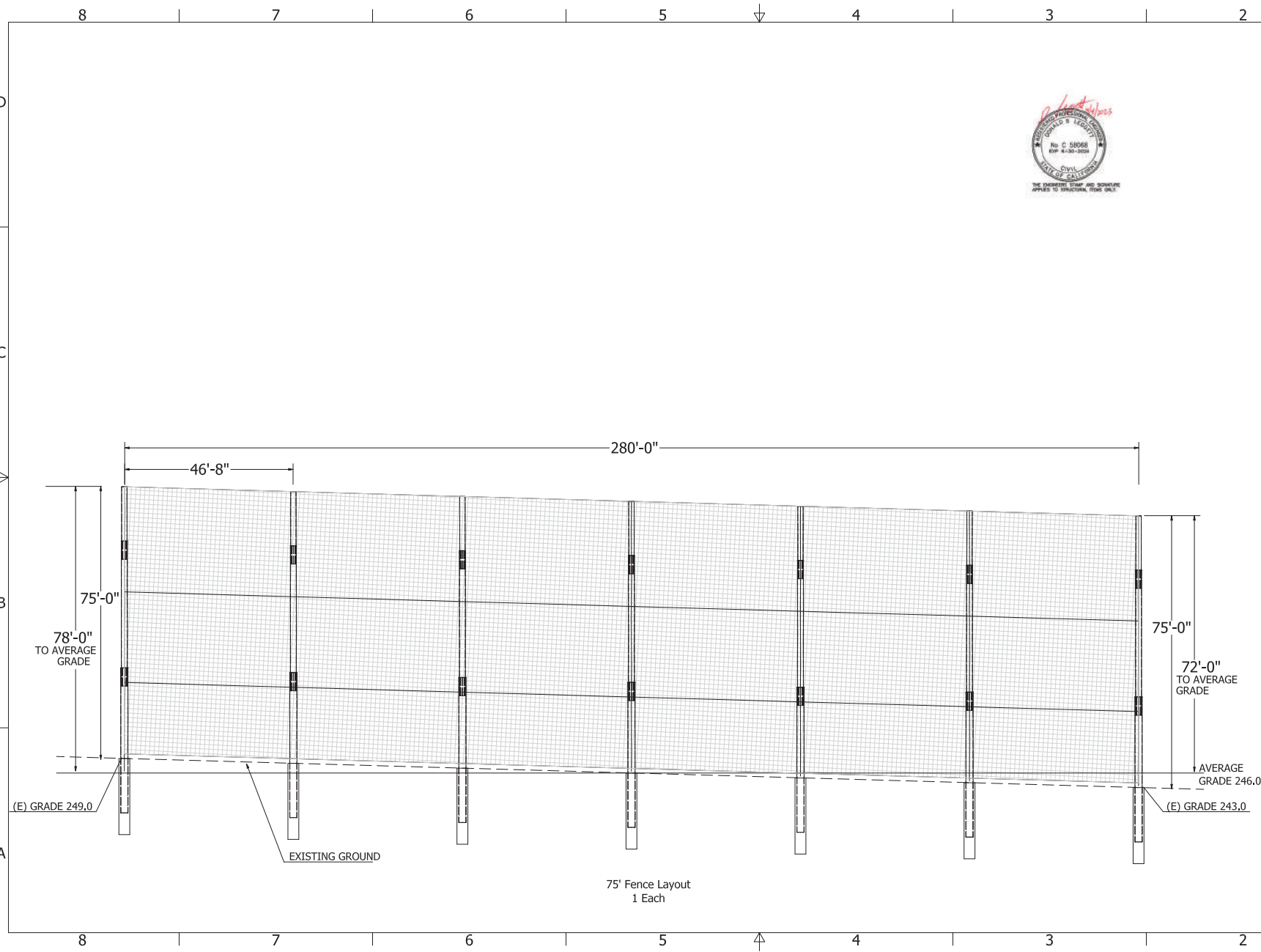
DATE: 3/5/2023
SCALE: 1/80 | SIZE: D
DRAWN BY: ECR

PROJECT NO.:
DRAWING NO.:
SHEET: 2 OF 3

S-1



8 | 7 | 6 | 5 | 4 | 3 | 2 | 1



5075 Flightline Drive
Kingman, AZ 86401

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MARK	DATE	DESCRIPTION

PROJECT TITLE:
Sharon Heights Golf Course

SHEET TITLE:
Fence Layout

DATE: 3/5/2023
SCALE: 1 / 150 | SIZE: D

DRAWN BY: ECR

PROJECT NO.:

DRAWING NO.:

SHEET: 2 OF 2

Sharon Heights Golf & Country Club: Driving Range Netting Replacement

Project Description

October 25, 2023

The Sharon Heights Golf and Country Club (the "Club") is a membership club that has dining, golf, tennis, pickleball, gym and swimming facilities for its members and guests. The Club has been in existence since 1961 and is a large part of the Menlo Park community with 136 households out of 450 members living in Menlo Park. The Club is located on approximately 110.8 acres that is zoned Open Space and Conservation (OSC) District.

Over time, the Club has pursued various capital improvements projects designed to enhance, repair, and/or replace aging facilities that are outdated or insufficient for current operations. For example, in 2000, the Club obtained the City's approval to update the Clubhouse. In 2012, the City approved the Club's proposal to construct a new maintenance yard. And in 2015, the City approved an expansion of the Clubhouse along with a new pool building with indoor and outdoor dining areas, as well as a new building for fitness classes and wellness activities. Most recently, the Club obtained the City's approval to renovate the golf course and construct new solar facilities, both of which are currently under construction.

During the neighborhood outreach process of Golf Course Renovation permitting the Club heard concerns with errant golf balls coming from the driving range facility, from the Country Club Fairway Homeowners Association. Following these meetings, the Club contracted with a company to analyze the current range and netting configuration and provide recommendations for improvement. The recommendation was to increase the existing netting height by 25-feet (See Exhibit A).

Existing Conditions

Currently, the end of the driving range has a 50-foot-high nylon net, supported by wood poles. The netting system is 280-feet in length. The poles are embedded in the native ground. The ground is slightly sloped from west to east.

Proposed Project

The Project proposes to replace the existing end of range netting and poles with 7 - 75-foot steel poles and new black color, heavy duty strength nylon netting.

There are no existing lights and there are no lights proposed for the new netting.

Demolition and Installation

The existing wood poles are to be cut down in similar process of a tree, by cutting sections of the pole and strategically lowering the cut sections to the ground, so no impact to surrounding trees and vegetation. The netting guild and support wires will be disconnected, and the net lowered to the ground. All materials will be offloaded in trucks to a local trash processing facility.

The new netting system is supported by metal posts which are fabricated in 3 sections. The first section is installed like a fence post, in cased in a 3-foot diameter concrete pier per the structural

requirements. The remaining sections are lifted by crane and attached to the base pole and bolted or welded as required.

Once all poles have been installed, a pulley system is connected to the poles, which the netting is connected to and hosted up. The net also is hosted up in sections, then the sections of netting are seamed together per manufactures specifications.

Neighborhood Outreach

As noted above, the proposal is being presented to address concerns voiced by the Club's neighbors during the recent neighborhood outreach for the Golf Course Renovation project. The Golf Course Renovation project held 2 neighborhood meetings, which discussed the renovation project and the driving range netting. Separate site meetings and communications, after the initial neighborhood outreach, have taken place with the homeowner's association. In early August 2023, the Club provided the neighboring homeowner association, Country Club Fairways HOA, with the netting project information and discussed the proposal. The Country Club Fairways HOA president provided the City with an email of support (See Attached copy of email).

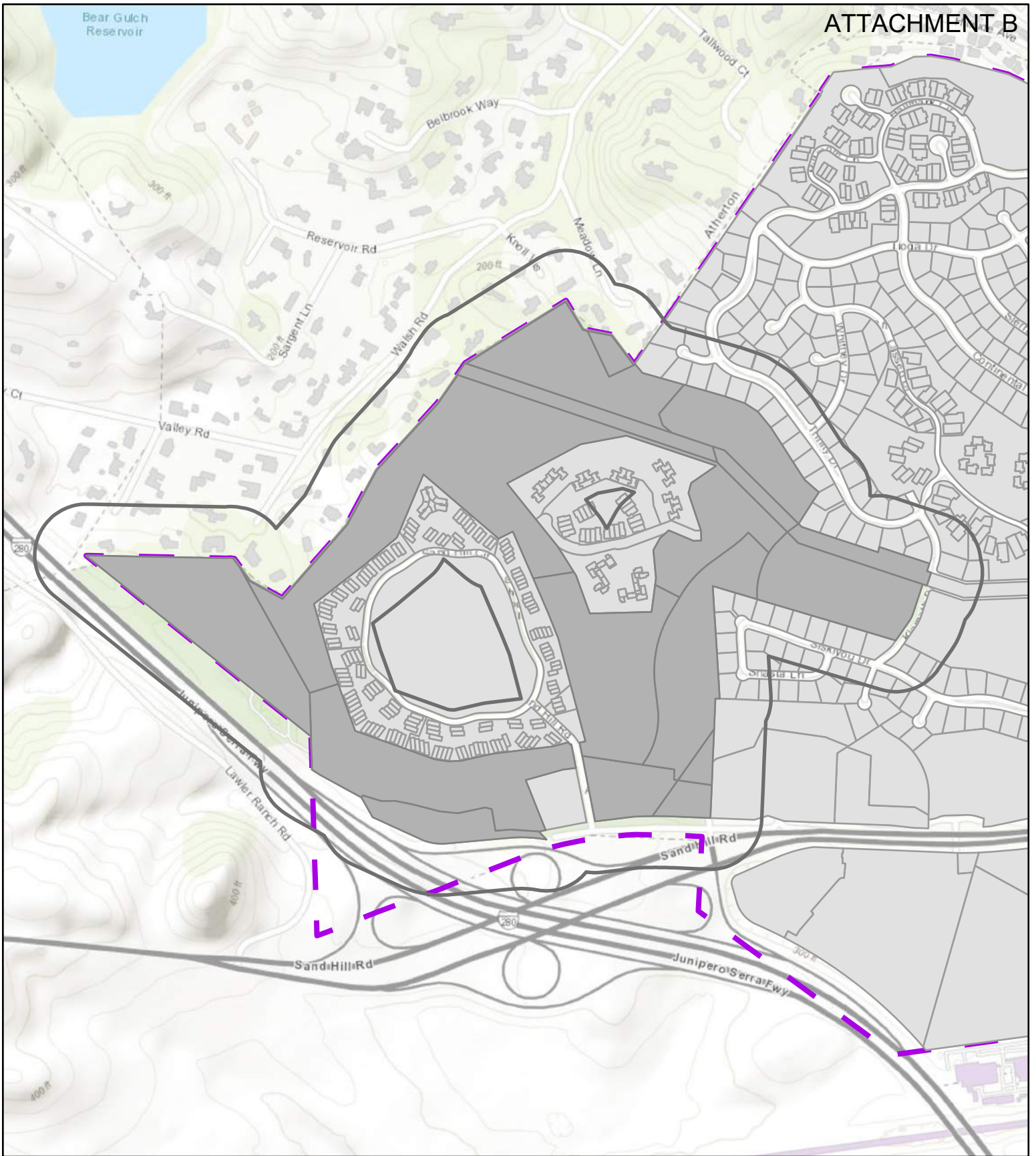
In addition, during the public hearing for the golf course renovation project (PLN2022-00046), Mr. Andrew Duncan, Sharon Heights representative, discussed the addition of a higher driving range net to the project scope of work address the HOA's concerns. The planning commission expressed their support for the replacement and added protection to address the HOA's concerns.

LOCATION: 2900 Sand Hill Road	PROJECT NUMBER: PLN2023-00027	APPLICANT: Sharon Heights Golf and Country Club	OWNER: Sharon Heights Golf and Country Club
--------------------------------------	--------------------------------------	--	--

PROJECT CONDITIONS:

1. The architectural control permit shall be subject to the following standard conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Clifford Bechtel and Associates, LLC, consisting of eight plan sheets, dated received October 25, 2023 and approved by the Planning Commission on December 18, 2023, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, if applicable, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, if applicable, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, if applicable, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Prior to building permit issuance, the applicant shall pay all fees incurred through staff time spent reviewing the application.
 - h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist reports prepared by California Tree and Landscape Consulting, Inc., dated received October 25, 2023.
 - i. The applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit, or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

LOCATION: 2900 Sand Hill Road	PROJECT NUMBER: PLN2023-00027	APPLICANT: Sharon Heights Golf and Country Club	OWNER: Sharon Heights Golf and Country Club
<p>PROJECT CONDITIONS:</p> <ul style="list-style-type: none"> <li data-bbox="342 369 1409 489">i. Notice of Fees Protest – The applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. Per California Government Code 66020, this 90-day protest period has begun as of the date of the approval of this application. 			



CITY OF MENLO PARK

LOCATION MAP

2900 SANDHILL ROAD



CITY OF
MENLO PARK
B1

Scale: 1:9,000

Drawn By: MAP

Checked By: CDS

Date: 12/18/2023





California Tree and Landscape Consulting, Inc.

Tree and Landscape Consulting

October 25, 2023

Mr. Curt Wozniak and Mr. Chad Twaddle
Sharon Heights Golf and Country Club
2900 Sand Hill Rd
Menlo Park, CA 94025
Email: curtwoz@aol.com; chad@shgcc.com

RE: AMENDED ARBORIST REPORT FOR TREE PROTECTION PLAN FOR THE SHARON HEIGHTS DRIVING RANGE NET RECONSTRUCTION

Dear Mr. Wozniak and Mr. Twaddle,

Thank you for the opportunity to provide additional arborist consulting services for the trees growing at the rear of the golf course driving range. The need was agreed to with the neighboring properties to increase the height of the rear driving range net and a replacement net along the side is not included at this time.

These trees were not identified and included in the initial golf course tree inventory. There is adequate open space to set up the crane and complete the install without removing any trees or encroaching within a reasonable tree protection zone.

The proposal is to install an acceptable tree protection zone and complete the removal of the existing net and wooden poles and install new taller steel poles and new net.

Summary: The project has been designed to complete the driving range net at a taller height to better protect the adjacent properties. There are no trees proposed to be removed, and the same quality tree protection that has been installed and practiced throughout the golf course renovation will be utilized for the trees adjacent to the net area.

The request is to have the installation of the net approved without the need for the tree inventory based on the site design and use of a crane to remove and install all the poles.

Observations: The trees behind the poles and net can be protected with a tree protection fence. The trees in front of the poles and net can be protected with a tree protection fence. The removal and installation will be performed with a crane with a large enough reach to work around the existing trees without impacts.

Other testing or examination: No additional testing or examination was requested at the time of the inspection.

October 25, 2023

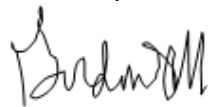
Discussion: The project has been in progress demonstrating the care for the existing trees and installation and respect for the tree protection during the construction. The same care and protection will be practiced during the removal of the existing poles net and installation of the new poles and net..

Attached are the installation layout and tree protection plan layout for the project. The golf course staff will perform the tree protection set up and confirm the tree protection is in place prior to the demolition, removal or construction work on the net and poles.

Conclusion: The. Golf course has practiced quality tree protection according to the specifications during the golf course renovation work. The same quality and care will be practiced for the driving range net removal and installation work activities. The tree protection fence will be photographed and confirmed prior to the beginning of demolition or installation work.

Please contact me at 650-740-3461, or gordon@mannandtrees.com, if you have any questions about this report or any other services we provide.

Sincerely,

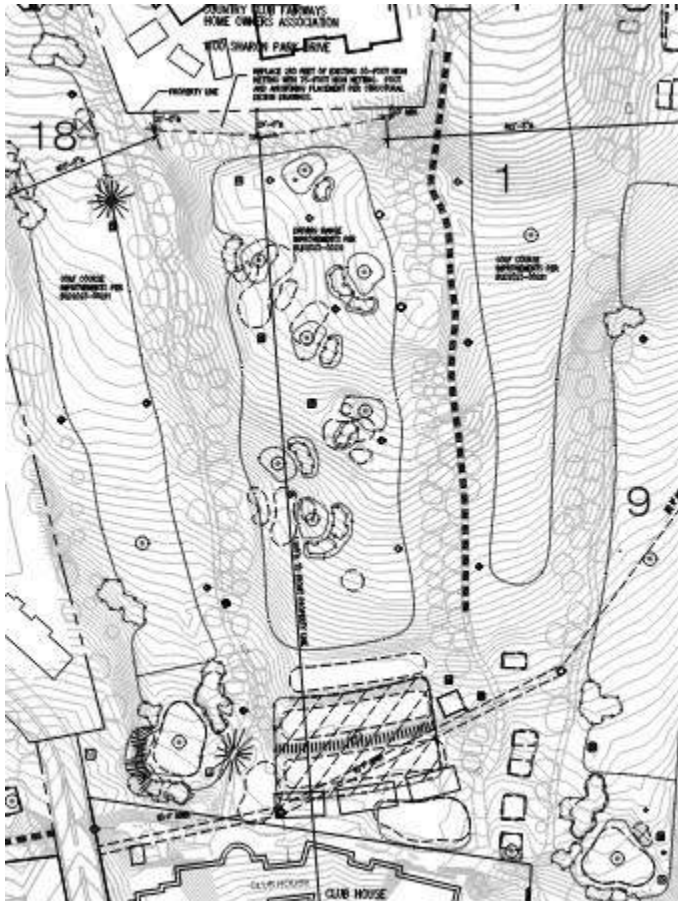


Consulting Arborist and Urban Forester
Registered Consulting Arborist #480
ISA Certified Arborist and Municipal Specialist #WE-0151AM
CaUFC Certified Urban Forester #127
ISA Qualified Tree Risk Assessor
California Tree and Landscape Consulting, Inc.
1243 High Street
Auburn, CA 95603
650-740-3461
www.caltlc.com

Attachments:

Appendix 1 Driving Range net Layout
Appendix 2 Driving range net installation Tree Protection Plan
Appendix 3 Tree Protection
Appendix 4 Tree Pruning
Assumptions and Limitations
Resume for Gordon Man
Certificate of Performance
Project Description

Appendix 1 Driving Range Net Layout



Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan
Page 3 of 12

Appendix 2 Driving Range Tree Protection Layout



Tree protection fence (gold and enlarged blue) on both sides of the driving range

Appendix 3 Tree Protection

Tree protection shall be shown on the construction drawings and put in place prior to the beginning of demolition or construction work. The presence of existing asphalt or concrete on an existing developed site can be the best form of tree protection. In these areas, it protects the trees best if the asphalt can remain in place for as long as possible. If pavement is being replaced, at the time of replacement, excavation should be shallow to avoid ripping roots. If roots need to be pruned for installation of replacement pavement, the root pruning specifications above should be followed.

Tree Protection fencing shall be sturdy fencing placed over open soil areas or turf areas under the drip line of the tree. If the drip line is covered partially by concrete, only the open soil or turf areas need to be protected by fencing. If concrete is going to be removed after the initiation of construction activities, as soon as the concrete is removed, fencing shall be put in place over areas that will be open soil or turf in the final design.

The fencing shall have a clear sign designating the area as the tree protection zone and no people, equipment, or materials shall be allowed in the fenced area.

If approved work is to occur within the tree protection area, the fence shall remain in place and opened for the work, then immediately put back in place after the work is completed. To protect soil where work is approved in a tree protection zone, a layer of 4" thick wood chip mulch should be placed over the soil. The mulch can be moved for the approved work. After the work is complete, the mulch shall be spread back to cove the soil. If heavy equipment is

approved to work within the tree protection fencing, steel plates shall be placed over the mulch and the equipment shall be staged on the plates to perform the work.

If work by equipment is approved within the tree protection zone, trunk protection shall be installed around the trunk to protect the trunk from impact. Appropriate trunk protection can be boards standing vertically around the trunk and wrapped with orange snow fencing. The boards must be appropriate size for the size of the tree. Smaller trees will use 2x4 boards. Larger trees can use 2x6 or 2x8 boards as appropriate and wrapped with orange snow fencing. An alternative trunk wrap to boards is straw wattle wound around the trunk and wrapped in orange snow fencing.

All trunk protection shall be in place prior to work commencing within the tree protection area.

Appendix 4 Tree Pruning

The trees to be pruned are the trees growing in the area where the new driving range net is being removed and installed. The objective is to prune the trees for project clearance to avoid damage to the trees by equipment and net materials while moving by cranes around the trees while retaining as large a crown as possible..

The tree pruning will be performed as needed for clearance to avoid impact and damage from installation equipment and materials being constructed for the new driving range protective net. The majority of cuts will be in the outer third of the crowns and be comprised of branch removal cuts and reduction cuts. A rare heading cut may be needed to avoid pruning a whole branch back to the trunk.

The amount of foliage removal should not exceed 15% on any tree. The smallest sized cuts possible will be made, and the size range will be from 2 to 4 inches, with an occasional larger pruning wound. We are at the edge of the bark beetle window so the pruning cuts should not cause an insect issue.

The purpose of the pruning is to avoid damage to the branches, so pruning prior to contact and damage is a more proactive approach to tree protection on these trees.

Assumptions and Limitations: This report provides information about the subject tree at the time of the inspection. Trees and conditions may change over time. This report is only valid for the tree with the conditions present at the time of the inspection. All observations were made while standing on the ground. The inspection consisted of primarily visual observations to information about branch attachments, loading, and a mallet and probe used to learn the extent of decay and hollow portions of the tree.

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that can fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

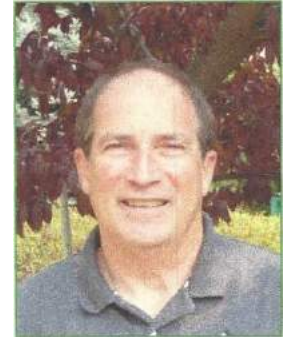


California Tree and Landscape Consulting, Inc.

GORDON MANN

EDUCATION AND QUALIFICATIONS

- 1977 Bachelor of Science, Forestry, University of Illinois, Champaign.
- 1982 - 1985 Horticulture Courses, College of San Mateo, San Mateo.
- 1984 Certified as an Arborist, WE-0151A, by the International Society of Arboriculture (ISA).
- 2004 Certified as a Municipal Specialist, WE-0151AM, by the ISA.
- 2011 Registered Consulting Arborist, #480, by the American Society of Consulting Arborists (ASCA).
- 2003 Graduate of the ASCA Consulting Academy.
- 2006 Certified as an Urban Forester, #127, by the California Urban Forests Council (CaUFC).
- 2011 TRACE Tree Risk Assessment Certified, continued as an ISA Qualified Tree Risk Assessor (T.R.A.Q.).



PROFESSIONAL EXPERIENCE

- 2016 – Present CALIFORNIA TREE AND LANDSCAPE CONSULTING, INC (CalTLC).
President and Consulting Arborist.
Auburn. Mr. Mann provides consultation to private and public clients in health and structure analysis, inventories, management planning for the care of trees, tree appraisal, risk assessment and management, and urban forest management plans.
- 1986 - Present MANN MADE RESOURCES. Owner and Consulting Arborist. Auburn.
Mr. Mann provides consultation in municipal tree and risk management, public administration, and developing and marketing tree conservation products.
- 2015 – 2017 CITY OF RANCHO CORDOVA, CA. Contract City Arborist.
Mr. Mann serves as the City's first arborist, developing the tree planting and tree maintenance programs, performing tree inspections, updating ordinances, providing public education, and creating a management plan,
- 1984 – 2007 CITY OF REDWOOD CITY, CA. City Arborist, Arborist, and Public Works Superintendent.
Mr. Mann developed the Tree Preservation and Sidewalk Repair Program, supervised and managed the tree maintenance program, performed inspections and administered the Tree Preservation Ordinance. Additionally, he oversaw the following Public Works programs: Streets, Sidewalk, Traffic

Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan

Signals and Streetlights, Parking Meters, Signs and Markings, and Trees.

- 1982 – 1984 CITY OF SAN MATEO, CA. Tree Maintenance Supervisor.
For the City of San Mateo, Mr. Mann provided supervision and management of the tree maintenance program, and inspection and administration of the Heritage Tree Ordinance.
- 1977 – 1982 VILLAGE OF BROOKFIELD, IL. Village Forester.
Mr. Mann provided inspection of tree contractors, tree inspections, managed the response to Dutch Elm Disease. He developed an in-house urban forestry program with leadworker, supervision, and management duties to complement the contract program.
- 1979 - Present INTERNATIONAL SOCIETY OF ARBORICULTURE. Member.
- Board of Directors (2015 - Present)
 - True Professional of Arboriculture Award (2011); In recognition of material and substantial contribution to the progress of arboriculture and having given unselfishly to support arboriculture.
- 1982 - Present WESTERN CHAPTER ISA (WCISA). Member.
- Chairman of the Student Committee (2014 - 2017)
 - Member of the Certification Committee (2007 - Present)
 - Chairman of the Municipal Committee (2009 - 2014) • Award of Merit (2016) In recognition of outstanding meritorious service in advancing the principles, ideals and practices of arboriculture.
 - Annual Conference Chair (2012)
 - Certification Proctor (2010 – Present)
 - President (1992 - 1993)
 - Award of Achievement and President's Award (1990)
- 1985 - Present CALIFORNIA URBAN FORESTS COUNCIL (CaUFC). Member; Board Member (2010 - Present)
- 1985 - Present SOCIETY OF MUNICIPAL ARBORISTS (SMA). Member. e Legacy Project of the Year (2015) o In recognition of outstanding meritorious service in advancing the principles, ideals and practices of arboriculture.
- Board Member (2005 - 2007)
- 2001 - Present AMERICAN SOCIETY OF CONSULTING ARBORISTS.
Member. e Board of Directors (2006 - 2013)
- President (2012)
- 2001 - Present CAL FIRE. Advisory Position.
- Chairman of the California Urban Forestry Advisory Committee (2014 - 2017)
- 2007 – Present AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI): A300 TREE MAINTENANCE STANDARDS COMMITTEE. SMA Representative and Alternate.

- Alternative Representative for SMA (2004 - 2007; 2012 - Present)
 - Representative for SMA (2007 - 2012)
- 2007 - Present SACRAMENTO TREE FOUNDATION. Member and Employee.
- Co-chair/member of the Technical Advisory Committee (2012 - Present)
 - Urban Forest Services Director (2007 - 2009)
e Facilitator of the Regional Ordinance Committee (2007 - 2009)
 - 1988 - 1994 TREE CLIMBING COMPETITION.
 - Chairman for Northern California (1988 - 1992)
 - Chairperson for International (1991 - 1994)

PUBLICATIONS AND LECTURES

Mr. Mann has authored numerous articles in newsletters and magazines such as Western Arborist, Arborist News, City Trees, Tree Care Industry Association, Utility Arborists Association, CityTrees, and Arborists Online, covering a range of topics on Urban Forestry, Tree Care, and Tree Management. He has developed and led the training for several programs with the California Arborist Association. Additionally, Mr. Mann regularly presents at numerous professional association meetings on urban tree management topics.

Certificate of Performance

I, Gordon Mann, certify that:

Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan

I have personally visited the site and reviewed the tree and site data and plans referred to in this report and have stated my findings accurately. The extent of the inspection is stated in the attached report under Assignment;

I have no current or prospective interest in the vegetation, or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved;

The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts;

My analysis, opinions, and conclusions were developed, and this report has been prepared according to commonly accepted arboricultural practices;

No one provided significant professional assistance to me, except as indicated within the report;

My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client, or any other party, nor upon the results of the assignment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member in good standing of the International Society of Arboriculture (ISA) and an ISA Certified Arborist and Municipal Specialist. I am also a Registered Consulting Arborist member in good standing of the American Society of Consulting Arborists. I have been involved in the practice of arboriculture and the care and study of trees for over 45 years.

Signed:



Gordon Mann

Date: September 13, 2023

Sharon Heights Golf & Country Club: Driving Range Netting Replacement

Project Description

Sharon Heights Golf Course Driving Range Net Amended Tree Protection Plan

The Sharon Heights Golf and Country Club (the “Club”) is a membership club that has dining, golf, tennis, pickleball, gym and swimming facilities for its members and guests. The Club has been in existence since 1961 and is a large part of the Menlo Park community with 136 households out of 450 members living in Menlo Park. The Club is located on approximately 110.8 acres that is zoned Open Space and Conservation (OSC) District.

Over time, the Club has pursued various capital improvements projects designed to enhance, repair, and/or replace aging facilities that are outdated or insufficient for current operations. For example, in 2000, the Club obtained the City’s approval to update the Clubhouse. In 2012, the City approved the Club’s proposal to construct a new maintenance yard. And in 2015, the City approved an expansion of the Clubhouse along with a new pool building with indoor and outdoor dining areas, as well as a new building for fitness classes and wellness activities. Most recently, the Club obtained the City’s approval to renovate the golf course and construct new solar facilities, both of which are currently under construction.

During the neighborhood outreach process of Golf Course Renovation permitting the Club heard concerns with errant golf balls coming from the driving range facility, from the Country Club Fairway Homeowners Association. Following these meetings, the Club contracted with a company to analyze the current range and netting configuration and provide recommendations for improvement. The recommendation was to increase the existing netting height by 25-feet (See Exhibit A).

Existing Conditions

Currently, the end of the driving range has a 50-foot-high nylon net, supported by wood poles. The netting system is 280-feet in length. The poles are embedded in the native ground. The ground is slightly sloped from west to east.

Proposed Project

The Project proposes to replace the existing end of range netting and poles with 7 - 75-foot steel poles and new black color, heavy duty strength nylon netting.

Demolition and Installation

The existing wood poles are to be cut down in similar process of a tree, by cutting sections of the pole and strategically lowering the cut sections to the ground, so no impact to surrounding trees and vegetation. The netting guild and support wires will be disconnected, and the net lowered to the ground. All materials will be offloaded in trucks to a local trash processing facility.

The new netting system is supported by metal posts which are fabricated in 3 sections. The first section is installed like a fence post, in cased in a 3-foot diameter concrete pier

per the structural requirements. The remaining sections are lifted by crane and attached to the base pole and bolted or welded as required.

Once all poles have been installed, a pully system is connected to the poles, which the netting is connected to and hosted up. The net also is hosted up in sections, then the sections of netting are seamed together per manufactures specifications.

Neighborhood Outreach

As noted above, the proposal is being presented to address concerns voiced by the Club's neighbors during the recent neighborhood outreach for the Golf Course Renovation project. The Golf Course Renovation project held 2 neighborhood meetings, which discussed the renovation project and the driving range netting. Separate site meetings and communications, after the initial neighborhood outreach, have taken place with the homeowner's association. In early August 2023, the Club provided the neighboring homeowner association, Country Club Fairways HOA, with the netting project information and discussed the proposal. The Country Club Fairways HOA president provided the City with an email of support (See Attached copy of email).

Pruter, Matthew A

From: ssnider226@aol.com
Sent: Friday, August 18, 2023 1:56 PM
To: Pruter, Matthew A
Cc: curtwoz@aol.com; andy.duncan@boardwalktech.com; chrisbeme@gmail.com; lcburke246@yahoo.com; djharry011@gmail.com; babak_pioneerr@yahoo.com
Subject: Sharon Heights CC Netting

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Reference: PLN2023-00027 2900 Sand Hill Road (Netting)

Dear Mr. Pruter,

The board of directors of the Country Club Fairways HOA would like to submit our support for the proposed 75' netting at the Sharon Heights Country Club. This new, higher netting will provide additional safety to our residents and the buildings from errant golf balls originating from the golf course. Thank you.

Steve Snider, President
Country Club Fairways HOA
1100 Sharon Park Dr.



STAFF REPORT

Planning Commission

Meeting Date:

12/18/2023

Staff Report Number:

23-074-PC

Public Hearing:

Consider and adopt a resolution approving use permit and architectural control permit revisions for the previously approved bonus level development project, referred to as Menlo Uptown, with 483 multifamily dwelling units comprised of 441 multifamily rental units, currently under construction, 42 for-sale condominium units and approximately 2,940 square feet of commercial space located at 141 Jefferson Drive and 180-186 Constitution Drive, and determine that these actions are consistent with the previously certified project Final Environmental Impact Report

Recommendation

Staff recommends that the Planning Commission adopt a resolution to approve revisions to the previously approved use permit and architectural control permit to allow the applicant to make an in-lieu payment as its community amenity, incorporate interim modifications to the public paseo design to include an emergency vehicle access road, and require interim perimeter fencing around the townhome parcel until the townhomes are constructed (Attachment A).

Policy Issues

The proposed project requires the Planning Commission to consider the merits of the project modifications, including project consistency with the City's Municipal Code and other adopted policies and programs. As part of the requested revisions to the use permit and architectural control permit, the Planning Commission will need to consider the applicant's community amenities proposal revision from providing an urgent care medical care center on site to making an in-lieu payment as the project community amenity. For the architectural control revisions, the Planning Commission will need to consider the design changes for the paseo and other site improvements in the interim until the townhome portion of the project is constructed. The Planning Commission will also need to consider the revisions to the project in relation to the City's adopted General Plan. The proposed revisions do not include any changes to the previously approved building and unit design, unit type and quantity, below market rate housing (BMR) agreement, use of hazardous materials, subdivision map, site landscaping excluding paseo landscape design, or other on- and off-site improvements.

Background

Site location

The approximately 4.83-acre project site consists of three contiguous parcels zoned R-MU-B (Residential Mixed Use-Bonus) and was previously developed with three single-story buildings with a mix of office and industrial uses. Following the completion of the project entitlement process, the buildings were demolished.

To simplify the directional references used in this report, roadways parallel to US Highway 101 are described as having an east-west orientation and roadways parallel to Marsh Road are described having a north-south orientation. The project site is located south of State Route 84 (Bayfront Expressway) and east of Chrysler Drive. The project site is bounded by Constitution Drive to the north and Jefferson Drive to the south. The parcels to the north of the site are located in the O-B (Office, Bonus) district and contain a mix of office, light industrial, and research and development (R&D) uses. The parcel directly south of the project site is zoned PF (Public Facilities) and is the site of the TIDE Academy high school. The parcels immediately adjacent to the east and west of the project site are zoned R-MU-B. An approved mixed use project consisting of 158 multifamily apartment units and 14,400 square feet of commercial space is located adjacent to the project site at 165 Jefferson Drive (Menlo Flats). A location map is provided as Attachment B.

Project history

At the public hearing on June 21, 2021, the Planning Commission considered and took the following actions:

1. Certified the Final Environmental Impact Report (Final EIR) for the project, made findings pursuant to the California Environmental Quality Act (CEQA), and adopted the Mitigation Monitoring and Reporting Program (MMRP);
2. Approved a use permit and architectural control permit for the construction of 483 dwelling units consisting of 441 multi-family apartment units and 42 for-sale townhomes, and approximately 2,940 square feet of commercial space. The commercial space was approved as a non-profit medical center providing urgent care or express care services for the surrounding communities. The use permit also included approval to allow diesel generators to operate the automated parking systems and critical building resources in the event of an emergency;
3. Recommended approval of the vesting tentative map to the City Council to create a tentative map with 42 condominium units;
4. Approved the BMR housing proposal for inclusion of 73 on-site affordable units in compliance with the City's BMR Housing Program (67 rental units and six for-sale townhomes); and
5. Approved the community amenities operating covenant establishing parameters for the proposed community amenity (on-site non-profit urgent care center).

Subsequently, pursuant to Chapter 16.86 of the City's Municipal Code, staff received two appeals to the Planning Commission's June 21, 2021 decision on the project. On August 31, 2021, the City Council reviewed both appeals and upheld the Planning Commission's decision on the project. Hyperlinks to the June 21, 2021 Planning Commission staff report and the August 31, 2021 City Council staff report are available as Attachments C and D, respectively.

Project updates since entitlement approval

Following the completion of the entitlement process, the applicant demolished the existing buildings on site, received City Council approval of the final map, recorded the BMR Housing Agreement, and complied with the required conditions of approval and mitigation measures prior to commencement of construction of the apartment buildings. The applicant is currently in the process of constructing the apartment buildings and associated on- and off-site improvements. The first building is anticipated to be granted temporary certificate of occupancy in early 2024, and the second building is anticipated to receive temporary certificate of occupancy by summer 2024.

The applicant anticipated constructing both the apartment and townhome components of the project; however, given current economic conditions, the applicant has decided to wait for improved financial

conditions before constructing the townhomes. As a result, the project will be developed in two phases, with the apartment buildings being completed and occupied first and the townhomes being constructed at a future date, currently unknown. During the interim period, the 42 for-sale townhome units (inclusive of six for-sale BMR units) will remain an approved project component but will not be developed.

The applicant is requesting an architectural control permit revision to modify the previously approved publicly-accessible paseo separating the apartment buildings and townhome site. The requested modifications include temporary changes to the landscape and hardscape paseo design to allow construction of an asphalt emergency vehicle access (EVA) road directly adjacent to the paseo on the undeveloped townhome parcel and additional lighting along the new EVA. This change is necessary because the EVA was originally proposed to be constructed as part of the townhome internal road system. Since the townhomes are not being developed concurrently with the apartment buildings, and in order to provide fire safety for future residents of the apartment buildings, the paseo is required to be revised to include the temporary EVA now. The requested revisions also include temporary six-foot-high wooden fencing along the edge of the EVA on the townhome parcel, restricting access and screening views at the ground level of the undeveloped townhome parcel from the paseo and apartment buildings. Additionally to secure and screen the remainder of the vacant portion of the project site from the public right-of-way along Constitution Drive, the applicant is proposing a chain-link fence along the perimeter property lines not facing the paseo with a decorative wrap made of hybrid mesh polyester that includes attractive "green" graphics such as leaves, vegetation, and artificial vines.

In addition to these requested modifications, staff is requesting that the Planning Commission adopt a condition of approval requiring that the applicant build a raised crosswalk on Jefferson Drive to provide safe access from the neighboring school, prior to issuance of the certificate of temporary occupancy for the first apartment building. Additionally, staff is requesting that the Planning Commission recommend adding a condition requiring a raised crosswalk on Constitution Drive, along with the loading zone that was previously approved by the City's Complete Streets Commission on October 13, 2021, to be completed prior to the issuance of the certificate of occupancy for the first townhome building.

The applicant is also requesting to modify the approved community amenity, as they are unable to secure a non-profit organization to operate an urgent care medical center in the approximately 2,940-square-foot commercial space. Instead, the applicant is proposing to contribute the community amenities in-lieu payment calculated at 110 percent of the value of the community amenity. The applicant proposes to make the payment at the earlier of the following events:

1. Issuance of the temporary certificate of occupancy for the second apartment building fronting Constitution Drive; or
2. December 1, 2024.

As part of this proposed revision, the commercial space would be developed as previously approved, but would be occupied by another use permitted within the R-MU zoning district. Aside from multi-family dwelling units, the R-MU zoning district allows uses such as offices, financial institutions, retail (under 20,000 square feet), personal services, eating establishments, training centers, and recreational facilities (under 20,000 square feet), any of which would be consistent with the use studied in the previously certified project Environmental Impact Report.

All the other project parameters including, but not limited to, design of the apartment units and townhome units; size, affordability, and number of BMR units; parking and circulation; site landscaping except for the public paseo; private and common open space; and other on and off-site improvements remain unchanged with this proposed revision. Since at this time only the apartment buildings are currently in-construction, 67

rental affordable units of the total 73 affordable units approved for the project will become available to the community. Development plans showing the proposed revision and the project description outlining the proposed changes to the paseo and the community amenities proposal are included as Attachment A, Exhibit A and Attachment A, Exhibit B, respectively.

Analysis

Project overview

At full project built-out, the project would result in the redevelopment of the project site with a maximum of 441 multifamily rental units, 42 for-sale townhomes units, and approximately 2,940 square feet of commercial space, as well as associated open space, circulation and parking, and infrastructure improvements. The project includes three major components: Building A consisting of 221 rental units and approximately 2,940 square feet of commercial space fronting Constitution Drive, Building B with 220 rental units and fronting Jefferson Drive, and Building Site TH1 fronting Constitution Drive and containing six townhome buildings each consisting of seven units, for a total of 42 units. The project would provide 67 required rental inclusionary units and six for-sale inclusionary units for a total of 73 units, at full project built-out.

The applicant has entered into a deed restriction against the property, which identifies the total development permitted on the project site is shared amongst all legal parcels that are part of the project site. Along with the deed restriction, the applicant has received the final approval of the subdivision map from the City Council, which legalizes the subdivision of the project site into the apartment and townhome components along with other on- and off-site improvements. Since these actions have been completed, the project entitlements would not expire, allowing the applicant to develop the townhome component at a future date.

Site layout

The two proposed apartment buildings would be seven stories tall with parking, residential amenities, the leasing area, and tenant bicycle storage incorporated on the first and second floors of each building. The buildings are separated by a central area used for storm water treatment facilities, a dog run, and landscaping that would run east to west between the two buildings.

A 20-foot wide paseo, identified on the City's adopted zoning map, is proposed directly east of the apartment buildings and would run north to south connecting Constitution Drive and Jefferson Drive. A fire service lane would also run north to south along the western edge of the apartment buildings between Constitution Drive and Jefferson Drive. The layout of the apartment building and adjoining amenities, landscaping, and infrastructure improvements are not proposed to change with this requested revision. The paseo size and location would also remain as previously approved. However, the request includes revisions to the paseo design, as discussed below in this report.

Farther east across the paseo and a 26-foot wide access road directly adjacent to the paseo, the six townhome style condominium buildings would be located in an array two buildings wide by three buildings deep. The townhomes would have one- and two-car garages on the ground level, with living areas and bedrooms on the upper floors. The previously approved configuration of the paseo and the design of the townhome would remain unchanged at project full build-out. However, as described in this report, the applicant is proposing interim temporary changes to the paseo design to provide appropriate EVA for the apartment buildings, as the townhome component is not currently under construction.

Proposed changes to the paseo design and paseo lighting and landscaping

With the current proposed revision, the applicant is requesting to modify the paseo to include a temporary

EVA along the eastern portion, leading from an entrance on Constitution Drive into the parcel for approximately 180 feet. The EVA is proposed to be paved with asphalt and aligned to allow easy access for emergency vehicles. As part of this proposed revision, a T-shaped turnaround hammerhead would be included approximately 80 to 90 feet into the site. A second portion would curve away from the multifamily building at the end of the lane to accommodate temporary power equipment, which would remain until after the EVA is constructed. Staff has included a condition to the project requiring removal of the EVA and other improvements and reverting the paseo design back to what was originally approved on the site once construction commences on the townhome component. The curved portions of this revised alignment are designed to mirror the final alignment of the loop road, which would serve the future townhome units and would be constructed as part of the later townhome development phase. The applicant anticipates that this would allow for easy conversion of this temporary EVA to the previously approved paseo and townhome site layout. All other open space requirements approved as part of the original entitlements would remain in compliance as part of this temporary design modification request.

Table 1 below describes changes in the tree-planting schedule as part of the proposed revision:

Table 1: Tree planting schedule within the paseo area by phase

Tree type and size	Current entitlement requirement for the entire project	Proposed temporary condition with multi-family building fire access	Trees to be planted in the future with the townhome development phase
Red Maple, 24" Box	4	4	0
Maidenhair Tree, 24" Box	2	2	0
Brisbane Box, 24" Box	2	0	2
Virginia Oak, 24" Box	7	3	4
Village Green or Village Green Zelkova, 24" Box	4	2	2

As noted above, most of the previously approved landscaping would be installed as part of the construction of the paseo with the temporary fire access. As part of the revised conditions of approval to address the temporary paseo modifications, staff has included a condition for the project to include tree protection for the trees to be installed as part of the revised temporary paseo at the time construction commences on the townhome phase of the development. In addition to installing the paseo lighting approved as part of the original entitlement, the revised paseo design includes a new solar pole light to illuminate the temporary emergency vehicle access road.

In addition to the above proposed revisions, the applicant is also proposing to construct a temporary fence along the eastern edge of the emergency vehicle access to separate and screen the undeveloped townhome site from the apartment buildings and paseo. The fence would deter access to the vacant site. The proposed six-foot high fence would be western red cedar, board on board with cap, with wood clad steel posts, stained in a dark grey color. The other three perimeter sides of the townhome parcel would be enclosed with a six-foot high chain-link fence clad with green graphic covers showing stock images such as leaves and vegetation.

The proposed revisions to the paseo design and landscaping would provide appropriate emergency vehicle access for the apartment buildings until the townhome portion of the project and associated improvements are constructed. At this time, the applicant has not identified a timeline for when the townhome portion of

the project will start construction. The perimeter fencing is important to keep the vacant townhome parcel secure. Additionally, the proposed fence provides a visual barrier to the vacant site from the public right-of-way. Staff included a recommended condition requiring maintenance of both fences against weathering and vandalism.

Development standards

The R-MU-B (Residential Mixed Use Bonus) district allows for a mix of land uses with the purpose to provide high-density housing and encourage mixed-use development. The zoning district also provides development standards that each project within the zoning district is required to meet. Such standards include minimum lot size, minimum dimensions, minimum and maximum setbacks, density, maximum FAR, height, parking, and minimum open space. The approved project complied with all the required development standards. Since the proposed revisions do not modify any of the above-mentioned required development standards, this staff report does not discuss the project compliance with these required development standards. Since the development standards were calculated across the entire site with a comprehensive development, the project would be compliant with the Municipal Code at full development. Furthermore, the applicant has recorded a deed restriction governing the size and type of development allowed on the site ensuring that the undeveloped parcel cannot be separated or re-entitled to increase the development intensity or density above what was already approved. Since the applicant has complied with the required conditions, finalized the subdivision map, and recorded the deed restriction limiting development in excess of the development standards on the site, the applicant is not obligated to construct the entire project in one phase.

Pursuant to Section 16.45.060 of the R-MU zoning district, the proposed project is required to provide BMR housing units. As mentioned above, the project would provide 67 required rental inclusionary units and six for-sale inclusionary units for a total of 73 units at full build out. However, as previously mentioned, construction of the market-rate townhome units has been delayed and therefore the associated for-sale affordable units will not be developed until the market rate townhomes proceed. Since no changes are proposed to the affordable housing provided as part of the development of this project, this staff report does not include further details regarding the project compliance with the City’s BMR Housing Program.

For more information on project compliance with the R-MU development standards and City’s BMR Housing Program, please review the August 21, 2021 Planning Commission staff report for the project attached here as Attachment C.

General Plan compliance

The entitled project and proposed revisions would be consistent with the City’s general plan goals, policies, and programs, in addition to the City’s Zoning Ordinance development regulations and design standards. The following table summarizes key General Plan and Housing Element goals, policies, and programs that are applicable to the project revisions.

Table 2: Key General Plan and Housing Element policies and programs compliance summary		
Policy or program	Requirement	Project compliance details
General Plan Policy LU 6.3 Public Open Space Design	Promote public open space design that encourages active and passive uses and use during daytime and appropriate nighttime hours to improve quality of life.	<ul style="list-style-type: none"> The project including revisions would provide open space and landscaping aggregated around the commercial space The proposed paseo modifications include appropriate lighting for both day time and night time use
General Plan Program LU 6.B		

Open Space Requirements and Standards		<ul style="list-style-type: none"> The proposed revisions do not modify the previously approved open space with the apartment and townhome components
General Plan Policy CIRC-2.14 Impacts of New Development	<p>Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per service population or other efficiency metric) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.</p>	<ul style="list-style-type: none"> The proposed project, including proposed revisions, would provide bicycle and pedestrian connections between two public rights-of-way and continue to provide appropriate and sufficient bicycle and vehicular parking The proposed project including revisions would provide safety measures for pedestrian crossing on both public rights-of-ways Staff finds that the change of use of the commercial space from medical center to any approved use pursuant to the R-MU zoning district would not require additional traffic analysis beyond what was already studied in the previously-certified Environmental Impact Report
General Plan Program LU-4.C Community Amenity Requirements	<p>Establish zoning code requirements for mixed-use development to support and contribute to programs that benefit the community and City.</p>	<ul style="list-style-type: none"> The proposed revisions to the community amenities proposal would provide 110 percent of the community amenity value as an in-lieu payment which would be used to support programs benefiting the community

Community amenities revision

As part of the previously entitled project, the value of the community amenity was determined to be \$8,900,000. The original entitlement anticipated use of the 2,940-square-foot commercial space would operate as a non-profit organization providing urgent care medical center services and serve as the community amenity. In compliance with the conditions of approval, the applicant recorded a Community Amenities Operating Covenant (Attachment E) on February 8, 2022.

However, as construction progressed, the non-profit organization that the applicant anticipated would fulfill the community amenity obligation informed the applicant that they would be unable to occupy the commercial space. The applicant has been unable to secure a replacement tenant that would operate a medical center as a community amenity. Thus, the applicant is requesting a use permit revision to rescind the requirement to maintain and operate a medical center under the terms of a Community Amenities Operating Covenant. Instead, the applicant seeks approval to make an in-lieu payment calculated at 110 percent to comply with its community amenities obligation. At this time, the applicant anticipates requesting the first occupancy for the second building in summer 2024. The applicant also proposes to use the approximately 2,940 square-foot of commercial space for commercial uses permitted in the zoning district, rather than an urgent care center. Staff has evaluated the existing approved bicycle and vehicular parking for the building and has concluded that no additional parking would be necessary to support another commercial use within that space.

On June 22, 2021, City Council adopted Ordinance 1077 allowing applicants for bonus level developments to pay 110 percent of the value of the community amenities. The Ordinance also stipulated the payment be

paid prior building permit issuance for the project. However, the building permits for both apartment buildings were issued before staff received the requested revisions to the approved community amenity. Therefore, staff requests that the Planning Commission allow the applicant to rescind the current Community Amenities Operating Covenant and instead approve the payment of an in-lieu community amenities payment. However, staff recommends that the Planning Commission require the applicant to pay the in-lieu payment prior to for the granting of the first occupancy associated with the project. Staff finds that payment after granting the first temporary certificate of occupancy would be inconsistent with the Municipal Code requirements and delay the opportunity for the City Council to utilize the in-lieu payment to provide community amenities or fund programs in the area.

The applicant is requesting to make the in-lieu payment either at the time of issuance of the temporary certificate of occupancy (TCO) for the second building or December 1, 2024, whichever is earlier. However, staff recommends that the proposed timing of in-lieu payment be set to occur prior to issuance of any certificate of occupancy for the project.

Conclusion

The proposed interim revisions to the paseo are designed in a manner such that the paseo continues to be a safe and viable place for the community to gather, provide pedestrian and bicycle connections across two public rights-of-way and provide the landscaping, lighting, and other improvements that are consistent with the requirements of the Zoning Ordinance and general plan. The contribution of the community amenity in-lieu payment is consistent with the City's Zoning Ordinance and general and the payment prior to the issuance of the first occupancy for the first building would comply with the City's community amenities requirements for bonus level projects and allow the City Council to utilize the payment to provide community amenities in the area north of US 101. The temporary fence proposed along the emergency access and along the perimeter of the townhome parcel would be effective in screening the undeveloped townhome portion of the project site from views from the public right-of-way and offer protection against trespassing or vandalism. Staff finds that the proposed change in use for the previously designated urgent care center space to other commercial uses is consistent with the requirements of the R-MU zoning district. At full build out of the project, the project would continue to comply with all the requirements of the R-MU-B zoning district. Therefore, staff recommends that the Planning Commission approve the requested temporary changes to the paseo design, changes to the use of the commercial space, and allow the applicant to pay the community amenities in-lieu payment.

Impact on City Resources

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

Environmental Review

As part of the June 21, 2021, Planning Commission review and action on the project, the Commission certified the Final EIR and adopted the Mitigation Monitoring and Reporting Program (Attachment A, Exhibit C) for the project. The Planning Commission actions were appealed, but were affirmed by the City Council on August 31, 2021. Since, the proposed use of the 2,940-square-foot space is currently undecided, staff did a trip generation and sensitivity analysis pursuant to the ITE trip generation manual and determined that trips associated with any of the permitted uses under the R-MU zoning district would fall within the trip generation studied in the certified project Environmental Impact Report (EIR). The proposed changes to the

paseo and changes to the use of the community amenities space fall within the scope of the project studied under the certified project EIR. Additionally, the change of use of the approximately 2,940-square-foot commercial space would not generate additional traffic above that anticipated and studied through the certified Final EIR. No additional environmental analysis is required.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted a publishing a notice in the local newspaper and notification by mail of owners and occupants within a ¼-mile radius of the subject property.

Attachments

- A. Planning Commission Resolution approving revisions to the use permit and architectural control permit
Exhibits to Attachment A
 - A. Revised project development plans
 - B. Revised project description letter
 - C. Mitigation monitoring and reporting program from certified final EIR
 - D. Revised project conditions of approval
- B. Location Map
- C. Hyperlink Planning Commission staff report for June 21, 2021:
https://www.menlopark.org/DocumentCenter/View/28392/F2_Menlo-Uptown-Staff-Report?bidId=
- D. Hyperlink City Council staff report for August 31, 2021:
<https://menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/city-council/2021-meetings/agendas/20210831-city-council-agenda-packet.pdf>
- E. Recorded Community Amenities Operating Covenant

Report prepared by:
Payal Bhagat, Contract Principal Planner

Report Reviewed by:
Tom Smith, Principal Planner
Eric Philips, Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO. 2023-__

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING USE PERMIT AND ARCHITECTURAL CONTROL REVISIONS TO AN APPROVED HOUSING DEVELOPMENT PROJECT, AND REVISION OF THE APPROVED COMMUNITY AMENITY TO IN-LIEU PAYMENT FOR THE MENLO UPTOWN PROJECT TO CONSTRUCT 483 MULTI-FAMILY DWELLING UNITS AND AN APPROXIMATELY 2,940-SQUARE-FOOT COMMERCIAL SPACE AT 141 JEFFERSON DRIVE AND 180-186 CONSTITUTION DRIVE (APNS: 055-242-030, 055-242,040, 055-242-140) IN THE R-MU (RESIDENTIAL MIXED USE) ZONING DISTRICT

WHEREAS, the City of Menlo Park (“City”) approved a use permit and architectural control permit to allow a bonus level development project consisting of 483 dwelling units comprised of 441 rental units and 42 for-sale condominium units and approximately 2,940 square feet of commercial space, which development is more particularly described in City Council Resolution No. 6661 (hereinafter the “Approved Project”); and

WHEREAS, the City received an application requesting revisions to the Approved Project from CLPF Group Uptown Menlo Park, LLC and CLPF CRP TH Menlo Park, LLC (“Applicant”), to allow revisions to the paseo design to account for the interim condition prior to construction of the approved townhomes, use of the commercial space for other permitted uses under the R-MU zoning district in place of an urgent care medical center, and substitution of an in-lieu payment in place of an on-site community amenity (the “Revised Project”); and

WHEREAS, the Revised Project is depicted in and subject to the development plans attached hereto as Exhibit A (“Revised Project development plans”) and incorporated herein by this reference. The Revised Project’s changes from the Approved Project are described in a letter attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the Revised Project is located in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The R-MU-B zoning district allows a mixture of land use with the purposes of providing high density housing to complement nearby employment, encouraging mixed use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public, promoting a live/work/play environment with pedestrian activity, and blending with and complementing existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses; and

WHEREAS, on June 21, 2021, at a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report for the Approved Project, adopted findings pursuant to CEQA, adopted the Mitigation Monitoring and Reporting Program (MMRP), approved the use permit, architectural control permit, community amenities operating covenant, use permit for use of hazardous materials, below market rate housing proposal, and recommended City Council approval of the tentative map with 42 condominium units and adjusting lot lines such that each apartment has its own parcel and the townhomes on an individual parcel; and

WHEREAS, staff received two timely appeals to the June 21, 2021 Planning Commission decision; and

WHEREAS, on August 31, 2021, at a duly noticed public hearing, the City Council upheld Planning Commission's decisions on the Project and denied the appeals and approved the tentative map; and

WHEREAS, the Revised Project would be developed with the same increase in floor area ratio (FAR), density, and height pursuant to City's bonus level development allowances as the Approved Project; and

WHEREAS, other aspects of the Approved Project, such as size, location, density, FAR, building design, landscaping, lighting, use and storage of hazardous materials, parking, access, circulation, on- and off-site improvements, and location, size, and affordability of below market rate units, would also remain unchanged; and

WHEREAS, the applicant is requesting revision to the Approved Project's paseo design as an interim condition to allow construction of an asphalt emergency vehicle access (EVA) prior to the construction of the townhomes; and

WHEREAS, the EVA to support the Approved Project was designed as part of the internal road network designed to serve the townhome garages; and

WHEREAS, since the Approved Project will be constructed in phases, and the townhomes will not be constructed until after both apartments receive their certificates of occupancy, revisions to the paseo are necessary to provide proper EVA for the apartment buildings as an interim condition; and

WHEREAS, the Revised Project complies with all applicable standards of the City's Zoning Ordinance, and is consistent with the City's General Plan goals, policies, and programs; and

WHEREAS, the Applicant also requests revision to the community amenities proposal to allow for the Applicant to make an in-lieu payment as the Project's community amenity instead of providing a medical care facility onsite to account for the fact that the Applicant is unable to secure a non-profit organization to operate an urgent care medical center; and

WHEREAS, the in-lieu payment is calculated at 110 percent of the value of the community amenity; and

WHEREAS, in-lieu payment is permitted pursuant to Section 16.45.070 of the Menlo Park Municipal Code; and

WHEREAS, the use of the approximately 2,940 square foot space previously designed to be used as an urgent care center would be repurposed for other commercial uses permitted under the R-MU zoning district and would not require additional vehicular or bicycle parking spaces; and

WHEREAS, the Revised 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 Revised Project; and

WHEREAS, trip generation and sensitivity analysis was performed using the ITE trip general manual and determined that trips associated with any use permitted by the R-MU zoning district and allowed under the Revised Project would fall within the trip general studied in the certified Final EIR prepared for the Approved Project; and

WHEREAS, the City has determined that the Revised Project is consistent with the scope of the previously certified Final EIR and Mitigation Monitoring and Reporting Program (“MMRP”), which is incorporated herein by this reference as Exhibit C, and therefore, the City finds that no new significant foreseeable environment effects of the Revised Project would occur, and therefore no additional reasonable alternatives or mitigation measures would be required; 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 Planning Commission on December 18, 2023 at which all persons interested had the opportunity to appear and comment; and

WHEREAS, after closing the public hearing, the Planning Commission considered all public and written comments, pertinent information, documents and plans and all other evidence in the public record on the Revised Project; and

WHEREAS, on December 18, 2023, the Planning Commission fully reviewed, considered, evaluated the whole of the record including all public and written comments, pertinent information, document and plans, and determined that the Revised Project was adequately studied under the previously certified Final EIR.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park finds that the above recitals together with the staff report and the application materials, including without limitation, reports, studies, maps, oral and written testimony, and materials in the City’s file for the applications and the Project, and all adopted and applicable City planning documents related to the Project and the Project Site and all associated evidentiary basis for the recommendations set forth in this resolution.

BE IT FURTHER RESOLVED that the City of Menlo Park hereby approves a revised use permit, subject to conditions, attached hereto and incorporated herein by this reference as Exhibit D, for the Project. The approval is granted based on the following findings, which were made pursuant to Menlo Park Municipal Code Section 16.82.030:

1. That the consideration and due regard was given 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 applicant is currently unable to find a tenant willing to operate a non-profit urgent care medical center in the commercial space; therefore, allowing the applicant to pay the in-lieu payment instead would provide the City an opportunity to fund another community amenity in the vicinity of the Project. Therefore, the proposed project revisions would not be detrimental to the surrounding areas.
2. That whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstance of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to the project and improvements in the neighborhood or the general welfare of the city; in that, the proposed revision would allow the applicant to pay the in-lieu community amenities payment instead of using the commercial space as an urgent care medical center. The in-lieu payment is consistent with the requirements of the Menlo Park Municipal Code. The commercial space would be occupied with one of the uses permitted under the R-MU zoning district. The applicant has demonstrated that the project has sufficient on site bicycle and vehicular parking to support the change in use. The proposed revisions would allow the continued use of the paseo as intended in the ConnectMenlo General Plan, while providing appropriate alternatives for occupying the commercial space, and appropriately securing the undeveloped townhome parcel. The proposed project revisions would be consistent with the goals and policies of the City's General Plan and would be consistent with the R-MU zoning district requirements and will therefore, not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood.
3. Pursuant to Chapter 16.45, Section 16.45.070 of the City's Municipal Code and with Menlo Park City Council Resolution No. 6360 (the City Council adopted Community Amenities List), public interest and convenience requires that projects that are developed at a greater level of intensity with an increased density, FAR, and/or height shall provide one or more community amenities to address the needs that result from the effect of the increased development. The value of the community amenities must be equal to 50 percent of the fair market value of the additional gross floor area of the bonus level development, which has been determined to be \$8,900,000 for the Project.
4. The City of Menlo Park hereby approves the applicant's revised community amenities proposal to provide in-lieu payment at 110 percent of the value of the community amenities evaluation or equal to \$9,790,000.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Menlo Park ("City") hereby approves a revised architectural control permit subject to conditions, attached hereto and incorporated herein by this reference as Exhibit D, for the Project. The approval is granted based on the following findings, which are made pursuant to Menlo Park Municipal Code Section 16.68.020:

1. That the general appearance of the structures is in keeping with character of the neighborhood; in that, the proposed paseo design revisions would continue to allow the use of the paseo by pedestrians and bicycles. Moreover, the paseo design would incorporate appropriate lighting, landscaping, and screening fence to screen and secure the undeveloped townhome parcel. The paseo design modifications are a temporary interim condition until the townhome component of the project is constructed. The final build out of the project would be consistent with the previously approved project, which was found to be consistent with the requirements of the ConnectMenlo General Plan Update and the R-MU zoning district standards. The temporary revised paseo design and fence design are also consistent with the requirements of the City's ConnectMenlo General Plan Update and the R-MU zoning district requirements and would provide appropriate emergency vehicle access to serve the apartment buildings while the townhomes are being constructed; therefore these revisions are considered in keeping with the character of the neighborhood.
2. That the development will not be detrimental to the harmonious and orderly growth of the city; in that, the proposed revisions are to address the temporary conditions while the townhome parcel remains undeveloped. The revised paseo is designed to provide appropriate emergency vehicle access for the apartment buildings while the townhomes are being built. The revised design would provide appropriate lighting, landscaping, and access to the paseo as a through connection between two public rights-of-ways. Additionally, while the townhome parcel remains undeveloped, the project is being revised to provide a wooden fence along the paseo and emergency vehicle access road and a chain-link fence is proposed around the remaining sides of the townhome parcel to screen the undeveloped lot and to provide security. The project is conditioned to require that the fences are maintained until such time that they are no longer needed. Therefore, staff finds that the proposed revisions to the project would not be detrimental but serve to enhance the orderly growth in the area while the townhome component of the project is under construction.
3. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the proposed project revisions would provide appropriate emergency vehicle access for the apartment buildings while the townhome component of the project is being developed and provide appropriate perimeter fencing adjoining the paseo and along the other property lines to appropriately secure the parcel against vandalism and provide screening of the vacant parcel from the public rights-of-way. With the proposed revisions, the paseo would continue to provide a bicycle and pedestrian connection between the two project adjoining rights-of-way. The revised paseo design would continue to include appropriate landscaping and lighting that would remain in place at the time of full project built-out. Therefore, staff finds the proposed revisions would not impair the desirability of investment or occupation in the neighborhood as the revisions are appropriately secure the vacant undeveloped portions of the project and provide appropriate emergency vehicle access to already developed and occupied portions of the project.
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 revisions do not modify the previously approved bicycle and vehicular parking on site as it already accounted for the use of the commercial space. Additionally, the applicant has demonstrated that no additional parking would be required on the site when the commercial space is used for one of uses that are currently permitted under the R-MU zoning district.

5. That the development is consistent with any applicable specific plan; in that, the Project is located in the Bayfront Area, which is not subject to any specific plan. However, the project is consistent with the all the applicable goals, policies, and programs of the ConnectMenlo General Plan Update and is consistent with all applicable codes, ordinances, and requirements outlined in the City of Menlo Park Municipal Code.

SEVERABILITY

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

I, Kyle Perata, Assistant Community Development Director 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 18th day of December 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

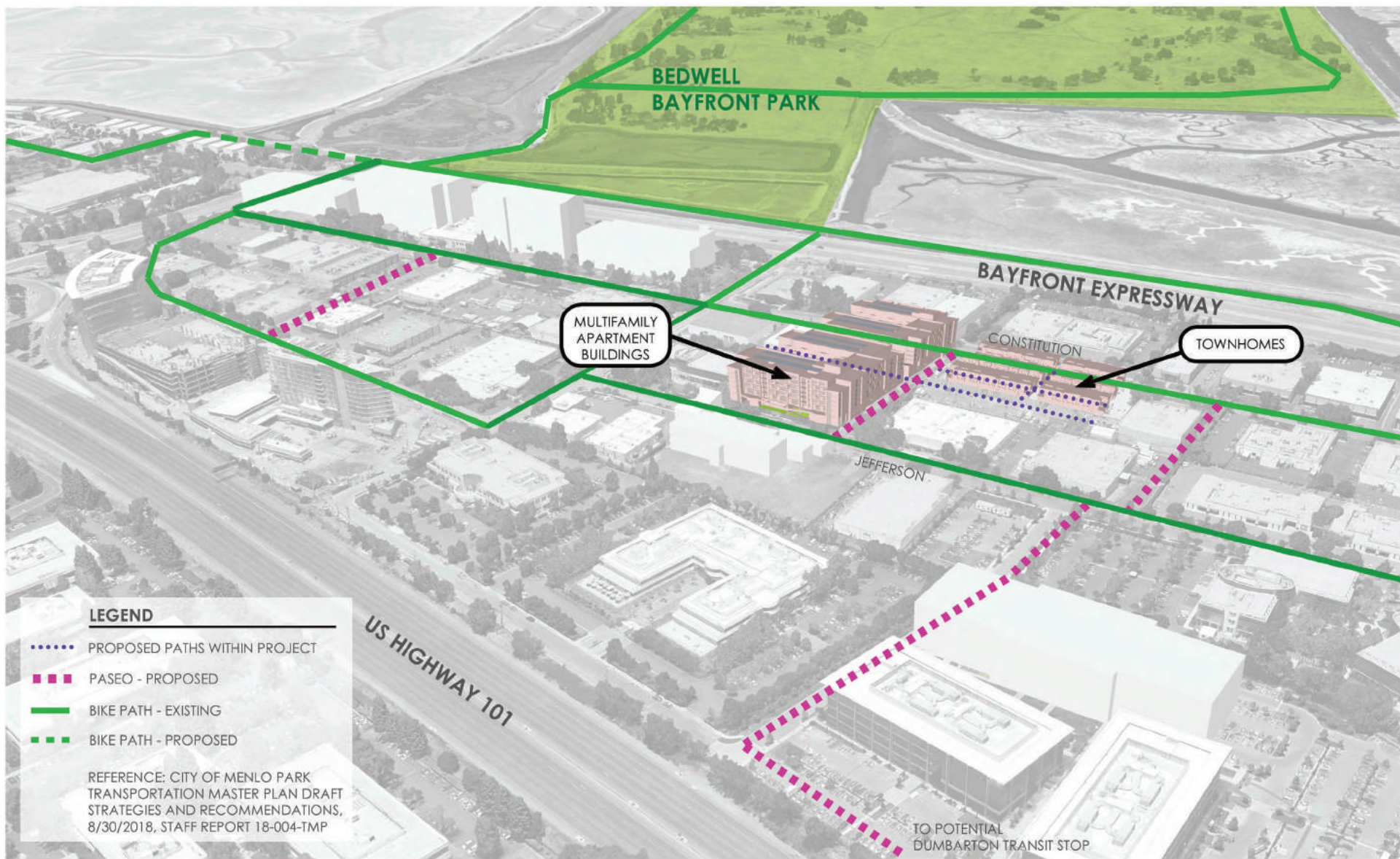
IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of December 2023.

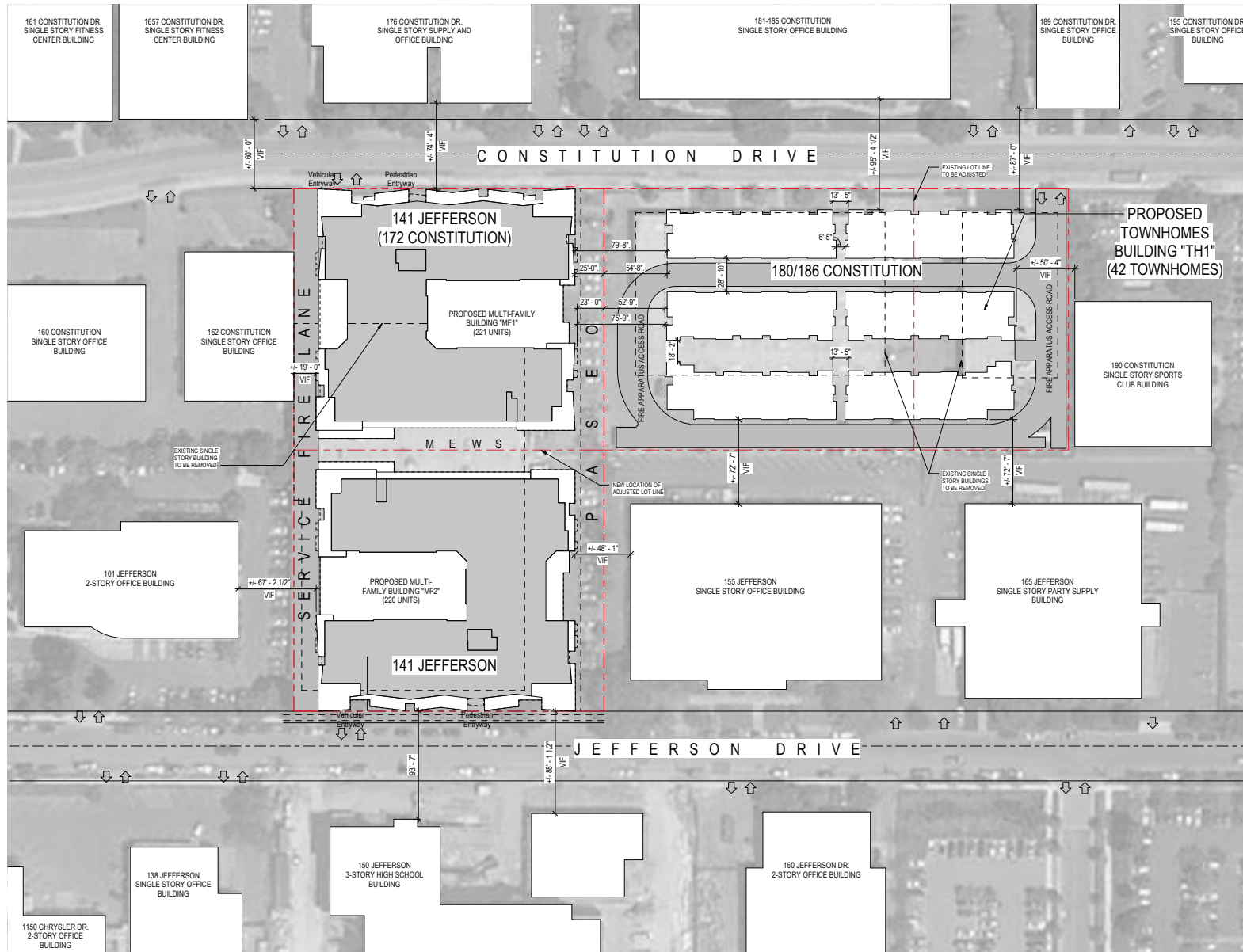
PC Liaison Signature

Kyle Perata
Assistant Community Development Director
City of Menlo Park

Exhibits

- A. Revised project development plans
- B. Revised project description letter
- C. Mitigation Monitoring and Reporting Program from certified Final EIR
- D. Revised project conditions of approval





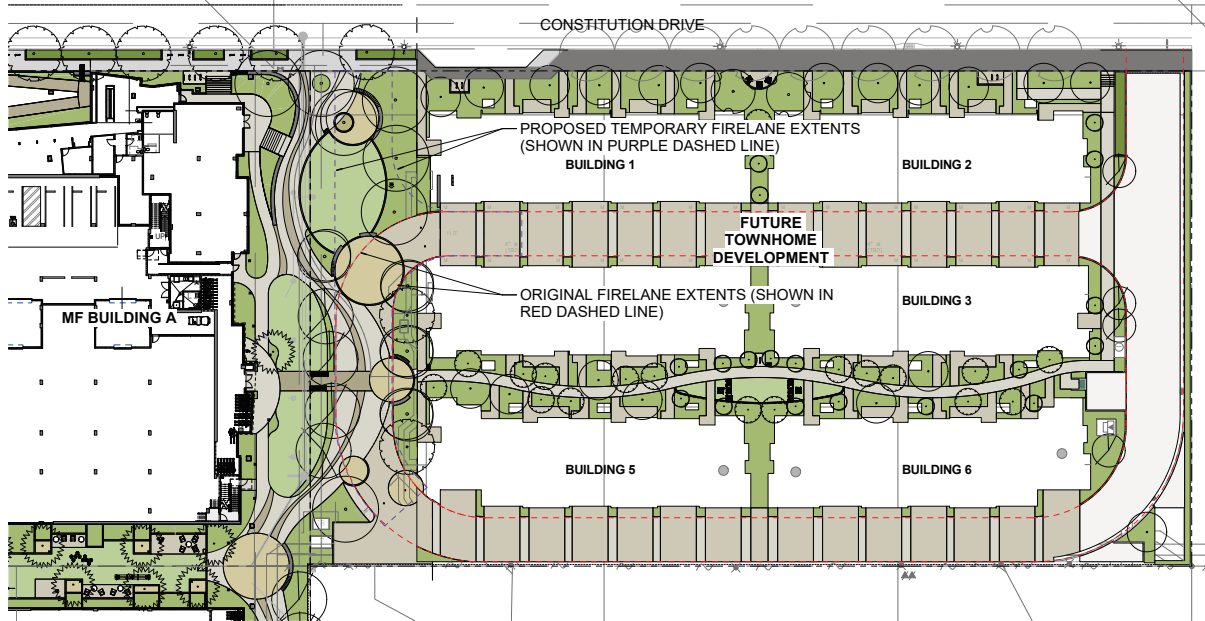
NOTE: THIS IS NOT A SURVEY. DIMENSIONS SHOWN TO NEIGHBORING PROJECTS ARE FOR REFERENCE ONLY. FUTURE SURVEY TO VERIFY/CONFIRM EXACT NUMBERS.

REFER APPENDIX B2 TOWNHOME DRAWINGS FOR ADDITIONAL TOWNHOME SITE INFORMATION.

REFER APPENDIX C LANDSCAPE DRAWINGS FOR EXISTING AND PROPOSED LANDSCAPE INFORMATION.

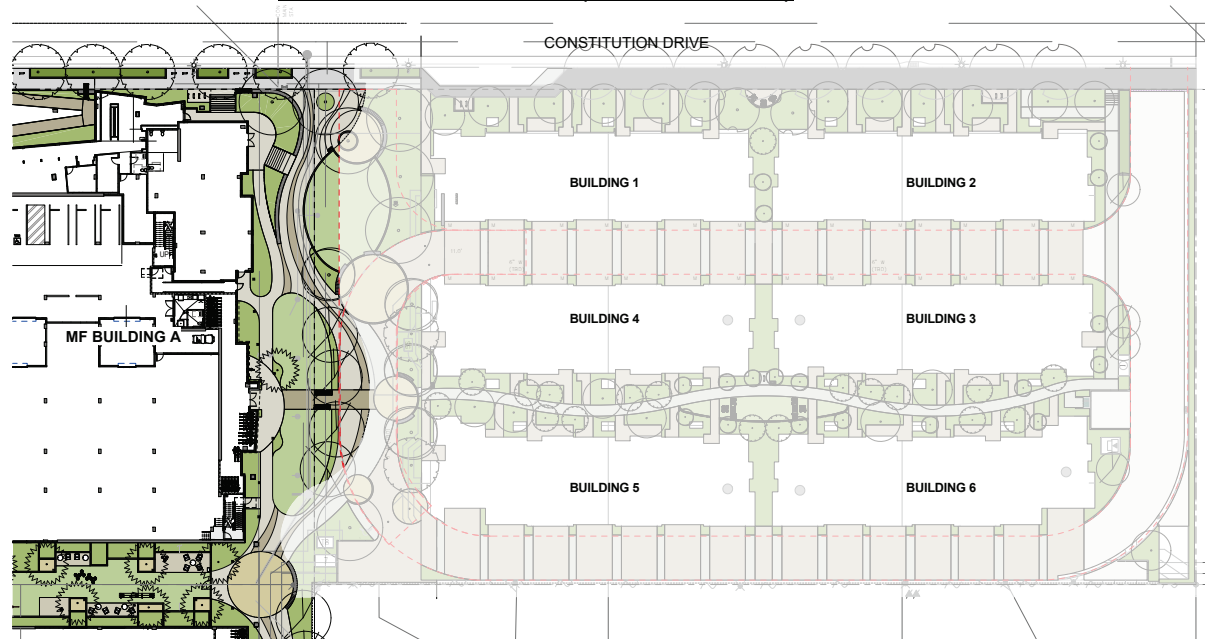
REFER APPENDIX D CIVIL DRAWINGS FOR ADDITIONAL SITE CONTEXT INFORMATION.

PASEO PRIOR TO ANY FIRE LANE MODIFICATIONS/ PLANNING APPROVED



SCALE 1" = 20'-0"

ELEMENTS OF PASEO AND TOWNHOME PARCEL THAT WILL NOT BE BUILT (WHITED OUT)



SCALE 1" = 20'-0"

INTERIM FENCING

TEMPORARY 6' TALL WOODEN PERIMETER FENCING

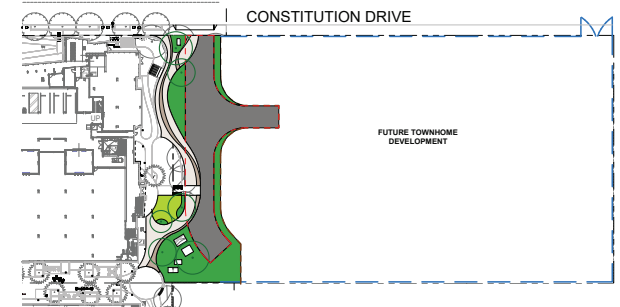


PRODUCT: 6' WESTERN RED CEDAR FENCE, BOARD ON BOARD WITH CAP, WOOD CLAD POST/MASTER PLUS STEEL POSTS @ 6' O.C., COLOR: STAINED DARK GREY, MANUFACTURER: MASTER-HALCO, WWW.MASTERHALCO.COM OR APPROVED EQUIVALENT

TEMPORARY 6' TALL CHAINLINK FENCING WITH DECORATIVE FENCE WRAP









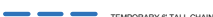




PASEO DESIGN CHANGES WITH FIRE LANE MODIFICATIONS TO BE CONSTRUCTED DURING INTERIM CONDITION



SCALE 1" = 40'-0"

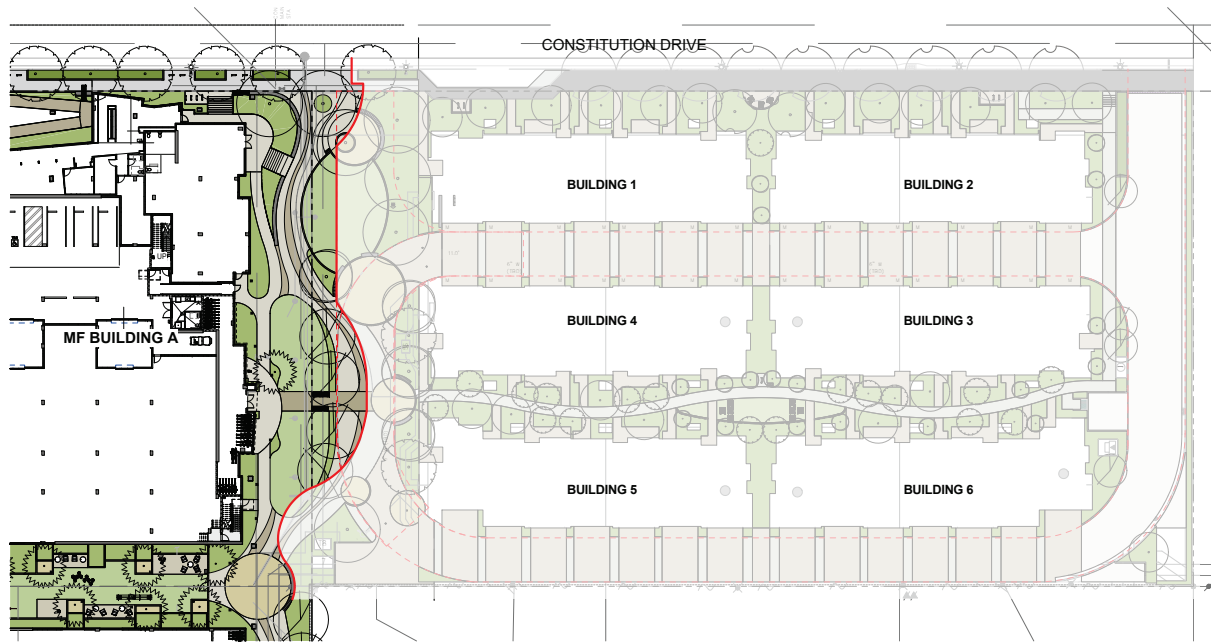
LEGEND

-  ASPHALT, S.C.D.
-  CONCRETE COLOR 1
-  CONCRETE COLOR 2
-  SHRUB PLANTING
-  LAWN
-  PASEO TEMPORARY HYDRASEED
-  TEMPORARY FIRE LANE
-  TEMPORARY WOOD 6' TALL PERIMETER FENCING
-  TEMPORARY 6' TALL CHAINLINK PERIMETER FENCING
-  TREE LOCATION, ADJUSTED
-  TREE LOCATION, UNCHANGED

DATE	11/16/2021
DESCRIPTION	FOUNDATION
DATE	08/02/21
DESCRIPTION	STRUCTURE
DATE	01/18/2021
DESCRIPTION	FOUNDATION
DATE	07/02/21
DESCRIPTION	FOUNDATION
DATE	07/16/2021
DESCRIPTION	REV 1
DATE	01/01/21
DESCRIPTION	REV 1
DATE	11/17/21
DESCRIPTION	MOD
DATE	03/28/22
DESCRIPTION	MOD
DATE	06/03/22
DESCRIPTION	MOD
DATE	08/01/22
DESCRIPTION	MOD
DATE	11/17/23
DESCRIPTION	MOD

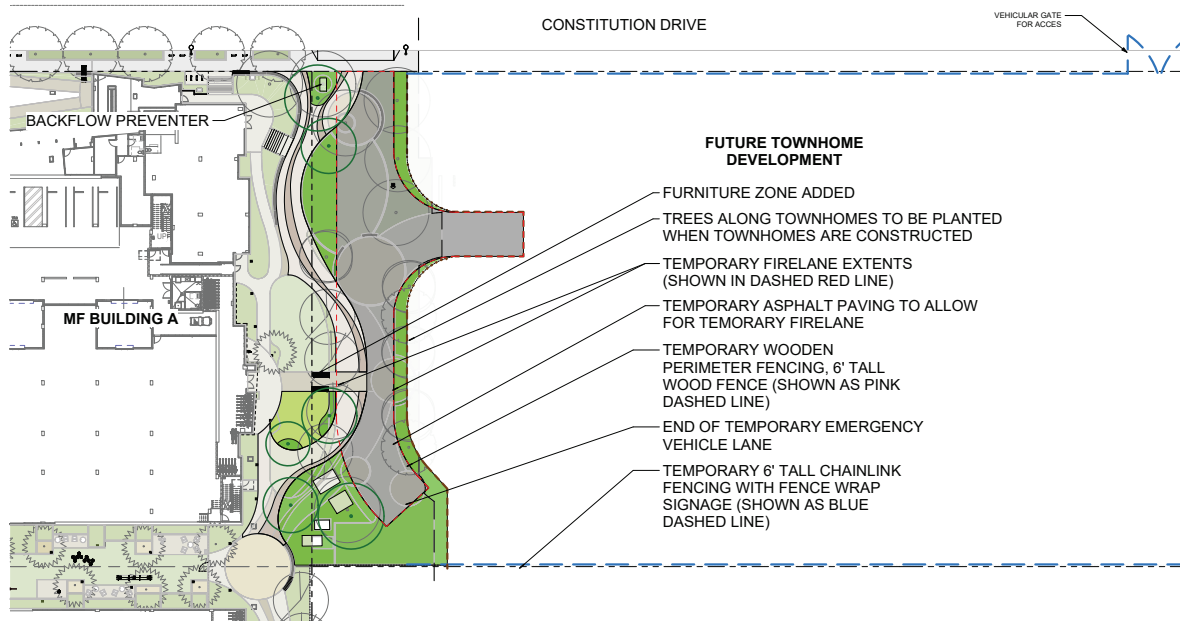


**ELEMENTS OF PASEO AND TOWNHOME PARCEL THAT
WILL NOT BE BUILT (WHITED OUT)**



NOTE: EVERYTHING TO THE LEFT OF THE RED LINE WILL BE BUILT PER PLAN AND PER THE ENTITLEMENTS AND PERMITS ALREADY APPROVED BY THE CITY OF MENLO PARK. THIS WORK IS ALREADY UNDER CONSTRUCTION.

**PASEO DESIGN CHANGES WITH FIRE LANE MODIFICATIONS TO BE
CONSTRUCTED DURING INTERIM CONDITION**



- FUTURE TOWNHOME DEVELOPMENT**
- FURNITURE ZONE ADDED
 - TREES ALONG TOWNHOMES TO BE PLANTED WHEN TOWNHOMES ARE CONSTRUCTED
 - TEMPORARY FIRELANE EXTENTS (SHOWN IN DASHED RED LINE)
 - TEMPORARY ASPHALT PAVING TO ALLOW FOR TEMPORARY FIRELANE
 - TEMPORARY WOODEN PERIMETER FENCING, 6' TALL WOOD FENCE (SHOWN AS PINK DASHED LINE)
 - END OF TEMPORARY EMERGENCY VEHICLE LANE
 - TEMPORARY 6' TALL CHAINLINK FENCING WITH FENCE WRAP SIGNAGE (SHOWN AS BLUE DASHED LINE)

LEGEND

	ASPHALT, S.C.D.		SHRUB PLANTING
	CONCRETE COLOR 1		LAWN
	CONCRETE COLOR 2		PASEO TEMPORARY HYDROSEED
	TEMPORARY FIRE LANE		TREE LOCATION, ADJUSTED
	TEMPORARY WOOD 6' TALL PERIMETER FENCING		TREE LOCATION, UNCHANGED
	TEMPORARY 6' TALL CHAINLINK PERIMETER FENCING		

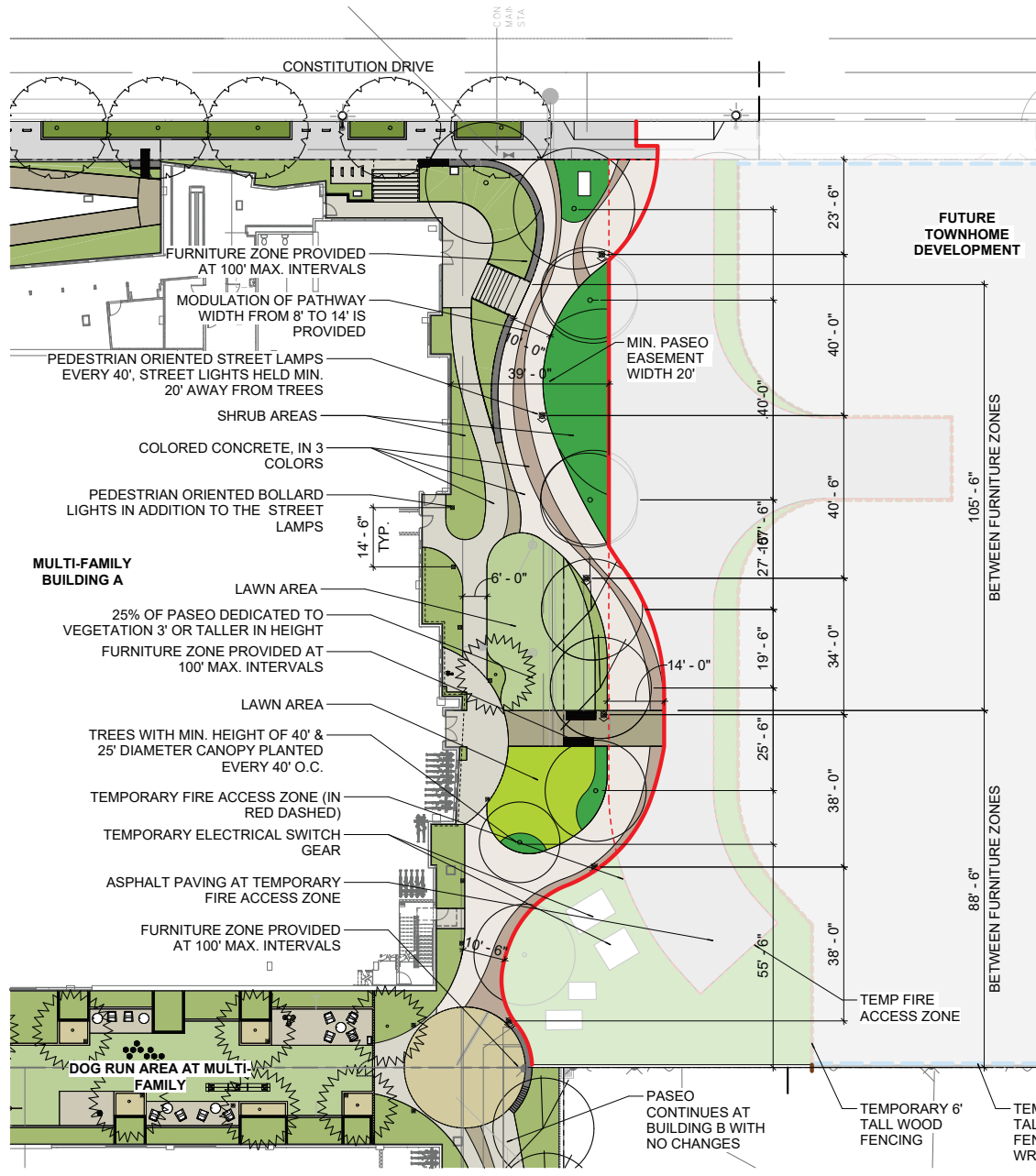
DATE	DESCRIPTION
11/16/2021	ISSUE
08/02/21	FOUNDATION
01/18/2021	CONCRETE
01/18/2021	STRUCTURE
07/02/21	PERMITS
07/02/21	DEPARTMENT
07/02/21	PERMITS
07/02/21	FOUNDATION
07/02/21	REV 1
01/02/21	REV 1
11/17/21	REV 1
11/17/21	REV 1
03/08/22	FOR CONCRETE
03/08/22	REVISE
02/01/23	REV 1
11/17/23	PASEO
	MOD

STATE

FIRE LANE ACCESS MODIFICATIONS TO PASEO

DATE: 11/17/23
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN
PROJECT NO.: 2023-0000000000

PASEO COMPLIANCE WITH FIRE LANE MODIFICATIONS CONSTRUCTED DURING INTERIM CONDITION



NOTE: EVERYTHING TO THE LEFT OF THE RED LINE WILL BE BUILT PER PLAN AND PER THE ENTITLEMENTS AND PERMITS ALREADY APPROVED BY THE CITY OF MENLO PARK. THIS WORK IS ALREADY UNDER CONSTRUCTION.

- MULTI-FAMILY BUILDING A**
- FURNITURE ZONE PROVIDED AT 100' MAX. INTERVALS
- MODULATION OF PATHWAY WIDTH FROM 8' TO 14' IS PROVIDED
- PEDESTRIAN ORIENTED STREET LAMPS EVERY 40', STREET LIGHTS HELD MIN. 20' AWAY FROM TREES
- SHRUB AREAS
- COLORED CONCRETE, IN 3 COLORS
- PEDESTRIAN ORIENTED BOLLARD LIGHTS IN ADDITION TO THE STREET LAMPS
- LAWN AREA
- 25% OF PASEO DEDICATED TO VEGETATION 3' OR TALLER IN HEIGHT
- FURNITURE ZONE PROVIDED AT 100' MAX. INTERVALS
- LAWN AREA
- TREES WITH MIN. HEIGHT OF 40' & 25' DIAMETER CANOPY PLANTED EVERY 40' O.C.
- TEMPORARY FIRE ACCESS ZONE (IN RED DASHED)
- TEMPORARY ELECTRICAL SWITCH GEAR
- ASPHALT PAVING AT TEMPORARY FIRE ACCESS ZONE
- FURNITURE ZONE PROVIDED AT 100' MAX. INTERVALS

DOG RUN AREA AT MULTI-FAMILY

PASEO CONTINUES AT BUILDING B WITH NO CHANGES

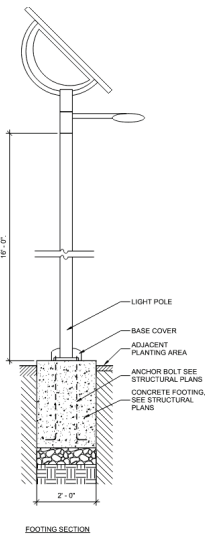
TEMPORARY 6' TALL WOOD FENCING

TEMPORARY 6' TALL CHAIN LINK FENCING WITH WRAP

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	11/16/2021
2	FOUNDATION	08/02/21
3	STRUCTURE	01/05/21
4	MECHANICAL	07/02/21
5	ELECTRICAL	01/05/21
6	FOUNDATION	07/02/21
7	MECHANICAL	01/05/21
8	MECHANICAL	01/05/21
9	MECHANICAL	01/05/21
10	MECHANICAL	01/05/21
11	MECHANICAL	01/05/21
12	MECHANICAL	01/05/21
13	MECHANICAL	01/05/21
14	MECHANICAL	01/05/21
15	MECHANICAL	01/05/21
16	MECHANICAL	01/05/21
17	MECHANICAL	01/05/21
18	MECHANICAL	01/05/21
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20	MECHANICAL	01/05/21
21	MECHANICAL	01/05/21
22	MECHANICAL	01/05/21
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24	MECHANICAL	01/05/21
25	MECHANICAL	01/05/21
26	MECHANICAL	01/05/21
27	MECHANICAL	01/05/21
28	MECHANICAL	01/05/21
29	MECHANICAL	01/05/21
30	MECHANICAL	01/05/21
31	MECHANICAL	01/05/21
32	MECHANICAL	01/05/21
33	MECHANICAL	01/05/21
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37	MECHANICAL	01/05/21
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43	MECHANICAL	01/05/21
44	MECHANICAL	01/05/21
45	MECHANICAL	01/05/21
46	MECHANICAL	01/05/21
47	MECHANICAL	01/05/21
48	MECHANICAL	01/05/21
49	MECHANICAL	01/05/21
50	MECHANICAL	01/05/21



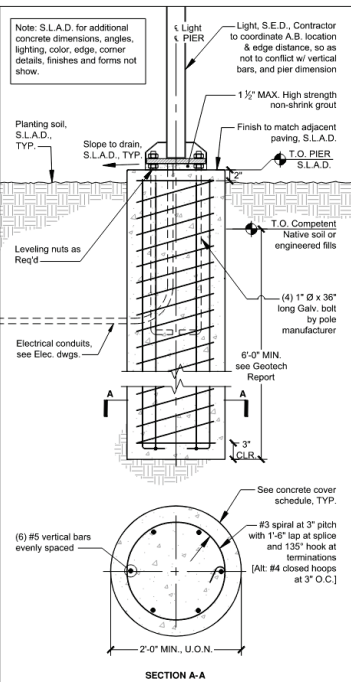
PASEO COMPLIANCE INTERIM CONDITION



FOOTING SECTION

- NOTES:
1. LUMINAIRE MODEL: BELUX DSCLX-RS-L35-35-B6-P2-2xxx-PM4-B2
 2. POLE MODEL: 660-HFT-SV-B03
 3. OPTICS: TYPE 1 DISTRIBUTION
 4. MOUNTING: SINGLE
 5. LIGHT ENGINE: 350W, 35000CT
 6. BATTERIES: (2) 12V, 176 AH
 7. PANEL: 120W DOUBLE
 8. OPERATION PROFILE: ALL NIGHT 100%
 9. PANEL MOUNTING ANGLE: 45 DEGREES
 10. POLE: 1" DIAMETER STRAIGHT STEEL POLE, 16' HEIGHT
 11. COLOR: BRONZE
 12. BASE COVER: TWO PIECE CAST ALUMINUM COVER
 13. ANCHOR: SURFACE MOUNT
 14. MANUFACTURER: BELUX, (865) 834 7400, www.belux.com/usa/wholesaler OR APPROVED EQUIVALENT
 15. FOOTING/PIER STRUCTURAL ENGINEER: SEE DRAWINGS

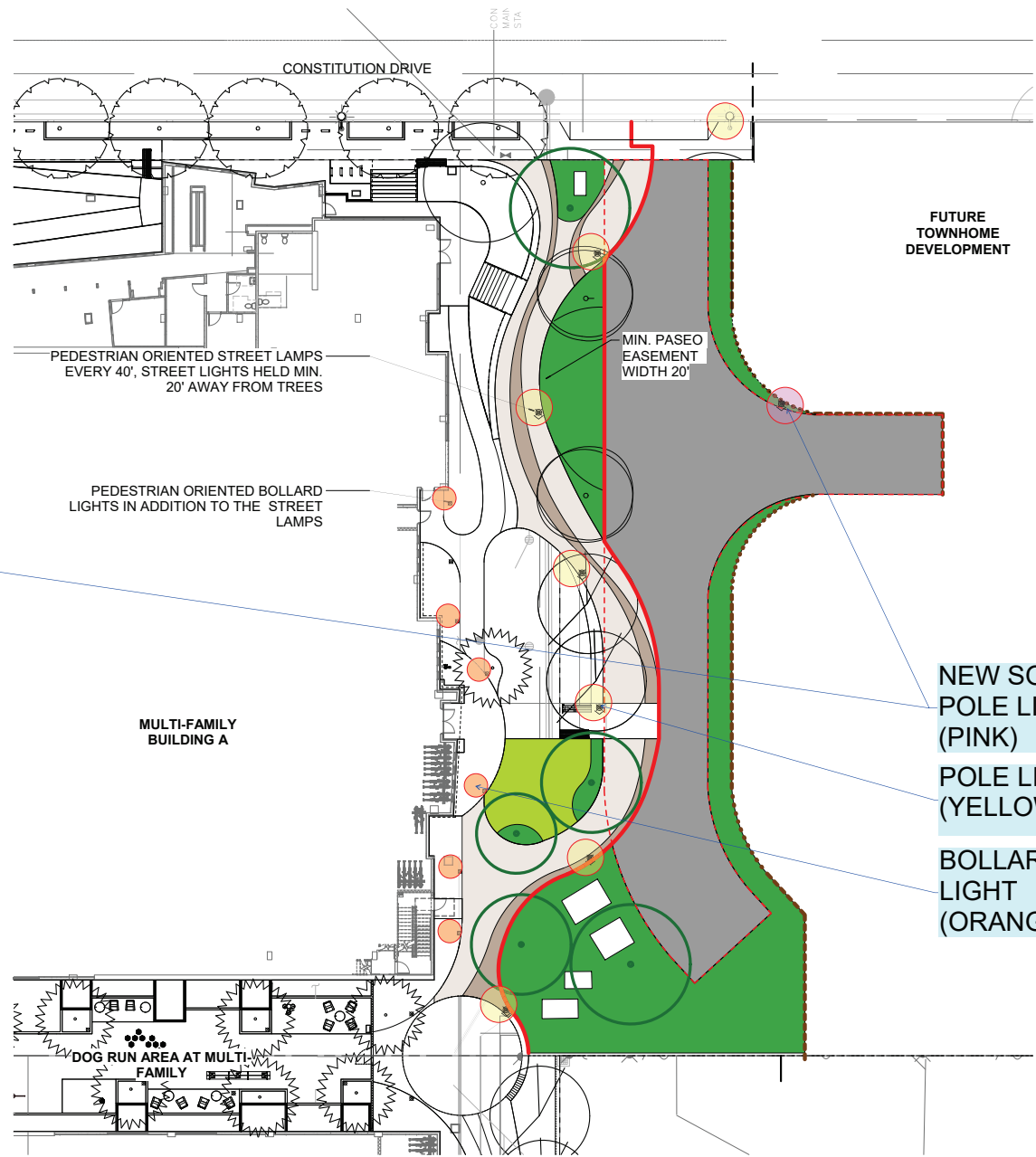
4. AND ALTERNATE NO. 3 - SOLAR LIGHT FIXTURE
 30" x 12"
 NOTE: LIGHT POLE TO BE ABOVE PRODUCT OR EQUIVALENT APPROVED BY DESIGN TEAM



SECTION A-A

3021 192

30 LIGHT POLE PIER



FUTURE TOWNHOME DEVELOPMENT

MULTI-FAMILY BUILDING A

DOG RUN AREA AT MULTI-FAMILY

- NEW SOLAR POLE LIGHT (PINK)
- POLE LIGHT (YELLOW)
- BOLLARD LIGHT (ORANGE)

NO.	DATE	DESCRIPTION
1	11/16/2021	ISSUED FOR PERMIT
2	01/06/2022	ISSUED FOR PERMIT
3	01/06/2022	ISSUED FOR PERMIT
4	01/06/2022	ISSUED FOR PERMIT
5	01/06/2022	ISSUED FOR PERMIT
6	01/06/2022	ISSUED FOR PERMIT
7	01/06/2022	ISSUED FOR PERMIT
8	01/06/2022	ISSUED FOR PERMIT
9	01/06/2022	ISSUED FOR PERMIT
10	01/06/2022	ISSUED FOR PERMIT
11	01/06/2022	ISSUED FOR PERMIT
12	01/06/2022	ISSUED FOR PERMIT
13	01/06/2022	ISSUED FOR PERMIT
14	01/06/2022	ISSUED FOR PERMIT
15	01/06/2022	ISSUED FOR PERMIT
16	01/06/2022	ISSUED FOR PERMIT
17	01/06/2022	ISSUED FOR PERMIT
18	01/06/2022	ISSUED FOR PERMIT
19	01/06/2022	ISSUED FOR PERMIT
20	01/06/2022	ISSUED FOR PERMIT



STAMP
 PGAdesign
 LANDSCAPE ARCHITECT
 STATE OF CALIFORNIA
 LICENSE NO. 11182-01

LIGHTING LOCATIONS

NO.	DATE	DESCRIPTION
1	11/16/2021	ISSUED FOR PERMIT
2	01/06/2022	ISSUED FOR PERMIT
3	01/06/2022	ISSUED FOR PERMIT
4	01/06/2022	ISSUED FOR PERMIT
5	01/06/2022	ISSUED FOR PERMIT
6	01/06/2022	ISSUED FOR PERMIT
7	01/06/2022	ISSUED FOR PERMIT
8	01/06/2022	ISSUED FOR PERMIT
9	01/06/2022	ISSUED FOR PERMIT
10	01/06/2022	ISSUED FOR PERMIT
11	01/06/2022	ISSUED FOR PERMIT
12	01/06/2022	ISSUED FOR PERMIT
13	01/06/2022	ISSUED FOR PERMIT
14	01/06/2022	ISSUED FOR PERMIT
15	01/06/2022	ISSUED FOR PERMIT
16	01/06/2022	ISSUED FOR PERMIT
17	01/06/2022	ISSUED FOR PERMIT
18	01/06/2022	ISSUED FOR PERMIT
19	01/06/2022	ISSUED FOR PERMIT
20	01/06/2022	ISSUED FOR PERMIT

L.O.05

Revised November 2nd, 2023
Revised November 15, 2023

SENT VIA EMAIL

Kyle Peralta
City of Menlo Park
Community Development
701 Laurel St.
Menlo Park, CA 94025
ktperata@menlopark.gov

**Re: Supplemental Update on Menlo Uptown Project's Community Amenity,
Redesign of Paseo and Modification of Architectural Controls**

Dear Kyle:

In connection with the project located at 141 Jefferson Drive, 180 Constitution Drive and 186 Constitution Drive, Menlo Park, CA, commonly known as Menlo Uptown (Project), Greystar¹ is writing to update the City of Menlo Park (City) on our efforts and approach to satisfying the Project's community amenity requirement, as well as one other issue concerning the provision of fire access to the multifamily component of the project from the townhome parcel.

I. Community Amenities

The Project's conditions of approval (COA) adopted by Resolution No. 6661 required Greystar to enter into a Community Amenity Operating Covenant (Covenant) prior to issuance of the first building permit and to operate and maintain the community amenity space during the term of the Covenant. (Condition 2(c), 2(d).) The COAs also require the operation of the community amenity to commence within one year of issuance of the first Temporary Certificate of Occupancy (TCO). The City and Greystar executed and recorded the Covenant prior to building permit issuance.

Greystar engaged in a robust process to identify a community amenity consistent with the Community Amenity List available at the time. Based on community input, Greystar initially elected to construct a 2,940 square foot space within the multifamily residential building (Community Amenity Space) and agreed that the Community Amenity Space would only be operated and maintained for use by a non-profit organization providing urgent care medical center services. As construction planning progressed, however, representatives of the previously identified provider, Ravenswood Family Health Network, communicated that they no longer wished to operate within the Project. Greystar evaluated replacement users to occupy the space and fulfill the intent of the Community Amenity requirement, but have been

¹ CLPF GRP Uptown Menlo Park LLC and CLPF CRP TH Menlo Park, LLC are technically the property owners. Greystar is the development manager and is referenced herein as the owners' representative.

unable to identify a suitable candidate. Other, non-medical uses were also explored and determined to be unavailable for this project.

Greystar entered into the Covenant on February 8, 2022 and recorded it on March 8, 2022 as Document No. 2022-020509 in the Official Records of San Mateo County. Greystar previously wrote to the City on August 11th, 2023 communicating our intent to terminate the Covenant.

After additional conversations with City staff, Greystar reaffirms its intent to pay the in-lieu fee as a means of satisfying the Community Amenity obligation as expressed in its Aug 11th, 2023 letter. Greystar acknowledges that the fee will now be calculated using 110% of the bonus level development potential, or approximately \$9,790,000.

By paying the fee, the types of uses that will be able to occupy the 2,940 sf space will include those permitted and conditional uses detailed in the R-MU section of the zoning code (Chapter 16.45).

Greystar requests that the timing of the in-lieu fee payment be made at the earlier of the following events:

- a) issuance of the Temporary Certificate of Occupancy (TCO) for Building B (APN 055-242-20, located at 172 Constitution Dr), or
- b) December 1st, 2024.

We request the in-lieu fee be paid with the above timing structure in order to allow Building A to be completed and occupied so that the project can realize initial revenue streams. This structure is not dissimilar from the occupancy timing originally contemplated in the Community Amenity Covenant, whereby Greystar was not obligated to have Ravenswood occupy the Community Amenity space until 12 months *after* occupancy of Building A.

By converting the Community Amenity area to a future use allowed under the RMU zoning code, no additional vehicular or bicycle parking will need to be built. Per the plans attached to the original entitlement staff report, the Uptown project provides a total of 555 on-site parking spaces, where the minimum requirement is 490. Furthermore, the project provides 822 long-term and short-term bicycle parking spaces where only 730 are required.

The 2,940 sq. ft. of previously designated Community Amenity space was not factored into the minimum parking calculations. When the space is converted into non-Community Amenity commercial space, the number of additional parking spaces required will vary depending on if the exact use of the space. However, there will be sufficient excess parking provided at the project to cover any type of conversion to commercial space.

To illustrate, if the 2,940 sq. ft. of previously designated Community Amenity space is converted to retail - the Code dictates that 2.5 parking spaces per 1,000 sq. ft. of use shall be provided ($2,940 / 1000 = 2.94 * 2.5 = 7.35$ parking spaces, rounded up to 8 parking spaces). The approved number of parking spaces 555 would still be larger than the 497 (i.e., $489 + 8$) required under the Code. Bike parking is similar, which requires 1 bike parking spot per 5,000 sq. ft. of gross floor area.

II. Paseo and Plaza Redesign and Modification to Architectural Controls

The current macroeconomic environment has severely impacted the for-sale housing market, temporarily creating adverse market conditions prohibiting the construction of the townhome component of the project. While waiting for economic conditions to improve, it is necessary to design and construct an interim condition to the landscaped paseo plaza between the apartment and townhome parcels in order to facilitate fire truck access to the multifamily structures.

Greystar has included as part of this application package a Project Description and several drawing sheets detailing its proposal for accommodating fire access to the apartment buildings while still delivering large portions of the originally intended landscape design. All open space, egress, accessibility, street tree, and other code requirements will be satisfied and complied with as part of this temporary proposal. Greystar is not requesting any additional waivers, variances, or other exceptions to the original entitlements. However, modification to the landscape design constitutes a change to the architectural controls of the project, necessitating Planning Commission approval. Please refer to the other application materials for additional details, included as part of this letter.

Greystar remains committed to delivering the townhome component of the project and is actively working to advance all project permits and keep them active so that they can be pulled as soon as market conditions allow.

Greystar appreciates the City's continued attention and collaboration on solving these unforeseen impacts to the Project. Please let us know if you have any questions or need additional information on these points.

Sincerely,



Tyler Evje, Senior Development Director, Greystar

Cc: Tom Smith
Payal Bhagat
Deanna Chow
Nira Doherty, City Attorney
Randy Ackerman, Greystar
Jimmy Ly, Greystar
Chelsea Maclean, Holland & Knight, LLP
Kevin J. Ashe, Holland & Knight, LLP

Menlo Uptown - Project Description

The modifications sought in this application intend to modify the use permit and architectural controls applicable to the Menlo Uptown project. We propose to temporarily modify the pedestrian paseo area located between the multifamily and townhome components of the project to better accommodate emergency vehicle access to the multifamily buildings.

The modification shown in the enclosed plans proposes an interim fire access lane along the eastern portion of the paseo, leading from a driveway at Constitution Drive southerly into the parcel for approximately 180'. The fire lane would be paved asphalt and aligned in a way to allow easy access to fire trucks and other emergency vehicles. As part of that, a T-shaped turnaround hammerhead would be included approximately 80-90' in. A second portion would curve away from the MF buildings at the end of the lane to accommodate temporary power equipment which must remain in place until after the fire lane is constructed. The curved portions of this alignment have largely been designed to mirror the final alignment of the loop road which will be constructed as part of the Townhome project at a later date. This will allow for easy conversion of this interim fire lane to the permanent condition designed into the TH component of the project.

The original paseo design called for a meandering sidewalk as a way of accommodating the increasing slope of the area traveling from north to south. This condition would be largely retained, with minor modifications to the hardscape and softscape components of the landscape design (ie, lawns, planting plans, etc). A separate, 5' pedestrian walkway would be retained on the western portion of the paseo and would not be modified in any way from the original entitlement.

Minor modifications to the tree planting plan have been included but are largely de minimis in nature. See tables on the included plans for details.

All other open space requirements complied with as part of the original entitlements remain in compliance as part of this modified interim design.

A temporary fence would be constructed along the eastern edge of the fire access lane to separate and screen the empty TH parcel from view, as well as to prevent access to the TH parcel. This fence will be made of attractive wood boards and steel posts. See sample image in the included drawing plans. The other three sides of the TH parcel would be enclosed with chain-link construction fencing wrapped with attractive green graphic covers showing stock images such as leaves, vegetation, etc.

Please note that temporary power equipment is shown on the modification plan as is a fire hydrant and an underground fire water line.

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Environmental Impact Report (EIR) prepared for the Menlo Uptown Project (project) submitted by Uptown Menlo Park Venture, LLC (the project sponsor) for which the City of Menlo Park (City) is the CEQA Lead Agency for environmental review. The MMRP, which is provided in Table A, lists mitigation measures recommended in the EIR for the proposed project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format:

- The first column identifies the mitigation measure that would be implemented for each project impact.
- The second column refers to the party or agency responsible for implementing the mitigation measure.
- The third column refers to the action that prompts implementation and/or implementation timing.
- The fourth column refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented.
- The fifth column refers to the action that prompts the commencement of monitoring.
- The sixth column refers to when the monitoring will occur to ensure that the mitigation action is completed.
- The seventh and final column is where the lead agency contact initials and dates are provided as verification of mitigation measure implementation.

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Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
AIR QUALITY						
<p>Project Mitigation Measure AIR-1: Consistent with Connect Menlo Final EIR Mitigation Measure AQ-2b1, the proposed project would be required to comply with Bay Area Air Quality Management District (BAAQMD) basic control measures for reducing construction emissions of PM₁₀ (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD 2017 CEQA Guidelines), as follows:</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 [CCR]). Clear signage shall be provided for construction workers at all access points. 	Project applicant	Prior to issuance of a building permit	City of Menlo Park Planning Division	Plan review and approval	Prior to approval and during scheduled site visits	Initials: _____ Date: _____

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>Project Mitigation Measure AIR-1 (continued):</p> <ul style="list-style-type: none"> • 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 visible to ensure compliance with applicable regulations. 						
<p>Project Mitigation Measure AIR-2: 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 4 emissions standards or equivalent. In the event that some specialty equipment (e.g., geotechnical, vibratory compaction, or soil mixing equipment), is not Tier 4 compliant due to lack of availability, then Tier 3 equipment shall be used.</p>	Project applicant	Prior to issuance of a building permit	City of Menlo Park Planning Division	Plan review and approval	Prior to approval and during scheduled site visits	Initials: _____ Date: _____

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
CULTURAL RESOURCES						
ConnectMenlo Final EIR Mitigation Measure CULT-2a: If a potentially significant subsurface cultural resource is encountered during ground disturbing activities, 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 CEQA criteria by a qualified archaeologist. 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.	Project applicant	During construction	Qualified archaeologist approved by the City of Menlo Park Planning Division	Initiated in the event that a find is made during construction	During regularly scheduled site inspections that would be initiated in the event that a find is made during construction	Initials: _____ Date: _____
ConnectMenlo Final EIR 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.	Project applicant	During construction	The San Mateo County Coroner	Initiated in the event that a find is made during construction	During regularly scheduled site inspections initiated after a find is made during construction	Initials: _____ Date: _____

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>ConnectMenlo Final EIR Mitigation Measure CULT-4 (continued): 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 Native American Heritage Commission (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 descendant may request mediation by the NAHC.</p>						
GEOLOGY AND SOILS						
<p>ConnectMenlo Final EIR Mitigation Measure CULT-3: In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5.</p>	Project applicant	During construction	Qualified paleontologist approved by the City of Menlo Park Planning Division	Initiated in the event that a find is made during construction	During regularly scheduled site inspections initiated after a find is made during construction	Initials: _____ Date: _____

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>ConnectMenlo Final EIR Mitigation Measure CULT-3 (continued): 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>						
HAZARDS AND HAZARDOUS MATERIALS						
<p>ConnectMenlo Final EIR 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>	Project applicant	Prior to permit issuance	The appropriate "oversight agency" designated by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials: _____ Date: _____

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>ConnectMenlo Final EIR Mitigation Measure HAZ-4a (continued): 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>ConnectMenlo Final EIR 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>	Project applicant	Prior to permit issuance	Licensed environmental professional in accordance with RWQCB, DTSC, and SMCEHD approved by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials: _____ Date: _____

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
NOISE						
<p>ConnectMenlo Final EIR Mitigation Measure NOISE-1c: Project applicants for all development projects in the city 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. <p>Construction traffic shall be limited to the haul routes established by the City of Menlo Park.</p>	Project applicant	Prior to issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	During construction	Initials: _____ Date: _____

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>ConnectMenlo Final EIR Mitigation Measure NOISE-2a: To prevent architectural damage citywide 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 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 is subject to review and approval of the Community Development Department. 	Project applicant	Prior to issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	During construction	Initials: _____ Date: _____

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>ConnectMenlo Final EIR Mitigation Measure NOISE-2a (continued): 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 (7:00 AM – 10:00 PM) = 0.032 ● Residential Nighttime (10:00 PM – 7:00 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 incorporated into the site development plan as a component of the project and applicable building plans, subject to the review and approval of the Community Development Department.</p>						

Table A: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>Project Mitigation Measure NOI-1: Consistent with ConnectMenlo Final EIR Mitigation Measure NOISE-1a, the proposed project shall implement the following building design measures to the satisfaction of the City in order to reduce interior noise impacts in compliance with City noise standards:</p> <ul style="list-style-type: none"> ● In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided for all units. ● All windows and glass doors shall be rated STC 28 or higher such that the noise reduction provided will satisfy the interior noise standard of 45 dBA CNEL. <p>All vent ducts connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.) shall have at least two 90 degree turns in the duct.</p>	Project applicant	Prior to issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	Prior to approval	Initials: _____ Date: _____

Source: LSA (2021).

LOCATION: 141 Jefferson Drive, 180-186 Constitution Drive	PROJECT NUMBER: PLN2023-00037	APPLICANT: Jimmy Ly	OWNER: CLPF GRP Uptown Menlo Park LLC and CLPF CRP TH Menlo Park, LLC
PROJECT CONDITIONS:			
1. The architectural control permit and use permit revisions shall be subject to the following standard conditions:			
General Conditions:			
<ul style="list-style-type: none"> a. Except as expressly modified by this approval, all conditions of approval for the Approved Project which are attached to Menlo Park City Council Resolution No. 6661 continue to apply and incorporated herein by this reference. b. Development of the temporary interim paseo, the fence adjoining the paseo, and the perimeter fence shall substantially comply with the plans prepared by Heller Manus Architects, ktgy Architecture + Planning, BDE Architecture, and PGAdesign Landscape Architects attached to the December 18, 2023 Planning Commission staff report as Attachment A, Exhibit A, and consisting of ten plan sheets, dated received on November 30, 2023 (hereinafter the " Revised Project development plans"). The Revised Project development plans are incorporated by reference herein. The Revised Project development 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. 			
Engineering Division Conditions:			
<ul style="list-style-type: none"> c. Condition 1.wv. of the Approved Project conditions of approval has been modified to include proposed phasing of the project as follows: Prior to issuance of any certificate of occupancy for any building (apartment or townhome), all public right-of-way improvements, including frontage improvements, associated with the parcel on which said building is located shall be completed to the satisfaction of the Engineering Division. 			
2. The architectural control permit and use permit shall be subject to the following project-specific conditions:			
Planning Division Conditions:			
<ul style="list-style-type: none"> a. Prior to granting of the first certificate of occupancy for the project, the Applicant shall pay the community amenities in-lieu payment in the amount of \$9,790,000. Payment of the in-lieu community amenities payment shall relieve the project of the obligations under the recorded community amenities operating covenant and the provisions of the Approved Project conditions of approval 2.e., 2.f., and 2.o. b. Prior to issuance of the any certificate of occupancy for the project, the landscaping shall be installed in the revised public paseo. Trees planted as part of the interim paseo shall be protected under the direction of the project arborist at such time when the townhome component and revisions to the paseo are being constructed. The Applicant shall submit a Tree Protection Verification letter from the project arborist prior to issuance of a permit to revert the paseo to its final design. c. Prior to issuance of the first certificate of occupancy for the project, the Applicant shall install the perimeter chain-link fence including the decorative wrap and erect the wooden fence along the interim paseo. The Applicant shall maintain the vacant townhome parcel 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. 			

LOCATION: 141 Jefferson Drive, 180-186 Constitution Drive	PROJECT NUMBER: PLN2023-00037	APPLICANT: Jimmy Ly	OWNER: CLPF GRP Uptown Menlo Park LLC and CLPF CRP TH Menlo Park, LLC
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PROJECT CONDITIONS:

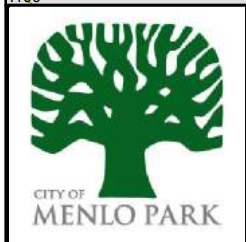
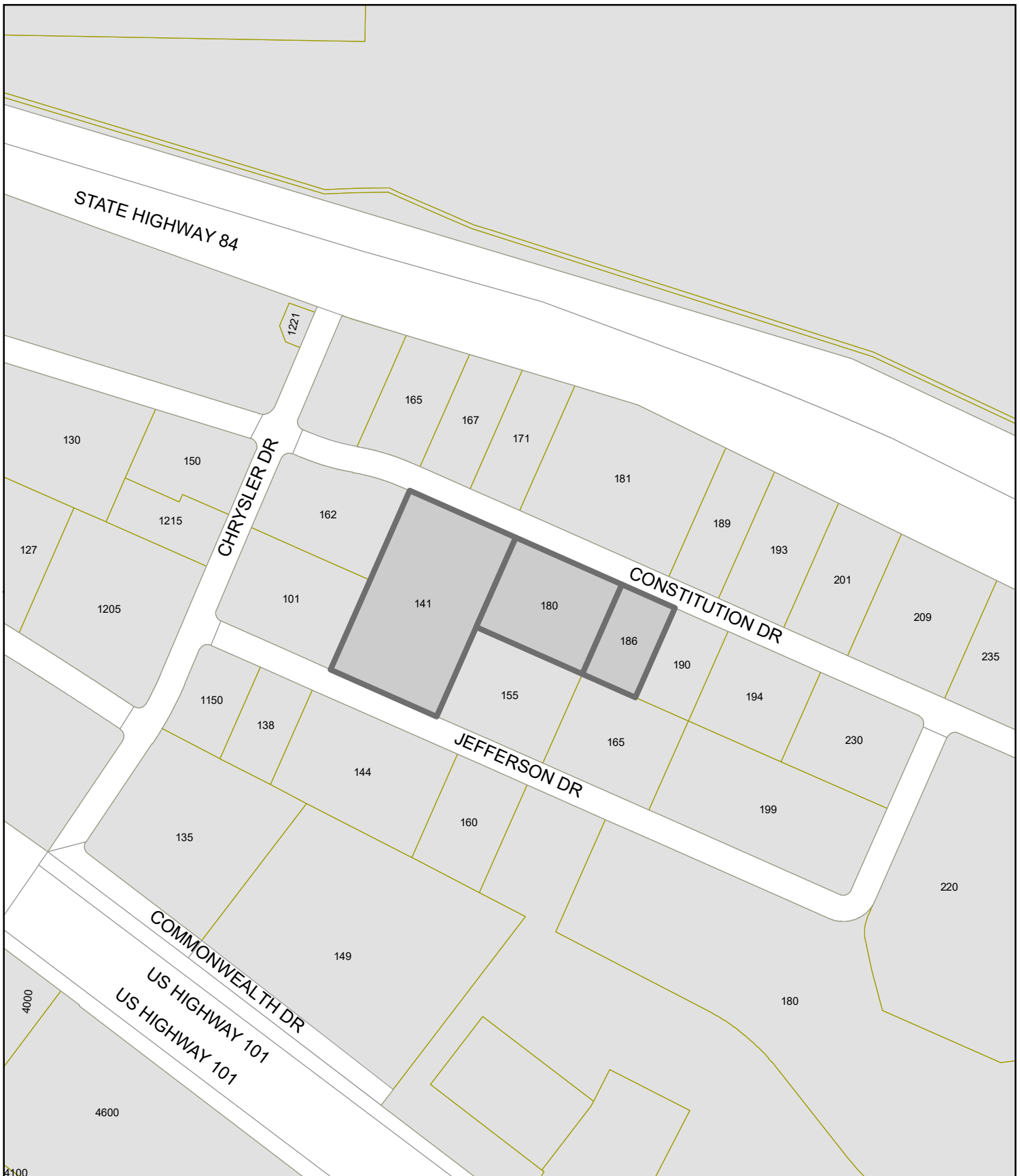
- d. The Applicant shall maintain the wooden fence adjoining the paseo and the chain-link fence including the decorative wrap surrounding the vacant townhome parcel at all times in a clean and sanitary condition and in compliance with the provisions of the City of Menlo Park Municipal Code. The Applicant shall replace and/or repair any damage to the fences including the decorative wrapping within 30-days of its occurrence. Damage includes, but is not limited to, vandalism, graffiti, tearing, fading, falling, or bending.
- e. Prior to construction of the townhome component of the approved project, the Applicant shall submit construction plans and documents to the Building Division, to bring the paseo into compliance with the Plans attached to Menlo Park City Council Resolution No. 2021-6661.

Engineering Division Conditions:

- f. Condition 2.bb. of the Approved Project conditions of approval has been modified to include proposed phasing of the project as follows: Prior to issuance of any certificate of occupancy for any building (apartment or townhome), the portion of Jefferson Drive or Constitution Drive fronting the parcel on which said building is located shall receive an asphalt concrete overlay at the completion of improvements. Existing striping, markings, and legends shall be replaced in kind, or as modified by the City Engineer.
- g. Condition 2.dd. of the Approved Project conditions of approval has been modified to include proposed phasing of the project as follows: Prior to issuance of any certificate of occupancy for any building (apartment or townhome), streets adjoining the project frontage on which said building is located shall receive an asphalt concrete overlay at the completion of improvements. Existing striping, markings, and legends shall be replaced in kind, or as modified by the City Engineer.

Transportation Division Conditions:

- h. Condition 2.rr. of the Approved Project conditions of approval has been modified to include proposed phasing of the project as follows: All public right-of-way improvements, including frontage improvements, associated with each parcel shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to issuance of any certificate of occupancy for any building (apartment and townhome) on a parcel.
- i. Condition 2.vv. of the Approved Project conditions of approval has been modified to include proposed phasing of the project as follows: The applicant shall submit complete plans to construct: 1) a raised crosswalk on the Jefferson Drive frontage as illustrated in the City's Bayfront Area Pedestrian Circulation Plan and pursuant to ConnectMenlo General Plan policies and guidelines and provide a bond for improvements prior to issuance of the apartment building permit. The applicant shall construct all improvements prior to any apartment occupancy permit, upon obtaining final approval from the City.
- j. The applicant shall submit complete plans to construct: 1) a raised crosswalk on Constitution Drive frontage as illustrated in the City's Bayfront Area Pedestrian Circulation Plan and pursuant to ConnectMenlo General Plan policies and guidelines and 2) passenger loading zone on Constitution Drive as approved by the City's Complete Streets Commission on October 13, 2021, to the City pursuant to ConnectMenlo General Plan policies and guidelines, to the City and provide a bond for improvements prior to issuance of the townhome building permit. The applicant shall construct all improvements prior to any townhome occupancy permit, upon obtaining final approval from the City.



CITY OF MENLO PARK
 LOCATION MAP
 MENLO UPTOWN PROJECT

DRAWN: TAS CHECKED: CDS DATE: 6/21/21 SCALE: 1" = 300' SHEET: 1



2022-020509

4:03 pm 03/08/22 DR Fee: NO FEE 003730

Count of Pages 23
Recorded in Official Records
County of San Mateo
Mark Church
Assessor-County Clerk-Recorder



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
Attn: City Manager

Space Above This Line Reserved for Recorder's Use
Exempt from Recording Fee Per Government Code Section 27383

231

COMMUNITY AMENITY OPERATING COVENANT

THIS COMMUNITY AMENITY OPERATING COVENANT (this "Covenant") is entered into this day of February 8, 2022, by and between the City of Menlo Park, a California municipal corporation (the "City") and CLPF GRP Uptown Menlo Park LLC and CLPF CRP TH Menlo Park, LLC, Delaware limited liability companies (together the "Owner"). City and Owner are referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, Owner is the owner of that certain real property located at 141 Jefferson Drive, 180 Constitution Drive and 186 Constitution Drive, in the City of Menlo Park, State of California, and more particularly described in the legal description attached hereto as Exhibit A and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property is located within the R-MU Residential Mixed Use District ("R-MU District") of the zoning districts established within the City pursuant to the Menlo Park Zoning Ordinance ("Zoning Ordinance"); and

WHEREAS, in accordance with the provisions of Chapter 16.45 of the Zoning Ordinance governing the R-MU District, Owner has submitted an application to City for bonus level development in order to demolish existing office and industrial buildings and redevelop the Property with a new multifamily residential project with 441 rental units, 42 for sale townhome units and approximately 2,940 square feet of commercial space within the multifamily residential building (the "Project"), which requires issuance of a conditional use permit, architectural review, heritage tree removal permits, a major subdivision map, Below Market Rate Agreement, and approval of an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance ("Project Approvals"); and

WHEREAS, pursuant to City of Menlo Park City Council Resolution No. 6661, adopted on September 14, 2021, the City approved the Project Approvals for the Project, subject to conditions of approval (the "Project Approval Resolution"); and

WHEREAS, in accordance with the Zoning Ordinance governing bonus level development in the R-MU District, the Project Approval Resolution requires Owner to construct the 2,940 square feet of commercial space as community amenity space within the multifamily residential

building and in the precise location identified in the Project Plans approved pursuant to the Project Approval Resolution (“the **Community Amenity Space**”); and

WHEREAS, the Community Amenity Space is located within that portion of the Property more particularly depicted in Exhibit B attached hereto and incorporated herein by this reference (the **Covenant Property**”); and

WHEREAS, the Conditions of Approval, approved as a part of the Project Approval Resolution further provide that prior to issuance of the first building permit, this Covenant shall be executed and recorded in the Official Records of San Mateo County (“**Official Records**”), and that the Owner shall cause the Community Amenity Space to be used, operated and maintained during the Covenant Term, in accordance with this Covenant; and

WHEREAS, City is a beneficiary of the terms and provisions of this Covenant and of the restrictions and covenants running with the land, for and in its own right and for the purpose of protecting the interests of the community in whose favor and for whose benefit the covenants running with the land have been provided.

OPERATIVE PROVISIONS

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows.

1. Incorporation of Recitals. The Recitals set forth above are true and correct and are hereby incorporated herein among the Operative Provisions of this Covenant.
2. Covenant Term. The term of this Covenant shall commence on the date of recording of this Covenant in the Official Records of San Mateo County, and shall continue in effect until the earlier of (i) fifty five (55) years from the date of recording of a Certificate of Completion of Construction of Community Amenity Space (“**Certificate of Completion**”), in the form attached hereto as Exhibit C, in the Official Records as provided herein or (ii) the date the multifamily residential structure containing the Community Amenity Space is no longer permanently affixed to the Covenant Property (the **Covenant Term**”). Upon issuance of a certificate of occupancy by the City for the multi-family residential building containing the Community Amenity Space, the Parties shall promptly execute and record the Certificate of Completion in the Official Records (hereinafter, the **Covenant Term Commencement Date**”). This Covenant shall automatically terminate and be of no further force or effect on the last day of the Covenant Term, and at Owner’s request, City shall execute such termination instruments as Owner may request to confirm the termination of this Covenant.
3. Use Covenant. Owner covenants and agrees for itself and its successors in interest that the Community Amenity Space shall only be used, operated and maintained for use by a *non-profit organization providing medical center services* and in accordance with the minimum operating standards set forth in Section 5 of this Covenant (hereinafter referred to interchangeably as the **Use Covenant**” and the **Community Amenity**”), during the Covenant Term.

4. Operator. As of the Covenant Term Commencement Date, Owner shall retain a reputable, responsible and experienced non-profit organization to provide programs and services within the Community Amenity Space in a manner consistent with the Use Covenant (the “**Operator**”). Owner shall provide City a copy of all fully executed leases and agreements by and between Owner and Operator, and any and all New Operators or Replacement Use and Operators as defined below, governing the use of the Community Amenity Space, and any amendments thereto as may be executed from time to time. Operator shall commence operation of the Community Amenity within one (1) year of issuance of the first Temporary Certificate of Occupancy for any residential unit (ownership or rental) within the Project, and may request an extension from the Community Development Director, or their designee (“**Community Development Director**”) in their reasonable discretion.
- a. Termination. In the event the Operator vacates the Community Amenity Space and Operator’s use and operation in the Community Amenity Space is terminated for any reason, whether by Owner, Operator or otherwise (an “**Operator Termination**”), within thirty (30) days of the date thereof Owner shall notify City in writing of the date that Operator vacated the Community Amenity Space and its right to operate therein was terminated (the “**Operator Termination Date**”). Owner shall thereafter have six (6) months from the Operator Termination Date to either (i) secure a new Operator to operate within the Community Amenity Space in a manner consistent with the Use Covenant (the “**New Operator**”), or (ii) submit a complete application to City in writing for a replacement use consistent with the community amenities list adopted by City Council Resolution No. 6360, as may be amended or modified over time, and the identification of an organization to use, operate and maintain the replacement use in the Community Amenity Space (“**Replacement Use and Operator**”), together with an irrevocable standby letter of credit in favor of the City, in a form approved by the City, in the amount of the Termination Fee set forth below, and payable to City upon submission of a signed statement by City to issuer that (x) a Replacement Use and Operator is not approved by the City Council, and (y) Owner has not paid the Termination Fee to City within ninety (90) calendar days following the hearing on Owner’s application for a Replacement Use and Operator (the “**Standby Letter of Credit**”).
- b. New Operator. If Owner secures a proposed New Operator pursuant to Section 4.a.i. above, no less than forty-five (45) calendar days prior to the effective date of the proposed lease or agreement between Owner and New Operator, Owner shall provide Community Development Director, a copy of the proposed lease or agreement with the New Operator for Community Development Director’s review and approval. Community Development Director shall complete its review of the proposed lease or agreement between Owner and New Operator within thirty (30) calendar days following its receipt thereof, and shall approve said lease or agreement if New Operator’s operation and use of the Community Amenity Space is consistent with the Use Covenant.
- c. Replacement Use and Operator or Termination Fee Proposal. If Owner submits an application for a proposed Replacement Use and Operator pursuant to Section

4.a.ii. above, then within ninety (90) calendar days of City's receipt of Owner's complete application, the City Council shall conduct a noticed public hearing and consider in its reasonable discretion whether to (i) approve, conditionally approve, or deny Owner's application for a proposed Replacement Use and Operator, or (ii) in-lieu thereof, approve and accept the payment of a fee by Owner to City equivalent to the appraised value of the bonus level development potential of the Project, which appraised value was established by an independent appraisal prepared by Fabro, Moore, and Associates, Inc., and is in the amount of \$8,900,000 ("**Bonus Development Value**"), times the percentage increase in the assessed valuation of the Covenant Property as determined by the San Mateo County Assessor on the tax rolls between the Covenant Term Commencement Date and the Operator Termination Date ("**Termination Fee**"). The application form and materials, as prescribed by the Community Development Director, shall be accompanied by a fee, set by the City Council.

d. Replacement Use and Operator Approved. If a Replacement Use and Operator is approved by the City Council, then (i) within ninety (90) calendar days following the hearing on Owner's application for a Replacement Use and Operator, the Owner and City shall prepare, execute and record in the Official Records an amendment, as appropriate, to Section 3, Use Covenant, and Section 5, Minimum Operating Standards of this Covenant, (ii) within one (1) year of the Operator Termination Date, the Replacement Use and Operator shall commence operations in the Community Amenity Space, and (iii) within thirty (30) calendar days following commencement of operations of the Replacement Use and Operator in the Community Amenity Space, the City shall return the Standby Letter of Credit to Owner.

e. Replacement Use and Operator Not Approved. If a Replacement Use and Operator is not approved by the City Council, then Owner shall pay the Termination Fee to City within ninety (90) calendar days following the hearing on Owner's application for a Replacement Use and Operator. Within thirty (30) calendar days following Owner's payment to City of the Termination Fee, (i) Owner and City shall prepare, execute and record in the Official Records an agreement terminating this Covenant and releasing any interest in the Covenant Property, and (ii) the City shall return the Standby Letter of Credit to Owner. If Owner fails to pay the Termination Fee to City within ninety (90) calendar days following the hearing on Owner's application for a Replacement Use and Operator, then City may draw on the Standby Letter of Credit and upon receipt of the Termination Fee, the City and Owner shall prepare, execute and record in the Official Records an agreement terminating this Covenant and releasing any interest in the Covenant Property.

5. Minimum Operating Standards. The Community Amenity Space shall be used in a manner consistent with the Use Covenant and the following minimum operating standards:

a. During the first year of the Term, the Operator shall maintain the Community Amenity Space open to the general public during the minimum operating hours of

a minimum of forty (40) hours, seven (7) days a week. Following the first year of the Term, the Owner may submit a request, in writing, to the City Manager to modify the hours of the Operator based on reasonable business necessity to do so. Any modification to the hours of operation of the Operator approved by the City Manager shall be memorialized in writing between the Owner and City

- b. The Operator shall operate a walk-in clinic focused on the delivery of medical care services for minor illnesses and injuries. New Operator may provide a range of services typical of an urgent care center, including but not limited to x-ray/imaging, pharmacy, and/or laboratory services. New Operator shall obtain and maintain any and all required State licensing to provide medical care services. The facility shall meet healthcare-grade HVAC filtration requirements and provide a minimum of three wheelchair accessible restrooms. Physicians employed by New Operator shall have emergency care backgrounds and obtain and maintain all necessary qualifications and professional licensing required to provide healthcare services. The Owner may submit a request, in writing, to the City Manager for a minor modification to the operating standards described in this subsection based on a reasonable business necessity to do so. Any such minor modification approved by the City Manager shall be memorialized in writing between the Owner and City.
 - c. The Community Amenity Space shall at all times be maintained in a condition which is free of nuisances and in a manner which is (i) in a neat and clean condition and free of trash and debris, and (ii) in good condition and repair, including the exterior and interior portions of the Community Amenity Space.
6. Bonus Development Value Confirmation. The Parties acknowledge that the Bonus Development Value to be provided by Owner is comprised of the following components: (i) net present value of forgone rent of the Community Amenity Space for a period of 55 years at an estimated cost of \$4,455,124.00 (“**Construction Value**”), which Community Amenity Space and the interior improvements next described are to be leased to Operator for the Covenant Term at no cost or expense to Operator; (ii) installation and construction of interior improvements to the Community Amenity Space by Owner at an estimated cost of \$1,837,500.00 (“**Tenant Improvements Value**”); (iii) if requested by Operator, acquisition of specialty equipment by Owner at a cost not to exceed \$882,000.00, which equipment shall be delivered and dedicated to Operator for use in the Community Amenity Space only (“**Equipment Value**”); and (iv) a direct financial contribution by Owner to Operator in an amount of \$1,725,376 (“**Financial Contribution Value**”).

As condition precedent to the City’s obligation to execute and record the Certificate of Completion, Owner shall provide to City an accounting of all costs actually incurred by Owner that comprise the Tenant Improvements Value and Equipment Value, supported by copies of receipts, invoices, contracts and/or other documents reasonably requested by City as may be necessary to establish the aforementioned values (“**Cost Report**”). Further, prior to execution of the Certificate of Completion, Owner shall: (i) provide to City an annual certification by January 1 of each year for a period of 55 years following execution of this Agreement, signed under penalty of perjury, that Owner has provided Operator the

Community Amenity Space and interior improvements at no cost or expense to Operator; (ii) as directed by City in its sole reasonable discretion, (a) pay to City as additional "In-Lieu Fee Value", the difference between the Tenant Improvements Value less the amount actually expended by Owner on the installation and construction of the interior improvements to the Community Amenity Space, as reflected in the Cost Report, or (b) pay said difference to Operator as additional Financial Contribution Value; and (iii) pay to Operator as additional Financial Contribution Value, the difference between the Equipment Value less the amount actually expended by Owner on specialty equipment, as reflected in the Cost Report.

If the Tenant Improvements Value is less than the amount actually expended by Owner on the installation and construction of the interior improvements to the Community Amenity Space, as reflected in the Cost Report, the differences, not to exceed \$300,000, shall be credited against the Financial Contribution Value.

Any sums paid to City by Owner as an In-Lieu Fee Value as provided above shall only be utilized by City to fund community amenities within the area of the City between U.S. Highway 101 and the San Francisco Bay.

City shall, within fifteen (15) calendar days after receipt thereof, notify Owner in writing of any items included on the Cost Report which are not approved and the reason for such disapproval. The Parties shall attempt in good faith to informally resolve any dispute within 30 calendar days of Owner's receipt of City's written notice of the dispute. If the Parties have not been able to resolve the dispute within 30 calendar days of Owner's receipt of City's written notice of the dispute, the Parties shall resolve the dispute through binding arbitration in front of a single arbitrator administered by the American Arbitration Association under its Construction Industry Arbitration Rules and this Agreement. The award of the arbitrator shall be final as long as the award is rendered in conformity with, and applies, California statutory and decisional law and the terms of this Agreement and may be entered in any court having jurisdiction. The arbitrator shall be a retired superior or appellate court judge and shall have at least 10 years of experience in the construction industry. Hearings shall take place in the County of San Mateo, or such other location as agreed to by the arbitrator and the Parties, and at the time and place selected by the arbitrator. The arbitrator's compensation and other arbitration expenses shall be divided equally among the Parties and the arbitrator shall have no jurisdiction or authority to award otherwise. The prevailing Party, as designated by the arbitrator, if any, shall be entitled to reasonable attorney fees, costs and expenses, including expert witnesses, actually incurred in connection with any dispute arising out of this Agreement.

7. Covenants Run with the Land. Owner hereby subjects its interest in the Covenant Property and the Community Amenity Space to the covenants and restrictions set forth in this Covenant during the Covenant Term. Owner and the City hereby declare their express intent that the covenants and restrictions set forth herein shall be deemed covenants running with the land, and shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest, transferees, and assigns of Owner and City, regardless of any sale, assignment, conveyance, transfer, lease or rental of the Covenant Property or the

Project, or any part thereof or interest therein; provided, however, notwithstanding anything to the contrary contained in this Covenant, the covenants, restrictions and other terms and conditions of this Covenant shall expire and be of no further force or effect, and thus shall not be binding on the Covenant Property following the expiration of the Term. Any successor-in-interest to Owner, including without limitation any purchaser, transferee or lessee of the Covenant Property shall be subject to all of the restrictions and obligations imposed hereby through the remainder of the Term (but not thereafter). Each and every contract, deed, ground lease or other instrument affecting or conveying the Covenant Property or any part thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, restrictions, and obligations set forth herein for the duration of the Term, regardless of whether such covenants, restrictions, and obligations are set forth in such contract, deed, ground lease or other instrument. Owner agrees for itself and for its successors that in the event that a court of competent jurisdiction determines that the covenants herein do not run with the land, such covenants shall be enforced as equitable servitudes against the Covenant Property in favor of City through the remainder of the Term.

8. Transfers. During the Term of this Covenant, Owner may sell, transfer or convey the Covenant Property resulting in a change in ownership without the prior express written consent of City; provided, however, the Covenant Property shall remain subject to the terms and conditions of this Covenant following such sale, transfer or conveyance and Owner shall provide City notice of the name, address and contact information of their successor in interest to the Covenant Property within thirty (30) calendar days following such change in ownership.

9. Default. City shall have the right to enforce the terms of this Covenant during the Covenant Term as against Owner. Owner shall be in “**Default**” under this Covenant in the event (i) the Community Amenity Space is being used in a manner inconsistent with the Use Covenant for any period of time, (ii) the *non-profit medical center* is closed or not operating in a manner consistent with the Use Covenant and Minimum Operating Standards for any reason and for any period of time, except for an Excused Closure, or (iii) Owner fails to perform any obligation required of it pursuant to and in accordance with the terms of this Covenant. Notwithstanding the foregoing or anything to the contrary contained in this Covenant, Owner shall not be in Default under this Covenant if the Community Amenity Space is closed and not operating due to any of the following reasons (each an “**Excused Closure**”): (i) as a result of an Operator Termination in accordance with Section 4.a. and Owner securing a New Operator, provided such closure does not exceed six (6) months following the Operator Termination Date; (ii) as a result of an Operator Termination in accordance with Section 4.a. and Owner’s submission of a complete application for a Replacement Use and Operator, provided such closure does not exceed one (1) year following the Operator Termination Date; (iii) remodeling construction activities, provided Owner has a valid building permit for such work issued by the City; (iv) war, insurrection; strikes, lockouts and labor disputes; riots, floods, earthquakes, fires, casualties, acts of God and acts of the public enemy; (v) epidemics, quarantine restrictions, freight embargoes, and governmental restrictions or priority; or (vi) environmental conditions, pre-existing or discovered, impeding the use and occupancy of the Community Amenity Space thereon.

In the event City claims that Owner is in Default under this Covenant, City shall give written notice to Owner specifying the Default complained of (the “**Notice of Default**”). Owner shall have thirty (30) calendar days following receipt of the Notice of Default, to cure, correct or remedy the Default, or if such Default cannot reasonably be cured within such thirty (30) calendar day period, excluding the payment of money which must be cured within such thirty (30) calendar day period, Owner commences to cure the Default within said thirty (30) calendar day period and thereafter completes such cure, correction or remedy with diligence, provided such Default is cured, corrected or remedied no later than ninety (90) calendar days following receipt of the Notice of Default. Upon the occurrence of a Default which has not been timely cured as provided herein, the City shall have the right to bring any action at law or equity against Owner to remedy the default, or to submit an invoice to Owner for the payment of a fee equivalent to the Bonus Development Value, times the percentage increase in the assessed valuation of the Covenant Property as determined by the San Mateo County Assessor on the tax rolls between the Covenant Term Commencement Date and the date of the Notice of Default (the “**Default Fee Invoice**”).

Owner shall pay the Default Fee Invoice to City within ninety (90) calendar days following its receipt thereof. If Owner shall fail to timely pay to City the Default Fee Invoice, City shall thereafter have the right to petition a court of competent jurisdiction to collect the Default Fee Invoice. Within thirty (30) calendar days following Owner’s payment to City of the Default Fee Invoice, Owner and City shall prepare, execute and record in the Official Records an agreement terminating this Covenant and releasing any interest in the Covenant Property.

10. Miscellaneous.

10.1 Notices. Any notice or communication required hereunder between Owner and City (“**Notice**”) must be in writing, and given both by email and by registered or certified mail (return receipt requested). Such Notices shall be given to the Parties at their respective addresses set forth below:

City:	Owner:
City of Menlo Park	CLPF GRP Uptown Menlo Park, LLC and CLPF CRP
701 Laurel St.	TH Menlo Park, LLC
Menlo Park, CA 94025	450 Sansome St., Suite 500
Attn: City Manager	San Francisco CA 94111
	Attn: Matthew Udouj
	Email: matthew.udouj@greystar.com

10.2 Attorneys’ Fees. If an action is brought to enforce the rights of a Party under this Covenant, the prevailing Party shall be entitled to recover its costs of enforcement, including reasonable attorneys’ fees and court costs.

10.3 Binding Covenant. This Covenant supersedes all prior and contemporaneous discussions, agreements and understandings between Owner and City with respect to the subject matter of this Covenant, and constitutes the entire agreement between Owner and City with respect thereto.

10.4 Amendments. This Covenant may be amended or modified only by a written instrument executed by Owner and approved by the City Council.

10.5 Governing Law; Venue. This Covenant shall be governed and construed in accordance with the laws of the State of California, without reference to its choice of law rules. The exclusive venue for any disputes or legal actions shall be the Superior Court of California in and for the County of San Mateo or the Federal District Court for the Northern District of the State of California.

10.6 Waivers. No waiver of any provision of this Covenant or any breach of this Covenant shall be effective unless such waiver is in writing and signed by the waiving Party, and any such waiver shall not be deemed a waiver of any other provision of this Covenant or any other or subsequent breach of this Covenant.

10.7 Severability. If any term or provision of this Covenant, or the application of any term or provision of this Covenant to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Covenant, or the application of this Covenant to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.

10.8 Construction. Section headings in this Covenant are for convenience only and are not intended to be used in interpreting or construing the terms, covenants or conditions of this Covenant. This Covenant has been reviewed and revised by legal counsel for Owner and City, and

no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Covenant.

10.9 No Joint Venture. Owner and City hereby renounce the existence of any form of agency relationship, joint venture or partnership between Owner and City and agree that nothing contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between City and Owner.

10.10 Time. Time is of the essence of this Covenant and of the performance of all the terms, covenants and conditions contained in this Covenant.

10.11 Counterparts. This Covenant may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one agreement.

10.12 City Approvals and Actions. Whenever a reference is made herein to an action or approval to be undertaken by City, the City Manager or his or her designee is authorized to act on behalf of City, unless specifically provided otherwise or the context requires otherwise. The foregoing notwithstanding, nothing herein shall preclude the City Manager from deferring such action or approval to the City Council.

10.13 Recordation. This Covenant shall be recorded in the Official Records of the County of San Mateo following execution of this Covenant by the Parties.

10.14 Legal Advice. Each Party represents and warrants to the other that they have carefully read this Covenant, and in signing this Covenant, they do so with full knowledge of any right which they may have; they have received independent legal advice from their respective legal counsel as to matters set forth in this Covenant, or have knowingly chosen not to consult legal counsel as to matters set forth in this Covenant; and, they have freely signed this Covenant without any reliance upon any agreement, promise, statement or representation by or on behalf of the other Party, or their respective agents, employees, or attorneys, except as specifically set forth in this Covenant, and without duress or coercion, whether economic or otherwise.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have executed this Community Amenity Operating Covenant as of the date first written above.

MF OWNER:

CLPF GRP Uptown Menlo Park, LLC, a Delaware limited liability company

By: GS Uptown MP Manager, LLC, a Delaware limited liability company, its Managing Manager

By: Matthew Udou

Name: Matthew Udou

Its: Vice President

TH OWNER:

CLPF CRP TH Menlo Park, LLC, a Delaware limited liability company

By: GS Uptown MP Manager, LLC, a Delaware limited liability company, its Managing Member

By: Matthew Udou

Name: Matthew Udou

Its: Vice President

CITY:

CITY OF MENLO PARK, a California municipal corporation

By: Debra Nash
Mayor

Attest:

By: [Signature]
City Clerk

Approved as to form:

By: [Signature]
City Attorney

SEE ATTACHED CALIFORNIA ACKNOWLEDGEMENT

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Mateo)

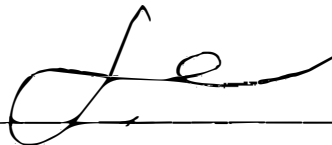
On February 8, 2022 before me, Sarah Sandoval, Notary Public
(insert name and title of the officer)

personally appeared Betsy Nash
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

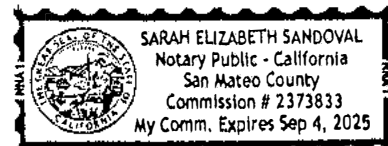
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Francisco) ss

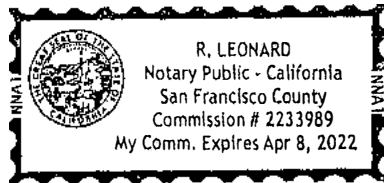
On 01-18-2022, before me, R Leonard, Notary Public,
(Name of Notary)

notary public, personally appeared Matthew Udouj
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

R Leonard
(Notary Signature)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Francisco) ss

On 01-18-2022, before me, R Leonard, Notary Public,
(Name of Notary)

notary public, personally appeared Matthew Udovig
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
R Leonard
(Notary Signature)

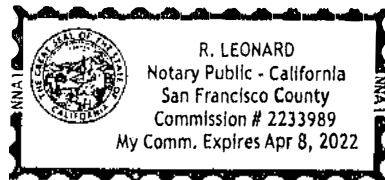


EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY



**LEGAL DESCRIPTION
ADJUSTED PARCEL 1**

All that real property situate in the City of Menlo Park, County of San Mateo, California, described as follows:

Being a portion of Parcel 1, as said parcel is shown on that certain Parcel Map filed for record on January 17, 1978 in Book 40 of Parcel Maps at pages 38 and 39, Records of San Mateo County, being more particularly described as follows;

COMMENCING at that certain centerline monument of Constitution Drive located at the northwesterly terminus of that certain course labeled "N. 67°17' W. 821.51" on that certain map entitled "BOHANNON INDUSTRIAL PARK UNIT NO 6" filed for record on October 22, 1963, in Book 59 of Maps at page 11, Records of San Mateo County;

Thence along said centerline, South 67°17'00" East, 20.51 feet;

Thence at a right angle South 22°43'00" West, 30.00 feet to the most northerly corner of said Parcel 1 and the southwesterly right-of-way line of said Constitution Drive;

Thence leaving said right-of-way line, along the northwesterly line of said Parcel 1, South 22°43'00" West, 225.00 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said northwesterly line, South 67°17'00" East, 267.00 feet to the southeasterly line of said Parcel 1;

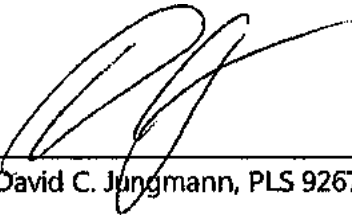
Thence along the southeasterly, southwesterly, and northwesterly lines of said Parcel 1 the following three (3) courses:

1. South 22°43'00" West, 225.00 feet to the northeasterly line of Jefferson Drive;
2. Along said northeasterly line, North 67°17'00" West, 267.00 feet;
3. Leaving said northeasterly line, North 22°43'00" East, 225.00 feet to the **POINT OF BEGINNING**.

Containing 60,075 square feet or 1.38 acres, more or less.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit F.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



11/03/2021
Date

END OF DESCRIPTION





**LEGAL DESCRIPTION
ADJUSTED PARCEL 2**

All that real property situate in the City of Menlo Park, County of San Mateo, California, described as follows:

Being a portion of Parcel 1, as said parcel is shown on that certain Parcel Map filed for record on January 17, 1978 in Book 40 of Parcel Maps at pages 38 and 39, Records of San Mateo County, being more particularly described as follows;

COMMENCING at that certain centerline monument of Constitution Drive located at the northwesterly terminus of that certain course labeled "N. 67°17' W. 821.51" on that certain map entitled "BOHANNON INDUSTRIAL PARK UNIT NO 6" filed for record on October 22, 1963, in Book 59 of Maps at page 11, Records of San Mateo County;

Thence along said centerline, South 67°17'00" East, 20.51 feet;

Thence at a right angle South 22°43'00" West, 30.00 feet to the most northerly corner of said Parcel 1 and the southwesterly right-of-way line of said Constitution Drive, said corner also being the **POINT OF BEGINNING** of this description;

Thence along said right-of-way line, and along the northeasterly and southeasterly lines of said Parcel 1, the following two (2) courses:

1. South 67°17'00" East, 267.00 feet;
2. Leaving said right of way line, South 22°43'00" West, 225.00 feet;

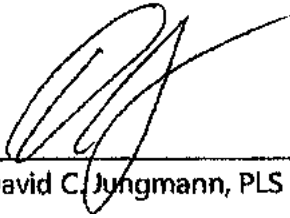
Thence leaving said southeasterly line of Parcel 1, North 67°17'00" West, 267.00 feet to the northwesterly line of said Parcel 1;

Thence along said northwesterly line, North 22°43'00" East, 225.00 feet to the **POINT OF BEGINNING**.

Containing 60,075 square feet or 1.38 acres, more or less.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit F.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



11/03/2021
Date

END OF DESCRIPTION





**LEGAL DESCRIPTION
ADJUSTED PARCEL 3**


All that real property situate in the City of Menlo Park, County of San Mateo, California, described as follows:

Being all of Lots 18, 19, and 20, as said lots are shown on that certain map entitled "BOHANNON INDUSTRIAL PARK UNIT NO 6" filed for record on October 22, 1963, in Book 59 of Maps at page 11, Records of San Mateo County.

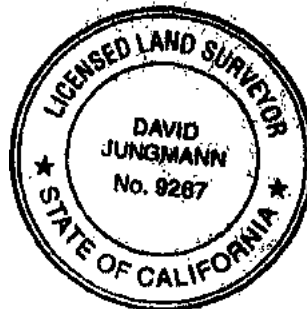
Containing 90,113 square feet or 2.07 acres, more or less.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit F.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



11/03/2021
Date

END OF DESCRIPTION

EXHIBIT B
DEPICTION OF COVENANT PROPERTY

Exhibit B: Depiction of Covenant Property

CONSTITUTION DRIVE

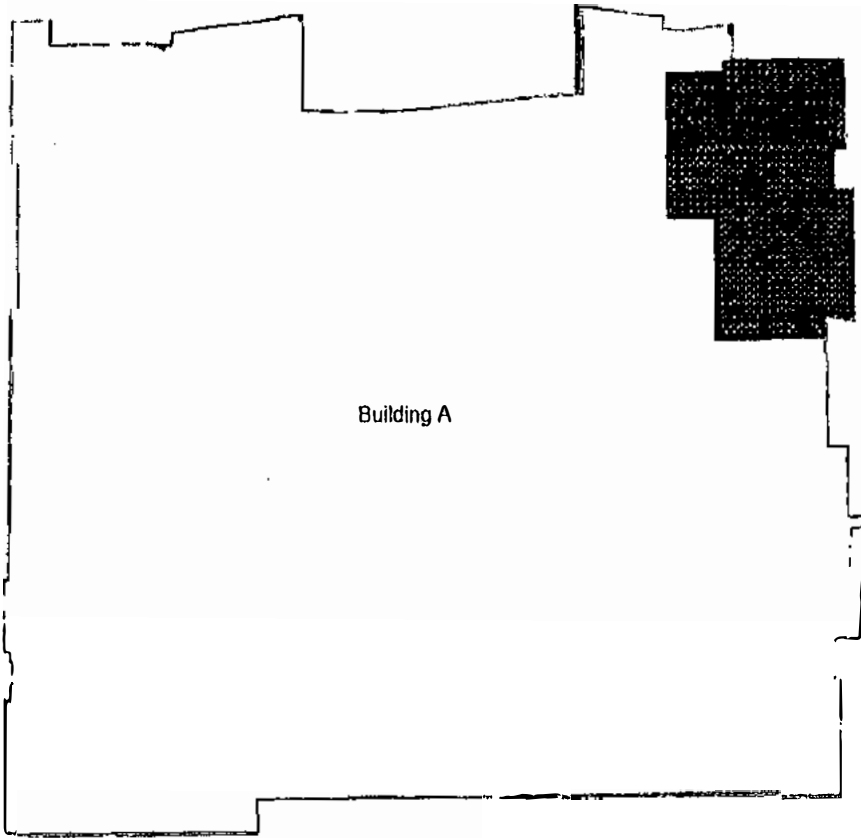


EXHIBIT C

CERTIFICATE OF COMPLETION OF CONSTRUCTION OF COMMUNITY AMENITY SPACE

Recording requested by
and when recorded mail to:

City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
Attention: City Manager

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

Space above this line for Recorder's use.

CERTIFICATE OF COMPLETION OF CONSTRUCTION

This Certificate of Completion of Construction (this "**Certificate of Completion**") is made by the City of Menlo Park, a municipal corporation ("**City**") effective as of _____, 20__.

RECITALS

A. City and CLPF GRP Uptown Menlo Park LLC, a Delaware limited liability company and CLPF CRP TH Menlo Park, LLC, a Delaware limited liability company ("**Owner**") entered into that certain Community Amenity Operating Covenant dated as of _____, 2021 (the "**Agreement**"), and recorded on _____ 20__, in the Official Records of the County of San Mateo, State of California ("**Official Records**") at Instrument No. _____, concerning the development, use and occupancy of certain real property located in the City of Menlo Park, County of San Mateo, California and more particularly described in the legal description attached to the Agreement as Exhibit A (the "**Property**").

B. Capitalized terms used herein without definition shall have the meaning ascribed to such terms in the Agreement.

C. Pursuant to Section 2 of the Agreement, the City is required to execute, acknowledge and record this Certificate of Completion in the Official Records upon completion of construction of the multi-family residential building containing the Community Amenity Space by Owner, and approval of occupancy by the City.

D. The City has determined that Owner has completed construction of the multi-family residential building containing the Community Amenity Space in accordance with applicable state and local laws and regulations and thus has approved occupancy thereof.

NOW, THEREFORE, City hereby certifies as follows:

1. Development of the multi-family residential building containing the Community

Amenity Space has been satisfactorily completed in conformance with the Agreement and occupancy of the multi-family residential building containing the Community Amenity Space has been approved.

2. The Agreement shall remain in effect and enforceable in accordance with its terms. This Certificate of Completion does not constitute evidence of Owner's compliance with the terms of the Agreement. Nothing contained in this Certificate of Completion shall modify any provisions of the Agreement or any other document executed in connection therewith.

3. This Certificate of Completion does not constitute evidence of compliance with or satisfaction of any obligation of Owner to any holder of a deed of trust securing money loaned to finance the multi-family residential building containing the Community Amenity Space or any part thereof, and does not constitute a notice of completion under California Civil Code Section 9204.

IN WITNESS WHEREOF, City has executed and issued this Certificate of Completion as of the date first written above.

CITY:

CITY OF MENLO PARK, a California municipal corporation

By: _____
Mayor

Attest:

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney



STAFF REPORT

Planning Commission

Meeting Date: 12/18/2023

Staff Report Number: 23-075-PC

Public Hearing/Study Session: Public hearing for the environmental impact report (EIR) scoping session and study session for the proposed mixed-use building comprised of 99 rental apartment units and approximately 1,550 square feet of commercial space, located at 3705 Haven Avenue

Recommendation

Staff recommends that the Planning Commission conduct the following items with respect to the proposed project, which proposes to redevelop the site at 3705 Haven Avenue and construct a ninety-nine unit mixed use residential apartment building with approximately 1,550 square feet of commercial space:

- Public hearing for the EIR scoping session to receive public testimony and provide comments on the scope and content of the EIR for the proposed project; and
- Study session to receive public comments and provide feedback on the proposed project.

The December 18th meeting will not include any project actions. The proposal will be subject to additional review at future Planning Commission and, if appealed, City Council meetings. Staff recommends the following meeting procedure to effectively and efficiently move through the two items, allowing the public and the Planning Commission to focus comments on the specific project components.

EIR scoping session

- Introduction by staff
- Presentation by applicant on project proposal
- Presentation by City's EIR consultant
- Public comments on EIR scope
- Commissioner questions on EIR scope
- Commissioner comments on EIR scope
- Close of EIR scoping session

Project proposal study session

- Introduction by staff
- Public comments on project
- Commissioner questions on project
- Commissioner comments on project
- Close of project study session

Staff believes that it would be beneficial for the Planning Commission and members of the public to receive the applicant's presentation during the EIR scoping session portion of the public hearing to provide a more robust understanding of the proposed project that will be studied in the EIR. Accordingly, staff recommends

that the Planning Commission allow the applicant to present the overall project, followed by a presentation from the City's EIR consultant (David J. Powers & Associates, Inc.) outlining the California Environmental Quality Act (CEQA) process.

Policy Issues

Scoping sessions on the EIR provide an opportunity early in the environmental review process for Planning Commissioners, public agencies, and community members to comment on specific topics that they believe should be addressed in the environmental analysis. Study sessions provide an opportunity for Planning Commissioners and interested community members to provide more general feedback on a proposed project, with comments used to inform future review and consideration of the proposal. The EIR scoping session public hearing and study session should be considered as separate items, as part of the same meeting.

The proposed project is anticipated to require the following entitlements and/or City permits:

1. **EIR certification** to analyze potential environmental impacts of the proposed project through a full EIR, pursuant to CEQA and adopt findings and mitigation monitoring and reporting program (MMRP);
2. **Use permit** for bonus-level development including approval of the community amenity;
3. **Architectural control** to review the design of the proposed building and associated site improvements;
4. **Below market rate (BMR) housing agreement** to provide on-site BMR units in accordance with the City's BMR Ordinance; and
5. **Heritage tree removal permits** to remove heritage trees to enable the proposed project and plant heritage tree replacements per the City's municipal code requirements.

In addition, a Housing Needs Assessment (HNA) will be prepared. Additional actions and entitlements may be required as the project plans are refined. In exchange for requesting bonus level development, the applicant is required to provide a community amenity equal to 50 percent of the appraised value of the bonus level development. An appraisal report has been submitted, which is currently being peer reviewed to determine the value of the bonus level development. The type and value of the proposed community amenity will be evaluated through the process and is subject to final action by the Planning Commission.

Background

On May 6, 2022, 3705 Haven, LLC (Project Applicant) submitted a preliminary application under the provisions of Senate Bill 330 (SB 330), the Housing Crisis Act of 2019. SB 330 establishes a two-step process by which the applicant can "lock in" applicable fees and development regulations by submitting a preliminary application and then have up to 180 days to submit a complete development permit application including, but not limited to, all the required materials necessary to process the permit after the preliminary application. If the development application is determined to be incomplete, the applicant has 90 additional days to resubmit items that are identified as missing to complete the application.

On Sept. 12, 2022, the City received a development application for a use permit, architectural control permit, heritage tree removal permits, below market rate (BMR) housing agreement, and environmental review for the proposed 99-unit, eight-story residential development in the R-MU-B (Residential Mixed Use - Bonus) zoning district, at 3705 Haven Ave. Staff reviewed the development application for compliance with the City's SB 330 Housing Project Application Checklist and determined on Oct. 12, 2022 that the development application was not complete and outlined missing items in a written letter to the applicant. On Nov. 28, 2022 the City received a resubmittal of the development application, which occurred within the 90-

day response period to complete the development application under SB 330. Staff reviewed the information submitted and determined on December 23, 2022 that the submittal was complete for purposes of SB 330. On July 11, 2023 City Council authorized David J. Powers & Associates, Inc. to analyze the project and prepare the project-level EIR.

City staff is currently evaluating the proposed project for consistency with the development standards under the R-MU zoning district. Note that City decision-makers can hold up to five hearings to consider the project. Consideration of the EIR contract does not count as one of the five hearings under SB 330, however this EIR scoping and study session counts as one meeting out of five. The City has four hearings remaining to consider the project after the December 18 EIR scoping session and study session.

Planning Commission considerations

This report highlights a variety of topic areas and discussion items for consideration during the study session. As the Planning Commission reviews the report and proposal, staff suggests that the Commission consider the following topics and use these as a guide to ask clarifying questions, although Commissioners should feel free to explore other topics of interest:

- **Site and building design.** Is the proposed architectural design appropriate for the project site and comprehensively executed? Are the proposed colors and materials appropriate for the project?
- **Public open space.** The amount of publicly accessible open space meets the minimum square footage requirements. Does the Planning Commission wish to provide additional direction on the treatment of the publicly accessible open space in order to activate it further, including the proposed furnishings?
- **Public-serving commercial space.** Does the Commission have any input on the size and usability of the proposed commercial space?
- **Community amenity.** The proposed community amenity would either be provided on site within the proposed building, be satisfied through an in-lieu payment, or a combination of an on-site amenity and a payment. Does the Commission have any feedback on possible amenities for consideration?

Site location

The project site is a 0.66-acre, R-MU-B zoned parcel located in the Bayfront area of Menlo Park, at 3705 Haven Avenue. For purposes of this staff report, Bayfront Expressway (California State Route 84) is considered to have an east-west orientation, and all compass directions referenced will use this orientation. The project site is located west of the Bayfront Expressway/Marsh Road intersection and north of the Bayshore Freeway (US-101).

More specifically the project is located to the north and west of Haven Avenue at a bend in the road where Haven Avenue transitions from an east-west to a north-south orientation. The parcels to the west of the project site are developed with multi-family residential uses and are located in the R-4-S (AHO) (High Density Residential, Special – Affordable Housing Overlay) zoning district. The adjacent parcel to the north contains a two-story building with professional office uses and the parcel to its north is the site of a recently approved 163-room hotel (Moxy). Both of these parcels are zoned O-B (Office, Bonus). Parcels south of the project site, across Haven Avenue, are zoned Industrial Restricted (IR), located in the City of Redwood City. The parcel to the east, across Haven Avenue, contains a one-story building occupied by FedEx, zoned as R-MU-B. The surrounding zoning and land uses are provided in Table 1 and a location map is included as Attachment A.

Table 1: Surrounding land uses and zoning		
	Existing land uses	Zoning
North	Office and recently entitled hotel	O-B
South	Industrial	Industrial restricted (IR)*
East	Commercial	R-MU-B
West	Multi-family residential	R-4-S (AHO)

*Properties south of Haven Avenue are located in the City of Redwood City.

Project overview

The applicant is proposing to demolish the existing one-story, approximately 10,361-square-foot commercial building, and construct a new 99 unit, eight-story mixed-use building, including approximately 1,550 square feet of ground-floor commercial space. The applicant is proposing to develop the project using the City’s bonus level development allowance (increase in height, density and intensity) in exchange for community amenities. The final required value of the community amenity has not yet been identified, and the applicant has not specified the proposed community amenity to be provided in exchange for bonus level development. The applicant states that the proposed community amenity would not involve any additional building construction and would either be provided on site within the proposed building, be satisfied by payment of an in-lieu payment, or a combination of an on-site amenity and a payment. The community amenity will be identified through the process once the bonus level development value and resulting community amenity value are determined. The type and value of the proposed community amenity will also be evaluated by the City to ensure the proposal meets the minimum community amenity value. The community amenity process will be discussed more fully later in this report.

With City’s bonus-level development allowance, the allowed density would result in 66 units. Of the 66 units, the project is providing 15 percent (equal to 10 units) as below market rate (BMR) units affordable to very-low income households. The applicant’s BMR proposal makes the project eligible for the following State Density Bonus Law benefits: a 50 percent density bonus (for up to 99 units), three concessions, unlimited waivers, and use of State Density Bonus Law parking standards. The applicant’s concession and waivers include, but are not limited to, the following:

- Concession: Not including the cost of parking in the overall housing costs for tenants residing in the affordable units
- Waiver: Additional height to accommodate the project as proposed, including density bonus units
- Waiver: Additional FAR to accommodate the project as proposed, including density bonus units
- Waiver: No parking for the ground-floor commercial area
- Waiver: Reduce the commercial ceiling height from the 15 feet that the Zoning Ordinance requires to 10 feet to allow the project to limit the overall height waiver

The project applicant is still considering whether additional concessions and waivers would be needed to partially offset the costs associated with providing units affordable to very-low income households, which exceeds the affordability level of the City’s ordinance, and reserves its right to ask for additional concessions in the future. A summary of the applicant’s requested concessions and waivers is included in the project description letter (Attachment C).

The R-MU-B zoning district allows a maximum density of 100 dwelling units per acre, or 66 units, under the

City’s bonus level development. The applicant proposes to increase the density to 150 dwelling units per acre, which totals to 99 residential units, in accordance with the State Density Bonus Law. While the project can increase the density by 50 percent, the project is not limited to a 50 percent gross floor area (GFA) increase. For reference, the proposed residential FAR of 407.4 percent, would be a 182.4 percent increase in residential GFA above the Zoning Ordinance bonus level maximum of 225 percent. As noted above, the applicant is also requesting an increase in height for the proposed building to approximately 85 feet under State density bonus allowances, discussed in detail later in the report.

Table 2 below provides information on the proposed project, the Zoning Ordinance requirements, and the applicable bonus allowances per State Density Bonus Law.

Table 2: Project data					
	Existing	Zoning Ordinance bonus level standards (maximums)*	Additional Density bonus allowance	Zoning Ordinance and density bonus together	Proposed project
Residential dwelling units	0	66 units	33 units**	99 units	99 units
Residential square footage	0	64,818 s.f.	N/A	N/A	117,335 s.f.
Residential floor area ratio	0	225%	N/A	N/A	407.4%
Dwelling units per acre	0	100	N/A	150	150
Commercial square footage	10,361 s.f.	7,202 s.f.	N/A	N/A	1,550 s.f.
Commercial floor area ratio	36%	25%	N/A	N/A	5.6%
Total square footage	10,361 s.f.	72,020 s.f.	N/A	N/A	118,885 s.f.
Total floor area ratio	36%	250%	N/A	N/A	413%

* Maximum is based on a density of 100 units per acre
** State Density Bonus Law allows up to 50 percent density increase.

The R-MU-B zoning district allows for a mixture of land uses with the purpose to provide high density housing to complement nearby employment and encourage mixed-use development with a quality living environment and neighborhood serving retail and services on the ground floor that are oriented to the public and promote a live/work/play environment with pedestrian activity. At 1,550 square feet, the proposed commercial space is within the maximum allowable non-residential gross floor area of 7,202 square feet. The applicant has not confirmed the type of commercial use intended for the space. Permitted commercial uses in the R-MU-B zoning district include banks and other financial institutions, retail, eating establishments, personal services or similar services, recreational facilities and community education /training center. The project plans and the applicant’s project description letter are included as hyperlinks in Attachments B and C respectively.

The Planning Commission may wish to provide input on whether there should be an increase in the commercial space as part of the project (or as an alternative for consideration as part of the environmental review process). Any potential modifications to the development density or intensity would likely need to be determined prior to conducting the transportation impact analysis and the housing needs assessment.

Site layout

The proposed eight-story building would include two above-grade levels of parking. The ground floor would include a lobby, and ancillary spaces for tenants and the second level would include parking and four

dwelling units. To account for potential flooding and sea level rise (and comply with the City's Zoning Ordinance requirements), the main lobby and resident ancillary spaces would be elevated a minimum of 24 inches above the base flood elevation of the site. The building has been designed in a manner to help maximize daylight into the proposed courtyard on level three while promoting unit views and privacy of units.

Steps and a pedestrian ramp at the southeast corner of the building are proposed to bring pedestrians from the sidewalk to the main entrance located on Haven Avenue (south). Two staircases on Haven Avenue (east) would allow additional direct access to the tenants from the street. Two individual driveways would provide access to the two separate garage levels. Residential units would be predominantly located on levels three to eight, with four units on level two. The building would feature a central courtyard with a pool, landscaping and seating areas for building tenants on the third level, and a roof terrace/deck on level eight.

The proposed building appears to comply with the minimum and maximum setbacks permitted at the street frontages, interior side, and rear. The majority of the street façade is located at the property line.

Floor Area Ratio (FAR) and Gross Floor Area (GFA)

The R-MU-B zoning district allows a maximum residential FAR of 225 percent for projects developed at 100 dwelling units per acre. The project proposes a waiver pursuant to the State Density Bonus Law to allow the project to be developed at a residential FAR of approximately 407.4 percent, or approximately 182.4 percent over the maximum. Under the State Density Bonus law the applicant is requesting to waive the FAR limitation to accommodate the additional 50 percent density bonus of 33 units. However, the additional GFA proposed by the applicant is not proportional to the increase in number of units they are proposing. Therefore, the increase in GFA would allow for the applicant to increase the sizes of more dwelling units within the project rather than only accommodate the 33 density bonus dwelling units. For more information on the gross floor area and floor area ratio for the proposed project, please see Table 2.

Height

Maximum height allowed by the zoning ordinance is 80 feet, and an average height of 62.5 feet, which includes a ten-foot height increase for properties within the flood zone. As part of the state density bonus allowance the applicant is requesting to exceed both the maximum and average heights. The applicant is proposing a maximum height of approximately 85 feet. Although, the proposed building would not meet the average height, which is defined as average height of all buildings on one site, no components would be taller than the maximum height requested by the applicant. The maximum height does not include roof-mounted equipment, utilities and, parapets used to screen mechanical equipment. Height of structure, per the Zoning Ordinance, means the vertical distance from the average level of the highest and lowest points of the natural grade of the portion of the lot covered by the structure to the topmost point of the structure, excluding elevator equipment rooms, ventilating and air conditioning equipment and chimneys. Staff will work with the applicant to document the average height of the building and the exact exceedance requested.

Housing Crisis Act of 2019 (SB 330) application

As a mixed-use project with more than two-thirds residential, the proposed project qualifies as a housing development project pursuant to the Housing Accountability Act which was amended by Senate Bill (SB) 330, the Housing Crisis Act of 2019, which became effective January 1, 2020 and SB 8, which became effective on January 1, 2022. SB 330 was designed to further remove barriers to the development of housing projects. Some key features of SB 330 include shortening the timeframe for housing development project review under the Permit Streamlining Act and capping the number of public meetings on a housing development project at five hearings. Bonus level projects of this nature would typically include the following

public hearings:

- 1) Planning Commission EIR scoping session and study session
- 2) Planning Commission draft EIR public hearing and study session
- 3) Housing Commission public meeting (BMR proposal)
- 4) Planning Commission public hearing for certification of the final EIR and final action on all land use entitlements

This schedule would reserve a meeting for a potential appeal to the City Council and adhere to the five meeting limit under SB 330 for housing development projects that comply with all applicable objective general plan and zoning standards; note that a project that modifies development standards under State Density Bonus Law is considered “consistent” for purposes of SB 330. In addition to the above mentioned requirements, SB 330 prohibits cities from adding new fees or raising existing fees beyond automatic annual escalation. Furthermore, cities are prevented from requiring housing development projects to comply with an ordinance, policy, or standard, including development standard, not in effect when the complete preliminary application was submitted. The Housing Accountability Act limits the ability of a City to impose modifications or conditions on the proposed project in response to subjective design standards if doing so would reduce the proposed residential density of the project.

CEQA review

An EIR is an informational document prepared to satisfy the requirements of the California Environmental Quality Act (CEQA). The City must comply with CEQA before any discretionary action is taken by the City on the proposed project. The purpose of an EIR is to provide decision makers and the public with detailed information about the effect that the proposed project may have on the environment, list ways in which the significant effects of the proposed project might feasibly be minimized and identify alternatives to the proposed project. The main substantive components of an EIR are as follows:

- The project description, which discloses the activities that are proposed for approval;
- Discussion and analysis of the potentially significant environmental effects of the proposed project, including cumulative impacts and growth-inducing impacts;
- Discussion of ways to mitigate or avoid the proposed project’s potentially significant environmental impacts; and

The EIR process begins with the City’s decision to prepare an EIR. The City determined that an EIR was required for the proposed project and issued a Notice of Preparation (NOP). The proposed project requires a full EIR instead of a focused EIR as has been prepared for some projects in the Bayfront area. A full EIR is required because the program level EIR under ConnectMenlo studied 4,650 housing units, with an assumption that these would include 150 residential units as the potential development that remained under the existing General Plan plus 4,500 residential units (3,000 new unrestricted residential units and 1,500 corporate campus units). The City has since entitled more than 3,150 unrestricted residential units. The 123 Independence project was the first project to file a development application that would exceed the 3,150-unit limit by 107 units. The proposed project in combination with the 123 Independence project would increase the total number of unrestricted residential units allowed from 3,150 to 3,356. The proposed project would be consistent with the maximum dwelling units identified in the ConnectMenlo General Plan Update but would exceed the unrestricted dwelling units studied in program-level EIR. The City released the NOP (Attachment D) on December 1, 2023. The draft EIR will be prepared and processed in accordance with

CEQA and the State CEQA Guidelines in effect at the time of the release of the NOP.

CEQA topic areas included in EIR

The EIR will analyze whether the proposed project would have significant environmental effects in the following topic areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Utilities
- Transportation and Traffic
- Tribal Cultural Resources

To help prepare several of these sections and analyze the potential impacts, a transportation impact analysis (TIA) will be prepared in accordance with the City's TIA Guidelines in effect at the time of the NOP. The EIR will use vehicle miles traveled (VMT) as the CEQA threshold of significance for transportation and traffic. Because the City's current TIA Guidelines also require an analysis of LOS for local planning purposes, a list of the proposed study intersections that will be analyzed outside of the CEQA process is included in Attachment E. In addition, while not required by CEQA, a housing needs assessment (HNA) will be prepared to inform the population and housing analysis. Per the 2017 settlement agreement between the Cities of Menlo Park and East Palo Alto, the City is required to prepare an EIR for projects requesting bonus level development within the Bayfront Area. The settlement agreement specifically indicates that transportation and housing are topic areas that may not be scoped out of the EIR and requires the completion of a project-specific Housing Needs Assessment (HNA).

CEQA topic areas not requiring further analysis

The proposed project is not anticipated to result in environmental impacts in the following topic areas:

- Agricultural or Forestry Resources
- Mineral Resources
- Wildfire

The project site is fully developed in an urbanized area. As such, agricultural and mineral resources do not exist on the site and wildfires are not considered a concern. A detailed analysis of these topics will not be included in the EIR. Therefore, these topic areas are currently scoped out of the EIR. This, however, does not limit the public or Planning Commission's ability to comment on the scope and content of the EIR relative to these topic areas.

Analysis

EIR Scoping Session

The City released a Notice of Preparation (NOP) (Attachment D) for the proposed project on December 1, 2023, beginning an extended review and comment period ending on January 10, 2024 to account for the City Hall closure from December 25, 2023 through January 1, 2024. Hard copies of the NOP are available for review at the Menlo Park Main Library and Belle Haven Branch Library. Interested persons should inquire at the library reference desk.

A NOP informs interested parties that the City plans to prepare an EIR for the proposed project and begins the EIR process. The NOP and scoping process is designed as an early opportunity to seek guidance from interested parties, agencies, and members of the public on the scope and content of the EIR. The EIR is an informational document the purpose of which is to provide decision makers and the public with detailed information about the potential impacts that the proposed project may have on the environment, list ways in which the potentially significant impacts of the proposed project might be minimized, and identify alternatives to the proposed project.

The December 18, 2023 Planning Commission meeting falls within the comment period and serves as a scoping session for the proposed project. Comments can be made on the scope, content, and focus of the analyses in any of the CEQA topic areas, including the topics proposed to be scoped out of the EIR. Examples of comments include, but are not limited to, suggested mitigation measures, suggested alternatives (e.g. increase or decrease in housing units, commercial square footage, other uses etc.), or areas of study that should not be scoped out. These topics are only examples to help provide context to the Commission, interested agencies, and community members on the types of comments that could be provided on the EIR scope and are not intended to limit the scope of comments.

Oral comments received during the scoping session and written comments received during the NOP comment period on the scope and content of the environmental review will be considered while preparing the draft EIR. NOP comments will not be responded to individually; however, all written comments on the NOP will be included in an appendix of the draft EIR, and a summary of all comments received (both written and verbal) on the NOP will be included in the body of the draft EIR.

Alternatives

If there are potentially significant impacts, the alternatives analysis will focus on those alternatives that would reduce identified impacts. If the impacts are less than significant with mitigation, the alternatives analysis is anticipated to focus on those alternatives that would further reduce those impacts or provide policy focused alternatives considering allowable development under the Zoning Ordinance. Section 15126.6(e) of the State CEQA Guidelines requires the evaluation of a No Project Alternative. Other alternatives may be considered during preparation of the EIR and will comply with the State CEQA Guidelines, which call for a “range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The City is currently considering analysis of the following alternatives, and is seeking input on these alternatives and any other potential alternative that should be evaluated as part of the EIR:

- CEQA-Required No Project Alternative (maintaining the existing building with no new construction); and
- Project Alternative that would reduce any environmental impacts.

Next steps

Following the close of the comment period on the scope and content of the EIR, City staff and the consultant will consider all comments in the development of the draft EIR. The draft EIR is tentatively planned to be released in the fall of 2024 with a minimum 45-day public review and comment period. During the 45-day review and comment period on the draft EIR, the Planning Commission would hold a public hearing to discuss the draft EIR at which time interested persons would be able to provide comments. Once the draft EIR comment period is completed, the environmental consultant will review and respond to all comments received in what is referred to as a “Response to Comments” document as part of the final EIR.

Study Session

The site location, proposed project and topic areas for Planning Commissioner discussion were outlined previously in the staff report. The following sections discuss the proposed project in detail.

Architectural design and materials

The project description letter indicates that the proposed residential building would be designed in a contemporary architectural style, incorporating both solid elements and glass windows along the majority of the primary street facing façades. The facades would predominantly consist of cement plaster, fiber cement panels in varying colors, large format fiber cement panels, corrugated metal panels, metal guardrails and aluminum clad siding. Balconies and terraces would have metal railings. Building massing would include peaked/sloped rooflines. Additionally, the massing of the building would contain visual hierarchies of subset volumes that break down the overall mass of the building with decks and setbacks at the upper levels. The applicant indicates the main building entrance would be highlighted along the street with landscaping and lighting.

The architectural scale of the building contains several elements that enhance the pedestrian experience while minimizing perceived scale and mass. At the ground floor, the project would provide recessed areas with planting and storefront entrances at the lobby and corner public facing commercial space for visual interest, creating an active presence. The building would have a distinct break for the elevated courtyard on level three, at the center of the building along the east facing Haven façade with the frontage designed to enhance the pedestrian experience.

Design standards

In the R-MU-B zoning district, all new construction and building additions of 10,000 square feet of GFA or more must meet design standards subject to architectural control review. The design standards regulate the siting and placement of buildings, landscaping, parking, and other features in relation to the street; building mass, bulk, size, and vertical building planes; ground floor exterior facades of buildings; open space, including publicly accessible open space; development of paseos to enhance pedestrian and bicycle connections between parcels and public streets in the vicinity; building design, materials, screening, and rooflines; and site access and parking. Below is a summary of how the project complies with various design standards, as staff continues to review the proposed project additional compliance documentation may be required to ensure compliance with the requirements of the Zoning Ordinance.

Minimum setback and building projections

On public-street-facing facades, buildings in the R-MU-B zoning district are required to step back at least 10 feet for 75 percent of the building on the upper stories above 55 feet in height. The applicant submitted documentation that the proposal would comply with the required minimum step back by pulling back portions of both street facing façades.

Major and minor modulations

The design standards for the R-MU-B zoning district require major and minor modulations on street-and open space-facing facades. For major modulations, the design must include a minimum of one recess of 15 feet wide by 10 feet deep per every 200 feet of facade length from ground level to 45 feet in height. For minor modulations, a minimum recess of five feet wide by five feet deep per 50 feet of facade length is required from ground level to the top of the building. The intent of the required modulations is to provide visual variety, reduce large building volumes, and provide spaces for entryways. The project complies with both minor and major modulation requirements.

Ground floor exterior

The applicant is requesting a waiver pursuant to state density bonus law to reduce the first floor height from the required fifteen feet to ten feet to reduce the maximum height of the proposed project. The submitted documentation shows that the proposal would comply with the ground floor transparency requirement, and building and garage entrance location and frequency requirements. Staff will continue to work with the applicant to ensure compliance with the requirements.

Summary

With regard to the overall project design and the application of R-MU-B zoning district standards, staff believes that the project would generally comply with the design standards required by the Zoning Ordinance. Staff will continue to evaluate the proposed project to ensure compliance as more detailed plans are prepared and any modifications are made. The Planning Commission may wish to provide additional feedback on the proposed building design and site layout before the project advances to the draft EIR development stage.

Unit types and breakdown

The 99 units would be distributed between levels two to eight, with four units proposed on level two. Table 3 below shows the breakdown of unit counts per level. The proposed project has six unit types, ranging from studio to three bedroom units of varying sizes. Out of the 99 units, 22 would not have any private open space. Parking is proposed to be above-grade, within a two-story garage to create a podium. A courtyard with a swimming pool is proposed on the third floor (on top of the podium) and roof decks are proposed on the fifth and eighth floors.

Table 3: Residential units		
Unit type	Proposed	Unit size range
Junior 1 bed	16	475-570 s.f.
1 bedroom/1bath	28	700-800 s.f.
1 bedroom + den	29	700-760 s.f.
2 bedroom/1 bath	2	880-882 s.f.
2 bedroom/2 bath	22	890-1,130 s.f.
3 bedroom/2.5 bath	2	1430-1,565 s.f.
Total	99	N/A

Vehicular access, parking, and site circulation

The proposed building would include a total of 99 vehicular parking stalls. The Zoning Ordinance requires parking within multi-family residential developments to be unbundled from the price of a unit (unless parking is physically connected to one unit). The applicant is requesting a concession to exclude the price of parking from the BMR units (typically included in the maximum BMR rent), which means if a BMR tenant desires a parking space the tenant would need to pay market rate rent for the parking space. Additionally, there would be no guest parking provided and the applicant is requesting a waiver to provide no parking for the commercial space, which would require four parking spaces per the Zoning Ordinance. The following table provides a more detailed overview of the proposed parking for the project:

Table 4: Parking requirements		
	Proposed	Zoning Ordinance standards
Residential parking stalls	99	min. 99 and max. 149
Residential parking ratio (spaces/dwelling unit)	1	min. 1 and max. 1.5 spaces per unit
Commercial parking stalls	0	min. 4 and max. 5
Commercial parking ratio (spaces/1,000 s.f of GFA)	0	min. 2.5 and max. 3.3 per 1,000 square feet
Total parking	99	min. 103 and max. 154

The zoning ordinance requires a minimum 20 percent trip reduction from standard ITE trip generation rates. The City is also subject to the City/County Association of Governments (C/CAG) requirements that went into effect on January 1, 2022. Depending on the applicability of the C/CAG TDM requirements to the proposed project, the C/CAG requirements could result in a greater trip reduction. The applicant has submitted a transportation demand management (TDM) plan demonstrating that the project would reduce associated vehicle trips by at least 20 percent below standard generation rates for uses on the site, as required by the City. Staff will be working with the applicant to ensure compliance with both the C/CAG and the City requirement. The TDM plan and associated trip reduction could reduce the parking demand for the proposed project. The efficacy of the TDM plan will also be analyzed through the environmental review process.

Pedestrian and bicycle circulation

The project proposes to provide 150 long-term and 16-short term bicycle parking spaces with the project. The short-term bicycle parking would be located at the southeast corner of the property, within fifty feet from the lobby/main entrance. The long-term bike parking would be conveniently located centrally on the second level near the lobby area; with one space dedicated to the commercial space on the first level. The bike parking will be fully enclosed, protected against theft and inclement weather as required by the zoning ordinance. The following table provides a detailed overview of the proposed bike parking for the project:

Table 5: Bicycle parking requirements		
	Proposed	Zoning Ordinance standards
Residential long term bike parking	149	149 (1.5 per unit)
Short term bike parking	16	15 (10% of the total required)
Commercial bike parking	1	1 per 5,000 s.f. of gross floor area
Total parking	166	164

As part of the proposed project, it is anticipated that new sidewalk and other street frontage improvements such as curb, gutter, new asphalt, street trees, landscaping, and planting buffers (including green infrastructure), would be provided along Haven Avenue, as required by the City’s Public Works Department. City staff will be working with the applicant to ensure the proposed project implements the required frontage improvements.

Open space and landscaping

The proposed project would be required to provide open space equivalent to 25 percent of the project site area, of which 25 percent must be provided as publicly accessible open space.

Publicly accessible open space

According to the Zoning Ordinance (Section 16.45.120(4)(A)):

Publicly accessible open space consists of areas unobstructed by fully enclosed structures with a mixture of landscaping and hardscape that provides seating and places to rest, places for gathering, passive and/or active recreation, pedestrian circulation, or other similar use as determined by the planning commission. Publicly accessible open space types include, but are not limited to, paseos, plazas, forecourts and entryways, and outdoor dining areas. Publicly accessible open space must:

- (i) Contain site furnishings, art, or landscaping;
- (ii) Be on the ground floor or podium level;
- (iii) Be at least partially visible from a public right-of-way such as a street or paseo;
- (iv) Have a direct, accessible pedestrian connection to a public right-of-way or easement.

The minimum open space required for the proposed project is 7,202 square feet, of which a minimum of 1,800.5 square feet would need to be publicly accessible and meet the requirements stated above. The applicant has submitted a plan set that documents compliance with the open space requirements. The applicant is proposing 19,974 square feet of open space for the development, of which 4,670 square feet would be publicly accessible. Publicly accessible open space will be located towards the north and west sides of the proposed building, accessible from Haven Avenue. The space will be furnished with seating benches and landscaping. The amount of publicly accessible open space meets the objective standards; however, it does not appear to be clearly identifiable to community members given the locations of the entries and narrow pathway design around the building.

Common and private open space

The proposed project would provide a mix of common and private open spaces for tenants, which are counted towards the minimum open space requirement for the project. The building would incorporate a combination of private balconies and terraces. Common open spaces would be available to tenants and guests, but would not be accessible to the public. A courtyard with a swimming pool is proposed on the third floor and roof decks are proposed on the fifth and eighth floors. The applicant's open space analysis indicates 5,345 square feet of private open space and 9,959 square feet of common open space would be provided, for a total of 15,304 square feet of private and common open space.

The R-MU-B zoning district requires common open space equal to 100 square feet per unit or a minimum of 80 square feet of private open space per unit, where the private open space must have a minimum dimension of at least six feet by six feet. Since the proposed balconies do not meet this requirement, the project is required to provide a total of 9,900 square feet of common open space. The applicant's open space exceeds the requirement and appears to be in compliance. As the plans continue to develop, staff will be working with the applicant to ensure compliance with all open space requirements.

Trees and landscaping

The project includes the removal of 13 trees, three of which are heritage trees. The applicant submitted heritage tree removal permit applications, which show the conceptual replanting plan, along with appraised valuation of the proposed heritage tree removals. The project would plant a total of 15 replacement trees (four silver linden, six African fern pine, and five Saratoga laurel trees) to compensate for the removal of the

three heritage trees. The City Arborist has conditionally approved the three heritage tree removals. Twenty-four new trees would be located on the podium courtyard and rooftop deck. The total number of trees to be planted as part of the proposed project will continue to be refined with future submittals.

Community amenities

Bonus level development is allowed in exchange for the provision of community amenities. Community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. The Zoning Ordinance identifies several mechanisms for providing amenities, including providing an amenity from the Council approved list as part of the proposed project, or providing an amenity not on the approved list through a development agreement, or payment of the in-lieu payment. Project requirements (such as the publicly accessible open space, and street improvements determined by the Public Works Director) do not count as community amenities.

As part of the ConnectMenlo process, a list of community amenities was generated based on public input and adopted through a resolution of the City Council. On July 11, 2023 the City Council adopted a revised list based on work from the City Council community amenities subcommittee. On August 15, 2023 the City Council adopted updated appraisal instructions to clarify definitions and appraisal criteria, and also adopted community amenity implementing regulations to standardize the application procedures, appraisal review process and determination of the value of the bonus level development. The project's preliminary application was submitted before either action took effect. Thus, the applicant has a vested right to proceed under the standards in place at the time the preliminary application was submitted under SB 330, or it may elect to opt-in to the newly-adopted regulations. The previously adopted list and updated approved list are included in Attachments F and G respectively. The applicant has indicated they intend to utilize the previous appraisal instructions, previous community amenities list, and not utilize the adopted community amenity implementing regulations.

The process under the previous appraisal instructions for determining the required value of the community amenities begins with an appraisal process. The applicant provides, at their expense, an appraisal performed by a licensed appraisal firm consistent with the City's appraisal instructions. The appraisal will identify the value of the bonus level of development and the community amenity value, which is 50 percent of the value of the bonus level of development. The Zoning Ordinance requires the form and content of the appraisal to be approved by the Community Development Director. To provide the Community Development Director with sufficient information to determine if the form and content of the appraisal is adequate, the City will commission a peer review or peer appraisal. The applicant has submitted an appraisal and the City has initiated the appraisal process.

Upon determining the required value of the community amenity, the applicant will then provide the City with a proposal identifying the proposed community amenity and providing an explanation of value. The value of the amenity to be provided must equal a minimum of 50 percent of the fair market value of the additional GFA of the bonus level development. City staff would then hire a professional economic consultant to peer review the proposal and determine the adequacy of the amenity proposal, and work with the applicant as necessary to modify the proposal to meet the requirements of the ordinance.

The applicant has not identified the community amenity, but has stated that the proposed community amenity would not involve any additional building construction and would either be provided on-site within the proposed building, be satisfied by payment of an in-lieu payment, or a combination of an on-site amenity and a payment. As noted above, the proposal is generally submitted after the Community Development Director approves the appraisal and that first step has not been completed. Staff and the applicant will continue to work together through this process. The applicant's proposal for community amenities will be

subject to review and action by the Planning Commission as the final decision-making body on the requested land use entitlements, unless appealed to the City Council.

Below market rate (BMR) requirements

As noted above, projects in the R-MU-B zoning district are required to design and construct the required inclusionary affordable housing on-site as part of the project. The City's Below Market Rate Housing Program requires 15 percent of the proposed dwelling units be set aside for low-income households or an equivalent alternative. The applicant's proposal includes 10 BMR housing units affordable to very-low income households. Because the project is providing units that qualify for a state density bonus, the percentage of units that are affordable meet the City's BMR percentage requirement, and the units equal or offer deeper affordability than the City's income requirements, the units are credited towards compliance with the City's inclusionary requirements. The commercial space does not have a commercial linkage component due its size and net decrease in commercial square footage.

The BMR Guidelines require that the BMR units be evenly distributed throughout the project and the unit sizes/bedroom counts be based on similar percentages of the unit sizes/bedroom counts within the proposed project.

The City's current adopted Housing Element (2023-2031) identifies the need for 2,946 units to be produced affordable to very low-, low-, moderate-, and above moderate-income households. The 2,946 units were comprised of 740 very low-, 426 low-, 496 moderate-, and 1,284 above moderate-income units. The City is focused on increasing production of very low-, low-, and moderate-income units, which are considered a high need in the community. The applicant currently proposes to provide 10 BMR units at the very low income level.

Green and sustainable building

In the R-MU zoning district, projects are required to meet green and sustainable building regulations. Accordingly, the proposed building would:

- Meet 100 percent of its energy demand through any combination of on-site energy generation, purchase of 100 percent renewable electricity, and/or purchase of certified renewable energy credits;
- Be designed to meet LEED (Leadership in Energy and Environmental Design) Gold BD+C (Building Design + Construction);
- Comply with the electric vehicle (EV) charger requirements adopted by the City Council in November 2018;
- Meet water use efficiency requirements;
- Locate the proposed building 24 inches above the Federal Emergency Management Agency (FEMA) base flood elevation (BFE) to account for sea level rise;
- Plan for waste management during the demolition, construction, and occupancy phases of the project (including the preparation of the required zero waste plans); and
- Incorporate bird friendly design in the placement of the building, and use bird friendly exterior glazing and lighting controls.

Further details regarding how the proposed building would meet the green and sustainable building requirements will be provided as the project plans and materials are further developed.

Correspondence

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

Impact on City Resources

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

Environmental Review

An EIR will be prepared for the proposed project. On July 11, 2023, the City Council authorized the City Manager to enter into contract with David J. Powers & Associates, Inc. to complete the environmental review and prepare an EIR for the proposed project. The Planning Commission would consider the certification of the EIR, after the completion of the environmental review and as part of the entitlements.

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. Location map
- B. Project plans – hyperlink: https://menlopark.gov/files/sharedassets/public/v/1/community-development/documents/projects/under-review/3705-haven-ave/plng_5_dwgs-rev3-project-plans-sb330-3705-haven.pdf
- C. Project Description letter – hyperlink: https://menlopark.gov/files/sharedassets/public/v/1/community-development/documents/projects/under-review/3705-haven-ave/3705-haven-ave_project-description-letter.pdf
- D. Notice of Preparation – hyperlink: <https://menlopark.gov/files/sharedassets/public/v/1/community-development/documents/projects/under-review/3705-haven-ave/3705-haven-nop.pdf>
- E. List of study intersections
- F. Previously adopted community amenities list (March 2019)
- G. Updated community amenities list (July 2023) – hyperlink: <https://menlopark.gov/files/sharedassets/public/v/1/community-development/documents/6849-community-amenities-list-adopted-july-2023.pdf>

Report prepared by:
Fahteen Khan, Associate Planner

Report reviewed by:
Corinna Sandmeier, Principal Planner

List of intersections

1. Haven Avenue-Bayfront / Marsh Road
2. US 101 NB Ramps / Marsh Road
3. US 101 SB Ramps / Marsh Road
4. Scott Drive / Marsh Road
5. Bohannon Drive-Florence / Marsh Road
6. Bay Road / Marsh Road
7. Bayfront / Chrysler Drive
8. Bayfront / Chilco Street
9. Bayfront / Willow Road
10. Bayfront / University Avenue

RESOLUTION NO. 6360

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK APPROVING THE COMMUNITY AMENITIES LIST DEVELOPED THROUGH THE CONNECTMENLO PROCESS

WHEREAS, the City of Menlo Park recently updated the Housing, Open Space and Conservation, and Safety Elements of the General Plan; and

WHEREAS, the Land Use and Circulation Elements of the General Plan have not been updated since 1994 and the City desires to complete the next phase in its update of the General Plan; and

WHEREAS, in December 2014, the City Council adopted the guiding principles for the ConnectMenlo General Plan Update, which were crafted through a rigorous community outreach and engagement process; and

WHEREAS, subsequent to the adoption of the guiding principles, the City embarked on a multi-year process to update the Land Use and Circulation Elements of the General Plan known as ConnectMenlo; and

WHEREAS, the ConnectMenlo General Plan and M-2 Zoning Update included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings; and

WHEREAS, the Land Use Element includes a policy and program for bonus level development in exchange for the provision of community amenities; and

WHEREAS, the O (Office), L-S (Life Sciences), and R-MU (Residential, Mixed Use) districts also allow the potential for bonus level development within specific areas defined by the zoning map where denoted by B (Bonus), in exchange for sufficient community amenities provided by the developer; and

WHEREAS, bonus level development allows a project to develop at a greater level of intensity with an increased floor area ratio, density, and/or increased height. There is a reasonable relationship between the increased density and/or intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. The value of the community amenities is a generally applicable legislatively imposed formula; and

WHEREAS, the City developed the Community Amenities List, attached hereto as Exhibit A, through an extensive public outreach and input process that included community members, including residents, property owners, and key stakeholders through outreach meetings, public meetings, GPAC meetings, and public hearings; and

WHEREAS, the Community Amenities List reflects the community's priority of benefits within the M-2 Area as identified through the community outreach and engagement process; and

WHEREAS, the City Council may amend the Community Amenities List from time to time by resolution to reflect potential changes in the community's priorities and desired amenities; and

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

WHEREAS, an Environmental Impact Report was prepared for the project, which includes the bonus development potential and certified by the City Council on November 1, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. Findings and a statement of overriding considerations were adopted by the City Council on November 1, 2016 by Resolution No.; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the Planning Commission of the City of Menlo Park on October 19, 2016 and October 24, 2016 whereat all persons interested therein might appear and be heard; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to approve the Community Amenities List; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on November 15, 2016 and November 29, 2016 whereat all persons interested therein might appear and be heard; and

WHEREAS, the City Council of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to approve the Community Amenities List; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby approves the Community amenities List, attached hereto as Exhibit A, incorporated herein by this reference.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the 29th day of November, 2016, by the following votes:

AYES: Carlton, Cline, Keith, Ohtaki
NOES: Mueller
ABSENT: None
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this 28th day of May, 2019.



Judi A. Herren
City Clerk

COMMUNITY AMENITY SURVEY RANKINGS

The following is a table of the community amenities that have been requested during the planning process; the categories and the amenities within each category are listed in order of how they were ranked by respondents at a community workshop on March 12, 2015 and in a survey that followed.

MARCH 12 WORKSHOP RANKING	ONLINE - REGISTERED RESPONDENTS	ONLINE - UNREGISTERED RESPONDENTS	PAPER - COLLECTED IN BELLE HAVEN	PAPER - MAILED IN	TOTAL SURVEYS COMBINED
22 RESPONSES	53 RESPONSES	26 RESPONSES	55 RESPONSES	60 RESPONSES	194 SURVEY RESPONSES
Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements
Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping	Traffic-calming on neighborhood streets	Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping
Bike trails, paths or lanes	Bike trails, paths or lanes	Traffic-calming on neighborhood streets	Sidewalks, lighting, and landscaping	Traffic-calming on neighborhood streets	Traffic-calming on neighborhood streets
Dumbarton Rail	Traffic-calming on neighborhood streets	Bike trails, paths or lanes	Dumbarton Rail	Dumbarton Rail	Bike trails, paths or lanes
Traffic-calming on neighborhood streets	Dumbarton Rail	Dumbarton Rail	Innovative transportation solutions (i.e. personal rapid transit)	Bike trails, paths or lanes	Dumbarton Rail
Bus service and amenities	Bus service and amenities	Bus service and amenities	Bike trails, paths or lanes	Bus service and amenities	Innovative transportation solutions (i.e. personal rapid transit)
Innovative transportation solutions (i.e. personal rapid transit)	Innovative transportation solutions (i.e. personal rapid transit)	Innovative transportation solutions (i.e. personal rapid transit)	Bus service and amenities	Innovative transportation solutions (i.e. personal rapid transit)	Bus service and amenities
Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail
Grocery store	Grocery store	Grocery store	Grocery store	Grocery store	Grocery store
Restaurants	Restaurants	Pharmacy	Pharmacy	Pharmacy	Restaurants
Pharmacy	Pharmacy	Restaurants	Restaurants	Restaurants	Pharmacy
Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM
Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies
Job opportunities for residents	Education and enrichment programs for young adults	Job opportunities for residents	Job opportunities for residents	Job opportunities for residents	Job opportunities for residents
Education and enrichment programs for young adults	Job opportunities for residents	Education and enrichment programs for young adults	Education and enrichment programs for young adults	Education and enrichment programs for young adults	Education and enrichment programs for young adults
Job training programs and education center	Paid internships and scholarships for young adults	Job training programs and education center	Job training programs and education center	Job training programs and education center	Job training programs and education center
Paid internships and scholarships for young adults	Job training programs and education center	Paid internships and scholarships for young adults	Paid internships and scholarships for young adults	Paid internships and scholarships for young adults	Paid internships and scholarships for young adults
Social Service Improvements	Energy, Technology, and Utilities Infrastructure	Social Service Improvements	Social Service Improvements	Social Service Improvements	Social Service Improvements
Education improvements in Belle Haven	Underground power lines	Education improvements in Belle Haven	Education improvements in Belle Haven	Education improvements in Belle Haven	Education improvements in Belle Haven
Library improvements at Belle Haven	Telecommunications investment	Library improvements at Belle Haven	Medical center	Medical center	Medical center
Medical center	Incentives for private home energy upgrades, renewable energy, and water conservation	Medical center	High-Quality Affordable Housing	Senior service improvements	Library improvements at Belle Haven
Senior service improvements	Soundwalls adjacent to Highway 101	High-Quality Affordable Housing	Library improvements at Belle Haven	Library improvements at Belle Haven	High-Quality Affordable Housing
Add restroom at Onetta Harris Community Center		Senior service improvements	Senior service improvements	High-Quality Affordable Housing	Senior service improvements
Pool House remodel in Belle Haven	Social Service Improvements	Add restroom at Onetta Harris Community Center	Add restroom at Onetta Harris Community Center	Add restroom at Onetta Harris Community Center	Add restroom at Onetta Harris Community Center
High-Quality Affordable Housing	Education improvements in Belle Haven	Pool House remodel in Belle Haven	Pool House remodel in Belle Haven	Pool House remodel in Belle Haven	Pool House remodel in Belle Haven
	Library improvements at Belle Haven				
Energy, Technology, and Utilities Infrastructure	Medical center	Energy, Technology, and Utilities Infrastructure	Energy, Technology, and Utilities Infrastructure	Energy, Technology, and Utilities Infrastructure	Energy, Technology, and Utilities Infrastructure
Underground power lines	Senior service improvements	Underground power lines	Incentives for private home energy upgrades, renewable energy, and water conservation	Underground power lines	Underground power lines
Telecommunications investment	High-Quality Affordable Housing	Telecommunications investment	Underground power lines	Incentives for private home energy upgrades, renewable energy, and water conservation	Incentives for private home energy upgrades, renewable energy, and water conservation
Incentives for private home energy upgrades, renewable energy, and water conservation	Pool House remodel in Belle Haven	Incentives for private home energy upgrades, renewable energy, and water conservation	Telecommunications investment	Telecommunications investment	Telecommunications investment
Soundwalls adjacent to Highway 101	Add restroom at Onetta Harris Community Center	Soundwalls adjacent to Highway 101	Soundwalls adjacent to Highway 101	Soundwalls adjacent to Highway 101	Soundwalls adjacent to Highway 101
Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements
Bedwell Bayfront Park improvements	Bedwell Bayfront Park improvements	Bedwell Bayfront Park improvements	Tree planting	Bedwell Bayfront Park improvements	Tree planting
Tree planting	Tree planting	Tree planting	Community garden(s)	Bedwell Bayfront Park improvements	Bedwell Bayfront Park improvements
Dog park	Dog park	Dog park	Dog park	Community garden(s)	Community garden(s)
Community garden(s)	Community garden(s)	Community garden(s)	Bedwell Bayfront Park improvements	Dog park	Dog park

WHERE SURVEY RESPONDENTS LIVE:

Neighborhood/City					
Belle Haven	1	Pine Forest	1	Palo Alto/ East Palo Alto	2
Central Menlo	1	West Menlo	2	Gilroy	1
Downtown	2	Willows/Willow Road	7	Linfield Oaks	1
East Menlo Park	3	Flood Park	1	Undisclosed	37
				TOTAL	174



REVIEW THE PROPOSED COMMUNITY AMENITIES

The amenities described below were identified during the Belle Haven Vision Plan and during the first year of the ConnectMenlo process. They were ranked in this order in a survey in March/April, 2015. Approximate cost estimates have been added for each amenity.

Place a dot to the left of the amenities that you think are most important.

Transit and Transportation Improvements	Jobs and Training at M-2 Area Companies	Social Service Improvements	
A. Sidewalks, lighting, and landscaping – \$100 per linear foot <i>Enhance landscaping and lighting and fill gaps in sidewalk to improve the overall walkability</i>	A. Job opportunities for residents – \$10,000 in specialized training per employee <i>Local employers have a hiring preference for qualified residents</i>	A. Education improvements in Belle Haven – \$10,000 per student <i>Improvements to the quality of student education and experience in Belle Haven</i>	
B. Traffic-calming on neighborhood streets – \$100,000 per block/intersection <i>Address cut-through traffic with design features</i>	B. Education and enrichment programs for young adults – \$10,000 per participant <i>Provide programs that target students and young adults to be competitive in the job market, including existing tech jobs</i>	B. Medical center – \$6 million to construct (\$300 per square foot) <i>Medical center providing health care services and out-patient care</i>	
C. Bike trails, paths or lanes – \$100,000/ mile <i>Install new bike lanes and pedestrian paths and connect them to existing facilities and BayTrail</i>	C. Job training programs and education center – \$10,000 per participant <i>Provide residents with job training programs that prepare them with job skills</i>	C. Library improvements at Belle Haven – \$300,000 <i>Expand library programs and activities, especially for children</i>	
D. Dumbarton Rail- \$175 million to construct and open trolley <i>Utilize the right-of-way for new transit line between Redwood City and Menlo Park in the near term with stations and a new bike/pedestrian path</i>	D. Paid internships and scholarships for young adults – \$10,000 per participant <i>Provide internships at local companies and scholarships to local youth to become trained for tech jobs</i>	D. High-Quality Affordable Housing – \$440,000/unit less land: \$81,000 typical per-unit local gap financing needed for a tax-credit project <i>Integrate quality affordable housing units into new development</i>	
E. Innovative transportation solutions (i.e. personal rapid transit) – Price Varies <i>Invest in new technology like pod cars and transit that uses separate tracks</i>	Energy, Technology, & Utilities Infrastructure		
F. Bus service and amenities – \$5,000 per rider seat <i>Increase the number of bus stops, bus frequency and shuttles, and bus shelters</i>	A. Underground power lines – \$200/foot min.; \$50,000/project <i>Remove overhead power lines and install them underground along certain roads</i>	F. Add restroom at Onetta Harris Community Center – \$100,000 <i>Additional restroom at the community center</i>	
Community-serving Retail			
A. Grocery store – \$15 million to construct (\$200 per sq ft) plus 25% soft costs, financing, etc.; \$3.7 million for 2 years of subsidized rent <i>A full-service grocery store providing a range of goods, including fresh fruits, vegetables and meat and dairy products</i>	B. Incentives for private home energy upgrades, renewable energy, and water conservation – \$5,000 per home <i>Offer financial assistance or other incentives to help area residents pay for energy-efficient and water conserving home improvements</i>	G. Pool House remodel in Belle Haven – \$300,000 <i>Remodel pool for year-round use with new heating and changing areas</i>	
B. Restaurants – \$1.5 million (3,000 sq ft at \$400 per sq ft plus 25% for soft costs, financing, etc.) <i>A range of dining options, from cafes to sit-down restaurants, serving residents and local employees</i>	C. Telecommunications investment – \$250 per linear foot <i>Improve the area's access to wifi, broadband, and other new technologies</i>	Park and Open Space Improvements	
C. Pharmacy – \$3.75 million (15,000 sq ft at \$200 per sq ft, plus 25% for soft costs, financing, etc.) <i>A full-service pharmacy that fills prescriptions and offers convenience goods</i>	D. Soundwalls adjacent to Highway 101 – \$300,000 (\$600/foot) <i>Construct soundwalls between Highway 101 and Kelly Park to reduce sound</i>	A. Tree planting – \$10,000 per acre <i>Plant trees along streets and parks to increase tree canopy</i>	
D. Bank/ATM – \$1.88 million (3,000 sq ft at \$500 per sq ft plus 25% for soft costs, financing, etc.) <i>A bank or credit union branch with an ATM</i>		B. Bedwell Bayfront Park improvements – \$300,000 <i>Improve access to the park and trails within it</i>	
		C. Community garden(s) – \$26,000 to construct: ~0.3 acres, 25 beds, 2 picnic tables <i>Expand space for community to plant their own produce and flower gardens</i>	
		D. Dog park – \$200,000 for 0.5 acre (no land cost included) <i>Provide a dedicated, enclosed place where dogs can run</i>	



STAFF REPORT

Planning Commission

Meeting Date: 12/18/2023

Staff Report Number: 23-076-PC

Regular Business: Review of draft 2024 Planning Commission meeting dates and Planning Commission meeting start time

Recommendation

Staff recommends that the Planning Commission provide feedback on the proposed 2024 Planning Commission calendar, included as Attachment A, and discuss and provide feedback on the Planning Commission meeting start time.

Policy Issues

Review of the draft Planning Commission calendar does not raise any particular policy issues. The City Council adopted City Council Policy #CC-23-004 Commissions/Committees Policies and Procedures, Roles, and Responsibilities on June 27, 2023 through Resolution No. 6840 ("Commission Policy"). The adopted Commission Policy is included in Attachment B and defines the policies, procedures, and roles and responsibilities for Menlo Park's appointed commissions and committees.

Background

Each year, the Planning Commission reviews the Planning Commission calendar for the upcoming year. Some Planning Commissioners independently requested to discuss the Planning Commission meeting start time.

Analysis

Planning Commission 2024 schedule

Attachment A identifies the proposed 2024 Planning Commission meeting dates. The proposed meeting dates were selected with consideration of the following factors:

- Typical schedule of two meetings per month on Mondays;
- City holidays and other noted celebrations and religious holidays;
- Reduction of scheduling conflicts with other City Commission meetings; and
- Avoidance of back-to-back meetings when possible.

At times, the Planning Commission may also need to schedule study sessions or special meetings. These meetings can be scheduled on an as needed basis, and therefore, have not been identified on the calendar.

In addition to the above listed factors, the draft 2024 Planning Commission calendar takes into account Columbus Day/Indigenous Peoples' Day, which while not a City holiday, is observed by the local school districts and some government and private sector organizations. At the December 18 meeting, the

Commissioners should be prepared to discuss their schedules to determine if any modifications are needed to the draft schedule. Staff recognizes that schedule conflicts may arise in the future, but if the Commission can determine if any meeting dates would result in a lack of a quorum, these dates should be avoided now. For example, if a Planning Commissioner is aware of a particularly problematic conflict with a local school break, that can be discussed at this meeting.

The Planning Commission may make a formal motion/second and vote to approve the draft calendar (with or without revisions), or Commissioners may provide individual input for staff to review and finalize administratively. Once the Commission has approved the 2024 meeting dates or provided direction to staff, staff will provide the City Clerk with the information and update the City's webpage.

Planning Commission start time

The adopted Commission Policy includes the schedule of commission meetings. Individual Planning Commissioners have inquired about the meeting start time. Per the Commission Policy, the Planning Commission is identified as meeting twice a month on Mondays at 7 p.m. City Council approval is required for any commission-specific operational policies, including changes to the adopted meeting start time. All other commission/committees begin meetings between 5:30 p.m. and 6:30 p.m., with four of the seven commissions/committees (i.e. Complete Streets Commission, Housing Commission, Library Commission, and Parks and Recreation Commission) starting at 6:30 p.m. The Planning Commission may discuss recommending an alternate meeting start time for staff to evaluate and for the City Council to consider.

The Commission may provide direction to staff by a formal vote or individual direction to staff to summarize and bring to the City Council in the future for its consideration. If the Planning Commission recommends an alternate start time, City staff would bring the recommendation to the City Council as part of the next future update to the Commission Policy. Staff does not have an anticipated timeline for potential updates to the Commission Policy.

Impact on City Resources

Review of the draft Planning Commission calendar does not affect City resources. Modifications to the meeting start time would require planning, city manager's office, and city attorney resources but can be accommodated in the adopted city budget.

Environmental Review

Review of the draft Planning Commission calendar and a potential recommendation to modify the Planning Commission meeting start time are not "projects" under the California Environmental Quality Act (CEQA), and thus no environmental review is required.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Draft 2024 Planning Commission Calendar
- B. City Council Policy #CC-23-004 Commissions/Committees Policies and Procedures, Roles and

Responsibilities

Report prepared by:
Kyle Perata, Assistant Community Development Director

PLANNING COMMISSION

DRAFT MEETING DATES FOR 2024

January

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February

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25	26	27	28	29		

March

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24	25	26	27	28	29	30
31						

April

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May

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June

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July

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August

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September

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29	30					

October

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27	28	29	30	31		

November

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December

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22	23	24	25	26	27	28
29	30	31				

PC MEETINGS **CITY HALL CLOSED**

Note: meeting dates are subject to change

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004
 Adopted June 27, 2023
 Resolution No. 6840



Purpose
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
Authority
Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”
Background
<p>The City of Menlo Park currently has seven active Commissions. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Commission, Housing Commission, Library Commission, Parks and Recreation Commission, and Planning Commission. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution No. 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Six of the seven commissions listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code §65100 et seq., §65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-21-0022), and a Travel, Meal, and Lodging Policy (CC-19-002), which are also applicable to all advisory bodies.</p>
Policies and Procedures
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council’s attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council’s adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code §65100 et seq., §65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City’s duly elected representatives, the City Council. • Additional or other staff support may be provided upon a formal request to the City Council. • The staff liaison shall act as the commission/committee’s lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that their statements do not represent the position of the City Council. • Commission/Committee members will have mandatory training every two years regarding the Brown Act and

parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.

- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

City Councilmembers are assigned to serve in a liaison capacity with one or more city commission/committee. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, City Councilmembers may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

Typically, assignments to commission/committee liaison positions are made at the beginning of a City Council term in December. The Mayor will ask City Councilmembers which liaison assignments they desire and will submit recommendations to the full City Council regarding the various committees, boards, and commissions which City Councilmembers will represent as a liaison. In the rare instance where more than one City Councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the city clerk's office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the city clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.
- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Advisory Body Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being

provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

The city clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that they are speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion).

Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

Meetings and officers

1. *Agendas/notices/minutes*

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, city manager, city attorney, city clerk and other appropriate staff, as requested.
- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
- The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if they think it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by their signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, and Finance and Audit Commission shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month and the Finance and Audit Commission shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

The schedule of Commission meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 6:30 p.m.
- Environmental Quality Commission – Every third Wednesday at 6 p.m.
- Finance and Audit Commission – Third Thursday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month on a Monday at 7 p.m.

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that their participation is essential to a meeting, the following shall apply:

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

G. Memberships

Appointments/Oaths

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the city clerk or their designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

Application and selection process

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs. If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the city clerk's office and on the City's website.
- The city clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
- Applicants are required to complete and return the application form for each commission/committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by email are accepted.
- After the deadline of receipt of applications, the city clerk shall schedule the matter at the next available regular City Council meeting. All applications received will be submitted and made a part of the City Council agenda packet for their review and consideration. If there are no applications received by the deadline, the city clerk will extend the application period for an indefinite period of time until sufficient applications are received.
- Upon review of the applications received, the City Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the city clerk will provide notification to the applicants of the decision of the City Council.
- If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
- The selection/appointment process by the City Council shall be conducted at a City Council meeting. The city clerk will ask each City Councilmember for their nominations; the number of nominations is limited to the number of vacancies. The candidate that receives a majority of nominations will be appointed. If there is a tie, multiple rounds of voting will occur.
- Following a City Council appointment, the city clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the commission/committee chair.
- An orientation will be scheduled by the city clerk following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

Attendance

- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that they will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

Compensation

- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-19-002).

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City pursuant to Government Code §87300 et seq. Copies of the conflict of interest code are filed with the city clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Complete Streets Commission, Housing Commission, and Planning Commission are required to file a Statement of Economic Interest with the city clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify themselves from making or participating in a governmental decision, or using their official position to influence a governmental decision. Questions in this regard may be directed to the city attorney.

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee.

Reappointments, resignations, removals

- Incumbents seeking a reappointment are required to complete and file an application with the city clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one-year period is flexible subject to City Council's discretion).
- Resignations must be submitted in writing to the city clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

Term of office

- Unless specified otherwise, the term of office for all commission/committees shall be four (4) years unless a resignation or a removal has taken place.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
- If a member resigns before the end of their term, a replacement serves out the remainder of that term.

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are posted by the city clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code §54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the city clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public. (Government Code §54972, Maddy Act).

Roles and Responsibilities

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on realizing the City's adopted goals for complete streets, vision zero, climate action plan, and provide input on major land use and development projects as it relates to transportation. The Complete Streets Commission's responsibilities include:

- To advance the goals of the city's newly adopted climate action plan by making alternatives to driving safer and more attractive
- Advise City Council on the implementation of the transportation master plan.
- Continue to advocate for and advise the City Council on planning and installing pedestrian and bicycle rail crossing and safe cycling/pedestrian infrastructure.
- Continue to support City Council in ongoing initiatives to improve access to Downtown and support downtown businesses.
- Continue to support the implementation of the Safe Routes to School strategy and advocate for community engagement, program continuity and engineering implementation.
- Continue to support City Council's role as a stakeholder with regard to regional multi-modal and transportation demand management programs projects to increase

Environmental Quality Commission

The Environmental Quality Commission is committed to helping the City of Menlo Park to be a leading sustainable city that inspires institutions and individuals and that is well positioned to manage present and future environmental impacts, including the grave threat of climate change. The Environmental Quality Commission is charged primarily with advising the City Council on matters involving climate change, environmental protection, and sustainability.. Specific focus areas include:

- Climate Action Plan - Advise and recommend on the implementation of the climate action plan.
- Climate Resilience and Adaptation - Ensure that our most vulnerable communities have a voice in policies and programs to protect their communities from environmental impacts.
- Urban Canopy - Leverage best practices to advise/recommend on the preservation of heritage trees, city trees and expansion of the urban canopy; and make determinations on appeals of heritage tree removal permits.
- Green and Sustainable Initiatives – Support sustainability initiatives, as needs arise, which may include city-led events, habitat protection, healthy ecology, environmental health protection, healthy air, surface water runoff quality, water conservation and waste reduction.

Finance and Audit Commission

The Finance and Audit Commission is charged primarily to support delivery of timely, clear and comprehensive reporting of the City's fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan

Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City’s libraries and library systems. Specific focus areas include:

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning’s, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

Special Advisory Bodies

The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the city clerk for City Council consideration and approval.

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261
Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377
Procedure adoption	6/8/2021	Resolution No. 6631

Procedure adoption	3/1/2022	Resolution No. 6706
Procedure adoption	3/8/2022	Resolution No. 6718
Procedure adoption	9/20/2022	Resolution No. 6776
Procedure adoption	1/10/2023	Resolution No. 6803
Procedure adoption	6/27/2023	Resolution No. 6840