



REGULAR MEETING AGENDA

Date: 3/28/2022
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 871 4022 8110

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: In accordance with Government Code section 54953(e), and in light of the declared state of emergency, all members of the Planning Commission, city staff, applicants, and members of the public will be participating by teleconference.

How to participate in the meeting

- Submit a written comment online up to 1-hour before the meeting start time:
PlanningDept@menlopark.org *
- Access the meeting real-time online at:
zoom.us/join – Meeting ID# 871 4022 8110
- Access the meeting real-time via telephone (listen only mode) at:
(669) 900-6833
Regular Meeting ID # 871 4022 8110
Press *9 to raise hand to speak

*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the Planning Commission at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. 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.org/agenda).

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, and items listed under Consent Calendar. Each speaker may address the Commission once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Consent Calendar

- E1. Approval of minutes and court reporter transcript from January 24, 2022, Planning Commission meeting. ([Attachment](#))

F. Public Hearing

- F1. Use Permit and Variance/Heather Young/811 Bay Road:
Request for a use permit to demolish an existing church and construct two new, two-story, single-family residences on a substandard lot with regard to minimum lot width in the R-3 (Apartment) zoning district. The proposal includes a request for a variance for the new residences to encroach into the required 20-foot separation between main buildings located on adjacent lots. The project also includes administrative review of a condominium map. ([Staff Report #22-016-PC](#))
- F2. Use Permit, Architectural Control, Below Market Rate Housing Agreement, Heritage Tree Removals, and associated Environmental Review/Andrew Morcos for Greystar/ 165 Jefferson Drive (Menlo Flats Project):
Request for a use permit, architectural control, environmental review, below market rate (BMR) housing agreement, heritage tree removals, and BMR housing density bonus to redevelop the project site with approximately 158 multi-family dwelling units and approximately 15,000 square feet of commercial space on a 1.38-acre parcel. The proposed mixed-use building would be eight stories in height, including three levels of above grade podium parking. The commercial space would be located on the first and second floors. The project site is located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains a one-story, approximately 24,300-square foot office building that would be demolished. The proposed building would contain approximately 153,964 square feet of gross floor area of residential uses with a floor area ratio of approximately 256 percent. The proposed building would contain a commercial component of approximately 15,000 square feet of gross floor area with a floor area ratio of approximately 25 percent. The proposal includes a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The applicant is proposing to pay the community amenities in-lieu fee for the proposed project. The proposed project would include a below market rate housing agreement that requires a minimum of

15 percent of the units (or 21 units of the 138 maximum units allowed by the Zoning Ordinance before accounting for the 20 bonus units) be affordable. The applicant is proposing to incorporate 20 additional market-rate units (which are included in the total 158 units), per the density bonus provisions in the BMR Housing Program (Chapter 16.96.040), which allows density and FAR bonuses, and exceptions to the City's Zoning Ordinance requirements when BMR units are incorporated into the project. The proposed project includes the removal of two heritage trees. ([Staff Report #22-017-PC](#))

G. Study Session

- G1. Study Session/Nick Menchel/333 Ravenswood Avenue (Parkline): Request for a study session on a master plan development to comprehensively redevelop the SRI campus with a residential, office, research and development, and retail mixed-use project. The proposed project includes requests for a general plan amendment, zoning ordinance amendment, rezoning, conditional development permit (CDP), development agreement (DA), architectural control, vesting tentative map, and below market rate (BMR) housing agreement. The project would necessitate the preparation of an environmental impact report (EIR) in compliance with the California Environmental Quality Act (CEQA). ([Staff Report #22-018-PC](#))

H. Informational Items

- H1. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.
- Regular Meeting: April 11, 2022
 - Regular Meeting: April 25, 2022

I. Adjournment

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

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

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

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

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 03/23/22)



REGULAR MEETING DRAFT MINUTES

Date: 1/24/2022
Time: 7:00 p.m.
Location: Zoom

A. Call To Order

Chair Michael Doran called the meeting to order at 7:00 p.m. At Chair Doran's request, Associate Planner Matt Pruter explained how applicants and the public would be able to participate in the virtual meeting.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy (Vice Chair), Michael Doran (Chair), Cynthia Harris, Camille Gonzalez Kennedy, Henry Riggs, Michele Tate

Staff: Deanna Chow, Assistant Community Development Director; Fahteen Khan, Assistant Planner; Ori Paz, Associate Planner; Kyle Perata, Acting Planning Manager; Matt Pruter, Associate Planner; Corinna Sandmeier, Acting Principal Planner; Tom Smith, Acting Principal Planner

C. Reports and Announcements

Acting Principal Planner Corinna Sandmeier said the City Council at its January 25, 2022 meeting would consider an Urgency Ordinance to continue the Downtown Street Closure Program.

D. Public Comment

Chair Doran opened Public Comment and closed it as there were no speakers.

E. Consent Calendar

- E1. Approval of minutes and court reporter transcript from the November 15, 2021, Planning Commission meeting. (Attachment)

Commissioner Chris DeCardy asked to pull Item E1 from the Consent Calendar. He referred to the middle of page 12 of the November 15, 2021 minutes that stated "that at this point in the meeting, Commissioner Tate seemed absent." He said that seemed conjectural and unfair to Commissioner Tate. He asked if staff could clarify whether Commissioner Tate was present or absent at that point.

Commissioner Michele Tate said her recall was she had stated she would need to leave the meeting at a certain time.

Commissioner DeCardy suggested the minutes be corrected to indicate that Commissioner Tate had left the meeting.

ACTION: M/S (DeCardy/Kennedy) to approve the minutes and court reporter transcript from the November 15, 2021 Planning Commission meeting with the following modification; passed 6-0-1

with Commissioner Cynthia Harris abstaining.

Page 12, correct to read: "Commissioner Tate left the meeting."

- E2. Approval of minutes from the November 22, 2021, Planning Commission meeting. (Attachment)

ACTION: M/S (Henry Riggs/Camille Gonzalez Kennedy) to approve the Consent Calendar Consisting of the minutes from the November 22, 2021 Planning Commission meeting as presented; passed 7-0.

F. Presentation Item

- F1. Presentation for a Master Plan/Signature Development Group and Peninsula Innovation Partners, LLC on behalf of Meta Platforms, Inc. (formerly Facebook, Inc.)/1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court:

Receive a presentation on the proposed Willow Village mixed-use master plan development. This presentation would allow for the Planning Commission and members of the community to learn more about the proposed project. The proposed Master Plan would comprehensively redevelop an approximately 59-acre existing industrial, research and development (R&D), and warehousing campus with up to 1,730 housing units, up to 200,000 square feet of retail uses, up to 1,600,000 square feet office campus for Meta, formerly Facebook consisting of up to 1,250,000 square feet of office space and the balance (i.e., 350,000 square feet if office space is maximized) of accessory space in multiple buildings, a 193 room hotel, and publicly accessible open space including an approximately 3.5 acre publicly accessible park. The proposal includes a request for an increase in height, floor area ratio (FAR), and density under the bonus level development allowance in exchange for community amenities. The proposed project also includes the realignment of Hamilton Avenue and an elevated park to connect the main project site with the Belle Haven Neighborhood Shopping Center. The project would also consider reconstruction of an existing service station at 1399 Willow Road and an approximately 6,700 square foot expansion at the Belle Haven neighborhood shopping center as a future separate phase. The main project site encompasses multiple parcels zoned O-B (Office) and R-MU-B (Residential Mixed Use). The gas station and shopping center parcels are zoned C-2-S (Neighborhood Shopping, Restrictive). (Staff Report #22-005-PC) *This item was continued from the January 10, 2022 Planning Commission meeting.*

Chair Doran said for the record that he had met with Meta staff and the project developers both in person pre-Covid and more recently on zoom calls regarding this project. He said he did not think these conversations would affect his impartiality regarding the project as it came before the Commission.

Staff Comment: Acting Planning Manager Kyle Perata said this presentation was an opportunity for the applicant team to reintroduce the project to the Commission and community members. He said since publication of the staff report for the January 10th Planning Commission meeting (when item was originally scheduled and continued) that staff had received four additional items of correspondence. He said those had been forwarded separately to the Planning Commission. He said the project was in the environmental review development phase and plan review phase. He noted the upcoming formal items for Planning Commission consideration and noted that this presentation should not involve lengthy discussion.

Applicant Presentation: Mike Ghielmetti, Signature Development Group, said they had made numerous changes since an initial study session for the project in 2019. He said they hoped the

Draft Environmental Impact Report (DEIR) would be released sometime in the first quarter of 2022. He provided an overview of existing site conditions and the events and activities leading to a new plan in 2019. He said in 2020 they had to change how community outreach was done due to Covid, but they were able to talk with many people. He said in 2021 they did more detailed architectural submittals informed by what people had said, which was to minimize traffic, improve the connections and connectivity with the surrounding neighborhoods, especially Belle Haven, do a better job with the jobs and housing balance, increase the amount of housing and particularly the amount of affordable housing, deliver the promised neighborhood services faster including grocery and other retail and services, and provide more and better publicly accessible open space.

Mr. Ghielmetti highlighted the major plan revisions and updates that included: a 30% reduction in office space / employee capacity for a 30% reduction in office traffic and better jobs / housing balance. He said they also created a direct connection from Belle Haven, increased affordable housing from 15% to 18%, accelerated the full-service grocery store to Phase 1, improved and increased the size of the Town Square and added more open space, trails and gardens.

Paul Nieto, Signature Development Group, said this was a one-of-a-kind development blending a community with a tech campus, which typically were standalone and very secure. He said responding to feedback they moved significant parking underground to service retail, office and hotel visitors. He provided a virtual walking tour of the project.

Chair Doran referred to the comment that the office space was being reduced 30% and office traffic reduced 30% and noted that the amount of square footage being developed was not reduced. He asked if the space removed from office use was being used for meeting or conference room use. Mr. Ghielmetti said the office space was being reduced to 1.25 million square feet and there was about 350,000 square feet for meeting facilities / collaboration space. He said it was not just a reduction of office space but also about a 30% reduction in employee count.

Chair Doran opened for public comment.

Public Comment:

- Corey Smith, Housing Action Coalition, a Bay Area nonprofit, said he and his organization strongly supported the Willow Village project proposal.
- Justin Wang, Greenbelt Alliance, an environmental nonprofit, said after careful review his organization was pleased to endorse the proposed Willow Village project.
- Ken Chen, Housing Leadership Council of San Mateo County, said all office development should include housing including affordable housing. He said the proposed project was a step in the right direction.
- Bonnie Lamb, Belle Haven, said she strongly supported the proposed Willow Village project, noting favorably the community outreach and the design team's positive response to community input.
- Fran Dehn, Menlo Park Chamber of Commerce, said the Chamber viewed the proposal as a model of corporate campus expansion and noted that the developers had listened to the

community and delivered in response to that input. She encouraged the Commission to support the project once it came back for review.

- Vince Rocha, Vice President, Housing and Community Development with the Silicon Valley Leadership group, said the Group was founded to address issues of housing, energy and environment for the community. He said the proposed Willow Village project addressed all those issues and more. He said the Leadership Group fully supported the proposed project.
- Adrian Brandt said he served on the Caltrain Citizens Advisory Committee but was speaking as an individual. He referred to a study to reactivate the Dumbarton Rail Corridor by this project's proponent but since the pandemic that support seemed to have evaporated. He urged the development team to do all it could to encourage Meta to reexamine its support and consider at least a scaled back implementation for some rail service or transportation service on that corridor, and at least link Caltrain to Redwood City and potentially Bart across the Bay.
- Karen Eshoo, Head of School, Midpeninsula High School, said the proposed open space park was on the lot line their school shared with Meta. She said they were partnering with the development team and thought it was a great project. She said they were also discussing how they might work together for the addition of a few classrooms to their campus over the next few years and improving the current space by adding windows to one side.
- Pam Jones, Belle Haven, said she had written letters about the project. She said as a standalone project it was fantastic, but missing in the discussion was the fact of the pre-pandemic 16,000 Facebook employee count in its buildings. She said this project would add about another 6,000 employees. She said it was known that Facebook had intended to have 35,000 employees. She said they needed to look at everything as a whole and the current traffic nightmare on Hamilton Avenue would increase and worsen post-pandemic. She commented favorably on the Signature Development Group's work with the community. She said the community would benefit if even more was done to balance housing / jobs and affordable housing, noting the increased homeless population in the area. She said consideration would need to be made about the over-park particularly about its safety. She referred to the corner of Willow Avenue and Hamilton Avenue and preserving current services and retail there.

Chair Doran closed public comment.

Commission Comment: Commissioner Henry Riggs commented favorably on the project proponent's responsiveness, and noted in particular the realignment of Hamilton Avenue. He said the project's sustainability efforts were notable. He made varied comments about sidewalks. He referred to Mr. Brandt's comments about the Dumbarton Corridor transit opportunity and the additional traffic impacts. He said he understood potential federal assistance for Dumbarton Corridor was available.

Commissioner Andrew Barnes commented on the need for data regarding traffic and future study and assessment.

Commissioner Harris said the community was very concerned about traffic and she was concerned also about safety crossing Hamilton Avenue noting accessibility for Belle Haven residents. She echoed Mr. Brandt's comments about Dumbarton Corridor revival.

Commissioner Doran said traffic for many in the community was the greatest impediment to support the project proposal. He said an obvious solution was rail transit to Redwood City and to the East Bay.

Commissioner Tate expressed enthusiasm for additional affordable housing. She said traffic and safety were an issue. She said Dumbarton Rail was interesting. She suggested having access to Bayfront from inside of the property, the newly created area, would probably relieve some of the traffic on Willow Road.

G. Regular Business

- G1. Determination of Substantial Conformance/709 Harvard Avenue: Review of staff determination that exterior material changes to siding, windows and doors at the main house and detached garage, and window and door relocations, are in substantial conformance with the previous approval. (Attachment)

Commissioner Camille Gonzalez Kennedy recused herself from the item.

Staff Comment: Assistant Planner Fahteen Khan said the applicant had since the memo was distributed had written the windows would be simulated divided lights with spacer bars.

Applicant Presentation: Patrick Williams introduced his wife Lori Lyons-Williams and said he understood there was a question about the grills on the windows. He referred to a visual presentation and noted that through the demolition portion they found extensive water and termite damage throughout the house. He said they had to remove about 70% of the lumber and had worked with Planning staff on revised plans part of which was a revised window plan in July 2020. He said the windows they intended to use had been shown on all of the plans except not the rendering that was part of the Commission's approval. He showed slides of the windows and doors.

Commissioner Riggs said he had questioned why the windows were not simulated true divided light windows, but it was clarified this evening that they were. He moved to find that the project was in substantial conformance. Commissioner Harris seconded the motion.

ACTION: M/S (Riggs/Harris) to find that exterior material changes to siding, windows and doors at the main house and detached garage, and window and door relocations, were in substantial conformance with the previous approval; passed 6-0 with Commissioner Kennedy recused.

H. Public Hearing

- H1. Use Permit/Charlene Cheng/269 Willow Road:
Request for a use permit to construct a new two-story residence with an attached garage on a substandard lot with regard to minimum lot depth in the R-1-U (Single Family Urban Residential) district. The parcel is a vacant panhandle lot, with access via an easement located over 267 and 275 Willow Road, and 269 Willow Road is proposed as the new address for the subject parcel. (Staff Report #22-006-PC)

Staff Comment: Associate Planner Ori Paz said Commissioner Andrew Barnes was recused for this item. He said since publication of the staff report correspondence was received from a neighbor that had been added to the agenda online. He said another piece of correspondence received before this meeting raised concerns about the proposed change to the fence between the subject property and

the property to its left at 247 Willow Road. He said a comment was received from a neighbor regarding an inconsistency in the arborist report. He said staff confirmed that the tree numbers shown in the tree inventory and in the tables shown on the plans were shown consistently. He said however the labels on the photos within the arborist's report did not reflect the accurate numbers in the table. He said staff was recommending a specific project condition: *Simultaneous with the submittal of the complete building permit application, the applicant would be required to provide an updated arborist report that corrected those photo labels for the trees to be shown consistent with the tree inventory table and the project plans, subject to review and approval by Planning staff.*

Questions of Staff: Commissioner DeCardy confirmed the lot was nonconforming because of lot depth. He referred to Attachment C and said if the width and depth were switched the lot would be conforming. He suggested it was a unique parcel and he was unclear why the project was coming before the Commission.

Planner Paz said the front of the lot was where the access from the right of way reached the property.

Applicant Presentation: Henry (Hong) Zeng, project architect, made a visual presentation noting the vacant lot and easement to it. He referred to lot restraints and said they were careful to set the second story back from the side yards and neighbors' properties. He said the project would have a one-car garage. He said it was a Colonial style home and that design worked well for this lot.

Commissioner Riggs noted the dormer windows and asked if attic space was intended. Mr. Zeng said those were to provide light to the first-floor rooms.

Chair Doran opened the public hearing.

Public Comment:

- Josh Spira, 245 Willow Road, said he had a question about the fence on the plan and that in the diagram just shown by the architect. He said the fence currently was seven feet tall, but would be reduced to four feet towards the front of the new proposed property line because of City regulation. He said removal of their existing seven-foot-tall fence and reducing a portion of it to four feet was invasive to their privacy. He said he would like the current fence to be retained noting it was in good shape or that it be replaced with another seven-foot fence.
- Rick Schwartz said he and his wife lived at 254 Santa Margarita, which was immediately to the rear of the subject property. He said in reviewing the plans they noticed aspects that they believed would significantly degrade the aesthetics and privacy for their property. He said he and his wife also have a cottage at the rear of their property about 20 feet from the property line. He said it was not shown on the area plan although two other out buildings on their property were. He said the rear wall they would see lacked articulation and was 48-foot long, 20-foot high, not counting the roof and not counting the additional one-story 15-foot wings on both sides. He said they would have six second-story windows overlooking their property particularly their cottage. He said portions of the proposed deck behind the structure would stretch to within three feet of their property line. He said only three small trees of the total six trees currently there would remain in the 20-foot setback behind their property. He said two of the three trees that would stay were on the sides and not between them and the rear of the subject house. He said they had requested in writing that the footprint of the new home be moved four and a half feet closer to Willow Road to the minimal 20-foot setback at the rear of the property as that would increase

privacy and allow for more plantings. He said they requested that the rear wall of the structure be articulated to reduce the massiveness, to reduce the number of second story windows at the rear, and to increase the number of trees or tall plants to provide year-round screening between the proposed structure and their property line.

- Samira Bozorgi said she and her husband Josh Spira requested the Commission consider the unique nature of their property as the side yard they shared with the subject property was their backyard, and that was why they had a vested interest in a seven-foot fence remaining. She also asked that more screening be considered along the fence line as well to increase property privacy.

Chair Doran closed the public hearing.

Commission Comment: Chair Doran referred to the question of the fence. He said 245 Willow Road was next to the subject property's side defined as the side. He said it seemed zoning regulations regarding front fences was being applied to this side yard and asked why. Planner Paz said it had to do with the lot orientation. He said similarly to the subject property 245 Willow Road was accessed at a T juncture so the front property line of it and the subject property were parallel to Willow Road. He said the front setback of 20 feet was applied and within that zoning a maximum four-foot fence was allowed. He said beyond the front setback fences were allowed to be up to seven feet in height in residential areas. He said a conditional use permit application might be made to allow for a taller fence in the front setback area, but that request was not made within the use permit application for the subject property. He said as that was not noticed the Commission would not be able to take action this evening on it.

Replying to Chair Doran, Mr. Zeng said a taller fence was fine, but they had tried to respect the City's code and requirements. He said they could help the neighbor file the application or something to have a taller fence or they were fine if the existing fence was kept. He referred to the public speaker's request to move the footprint. He said they had a little room to move in but needed a minimum 25 feet garage depth and 25 feet for backup turning radius for a car. He noted the easement to the front and side. He referred to the question of articulating the second floor. He said it was a very narrow site and they felt articulating the longer northern side to step down to the first floor was much more effective to the overall massing. He said with the seven-foot backyard fence that the nine-foot ridge line was probably just barely visible. He said he had a conversation with their landscape architect and they were happy to provide more trees for privacy screening.

Chair Doran said it sounded like the two property owners were willing to keep the existing tall fence. He asked how to ensure that could happen.

Commissioner Riggs said for all intents and purposes this was a vacant conforming lot and the set of rules that applied 99% of the time did not do quite so well for this property. He said he had no objections to the project and it was well executed. He said the Colonial-style design had been done correctly. He said he appreciated the responsiveness about planting additional trees in the lower right corner to address the request from the property owners of 254 Santa Margarita Avenue and noted that would hopefully become a condition. He said he was embarrassed that a requirement for a four-foot fence at the street was applied 100 feet deep in a pan handle lot. He said he understood you could not have a seven-foot fence within 20 feet of a public right of way but to define it as the front facing edge of the lot rather than the right of way was difficult for him to hear. He asked if staff could look at the option to interpret the code as meaning 20 feet from the right of way. He said the applicant knew of the code and did not ask at least for the neighbor's sake to not be required to

demolish the existing fence, which in his opinion this project had no right to do nor was the applicant's attention brought to the potential to request use permit exception for the existing fence. He asked if staff could be asked to look again at the requirement regarding the fence.

Planner Paz said the codified language was clear about the height of fences not exceeding four feet in the required front setback. Planner Sandmeier said this had consistently been applied for pan handle lots and it was not something over which staff had discretion. She said if the applicant would like to amend their application, then one way forward would be to continue the project and re-notice it for a future meeting. She said there might be room on the February 14th agenda.

Replying to Chair Doran, Mr. Zeng said they were open to keeping the existing fence. He conferred with the property owners and they agreed with the suggestion to continue the project to amend the application with a request to keep the existing seven-foot fence.

Commissioner Harris said she was sorry if the project would need to be continued but hoped if it were that it could be added to the next meeting agenda as she thought it would be a quick item.

Planner Sandmeier said they would need to look at the items lined up for the next agenda. She said alternatively the project could be approved as it was and not continued.

Chair Doran said they could not approve the project with a condition to keep the existing fence.

Commissioner Riggs moved to continue the project to the next available meeting to allow the applicant to apply for a use permit for the fence height noting he expected it to need only a brief review. He said also if continued privacy trees could be added to the plans. He moved to continue. Chair Doran seconded the motion.

ACTION: M/S (Riggs/Doran) to continue; passed 6-0-1 with Commissioner Barnes recused.

H2. Environmental Impact Report (EIR) Scoping Session/6th Cycle Housing Element and Safety Element Updates and Environmental Justice Element of the City of Menlo Park General Plan/City of Menlo Park:

Preparation of an EIR for the 6th Cycle Housing Element and Safety Element Updates and a new Environmental Justice Element for the City's General Plan (collectively referred herein as "the Housing Element Update project") in compliance with the requirements of the California Environmental Quality Act (CEQA). The EIR will be a Subsequent EIR to the City's 2016 General Plan EIR (State Clearinghouse Number 2015062054). The Project analyzed in the EIR would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing, safety, and environmental justice that would apply citywide. General Plan amendments would also include conforming amendments to other elements of the General Plan necessary to ensure internal consistency. Amendments to the El Camino Real and Downtown Specific Plan and the Zoning Ordinance would also be necessary to modify development standards for certain zoning districts and the Affordable Housing Overlay (AHO) district to allow higher residential densities for the production of more housing. In addition, the Housing Element would identify specific sites appropriate for the development of multifamily housing (in particular affordable units), and the City would rezone those sites as necessary to meet the requirements of State law. The preliminary list of existing and proposed sites that can accommodate development of multifamily housing includes sites that are located across the city, and is subject to refinement based on additional public input and review of the draft Housing Element by the Department of Housing and Community Development of the State of California. It is anticipated the

Project would complete a full EIR and no topic areas would be scoped out with the exception of Agricultural and Forestry Resources and Mineral Resources, which are topic areas that are not anticipated to require further analysis. (Staff Report #22-007-PC)

Item was transcribed by a court reporter.

I. Informational Items

I1. Future Planning Commission Meeting Schedule

Assistant Community Development Director Chow said for the next two upcoming meetings a study session was targeted for a project in the Bayfront area and potentially modifications to the Citizen M hotel project approved a few years prior. She said they would also bring back the Housing Element Annual Progress Report, which was due to the state Housing and Community Development Department by April 1.

Commissioner Riggs referred to the earlier item wherein a four-foot fence was required in the front setback rather than the fence being defined by its location to the public right of way. He said since that exception was generally addressed through a use permit application and not through editing the ordinance, he was curious what other elements of Chapter 16 led to use permit requirement to correct the wording applicable to a project. He requested through the Chair that they consider an agenda item to bring such zoning edits forward to address some “nuisance” items. Chair Doran said he was inclined to agendaize that matter and requested staff provide a framework for that in the future.

Commissioner Barnes said the long agenda packets without hyperlinks was difficult to use. He asked if they could reintroduce an agenda with the agenda items each having a hyperlink. Chair Doran responded that clicking on the icon in the upper left corner provided a table of contents with the list of staff reports, each of which could be opened via that list. He said he found it frustrating that once within the staff report it was difficult to navigate the drawings and exhibits.

Ms. Chow said they were excited to have their new webpage and were evolving with it. She said like Chair Doran indicated there was a table of contents within the agenda packet in the pdf and within the staff reports you could click the triangle (greater than/less than) that lists out each attachment so the user could jump to that attachment. She said they were now also hyperlinking the staff report on the agenda to that item in the full packet.

Commissioner Riggs said it had been eight to 10 weeks that IT had been working to make sure he received the biweekly invite to the Commission meetings, which he stopped receiving somewhere around November 2021.

- Regular Meeting: February 14, 2022
- Regular Meeting: February 28, 2022

J. Adjournment

Chair Doran adjourned the meeting at 11 p.m.

Staff Liaison: Corinna Sandmeier, Acting Principal Planner
Recording Secretary: Brenda Bennett

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CITY OF MENLO PARK
PLANNING COMMISSION



In re:

EIR SCOPING SESSION/6th CYCLE
HOUSING ELEMENT AND SAFETY ELEMENT
UPDATES AND ENVIRONMENTAL JUSTICE
ELEMENT OF THE CITY OF MENLO PARK
GENERAL PLAN/CITY OF MENLO PARK
_____ /

ENVIRONMENTAL IMPACT REPORT
SCOPING SESSION
REPORTER'S TRANSCRIPT OF PROCEEDINGS

Monday, January 24, 2022

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ATTENDEES

THE PLANNING COMMISSION:

- Michael C. Doran - Chairperson
- Henry Riggs
- Michelle Tate
- Chris DeCardy - Vice Chairperson
- Andrew Barnes
- Cynthia Harris
- Camille Gonzalez Kennedy

SUPPORT STAFF:

- Matt Pruter
- Tom Smith

PROJECT PRESENTERS:

- Luke Evans, ESA

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on January 24, 2022, via ZOOM Videoconference, before me, AMBER ABREU-PEIXOTO, CSR 13546, State of California, there commenced a Planning Commission meeting under the provisions of the City of Menlo Park.

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1 Monday, January 24, 2022

9:31 p.m.

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P R O C E E D I N G S

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CHAIR DORAN: Next item on our agenda is

6

Environmental Impact Report Scoping Session/6th Cycle

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Housing Element and Safety Element Updates and

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Environmental Justice Element of the City of Menlo Park

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General Plan/City of Menlo Park: Preparation of an EIR

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for the 6th Cycle Housing Element and Safety Element

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Updates and a new Environmental Justice Element for the

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City's General Plan (collectively referred herein as "the

13

Housing Element Update project") in compliance with the

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requirements of the California Environmental Quality Act

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(CEQA).

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The EIR will be a Subsequent EIR to the City's

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2016 General Plan EIR (State Clearinghouse Number

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2015062054). The Project analyzed in the EIR would

19

include adoption of General Plan amendments that would add

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or modify goals, objectives, policies, and implementation

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programs related to housing, safety, and environmental

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justice that would apply citywide.

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General Plan amendments would also include

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conforming amendments to other elements of the General

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Plan necessary to ensure internal consistency.

1 Amendments to the El Camino Real and Downtown
2 Specific Plan and the Zoning Ordinance would also be
3 necessary to modify development standards for certain
4 zoning districts and the Affordable Housing Overlay (AHO)
5 district to allow higher residential densities for the
6 production of more housing.

7 In addition, the Housing Element would identify
8 specific sites appropriate for the development of
9 multifamily housing (in particular affordable units), and
10 the City would rezone those sites as necessary to meet the
11 requirements of State law.

12 The preliminary list of existing and proposed
13 sites that can accommodate development of multifamily
14 housing includes sites that are located across the City,
15 and is subject to refinement based on additional public
16 input and review of the Draft Housing Element by the
17 Department of Housing and Community Development of the
18 State of California.

19 It is anticipated the Project would complete a
20 full EIR and no topic areas would be scoped out, with the
21 exception of Agricultural and Forestry Resources and
22 Mineral Resources, which are topic areas that are not
23 anticipated to require further analysis.

24 We do have a Staff Report by Mr. Smith, who is
25 with us tonight.

1 Do you have any additions or corrections to the
2 Staff Report?

3 MR. SMITH: Good evening, Chair Doran and
4 Commission members.

5 Actually, I have a brief presentation that I
6 would like to give to begin. But while we're loading
7 that, I would note that we received two items of
8 correspondence today on the project, and those have been
9 updated in the Agenda packet. One is from Misha Silin,
10 and it's going into details about concerns of the sites
11 that will be included in the 6th Cycle Housing Element and
12 whether those are feasible for development or if we need
13 to add more sites to the element out of concerns that we
14 may not actually develop the amount of housing that is
15 anticipated from the modifications that are proposed.

16 And the other item is from Jacqueline Wender.
17 And she provided some comments appreciating the inclusion
18 of transportation and climate change to be studied in the
19 EIR and then wanted more clarification on impacts to
20 school districts and individual schools, and thinks that
21 the NOP should call out specifically educational impacts;
22 and then also endorses the approach to increasing
23 residential housing in the downtown area and on City
24 parking lots.

25 So I will pull up my presentation here. Bear

1 with me one moment while I -- it seems to be -- let me see
2 if I can move back. Okay.

3 All right. Thanks for your patience.

4 So the purpose of this meeting is a Scoping
5 Session to receive comments on the scope and content of an
6 Environmental Impact Report, which we call an EIR. And an
7 EIR analyzes the effects of a proposed project on the
8 physical environment in areas, like traffic and air
9 quality, greenhouse gas emissions, other topics as well.
10 So it provides -- a Scoping Session provides an early
11 opportunity to comment on topics that should be addressed
12 in an EIR.

13 And in particular, this EIR will be prepared to
14 evaluate potential environmental effects of changes to the
15 City's General Plan. And the General Plan is a guide to
16 see the vision for the future that informs local decisions
17 about land use and development in various topic areas.
18 And those topic areas are called "elements."

19 So for this particular project, we are looking at
20 an update to the existing Housing Element and related
21 rezoning in other zoning ordinance amendments, an update
22 to the existing Safety Element, and a new Environmental
23 Justice Element.

24 There will be no project actions at this meeting.
25 As I mentioned, it is to receive comments on the scope and

1 content, prior to really digging into the EIR. And more
2 information about the EIR for the Housing Element Update
3 project will be provided in a presentation that will
4 follow mine by the City's environmental consultant, ESA.

5 So the three elements that I just referenced,
6 we'll start out with the first one, the Housing Element
7 Update. The Housing Element is a state-mandated element
8 of the General Plan. And it will cover an eight-year
9 planning period from 2023 to 2031, which is also referred
10 to as the "6th Cycle."

11 And the Housing Element must analyze existing and
12 protected housing needs and update goals, policies,
13 objectives and implementation programs for housing at all
14 income levels for the City.

15 The Housing Element must include an inventory of
16 sites that permit housing development to meet the target
17 set by the state. And this target number, we refer to it
18 as "RHNA," which stands for the Regional Housing Needs
19 Allocation.

20 So for the 6th Cycle, the City's RHNA is 2,946
21 units. And if we include a 30 percent buffer, the RHNA is
22 3,830 units. The California Department of Housing and
23 Community Development advised that a buffer of additional
24 units is necessary so that if one or more of the housing
25 sites that we identify are to develop lower densities than

1 expected, there's still a remaining supply of housing
2 sites to meet our RHNA during the eight-year planning
3 period.

4 If there is no buffer and then an identified site
5 develops with non-housing project or a density that was
6 less than what was anticipated in the Housing Element, the
7 City could be required to identify new sites and amend the
8 Housing Element. So it's important to include this buffer
9 to avoid having to go back and reopen the Housing Element
10 later on.

11 I would also note that while state law requires
12 the Housing Element to include an inventory of housing
13 sites and requires the City to zone the sites for
14 multifamily housing, the City is not actually in the
15 position to develop and construct housing on these sites.
16 The development is going to depend on the interests of the
17 property owners and market forces at work.

18 So the second element that's being updated is the
19 Safety Element. And Safety Element is also a
20 state-mandated General Plan element. It focuses on
21 protection of the community from risks due to climate
22 change, earthquakes, floods, fires, toxic waste, and other
23 types of hazards. And it specifies the measures that the
24 City will take to reduce the potential risks from those
25 hazards.

1 The reason that we are updating the Safety
2 Element is to bring it into compliance with recent state
3 law. And so the things that will be evaluated, as
4 examples, are addressing residential development
5 evacuation routes in hazard areas, assessing local
6 vulnerability to different climate hazards, and developing
7 policies and actions towards climate adaptation and
8 resiliency.

9 The third component that I mentioned earlier on
10 was an Environmental Justice Element for the City's
11 General Plan. And this is the first time that the City
12 has had an Environmental Justice Element in our General
13 Plan.

14 The purpose of the Environmental Justice Element
15 is to address unique or compounded health risks within
16 Disadvantaged Communities, also called "DACs," as defined
17 by the state. And Disadvantaged Communities are areas
18 throughout California that are most burdened by economic,
19 health, and environmental issues.

20 And so the types of burdens that could be
21 experienced in these communities would include poverty,
22 high unemployment, hazardous waste exposure, air and water
23 pollution, things like that. And the way -- one way the
24 state identifies these areas is by collecting and
25 analyzing information from communities throughout the

1 state.

2 CalEnviroScreen is an analytical tool created by
3 the California Environmental Protection Agency, and it
4 combines different types of census tract specific
5 information into a score to determine which communities
6 are the most burdened or disadvantaged.

7 So in Menlo Park, according to CalEnviroScreen,
8 the Belle Haven neighborhood is considered a DAC. So
9 measures that could be included in the Environmental
10 Justice Element as examples could be improving air quality
11 and reducing pollution exposure, enhancing public
12 facilities and infrastructure in the area, expanding food
13 access, ensuring safe and sanitary housing, and promoting
14 civic engagement in public decisionmaking.

15 On December 8th of last year, the City Council
16 supported a preliminary land use scenario with multiple
17 strategies to ensure that the City can meet its 6th Cycle
18 RHNA allocation. And that was really built on the
19 previous meetings that happened throughout the community;
20 meetings of City Council, Planning Commission, Housing
21 Commission. And so some of these are familiar, probably,
22 from previous presentations that we've given at Planning
23 Commission or if you've seen at City Council. I'll walk
24 you quickly through those scenarios.

25 So this chart is basically an overview of the new

1 housing needs that we have to meet through our RHNA. The
2 top half of the chart is showing the 6th Cycle RHNA
3 requirement for Menlo Park, broken down by income
4 categories. You can see "Very Low, Low, Moderate, Above
5 Moderate," and a "Total Units" category. And then the
6 bottom half of the chart shows RHNA credits that we can
7 apply against the requirements.

8 So with the adoption of the El Camino Real and
9 Downtown Specific Plan, our 4th Cycle RHNA in 2013, and
10 the ConnectMenlo General Plan Update, we enabled over
11 5,000 new housing units in the City. Currently there are
12 seven major residential projects in the pipeline as either
13 approved or pending housing developments that would
14 provide over 3,600 new units. And these units, as well as
15 smaller projects across the City, could potentially count
16 towards Menlo Park's 6th Cycle RHNA. So you can see that
17 on the "Pipeline projects" line here, at the total of
18 3,647. And then there's another line for ADU credits.

19 And so between 2018 and 2020, Menlo Park produced
20 an average of 10.6 ADUs per year. And at that rate, we
21 could anticipate about 85 units during the 6th Cycle
22 Housing Element planning period. So you see that total
23 here, under "ADUs."

24 So if we compare the RHNA credits at each of the
25 income levels with the 6th Cycle requirements and the 30

1 percent buffer added, you can see that we project enough
2 above-moderate units to meet all of our requirements
3 during the 6th Cycle. So 1,669 required. We anticipate
4 3,061 units. So well above the requirement there.

5 But new units would still be needed at the very
6 low, low, and moderate income-affordability levels. So
7 you can see on here, the credits in these income
8 categories are not really enough to make up for the need,
9 including the buffer. So you end up with a total of 1,490
10 affordable units that are needed as part of our net RHNA.
11 And the income levels are broken out on that last line.

12 Based on historic trends in Menlo Park and the
13 challenges and incentives that are typically used to
14 produce all affordable housing developments, it's unlikely
15 that all housing opportunity sites that we've identified
16 would be developed with 100 percent affordable units. And
17 so because of that, the EIR would analyze up to 4,000 net
18 new units to meet the City's RHNA requirements. And that
19 total can include a variety of opportunities, either
20 through 100 percent affordable housing development, mixed
21 income development, or market rate developments that
22 include BMR units.

23 And so the next couple of slides will give an
24 overview of the strategies that would permit the 4,000
25 units that will be studied in the EIR.

1 So the first strategy would be to re-use housing
2 opportunity sites from the current 5th Cycle Housing
3 Element that goes through 2023. And for those sites, we
4 would allow by-right development for projects that include
5 20 percent or more affordable housing. "By-right
6 development" means projects could be approved at the staff
7 level, and it would not require the additional rounds of
8 review and approval by the Planning Commission or City
9 Council. And densities on those sites would be 30
10 dwelling units per acre or higher.

11 The second strategy would be to increase
12 permitted residential densities in the Specific Plan area,
13 and we would set a minimum density in the Specific Plan
14 area of 20 dwelling units per acre and then allow at least
15 30 dwelling units per acre for development at the base
16 level, with potential increases in densities at the bonus
17 level of development in the Specific Plan area.

18 We would also remove the cap of 680 units in the
19 Specific Plan area that exists now, and it would open up
20 more opportunities for housing around downtown and El
21 Camino Real. And it would also allow residential
22 development on the City-owned parking plazas.

23 So additional strategies would be to modify the
24 affordable housing overlay, which we call the AHO. And
25 that would allow up to 100 dwelling units per acre, for

1 100 percent affordable housing developments, and increase
2 allowed densities for mixed-income developments that offer
3 more affordable units than the City's BMR requirements.

4 Another strategy would be to modify certain
5 retail and commercial zoning district standards and allow
6 residential uses in those areas and encourage mixed-use
7 development. As with other strategies, the densities for
8 these sites would be a minimum of 30 dwelling units per
9 acre. And specifically we're looking at the C-2, C-2-A,
10 C-2-B, C-2-S, C-4, and P-districts to apply these
11 modifications.

12 And then the final strategy would be to remove
13 the 10,000 square-foot minimum lot size requirement for
14 R-3 zoned properties around downtown and allow those sites
15 a density of up to 30 dwelling units per acre as well.

16 One additional item here is that the City Council
17 may also study a potential reduction of residential
18 densities in the Bayfront area, which is City Council
19 District 1, and make equivalent increases in densities in
20 other areas of the City. And we're currently evaluating
21 the potential for that. And so that may be a future topic
22 of discussion.

23 So you can see here, we're showing on these maps
24 -- there's a series of four of them that I'll very quickly
25 walk through. But in total, we're looking at -- these

1 strategies would target over 70 sites as
2 housing-opportunity sites. And then re-zonings would also
3 allow new housing development or increased housing
4 densities on over 800 parcels citywide.

5 So this first map shows the housing opportunity
6 sites in the Sharon Heights area. And this is Sand Hill
7 Road, running faintly along here, to help orient you.

8 But the sites are color-coded according to their
9 size here. And then there's one, which I believe is a gas
10 station parcel off of the Sharon Heights' shopping center
11 that's separate, which would be a rezoned, commercial-only
12 site.

13 This next map shows housing opportunity sites
14 focused around the central area of the City, including
15 downtown and El Camino Real, which, this is El Camino Real
16 running here; Santa Cruz Avenue running here; Ravenswood.
17 And you can see, in this area we have a number of housing
18 opportunity sites in the yellow, green, pink, and blue.

19 But then, in the lighter pink, you can also see,
20 there's a number of R-3 properties around downtown that
21 are less than 10,000 square feet, which would have
22 increased residential densities applied.

23 And then there are also some commercial only.
24 There's one commercial-only site here that you can see.
25 And then the remainder of the teal are other downtown

1 Specific Plan properties that would see potential
2 increases in densities being allowed, and the cap would be
3 lifted on residential -- more than 680 residential units
4 in this area.

5 This map shows development primarily along
6 Middlefield Road here and Willow Road. It's running kind
7 of north to south here. So you can see, in this area,
8 there's actually a number of this lighter blue color.
9 These are the rezoned, commercial-only sites. So those
10 would be modified to allow mixed-use development.

11 And then we also have a number of potential
12 opportunity -- housing opportunity sites on larger
13 parcels, predominantly along Middlefield Road. But
14 there's also a few here, off of Willow.

15 And then the final map shows additional housing
16 opportunity sites that were identified closer to the bay.
17 So the bay is out here. This is the Bayfront area, Belle
18 Haven neighborhood. This -- Marsh Road running here, and
19 then US 101. So these are primarily office uses at the
20 moment. There's -- at the moment, they're zoned for
21 office. But at the Council meeting in December, they were
22 identified as potential sites for additional study.

23 And so we'll be also evaluating those, the flood
24 school sites here, and then a couple of smaller parcels
25 located here, off of Pierce Road, I believe.

1 COMMISSIONER RIGGS: Excuse me, Tom. Just to
2 note, at least I, for one, am not seeing your cursor on
3 any of the...

4 MR. SMITH: Oh. Sorry about that. Thank you for
5 hopefully being able to follow along. But if you have
6 questions afterwards, we can always walk back to these
7 maps.

8 And so with that, that concludes my presentation.
9 Happy to turn it over for any clarifying questions --
10 although, I would note that Luke Evans, of ESA, which is
11 the City's environmental consultant, has some more details
12 about the EIR process and sort of the components of that.
13 And so he will be walking you through that, whether you
14 prefer that now or after clarifying questions.

15 CHAIR DORAN: I think I would like to hear the
16 other presentation. I think that it might clear up some
17 of the questions people have now. Let's do that. And
18 we'll have clarifying questions, and we'll go to public
19 comment.

20 MR. EVANS: Okay. Hi, everybody. This is Luke
21 Evans. I'm a Project Manager here at ESA. And we've been
22 hired by the City to prepare your Environmental Impact
23 Report. It's a big project, and we're happy to do it, and
24 appreciate the opportunity.

25 So it looks like Tom is booting up the

1 presentation. There we go. Okay. Great.

2 We can go ahead and go to the next slide. My
3 presentation is going to be pretty brief. The real
4 purpose of this thing is to get public input and also your
5 input on specific environmental topics that you think we
6 should look at, that we might not otherwise think about.
7 And that's really the purpose of this Scoping Session, is
8 to get that kind of input from you and members of the
9 public.

10 We're going to go over, talk about the type of
11 EIR this is going to be. We're going to talk about this
12 -- kind of the standard list of environmental issues that
13 we -- that typically show up in an EIR, that many of you
14 are probably used to seeing.

15 We'll go quickly through the environmental review
16 process, schedule, for lack of a better term, of where
17 we're going to be, and how this is going to play out over
18 the next -- I don't know -- 11 months or so.

19 And then we'll take comments from yourselves and
20 members of the public.

21 Next slide, please.

22 So the purpose of scoping, as I said earlier, is
23 really to get comments from the public and from people
24 like yourselves to determine what the scope of the
25 environmental document will be. Certainly, there's a long

1 list of issues, and we're going to go through some of
2 those in a minute here. And there's a long list of issues
3 that show up in every EIR, that everybody is used to
4 seeing.

5 But what we really want to hear is, we want to
6 hear specific information that you may have, or members of
7 the public may have, that we should look at in particular.
8 So some of those things we want to get information on from
9 you all would be key environmental issues of concern, any
10 mitigation measures you might have or may think of that
11 may help us reduce or avoid impacts, and then potential
12 alternatives.

13 CEQA does require that we do look at
14 alternatives. So there are different ways to get out this
15 Housing Element Update. So we want to hear about some
16 ideas for those, if you have any.

17 And, you know, the ultimate question is, in
18 short, what should we be looking at in the EIR? What
19 should we be analyzing?

20 Next slide, please.

21 So this is a Program EIR. And for those of you
22 who have been in this for a while, you know the difference
23 between a Program EIR and a Project EIR. This is a
24 "program." It's big. And it covers a large program. And
25 it doesn't necessarily cover any specific projects.

1 As of now, there are no applications for these
2 opportunity sites. There's no specific project that's
3 being advanced. So we're going to look at this at a
4 pretty high level.

5 And so the EIR will be a subsequent EIR to the
6 ConnectMenlo Plan EIR, which was prepared in 2016. There
7 was a lot of work that went into that, and we want to
8 piggyback off of that, to the extent that we can. We
9 don't want to reinvent the wheel, unless we have to.
10 That's really the purpose of the subsequent EIR.

11 Next slide, please.

12 So as I said earlier, this is the typical list of
13 topics that would show up in just about any EIR. These
14 are derived from the CEQA guidelines. And for the most
15 part, we're going to be looking at all of the topics in
16 the CEQA guidelines, as you can see here in this top
17 section.

18 There are a couple that really don't apply to the
19 City, or certainly don't apply to the opportunity sites
20 and the areas that are under consideration for the Housing
21 Element Update. And those would be agricultural and
22 forestry, and then mineral resources. But all these ones
23 up top would apply and will get the full treatment in the
24 EIR.

25 Next slide, please.

1 So here is a very broad timeline. And I want to
2 draw everybody's attention to what's in the bottom there,
3 the red part. This is our deadline, January 31st. That's
4 when we have to submit an Adopted Housing Element to HCD.
5 Otherwise, bad things can happen, and you want to avoid
6 those.

7 So here we are. Right now we are in the Draft
8 Scoping Session. We're kind of coming up on the tail end
9 of the Notice of Preparation Comment Period. We've got a
10 couple of comments, as Tom mentioned earlier. I expect
11 we'll get quite a bit more over the next week or so,
12 before the NOP Comment Period closes.

13 And then, for the next few months, we'll be
14 working on the Draft EIR. We'll be doing the analysis.
15 We'll be doing the traffic study, doing air quality study,
16 noise study, bio, all those things that we'd normally do.

17 Then we publish the Draft EIR. We go out on the
18 street for 45 days. And some time during that, there will
19 be a comment session where people could -- where members
20 of the public could comment on the Draft EIR. And at the
21 end of that, we -- with a lot of assistance from the
22 City -- would respond to any comments that were received
23 on the EIR.

24 And then it would go -- the combination draft and
25 the responses to comments would be kind of melded together

1 into a Final EIR, and that would go before the City
2 Council for certification. And so that is the overview of
3 the process.

4 Once again, there's our deadline. We've got --
5 it sounds like a long time. Sounds like we've got a whole
6 year, but there's a lot of things that have to happen.
7 And so it's going to really take everybody kind of pulling
8 together to get this thing wrapped up in time.

9 Next slide, please.

10 Tom put this slide together that just basically
11 has the layout of -- or the information that folks need to
12 comment on. We'll be taking verbal comment here tonight,
13 but people can also submit e-mail, written comments. Lots
14 of different ways to get their comments into us.

15 And then there's also going to be an upcoming
16 community meeting February 12th, to go over some of these
17 strategies that Tom talked about earlier.

18 So that's my presentation. Happy to take any
19 questions. I know Tom's happy to take questions, too.
20 It's at what point, I guess, Mr. Chairman -- you know, at
21 what point would we open this up for public comment, but
22 maybe we just want to go through questions first.

23 So I'll --

24 CHAIR DORAN: Yeah. What I would like to do is
25 entertain any clarifying questions from the commission

1 now, for either you or Mr. Paz. And then I'll open it up
2 for public comment. And then I'll return it to the
3 commission for further comments or questions.

4 So do we have any clarifying questions? Now is
5 the time.

6 I'm not seeing any. You guys must be very clear.
7 Let's open it up for public comment.

8 Mr. Pruter, do we have any hands raised now?

9 MR. PRUTER: Yes. Thank you, Chair Doran. At
10 this time, I do see one hand raised. So I can go ahead
11 and get that started.

12 But as a reminder, for members of the public,
13 please raise your hand, with the hand icon on your Zoom
14 interface, or press star 9, if you're calling by phone, to
15 be able to provide public comment.

16 I have two commenters now. So I will begin with
17 the first one, if that sounds all right with you, Chair
18 Doran?

19 CHAIR DORAN: Please.

20 MR. PRUTER: Okay. So we have our first
21 commenter, who goes by the name of Misha Silin. I'm going
22 to allow you to speak. If you can please state your
23 jurisdiction and your name at the beginning, that would be
24 great. And you have three minutes to speak as well.

25 Thank you very much.

1 MISHA SILIN: Hello. This is Misha. Good
2 evening. Thank you for taking my comment.

3 I'm a resident of Allied Arts. I'm the one that
4 sent in a very long e-mail comment earlier today, going
5 over the sites in the NOP and comparing them to the
6 previous 5th Cycle element and just kind of drilling into
7 some of the sites that represent the largest number of
8 units of housing that we expect to be built in the 6th
9 Cycle.

10 I realize this comment isn't related to the
11 environmental impact of the sites, but I'm kind of still
12 just stepping back to the main issue. And the reason I
13 spent a lot of hours on this and, you know, wrote that up
14 is because I do feel that housing is a very important
15 issue to Menlo Park and to our country.

16 I think that housing has many different
17 implications, ranging from, you know, nationwide to local.
18 And at the local level, I'm concerned about, you know, not
19 building enough housing, leading to friends and families
20 feeling stressed, priced out, having to commute from very
21 far away.

22 It does impact, you know, climate change and
23 traffic, as we discussed earlier, with the Facebook
24 project, for example.

25 If we continue to build lots of office buildings,

1 without housing for the people that work in those offices,
2 they're going to be driving in from elsewhere, which
3 causes greenhouse gas emissions, et cetera.

4 So I think, just my main comment is that based on
5 what I saw in the list of sites, it seems like very --
6 there hasn't been any evidence that these sites are going
7 to lead to a lot of houses being built. Most of the sites
8 are office buildings on Sand Hill Road or Middlefield,
9 that are occupied by very wealthy venture capitalist firms
10 or startups with a lot of money. I don't believe there's
11 been any evidence shown that these companies are looking
12 to move out or that, you know, it's lucrative for the
13 property owners to convert their large office buildings to
14 housing.

15 And so if we are serious about tackling some of
16 what I think are the biggest problems, especially in our
17 region, like homelessness, climate change, et cetera, and
18 we agree that we need to build more housing, I think we do
19 need to spend more time on the list of sites and make sure
20 that they're realistic. And if they're not, adding more
21 sites to the list.

22 And, you know, from the process perspective,
23 we've seen HCD, at the state level, rejecting a lot of
24 housing elements from other cities, like Redondo Beach,
25 Beverly Hills, Davis, that are unrealistic. And so I do

1 fully expect that the same level of reasoning will be
2 applied to our housing element. And as it stands now, it
3 will be rejected. So I think it still does make sense to
4 go back and try to make it more realistic.

5 Thank you for taking the time to listen to my
6 comment, and I hope you read the written comment I
7 submitted as well.

8 Thank you.

9 MR. PRUTER: Thank you very much.

10 And we have a second commenter, Chair Doran. I
11 will introduce them at this time. Their name is Pam
12 Jones.

13 And you also have an opportunity to speak. You
14 will be given three minutes to provide public comment.
15 And I will be letting you speak shortly.

16 If you can please provide your name and
17 jurisdiction at the beginning of your comments. Thank you
18 very much.

19 PAMELA JONES: Thank you. Pamela Jones, resident
20 of Menlo Park, Belle Haven neighborhood for almost 50
21 years.

22 One, I'd like to know what kind of outreach is
23 being done in District I, so that residents that are
24 interested can participate.

25 And number two, given that there would be no

1 further construction over here, under the Environmental
2 Justice and how our community is designated, do we still,
3 as a neighborhood, need to make comments to ensure that
4 that aspect of the Housing Element is actually adhered to?

5 Thank you.

6 MR. PRUTER: Thank you for your comment.

7 Chair Doran, as an update, I see no other hands
8 raised. We can wait a moment longer, if you would like,
9 or we can go ahead and close the public comment.

10 CHAIR DORAN: Let's give it just a few seconds
11 here.

12 No other hands raised?

13 MR. PRUTER: That's correct. There are no other
14 hands.

15 CHAIR DORAN: Okay. I'm going to close public
16 comment now and bring it back to the commission for
17 further comments, for any questions the commission has.

18 Would anyone like to lead off?

19 Commissioner DeCardy?

20 COMMISSIONER DECARDY: Yes. I just have a couple
21 clarifying questions, but I appreciated the opportunity
22 for public comment first, since people have been waiting
23 for a long time.

24 I have three clarifying questions. On the 4,000
25 number, for purposes of this discussion, how relevant is

1 4,000, versus 2,000, versus 6,000, for the EIR? How
2 important is that 4,000 number in -- specific, for the
3 EIR?

4 MR. EVANS: I can answer that.

5 For the most part, what -- you can kind of almost
6 think of this -- of what we're going to do as an envelope
7 of possibility.

8 And another way to think about it might be a
9 worst case scenario. That's not a precise term, but
10 that's one way to think about how we're going to look at
11 this.

12 We recognize that some of these housing sites may
13 change, you know, as a result of public interaction and
14 public opinion, public comment. Over the period of the
15 Housing Element Update, we might find that some of the
16 housing sites have environmental impacts that are not
17 acceptable, and they may drop off, or some may go up. But
18 what we're looking at is an envelope, kind of a worst case
19 scenario of analysis.

20 So 4,000 is kind of the number that we're at
21 currently, and that we think would capture the scope of
22 likely impacts associated with the Housing Element Update.

23 And so that's -- does that answer your question?

24 COMMISSIONER DECARDY: I guess that answers my
25 question, but if I disagreed that the 4,000 is the outer

1 edge of that -- I think you said -- worst case scenario,
2 then that feels important.

3 So -- and this would be to the good comment and
4 letter we had before, about assumptions about what gets
5 built. You look at the maps, and you look at impacts and
6 opportunities in the community that at least
7 geographically are unevenly spread, those kind of
8 questions. So it sounds like that actually is material.

9 Do I have that right?

10 MR. EVANS: It is material.

11 I guess I would just caution that you don't want
12 to make the number too big that you over estimate the
13 impacts. So it is a question of finding the perfect --
14 kind of the sweet spot.

15 And I think, based on the RHNA allocation, plus
16 the buffer, the 4,000 number was the agreed-upon number
17 that would make the most sense for this particular Housing
18 Element Update.

19 And if anybody else wants to -- Tom, if you want
20 to chime in on that, please feel free, for how we got
21 there.

22 MR. SMITH: Yeah. I think you handled the answer
23 correctly, Luke. It was really looking at the RHNA
24 requirement, plus the buffer, which gets us the 3,800
25 units, and allowing even a little bit more of padding

1 there for different development potentials, whether those
2 are 100 percent affordable projects, mixed development, or
3 market rate, with BMR units. So that's how we landed on
4 it.

5 COMMISSIONER DECARDY: Okay. That's helpful.

6 And my question was, does SB 9 relate to this in
7 any way, how we're going to implement -- or understanding
8 state opportunities and/or mandates for affordable
9 housing?

10 And what assumptions are being made for that, in
11 this whole mix?

12 MR. SMITH: So we haven't incorporated SB 9.
13 This is based on really the strategies that I walked
14 through.

15 And SB 9 is an allowance by the state, under
16 state law. We have not incorporated potential development
17 there into the strategy.

18 COMMISSIONER DECARDY: Okay. Thank you very
19 much.

20 MR. SMITH: Uh-huh.

21 CHAIR DORAN: Commissioner Barnes, you've got
22 your hands raised?

23 COMMISSIONER BARNES: I do. Thank you.

24 So I've got, first, a clarifying question, and
25 then a question to the -- to Luke about what would be

1 permissible.

2 First, clarifying question: Would it be possible
3 to go back to the slide that had the downtown primarily on
4 it?

5 MR. SMITH: Yeah. So I would ask whoever is
6 controlling the presentations, if you could reload the
7 presentation I gave earlier.

8 COMMISSIONER BARNES: And as you're doing that,
9 my question is this: So many of the lots that are, for
10 instance, off of Santa Cruz and in that area, you see all
11 the -- I'm sorry. That's Sharon. So go two more, I
12 think. The one that's downtown, like Santa Cruz Avenue.
13 Yup. Right there. Awesome.

14 What can be super problematic about development
15 there is, you need to do some assemblage on these smaller
16 parcels to get any type of size.

17 And then the other piece is the Downtown Specific
18 Plan and its development standards, by way of calling out
19 certain allocations of retail, and then figuring in an
20 office and residential, then step back.

21 So both the zoning piece of it and development
22 standards' piece of it would need to really undergo large
23 changes, as it relates to getting any type of scale in
24 these areas.

25 When we talk about the pink, and it says, "R-3

1 Zones Parcels," in "Upzoning," does that contemplate, for
2 instance, going back into the Downtown Specific Plan and
3 relooking at the development standards, which are height,
4 and which are setbacks, and which are different things?

5 MR. SMITH: Right. It does.

6 You know, density is a key here, but I think
7 we're still evaluating all of the different modifications
8 that we would need to make to the development standards in
9 the Downtown Specific Plan area.

10 But that could be part of the equation to make
11 sure that we get, you know, a really feasible density and
12 projects that can be built that are realistic.

13 COMMISSIONER BARNES: Which is quite a lift to
14 modify that specific plan. Okay. Thank you for that.

15 The other question is to Mr. Evans. And I don't
16 know the answer to this, so I'm going to make my best run
17 at trying to formulate some coherent thoughts around it.

18 What I'm trying to figure out, and as we talk
19 about increased densities, is the impact on schools and
20 how that potentially that could be reflected in the EIR,
21 and allowing to kind of walk through this.

22 So when we did the circulation element in 2016,
23 when the City did it, you know, at that time, the state
24 was transitioning -- getting ready to transition from VMT
25 to LOS. What happened was, through the process of the

1 General Plan Advisory Community, there was a thrust from
2 the community to say, "Hey. Wait a minute. VMT is great,
3 and that's a state-mandated direction we're going in. But
4 we, in Menlo Park, we like the idea of level of service.
5 We like to understand, at intersection X, if Y happens,
6 then I'm going to have to wait X-much longer now, than
7 before, due to Z-development," type of thing.

8 You know, if I think of education and, you know,
9 education level of service, I mean, we get to a situation
10 where we are adding, you know, bodies to whatever school
11 district it is. I can take, for instance, Menlo Park
12 School District. And every additional body is an impact
13 on the capital budget, facilities, on operating budgets
14 and on -- you know, capital budgets, facility, and
15 operating budgets.

16 The ability to have a report out on developments,
17 that is, in a way, creating a nexus between, when you do X
18 for a development, it has a Y impact. And I know, like
19 you do an FIA. So you've got -- if -- MenloPort, down in
20 the Bayfront area; right? You get impacts which shows,
21 "Great. You're in Ravenswood School District. It does X.
22 For Menlo School District, it does Y," or whatever --
23 excuse me. "For Sequoia Union, it does Y."

24 How is it that this concept of level of service
25 -- this concept of educational level of service could be

1 baked into the process for reporting out, with some type
2 of metric, as agreed upon with, for instance, the school
3 district, to not rectify it? Because when you're talking
4 affordable housing, you're talking the other pieces, it's
5 very, very hard.

6 You cannot do something which is going to
7 preclude development of, you know, certain BMI levels, but
8 at the same time allowing for there to be the
9 acknowledgment and then course correction or taking steps
10 necessary to understand what those impacts are.

11 So maybe the City can, as an environmental
12 impact, go back and look at, should it be provided,
13 general funds, to be able to -- to offset some of these
14 impacts? Should it go back and look at the community
15 amenity fund that comes in, and look at how that gets
16 allocated?

17 Is there a place in this process, much like level
18 of service for vehicular traffic, to have educational
19 level of service in what we're doing in this Housing
20 Element?

21 Could you talk at all to that?

22 MR. EVANS: Yeah. And I think you may be
23 disappointed in the answer, at least from the CEQA
24 perspective.

25 CEQA is really concerned with a project's impacts

1 on the physical environment. Issues like -- it is
2 interested in things like school facility capacity and,
3 you know, other public service metrics -- say, for
4 instance, response times from emergency service providers,
5 things like that. But it's only concerned with those
6 issues within the context of how remedying those issues --
7 those identified problems would impact the environment.

8 So, for instance, if you were to have a project
9 that were to introduce a substantial number of students to
10 the local school district, and that would require that
11 school district to construct a new school or expand a new
12 school, CEQA would be interested in the impacts of doing
13 that, of constructing that school, of addressing those
14 shortfalls with existing facilities.

15 It -- just because there is an exceedance in
16 capacity from a school, for instance, that is not -- that,
17 in and of itself, is not an environmental impact under
18 CEQA. It's really what you're going to have to do to
19 address that issue that is the environmental impact.

20 And I know there's some nuance there. Sometimes
21 it gets a little confusing. But the CEQA case law is
22 really clear on that; that that's really what they're
23 focused on, is the environmental impact providing that
24 additional service.

25 Now, the problem is, with this kind of project --

1 and I use the term "project" loosely because it's not a
2 project like someone -- like one of the ones we heard
3 earlier this evening. Those are real projects. Those are
4 being advanced. There's plans on the table for those.

5 At this point, we don't know what future
6 projects, real projects are going to look like. We don't
7 know where they're going to go, necessarily. We don't
8 know what the densities are, et cetera. So it's really
9 hard for us to project out what the environmental impacts
10 are going to be for those kinds of general, very broad
11 program-level projects.

12 So does that answer your question? Probably not
13 as well as you hope, but tell me if I can elaborate some
14 more.

15 COMMISSIONER BARNES: At the risk of
16 paraphrasing, this is not the home for that? In other
17 words, your -- this EIR is not the home for teasing this
18 out, in creating, in effect, the nexus relationship
19 between X-development and Y-impact on the educational
20 system in having -- and it doesn't have a home in the
21 Housing Element.

22 Or said differently, you're on the EIR side.
23 However, this might have a home in the Housing Element
24 itself, which -- the content of which exists separately
25 from the EIR component of it.

1 MR. EVANS: That is accurate. Yes, sir.

2 COMMISSIONER BARNES: Okay. So it might have a
3 political life, but it doesn't have an EIR life. This
4 particular --

5 MR. EVANS: That's right.

6 And there is a distinction. And sometimes people
7 are frustrated by that distinction, but not -- that is --
8 I think you described it pretty accurately.

9 COMMISSIONER BARNES: Thank you.

10 So I will close by saying, as important as, you
11 know, many other types of justice, I think educational
12 justice is very important. And the systemic, inability to
13 fund our education, it's easy -- and I'm not talking to
14 you, Mr. Evans. I'm just, in closing -- you know, it's
15 easy. I overreact to cars on the street, in my God-given
16 right to drive my Cutlass down any particular street at 60
17 miles an hour, with any other traffic.

18 I do, however, get animated over education and
19 the lack of funding for education in the systemic
20 malnourishment, the starving of it, and who we look to to
21 fund it.

22 So thank you for that. And I think the Housing
23 Element process has a home for this. And I appreciate
24 your response. Thank you.

25 CHAIR DORAN: Do we have other commissioners who

1 want to speak?

2 Mr. Riggs.

3 COMMISSIONER RIGGS: Thank you. Trying to keep
4 my comments to EIR scoping in this case.

5 I -- with all due respect to my friend Pam Jones,
6 I do feel that the EIR should not rule out any locations
7 for housing. At the very least, housing which has already
8 been put in our zoning.

9 I will not burden this meeting with the reasons,
10 other than to say that if you approve development in an
11 area and want to delete the housing portion, that leaves
12 commercial. And in this environment, that means office
13 buildings. And I, for one, would not like to encourage
14 further construction of office buildings in that area or
15 necessarily any particularly transportation-impacted area.

16 And I would like to respond to a good point made
17 by a fellow commissioner about the smaller lots downtown
18 being relatively unlikely for development. I think the
19 way that we look at the smaller lots is, you might say,
20 halfway down to ADUs. ADUs, which, by the way, in my
21 opinion, should be figured as more than 10 per year. If
22 last year, 10 were built, given the recent and continuing
23 changes in state law, I would expect 15 to be built in
24 2022, and 25 to be built in 2024.

25 But if you look at the downtown lots as sort of

1 between-size lots, the only thing restraining their
2 construction is that City Council, after 18, almost 20
3 years, has yet to move forward with a parking structure
4 which was integral to the Downtown Specific Plan, and it
5 still has not moved forward. So I think that is still a
6 reasonable housing expectation downtown, once the
7 roadblock is removed.

8 And then, while I personally would oppose any
9 further development on Willow Road, that is not an EIR
10 issue.

11 What I think is an EIR issue is that we are
12 assuming that Menlo Park, and the other cities on the
13 peninsula and the Bay Area, will continue to drive housing
14 need. And I very much hope, at least for my own city,
15 that that is not the case.

16 I don't see -- and I have challenged others to
17 tell me, those who should be able to give me a good
18 argument -- I don't see why significantly increasing the
19 size of Menlo Park is a benefit to the residents. I'm not
20 talking about the theoretical future residents. I'm
21 talking about the residents who are here.

22 We are Menlo Park. People who may come in the
23 future, they are not Menlo Park. They are where they live
24 now. And if a relentless and continuing increase in the
25 size and density of our town is not benefitting those of

1 us who are here, then why are we assuming that this is the
2 inevitable path forward?

3 So with that in mind -- and I realize this is an
4 uphill request -- I believe there should be an EIR
5 alternate case that is based on significantly-reduced
6 housing need from that which is projected by the state.

7 I realize that the charge here is for a Housing
8 Element to meet the Bay Area requirement. However, I
9 think the EIR will be more useful to Menlo Park. And we
10 are Menlo Park, not the Bay Area, and not the state, if it
11 includes an alternative, which is for reduced future
12 housing need. That's my suggestion.

13 Thank you.

14 CHAIR DORAN: Thank you.

15 Anyone else on the commission want to speak at
16 this time?

17 Mr. DeCardy?

18 COMMISSIONER DECARDY: I appreciate the time and
19 the presentation.

20 On the 4,000 number, I think that's low. But I
21 will take your word that 4,000 works for the EIR. I think
22 the -- you know, we can look at the history of what we
23 have for housing that is at market rate, and what we get
24 at BMR units, and extrapolate out of that.

25 I appreciate the comments on ADUs, but we

1 continue to approve ADUs that clearly are not going for
2 affordable housing again and again and again. So I think
3 those assumptions need to be checked everywhere. I think
4 they are important because ultimately, it's a question
5 around density, and it's a question around spread. And we
6 need to look at all of that. I'm a huge fan of density.
7 I think density is what gets us prosperity and gets us a
8 thriving downtown in this mix.

9 Relative to the EIR, a Program EIR is in place
10 for a long time. I assume this one is in place for the
11 duration of this 6th RHNA, until we get a 7th. So what
12 assumptions do you make around climate change or around
13 changes in understanding of impacts over time that lock
14 in? You don't need to answer, particularly. But it's
15 something that gets frustrating, when we look at a
16 specific project, and you've got a locked-in assumption on
17 some impact that's based on data that's four, five, six
18 years old, and has been updated.

19 So when the Final EIR is presented, I would love
20 to understand how we assure those assumptions were
21 actually relevant to a future case. And unfortunately,
22 those changes happen fast these days, and nobody can
23 predict them. So that's a comment for input.

24 Another one -- essentially, I love that we have
25 an EIJL, and I think that's fabulous, with the housing

1 element.

2 And as we're looking at the impacts on folks, to
3 make -- assure that we are looking at indoor stuff, in
4 addition to outdoor stuff -- indoor air quality, those
5 sorts of things, are usually important.

6 And, also, when we are thinking about adaptation
7 issues, when we think adaptation issues that also serve
8 mitigation purposes, first rule of holes is to stop
9 digging. And so reducing use that creates fossil fuel
10 emissions seems like a good idea.

11 So if you look at something in areas of our
12 community that are going to be particularly susceptible to
13 heat islands, cool roof programs, canopies, that kind of
14 stuff, I hope there's an overemphasize on looking at that
15 intersection, and that the EIR can be helpful in that mix.

16 But the two main things I want to say about the
17 EIR, the first one is that our EIR process is broken. And
18 continually we have EIRs that present the Goldilocks'
19 scenario, which is, there's only three things to consider.

20 Consideration number one is that you do
21 absolutely nothing.

22 Consideration number two is that you do
23 absolutely the maximum of everything else. And lo and
24 behold, you end up taking the thing in the middle because
25 it threads the needle on protecting the environment and

1 whatever the need was that the project was created for to
2 begin with.

3 And that is entirely unhelpful for anybody in the
4 community to be able to actually extrapolate and to be
5 able to use it for sunshine and for being able to learn
6 more about what impacts are, and how they think about a
7 particular project.

8 And so with that in mind, I respectfully disagree
9 with my fellow commissioner about -- Commissioner Riggs
10 and his comment on housing and density, but I do think
11 looking at a fourth makes sense. And I think it's in this
12 space around parking. So we have these assumptions around
13 people, and we're thinking about units of people and
14 density in people.

15 But the fact that there's a trailing element,
16 which is the assumption around the cars that they come
17 with, and what we build for. And time and time again, we
18 talk to developers who do not want to build the parking
19 because they don't need it. And parking is a disaster for
20 housing. It's a disaster for the embedded carbon and
21 cement. It's a disaster for everything, other than the
22 fact that we can't take our car and carry it with us to
23 work, which would be the best thing.

24 So I think it's really important that we get a
25 Program EIR that takes a look at the opportunity set for

1 massively reducing parking so that we can understand what
2 the potential benefit is on pieces of property to actually
3 build more housing for people so we have density for
4 people, and not density for cars and parking cars. So we
5 have to be able to figure out how to do this, and this is
6 a huge and important element in this mix.

7 So as you consider this, I have said this before,
8 that I will not vote to say that an EIR is adequate
9 without looking at an alternative with massively-reduced
10 parking in that mix. I mean, it's particularly important
11 to look at in this one because it creates an opportunity
12 for us to actually get more housing for people, as opposed
13 to for cars, and a positive feedback within that mix.

14 So thanks for the time and attention on this, and
15 I'm looking forward to the rest of the process.

16 CHAIR DORAN: Thank you.

17 So it is approximately 10:40 now. We will need
18 to stop at 11:00, unless we vote to continue. I just want
19 to keep that in front of everybody as we continue.

20 Does anyone else want to speak? Anyone else from
21 the commission? Questions or comments?

22 Commissioner Harris.

23 COMMISSIONER HARRIS: Thank you. Thanks for the
24 presentation -- both of the presentations.

25 So as far as the EIR is concerned, I want to --

1 kind of dove-tailing on what Commissioner DeCardy said, I
2 would like to know how you would analyze the positive
3 environmental impacts of infill housing, and how that
4 might work, if I may.

5 MR. EVANS: Sure. As far as discussing the
6 positive aspects of infill, I think there has been -- as
7 I'm sure you know, there are lots and lots of laws.
8 Legislature has been put in place over the last ten years
9 or so to encourage infill housing.

10 And a lot of those things -- a lot of those laws
11 revolve around, for instance, streamlining -- making it
12 easier to develop infill housing -- making it less
13 expensive, making the process easier, less hoops to jump
14 through, et cetera. So clearly the legislature, anyway,
15 has recognized infill housing as a positive thing -- as
16 something that should be happening.

17 The extent that -- CEQA really doesn't play up
18 manifest, particularly. If we were talking about a
19 federal project under NEPA, which is the National
20 Environmental Policy Act, which is kind of the federal
21 version of CEQA, they do put an emphasis on benefits. And
22 it's actually something you play up in the analysis, if
23 there is in fact a benefit to something.

24 CEQA really doesn't go there. It kind of says,
25 "If there's going to be a negative" -- let's just call it

1 a "very negative look" -- "Are there negative impacts that
2 are going to happen?" And that's kind of what we focus
3 on.

4 And the answer for that is always, kind of, a yes
5 or a no. There is -- it's either negative or it's just
6 nothing. It just is what it is.

7 So -- did that answer your question? Is there
8 anything that you would --

9 COMMISSIONER HARRIS: So, I guess, in other
10 words, an alternative, where most of the housing is --
11 infill housing is going to be less bad than the -- housing
12 other places -- you know, you used the word, "worst case
13 scenario." I don't know what you mean by that.

14 MR. EVANS: By that I meant that that was -- that
15 is kind of the envelope of our analysis. In other words,
16 we're looking at 4,000 units, even though -- and this may
17 actually help answer some of the other questions, I think,
18 that Commissioner DeCardy was asking about, about that
19 very same question.

20 Remember, we're looking at an eight-year program
21 here. And we don't have our crystal ball. We don't know
22 who -- what developers are going to come along, what
23 affordable housing subsidies are going to come along, et
24 cetera. So at the end of the eight years, we don't know
25 exactly how many housing units are going to actually get

1 built in the city. We just have no way of knowing that.

2 The 4,000 units is a big number. I think most
3 people would agree that if 4,000 units were to be
4 constructed in the city in eight years, that would be a
5 big number.

6 The answer of what actually is going to be built
7 is probably going to be less than that, realistically;
8 right? So when I say, "worst case scenario," that's kind
9 of what I mean. We're looking at the upper limits of what
10 could happen. The answer may be somewhere lower than
11 that, when it's all said and done, at the end of eight
12 years. You know, we'll find out.

13 But our -- what we don't want to do is, we don't
14 want to analyze at a lesser level and then find that
15 before the eight years are up, you're already bumping into
16 that level. And then you've got to do more analysis, and
17 you've got to jump through more hoops, et cetera.

18 Does that help explain --

19 COMMISSIONER HARRIS: Yeah. I guess I'm a little
20 uncomfortable with the description of "worst case
21 scenario." We're trying to build housing here. So saying
22 that the worst case scenario is that we built too much
23 housing feels -- I realize that you're saying it from an
24 environmental standpoint, but I'm kind of uncomfortable
25 with that use of phrase.

1 So I know that what we're trying to do is to do
2 this housing in an environmental way. And one way is to
3 consider less parking, per Commissioner DeCardy, and to
4 consider the infill housing. So I'm just hopeful that
5 those are going to help us.

6 And I'm a little unclear, also, what the
7 different -- like, what would be the alternative? Like,
8 we have to build this housing. So what is -- how do you
9 determine what the alternative would be, given the
10 guardrails that we need to meet with RHNA?

11 Are you suggesting that you would do one scenario
12 where it's 8,000, and one that is 4,000? Like, how are
13 you going to come up with this alterative scenario?

14 MR. EVANS: Alternatives are actually driven, in
15 most cases, by what kind of impacts we find, when we do
16 the analysis. Alternatives are kind of the last thing to
17 look at, when you write an EIR, because generally they're
18 constructed around the bad things you've identified with
19 your project.

20 And so alternatives are directed towards, how can
21 you reduce, minimize, avoid those impacts that you've
22 identified? So in many cases, alternatives would be
23 looking at something that would reduce some of those
24 negative things that we found out during the analysis.

25 Does that help?

1 COMMISSIONER HARRIS: Okay. Yeah.

2 I do have a couple other comments.

3 I really appreciate the comments both from Ms.
4 Jones and from Misha. And I, too, have had the issue of,
5 I don't -- I don't necessarily understand how this list of
6 sites is going to get us to where we need to be, given
7 that drilling down on them, I see a lot of, you know,
8 office parks or other places that are fully utilized. And
9 I just don't -- I'm a little bit concerned that we're just
10 not even going to get to where we need to get to.

11 So my question -- I guess this is to staff -- at
12 what point in this process does staff or the M-group, or
13 whoever it may be, contact the landlords or the owners and
14 try to understand -- and developers, to try to understand
15 how realistic each of those sites that we've added to our
16 list are, with respect to housing?

17 And what's the likelihood that -- you know, what
18 kind of incentive -- with the incentive that we're
19 providing, some of these zoning incentives, is that going
20 to be enough? Kind of, how are we going to determine
21 that? And at what stage in this process?

22 Because I feel like we're already here at the
23 EIR, but I'm not really sure that we've done that work.
24 And so I'm just wondering, when does that work happen?

25 MR. SMITH: So we have done outreach to different

1 property owners that would be affected. We've sent out
2 mailings to each of the property owners for all of the
3 sites that were seen on the maps earlier. And we have
4 received contact from a small number, I would say --
5 although, even today, I'm still noticing inquiries coming
6 in, and people wanting to talk to us about their sites.
7 And so it's an ongoing process.

8 And as we get feedback from individuals that
9 would affect whether or not the site would be viable for
10 housing, we are making those updates and making notes on
11 that information as it comes along.

12 But we have been having outreach events as well.
13 We have upcoming community meetings. Community meeting
14 number five is going to be February 12th. And then even
15 after that, we're going to be turning to another community
16 meeting shortly thereafter.

17 So on -- outreach is really an ongoing process,
18 and we have been making attempts to reach all of the
19 various property owners about this.

20 But does that help?

21 COMMISSIONER HARRIS: Well, I'm just wondering --
22 okay. So I'm a property owner. I got a mailer. And I'm,
23 like, "Oop. I'm not interested." I mean, at what point do
24 you actually speak with that, like -- try to contact them,
25 maybe, in a different way or make sure that we have this

1 list that is going to work for us?

2 MR. SMITH: Right. So, yeah. We've -- with so
3 many properties that we're evaluating, we've relied on
4 mailings up to this point, but we may look into further
5 outreach as we continue to progress through the process to
6 try to make contact.

7 But we are also trying to remain carefully within
8 the HCD criteria that are set out for sites that they say
9 are -- that the state says are viable for affordable
10 housing. And so that's why we've sort of tuned in on
11 these sites that are of a certain size -- more than half
12 an acre, less than 10 acres in size, et cetera, are the
13 various criteria.

14 So we've tried to identify all of those
15 opportunities across the city. And we're doing our best
16 for outreach, but also trying to maintain sites that HCD
17 says they believe are viable as well, in the case that we
18 can't make contact with the property owner, for whatever
19 reason.

20 COMMISSIONER HARRIS: Okay. All right. So I do
21 want to -- well, I guess I don't have a lot more questions
22 on EIR at this point. I have a lot more other questions.

23 So I'll let somebody else talk.

24 CHAIR DORAN: So if anyone else has questions or
25 comments on the EIR, I think we need to bear in mind, kind

1 of, how the EIR fits into everything else that's
2 happening.

3 This is not the Housing Element. This is the EIR
4 Scoping Session. So if anyone else has comments on that,
5 now is the time.

6 Not seeing any -- so I'm going to close this
7 Scoping Session and move on to the final item on our
8 agenda, an informational item.

9

10 (WHEREUPON, Agenda Item H2 ended.)

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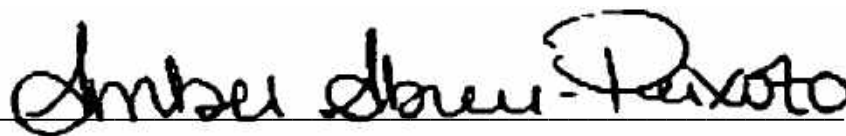
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CERTIFICATE OF REPORTER

I, AMBER ABREU-PEIXOTO, hereby certify that the said proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct report of said proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of February, 2022.



AMBER ABREU-PEIXOTO, CSR No. 13546

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STAFF REPORT

Planning Commission

Meeting Date:

3/28/2022

Staff Report Number:

22-016-PC

Public Hearing:

Use Permit and Variance/Heather Young/811 Bay Road

Recommendation

Staff recommends that the Planning Commission approve a use permit to demolish an existing church and construct two new, two-story, single-family residences on a substandard lot with regard to minimum lot width in the R-3 (Apartment) zoning district. The proposal includes a request for a variance for the new residences to encroach into the required 20-foot separation between main buildings located on adjacent lots. The project also includes administrative review of a condominium map. The recommended actions are included as Attachment A.

Policy Issues

Each use permit and variance request is considered individually. The Planning Commission should consider whether the required use permit and variance findings can be made for the proposal.

Background

Site location

The subject property is located at 811 Bay Road, near the intersection of Bay and Van Buren Roads, in the Flood Triangle neighborhood. Using Bay Road in the east-west orientation, the subject property is located on the northern side of Bay Road, between Van Buren Road and Madera Avenue. Adjacent parcels are also zoned R-3, while the parcel south of Bay Road is zoned Public Facility (P-F). Residences in the vicinity of the subject site are developed in a variety of architectural styles. A location map is included as Attachment B.

Analysis

Project description

The subject site is a through lot and is currently occupied by a two-story church. Parking for the church is accessed via Van Buren Road. The property is substandard with regard to lot width at 60 feet, whereas a minimum of 70 feet is required. The applicant is proposing to demolish the existing structure and construct two new two-story, single-family homes with two attached, single-car garages on each side of each unit, meaning there would be two curb cuts along Bay Road and two curb cuts along Van Buren Road. A data table summarizing parcel and project attributes is included as Attachment C. The project plans and the applicant's project description letter are included as Attachments D and E, respectively.

The residence fronting Bay Road (Unit #1), and the residence fronting Van Buren Road (Unit #2), would have four bedrooms and three bathrooms each. The units would have the same design and be mirror images of each other. Both homes would have a typical layout of shared spaces on the ground level and most of the bedrooms on the upper floor.

Of note with regard to Zoning Ordinance development standards:

- The project would adhere to the R-3 requirements for minimum landscaping and maximum driveways/open parking areas. As is permitted by the Zoning Ordinance, a permeable paver driveway system would count 50 percent toward the landscaping and 50 percent toward the driveways/open parking areas.
- The proposed gross floor area (GFA) for the site is 3,720 square feet, which is almost at the allowable maximum of 3,722 square feet, or 45 percent.
- The proposed building coverage for the site is 2,432 square feet, which is almost at the allowable maximum of 2,481 square feet, or 30 percent.

The site layout would allow direct access from a public street for each of the two units. The two existing driveways, one on Bay Road and one on Van Buren Road, would be replaced by four driveways, two along Bay Road and two along Van Buren Road. The two proposed garages and two new curb cuts for each unit have been reviewed by the Transportation Division and they have indicated there would be adequate separation between the proposed new curb cuts and between the proposed curb cuts and those on adjacent properties.

The applicant is also requesting approval of a tentative map for a minor subdivision to create two residential condominium units. The minor subdivision can be reviewed and approved at an administrative level after the Planning Commission takes action on the use permit and variance requests.

Design and materials

According to the applicant's project description letter, the design of the units would be "transitional". The new residences would each be designed with cement plaster on the first floor and vertical cedar siding on the second floor as the primary façade material for both units, along with standing seam metal roofing. Some walls of the second floors would also feature cement plaster or vertical cedar siding. The windows for both units would be metal clad. On the front elevations of both units, the front entry would feature a covered porch. Exterior beams or columns would be painted wood. The balcony railings facing each of the streets would be painted metal. Some second-story windows have sill heights of less than three feet. The Planning Commission may wish to consider whether these sill heights are appropriate, especially along the sides.

Staff believes that the scale, materials, and style of the proposed residences are consistent with the neighborhood, given the variety of architectural styles and sizes of structures in the vicinity.

Variance

The applicant is requesting a variance to reduce the required separation distance between the proposed

two-units and the neighboring dwelling to the right of the property, from 20 feet to approximately 14 feet, three inches. The applicant has provided a variance request letter that is as Attachment F. The required variance findings are evaluated below in succession:

1. *That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits.*

The applicant states that the hardship pertains to the uniquely nonconforming configuration within the neighboring property at 815 Bay Road. The multifamily residential building at 815 Bay Road is located less than five feet from the property line with the subject parcel, where the minimum required setback for a main building is 10 feet, making it non-conforming with regard to the side setback. Diagrams included in the variance request letter illustrate this unique hardship clearly. When combined with the non-conforming building on 815 Bay Road, the narrow width of the subject parcel creates a uniquely small area for the permitted building footprint. This hardship is unique to the property, and has not been created by an act of the owner. Staff concurs with the applicant's discussion of this finding.

2. *That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his/her neighbors.*

The applicant states that the requested variance is necessary to build two single-family residences as the variance would allow the proposed units to be located at the required 10-foot side setback line. The applicant has also stated that this variance would not constitute a special privilege, as the variance request is merely allowing the applicant to have similar development capabilities as any other R-3 zoned properties. Staff likewise concurs with the applicant's basis for this finding.

3. *That the granting of the variance will not be materially detrimental to the public health, safety, or welfare, or will not impair an adequate supply of light and air to adjacent property.*

The applicant states the proposal would provide greater separation between structures than there currently is, which would improve access to light and air between the adjacent structures. In addition, the proposed units would meet all other zoning requirements. If the adjacent parcel (815 Bay Road) is redeveloped in the future, it would be required to adhere to the 10-foot side setback requirement and the proposed variance would no longer be needed. The proposed project would be below the maximum allowed floor area and building coverage; and all other development standards would also be met. As such, granting of the variance would not be materially detrimental to the public health, safety, or welfare, and will not impair adequate supply of light and air to adjacent property.

4. *That the conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.*

The applicant states that the unique configuration of the subject property and neighboring property is

generally not applicable to many of the lots located within the neighborhood and zoning district, coupled with the narrowness of the subject property's lot. The variance request is based on the nonconformance of the adjacent structure. Since other properties are generally located next to structures in compliance with their respective zoning district development regulations, or have lot width to accommodate the allowable buildable area, this variance would not apply to other properties in the same zoning district. As such, the conditions on which the variance is based would not be generally applicable to other property in the same zoning classification.

5. *That the condition upon which the requested variance is based is an unusual factor that was not anticipated or discussed in detail during any applicable Specific Plan process.*

The property is not within any Specific Plan area, and as such, no finding regarding an unusual factor is required to be made.

Approval of a variance requires that all five findings be made. Pursuant to the previous discussion, staff recommends approval of the variance, and findings to this effect are included in the recommended actions in Attachment A.

Trees and landscaping

The applicant has submitted an arborist report (Attachment G) detailing the species, size, and conditions of the trees on or near the site. The report discusses the impacts of the proposed improvements and provides recommendations for tree maintenance and the protection of some trees, based on their health. As part of the project review process, the City Arborist reviewed the report and requested enhancements, which have been incorporated.

As described in the report, there are six existing trees located near the property and no trees on the subject property. Tree #1 is a heritage, coast redwood street tree located in front of the property along Bay Road. There are 5 non-heritage offsite trees described in the arborist report, which include two ailanthus (trees #2 and #4) and three privet (trees #3 #5, and #6).

As part of the proposal, 13 new trees would be planted on the subject property including one 24-inch box raywood ash tree, two 24-inch box little leaf myrtle trees, and ten 24-inch box bay laurels. The ten bay laurel trees are proposed to be planted along the property line between 811 and 815 Bay Road and would provide privacy screening between the existing multi-family apartment complex and the proposed units' yards.

All recommended tree protection measures identified in the arborist report would be implemented and ensured as part of standard condition of approval 4I.

Correspondence

The applicant states that they have hand delivered a project description letter containing the site plan and elevations to each contiguous neighbors, along with contact information, and have not received any feedback. The letter is included as part of the project description letter. Staff has not received any items of

correspondence for this project.

Conclusion

Staff believes that the scale, materials, and style of the proposed residences are compatible with those of the overall neighborhood. Varying materials and forms (in particular on the front elevations) would vary the perception of massing and add visual interest to the project. Staff recommends that the Planning Commission approve the proposed use permit request.

In addition, staff believes that the five findings can be made with regard to the proposed variance for the reduction of the required separation between the proposed units and the existing neighboring residential building, given the unique condition of the existing narrow lot in relation to the neighboring, nonconforming building. Staff recommends that the Planning Commission grant approval of the variance to reduce the required separation between the proposed units and the neighboring dwelling to the right from 20 feet to approximately 14 feet, three inches.

Impact on City Resources

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

Environmental Review

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

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

Appeal Period

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

Attachments

- A. Recommended Actions
- B. Location Map
- C. Data Table
- D. Project Plans
- E. Project Description Letter
- F. Variance Letter
- G. Arborist Report

Disclaimer

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

Exhibits to Be Provided at Meeting

None

Report prepared by:

Fahteen Khan, Assistant Planner

Report reviewed by:

Corinna Sandmeier, Acting Principal Planner

811 Bay Road – Attachment A: Recommended Actions

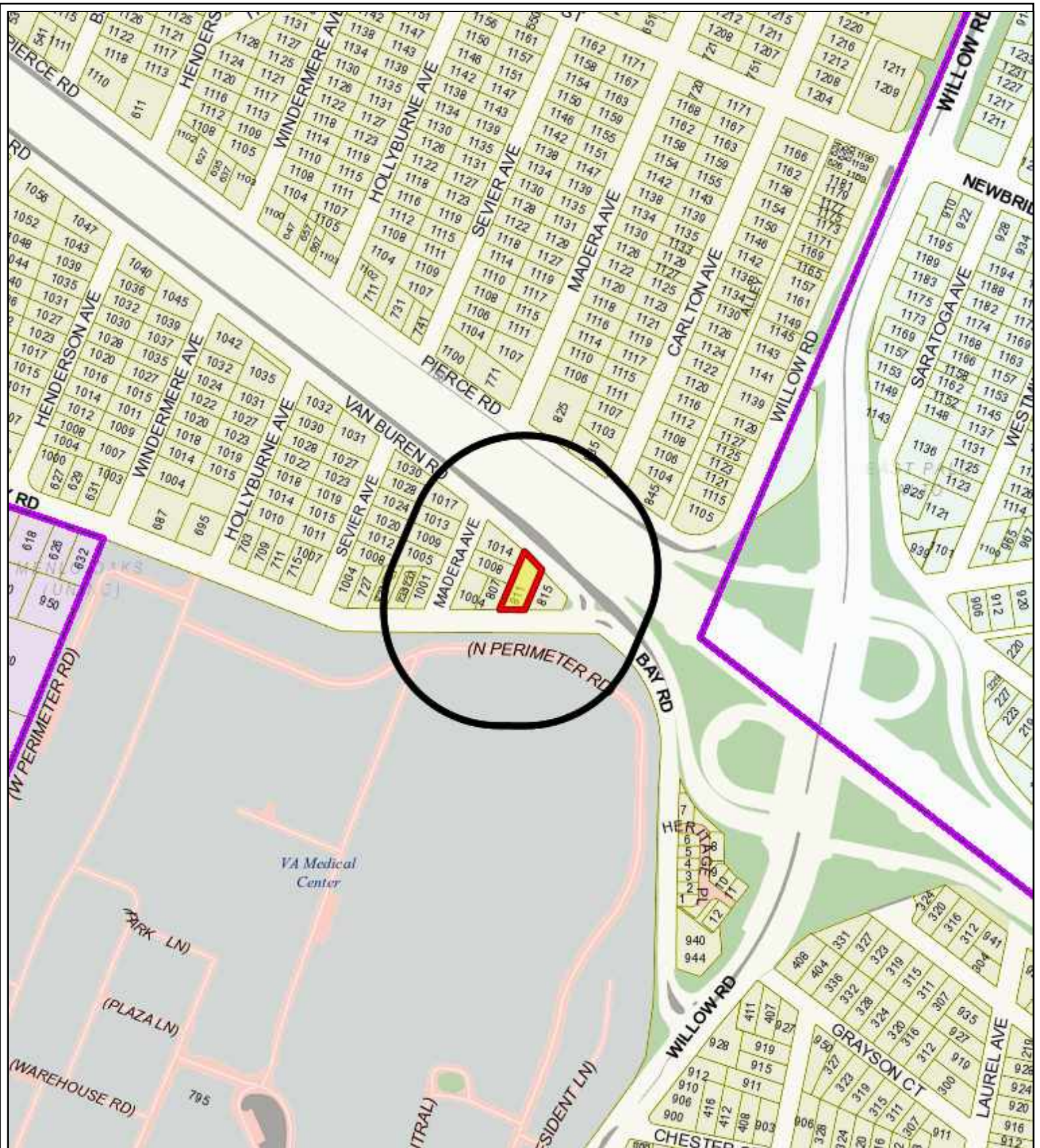
LOCATION: 811 Bay Road	PROJECT NUMBER: PLN2021-00052	APPLICANT: Heather Young	OWNER: Mc-Z Bay LLC
PROPOSAL: Request for a use permit to demolish an existing church and construct two new, two-story, single-family residences on a substandard lot with regard to minimum lot width in the R-3 (Apartment) zoning district. The proposal includes a request for a variance for the new residences to encroach into the required 20-foot separation between main buildings located on adjacent lots. The project also includes administrative review of a condominium map.			
DECISION ENTITY: Planning Commission	DATE: March 28, 2022	ACTION: TBD	
VOTE: TBD (Barnes, DeCardy, Doran, Harris, Kennedy, Riggs, Tate)			
<p>ACTION:</p> <ol style="list-style-type: none"> 1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, “New Construction or Conversion of Small Structures”) of the current California Environmental Quality Act (CEQA) Guidelines. 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City. 3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances: <ol style="list-style-type: none"> a. The hardship at 811 Bay Road is caused by the combination of the property being a narrow lot and a neighboring, nonconforming, multifamily residence, which creates a small area for the permitted building footprint. The hardship is unique to the property, and has not been created by an act of the owner. b. The variance will allow the proposed units to be located at the required 10-foot side setback line, providing adequate space for two units. The variance would not constitute a special privilege, as the variance request is merely allowing the applicant to have similar development capabilities as any other R-3 zoned properties. c. The proposed project would be below the maximum allowed floor area and building coverage; and all other development standards would also be met. If the adjacent parcel (815 Bay Road) is redeveloped in the future, it would be required to adhere to the 10-foot side setback requirement and the variance would no longer be needed. As such, granting of the variance would not be materially detrimental to the public health, safety, or welfare, and will not impair adequate supply of light and air to adjacent property. d. The variance request is based on the nonconformance of the adjacent structure. Since other properties are generally located next to structures in compliance with their respective zoning district development regulations, or have lot width to accommodate the allowable buildable area, this variance would not apply to other properties in the same zoning district. As such, the conditions on which the variance is based would not be generally applicable to other property in the same zoning classification. e. The property is not within any Specific Plan area, and as such, no finding regarding an unusual factor is required to be made. 4. Approve the use permit and variance subject to the following standard conditions: 			

811 Bay Road – Attachment A: Recommended Actions

LOCATION: 811 Bay Road	PROJECT NUMBER: PLN2021-00052	APPLICANT: Heather Young	OWNER: Mc-Z Bay LLC
PROPOSAL: Request for a use permit to demolish an existing church and construct two new, two-story, single-family residences on a substandard lot with regard to minimum lot width in the R-3 (Apartment) zoning district. The proposal includes a request for a variance for the new residences to encroach into the required 20-foot separation between main buildings located on adjacent lots. The project also includes administrative review of a condominium map.			
DECISION ENTITY: Planning Commission	DATE: March 28, 2022	ACTION: TBD	
VOTE: TBD (Barnes, DeCardy, Doran, Harris, Kennedy, Riggs, Tate)			
<p>ACTION:</p> <ul style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by Heather Young Architects, consisting of 30 plan sheets, received March 4, 2022, and approved by the Planning Commission on March 28, 2022, except as modified by the conditions contained herein, subject to review and approval by 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, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes. e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division. f. All applicable public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection. g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits. h. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. The applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer prior to building permit issuance. i. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient 			

811 Bay Road – Attachment A: Recommended Actions

LOCATION: 811 Bay Road	PROJECT NUMBER: PLN2021-00052	APPLICANT: Heather Young	OWNER: Mc-Z Bay LLC
<p>PROPOSAL: Request for a use permit to demolish an existing church and construct two new, two-story, single-family residences on a substandard lot with regard to minimum lot width in the R-3 (Apartment) zoning district. The proposal includes a request for a variance for the new residences to encroach into the required 20-foot separation between main buildings located on adjacent lots. The project also includes administrative review of a condominium map.</p>			
DECISION ENTITY: Planning Commission	DATE: March 28, 2022	ACTION: TBD	
VOTE: TBD (Barnes, DeCardy, Doran, Harris, Kennedy, Riggs, Tate)			
<p>ACTION:</p> <p>Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.</p> <ul style="list-style-type: none"> j. If construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. k. Prior to building permit issuance, the Applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule. l. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Urban Tree Management Inc., dated March 2, 2022. 			



City of Menlo Park
 Location Map
 811 Bay Road



Scale: 1:4,000

Drawn By: FNK

Checked By: CDS

Date: 3/28/2022

Sheet: 1

811 Bay Road – Attachment C: Data Table

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	8,273.0 sf	8,273.0 sf	7,000 sf min.
Lot width	60.0 ft.	60.0 ft.	70 ft. min.
Lot depth	137.9 ft.	137.9 ft.	100 ft. min.
Setbacks			
Front (Bay Rd.)	20.0 ft.	14.2 ft.	20 ft. min.
Front (Van Buren)	20.0 ft.	51.1 ft.	20 ft. min.
Side (left)	10.0 ft.	6.6 ft.	10 ft. min.
Side (right)	10.0 ft.	5.6 ft.	10 ft. min.
Building coverage	2,432.0 sf 29.4 %	2,544.0 sf 30.8 %	2,481.0 sf max. 30.0 % max.
FAR (Floor Area Ratio)	3,720.0 sf 45.0 %	1,842.0 sf 19.5 %	3,722.0 sf max. 45.0 % max.
Square footage by floor	Unit (#1) 712.0 sf/1st 1,148.0 sf/2nd 144.0 sf/porch 503.0 sf/garage Unit (#2) 712.0 sf/1st 1,148.0 sf/2nd 144.0 sf/porch 503.0 sf/garage	2,544.0 sf/1st 479.0 sf/2nd	
Square footage of buildings	5,014.0 sf	3,023.0 sf	
Building height	27.6 ft.	27.5 ft.	35.0 ft. max.
Parking	2 covered per unit	0 covered/uncovered	1 covered/1 uncovered per unit
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			
Trees	Heritage trees 1*	Non-Heritage trees 5**	New Trees 13
	Heritage trees proposed for removal 0	Non-Heritage trees proposed for removal 0	Total Number of Trees 19**

* Includes street trees

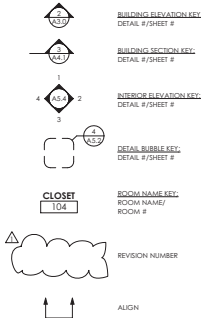
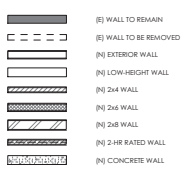
** Includes trees on neighboring properties



FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

SYMBOL LEGEND



ABBREVIATIONS

A	AND	INCL	INCLUDES OR INCLUDING
@	AT	INSUL	INSULATION
C	CENTERLINE	INT	INTERIOR
Ø	DIAMETER OR ROUND	JAN	JANITOR
P	PROPERTY LINE	LAM	LAMINATE
T	PROPERTY LINE	LAV	LAVATORY
S	SQUARE FOOT	M	MIRROR
ADJ	ADJUSTABLE	MAT	MATERIAL
AFF	ABOVE FINISH FLOOR	MFR	MANUFACTURER
AFS	AUTOMATIC FIRE SPRINKLER	MAX	MAXIMUM
ALUM	ALUMINUM	MN	MINIMUM
APPR	APPROXIMATELY	MIRIAM	MIRIAM
ATN	ATTENTION	NIC	NOT IN CONTRACT
BD	BOARD	NDM	NOMINAL
BLDG	BUILDING	NTS	NOT TO SCALE
BO	BOTTOM OF	OC	ON CENTER
CLG	CEILING	OCC	OCCUPANT(S)
CLR	CLEAR	OH	OPPOSITE HAND
CMC	CONCRETE	OSB	ORIENTED STRAND BOARD
CONT	CONTINUOUS	P	PAINT
DET	DETAIL	PLWD	PLYWOOD
DM	DIMENSION	PT	PAINT TYPE
DS	DOWNSPOUT	PSL	PARALLEL STRAND LUMBER
EA	EACH	RWL	RAIN WATER LEADER
ELV	ELEVATION	RCF	REFLECTED CEILING PLAN
EM	ELECTRIC METER	REQD	REQUIRED
EQ	EQUAL	RD	ROOF DRAIN
EXT	EXISTING	SC	SEALED CONCRETE
EXT	EXTERIOR	Ø	SQUARE FOOT
EVSE	ELECTRIC VEHICLE SUPPLY EQUIPMENT	SF	SQUARE FOOTAGE
FD	FLOOR DRAIN	SH	SHINGLE TYPE
FE	FIRE EXTINGUISHER	SMA	SIMILAR
FEC	FIRE EXTINGUISHER CABINET	SS	STAINLESS STEEL
FIN	FINISH	SSD	SEE STRUCTURAL DRAWINGS
FIR	FLOOR	SLD	SEE LANDSCAPE DRAWINGS
FINN	FOUNTAIN	ST	STEEL
FOC	FACE OF CONCRETE	STOR	STORAGE
FOF	FACE OF FINISH	T	TREAD OR TIE
FOS	FACE OF STUD	T&G	TONGUE AND GROOVE
FSP	FIBREGLASS REINFORCED PANEL	TBD	TO BE DETERMINED
FS	FIRE SPRINKLER	TJ	TRUSS JOIST SECTION
GA	GAUGE OR GAUGE	TO	TOP OF
GALV	GALVANIZED	TOC	TOP OF SLAB
GL	GLASS	TYP	TYPICAL
GSM	GAS METER	UNON	UNLESS OTHERWISE NOTED
GSM	GALVANIZED SHEET METAL	UR	URNAL
GWB	Gypsum Wall Board	VIF	VERIFY IN FIELD
Ø	HAPPY FACE	W	WITH
HB	HOSE BIB	WCL	WATER CLOSET
HC	HANDICAPPED	WH	WATER HEATER
		WM	WATER METER
		WO	WHERE OCCURS

PERSPECTIVE VIEW

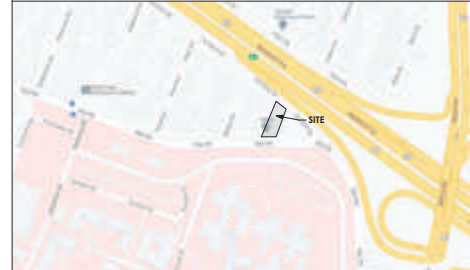


PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF THE DEMOLITION OF AN EXISTING STRUCTURE WITH A CHURCH ON THE GROUND FLOOR AND AN APARTMENT ON THE SECOND FLOOR. THE PROJECT INCLUDES CONSTRUCTION OF TWO NEW SINGLE-FAMILY HOMES WITH TWO STORIES AND TWO ATTACHED GARAGES EACH.

DESIGNED PROJECT WILL INCLUDE NEW LANDSCAPING, LANDSCAPING AND DRIVEWAY CURB CUTS. A CONCURRENT PARCEL MAP APPLICATION IS BEING SUBMITTED IN A SEPARATE APPLICATION.

VICINITY MAP



PROJECT DIRECTORY

OWNER
MC-BAY LLC
301 LYTON AVE, SUITE 200
PALO ALTO, CA 94301
TEL: 415.966.8008
CONTACT: ZACH TRAIER
EMAIL: ZTRAIER@ZACHTRAIER.COM

ARCHITECT & OWNER REPRESENTATIVE
HEATHER YOUNG ARCHITECTS
81 ENCINA AVENUE, SUITE 100
PALO ALTO, CA 94301
TEL: 415.459.3000
CONTACT: HEATHER YOUNG
EMAIL: HEATHER@HYARCHS.COM

ARCHITECT
URBAN TREE MANAGEMENT
P.O. BOX 971
LOS GATOS, CA 95031
TEL: 415.321.0222
CONTACT: MICHAEL YOUNG
EMAIL: MICHAEL@URBANTREEMANAGEMENT.COM

CIVIL ENGINEER
EKA & ASSOC.
2405 INDUSTRIAL PARKWAY WEST
HAYWARD, CA 94542
TEL: 510.887.4086
CONTACT: PETE CARLINO
EMAIL: PETER@EKAORLEBARAJE.COM

LANDSCAPE ARCHITECT
MARIA YOUNG
834 18TH AVENUE
MENLO PARK, CA 94025
TEL: 650.527.2644
CONTACT: MARIA YOUNG
EMAIL: MARYOUNG@GMAIL.COM

FIRE DEPARTMENT REQUIREMENTS

FIRE SPRINKLER DESIGN:
1) RESIDENTIAL FIRE SPRINKLER SYSTEM REQUIRED IN ACCORDANCE WITH NFPA 13D AND STATE AND LOCAL REQUIREMENTS.

FRONTAGE IMPROVEMENTS

- 1) ANY FRONTAGE IMPROVEMENTS WHICH ARE DAMAGED AS A RESULT OF CONSTRUCTION WILL BE REQUIRED TO BE REPLACED. ALL FRONTAGE IMPROVEMENT WORK SHALL BE IN ACCORDANCE WITH THE LATEST VERSION OF THE CITY STANDARD DETAILS.
- 2) AN ENCROACHMENT PERMIT FROM THE ENGINEERING DIVISION IS REQUIRED PRIOR TO ANY CONSTRUCTION ACTIVITIES, INCLUDING UTILITY LATERALS, IN THE PUBLIC RIGHT OF WAY.

PROJECT DATA

SITE DATA:

APN	042-045-050
ZONING	R-3
CONSTRUCTION TYPE	V-B
STORIES	TWO
FLOOD ZONE	X
FRONT SETBACK	25'-0"
BUILDING HEIGHT	35'-0"
LOT AREA/ACRES	8,273 SF
LOT AREA/ACRES	0.19

BUILDING COVERAGE:

MAX. 50%	2,544 SF
EXISTING BUILDING COVERAGE	2,481 SF
MAX ALLOWABLE BUILDING COVERAGE	2,432 SF
PROPOSED BUILDING COVERAGE	

FAR (FLOOD AREA RATIO):

MAX. 45%	3,023 SF
EXISTING FAR	3,722 SF
MAX ALLOWABLE FAR	3,720 SF
PROPOSED FAR	

PROPOSED FLOOR AREA:

GROUND FLOOR =	1,424 SF
SECOND FLOOR =	2,296 SF
TOTAL =	3,720 SF

LANDSCAPING: MIN. 50%

EXISTING LANDSCAPING	838 SF
MIN REQUIRED LANDSCAPING	4,136 SF
PROPOSED LANDSCAPING	4,925 SF

PAVING: MAX. 20%

EXISTING PAVING	4,891 SF
MAX ALLOWABLE PAVING	1,454 SF
PROPOSED PAVING	315 SF
(PERMEABLE PAVERS 629 SF x 50%)	

APPLICABLE CODES AND REGULATIONS:

BUILDING CODE	2019 CBC (2019 CALIFORNIA BUILDING CODE, TITLE 24, PART 2)
ELECTRICAL CODE	2019 CEC (2019 CALIFORNIA ELECTRICAL CODE, TITLE 24, PART 3)
MECHANICAL CODE	2019 CMC (2019 CALIFORNIA MECHANICAL CODE, TITLE 24, PART 4)
PLUMBING CODE	2019 CPC (2019 CALIFORNIA PLUMBING CODE, TITLE 24, PART 5)
ENERGY CODE	2019 CEC (2019 CALIFORNIA ENERGY CODE, TITLE 24, PART 4)
FIRE CODE	2019 CFC (2019 CALIFORNIA FIRE CODE, TITLE 24, PART 9, APP. B-L,C)
GREEN BUILDING	2019 CALGREEN (2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, TITLE 24, PART 11)

SHEET INDEX

A0.0	TITLE SHEET	C-1.0	CIVIL TITLE SHEET
A0.1	AREA PLAN / STREETScape	C-1.1	LOT LAYOUT & LAND USAGE PLAN
A1.0	EXISTING/DEMO SITE PLAN	C-2.0	PRELIMINARY GRADING & DRAINAGE
A1.1	EXISTING ELEVATIONS	C-3.0	PRELIMINARY UTILITY PLAN
A1.2	PROPOSED SITE PLAN	ER-1	EROSION CONTROL PLAN
A1.3	SITE AREA CALCUS	ER-2	EROSION CONTROL DETAILS
A2.0	FLOOR PLANS 811 BAY ROAD	SW-1	STORMWATER POLLUTION PREVENTION PLAN
A2.1	ROOF PLAN 811 BAY ROAD	SU1	TOPOGRAPHIC AND BOUNDARY SURVEY
A2.2	FLOOR PLANS 810 VAN BUREN ROAD		
A2.3	ROOF PLAN 810 VAN BUREN ROAD		
A3.0	AREA CALCUS 811 BAY ROAD		
A3.1	AREA CALCUS 810 VAN BUREN ROAD		
A4.0	ELEVATIONS 811 BAY RD SOUTH + EAST		
A4.1	ELEVATIONS 811 BAY RD WEST + NORTH		
A4.2	ELEVATIONS 810 VAN BUREN RD NORTH + EAST		
A4.3	ELEVATIONS 810 VAN BUREN RD WEST + SOUTH		
A5.0	SECTIONS 811 BAY ROAD		
A5.1	SECTIONS 810 VAN BUREN ROAD		
A6.0	MATERIAL BOARD		
L-1.0	LANDSCAPE		
L-1.1	PLANT LIST & IMAGES		
T0.1	ARBORIST REPORT		

FLOOD PARK HOMES

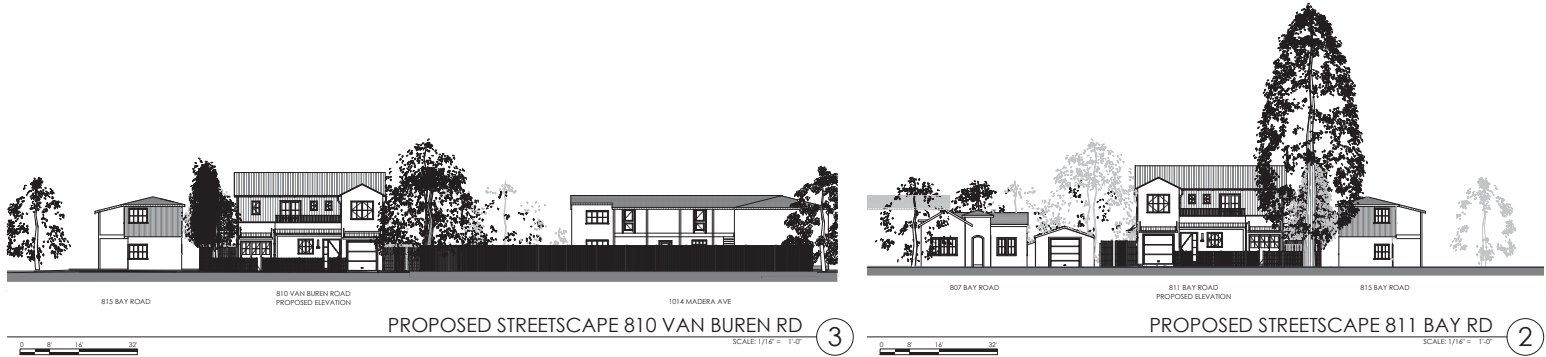
811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

ISSUANCES

REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2023	PLANNING REV
	2/25/2023	PLANNING REV 2

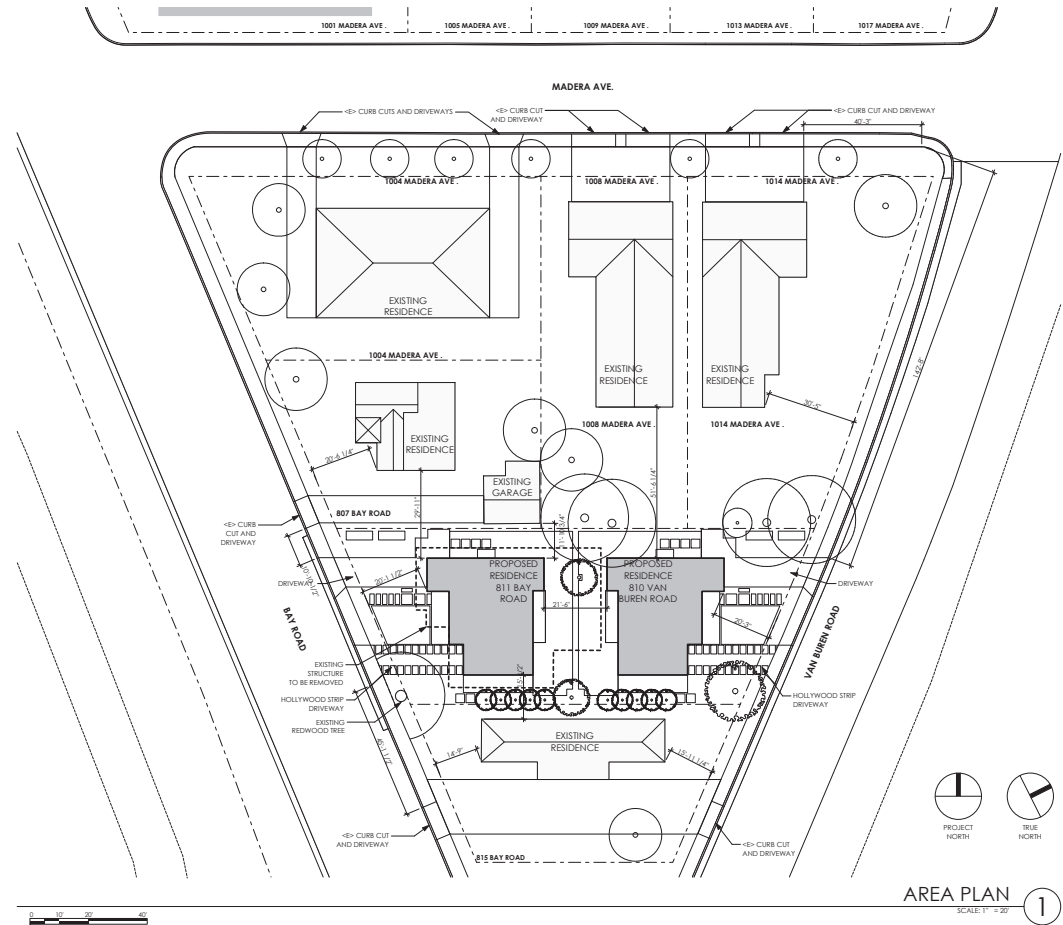
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FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025



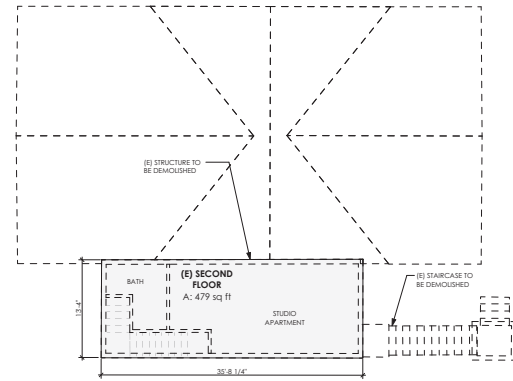
ISSUANCES

REV	DATE	DESCRIPTION
	10/11/2021	PLANNING
	1/18/2022	PLANNING REV. 1
	5/25/2022	PLANNING REV. 2
	3/14/2022	PLANNING REV. 5

AREA PLAN / STREETSCAPE

A0.1

SITE DEMO	
BUILDING	AREA
(E) GROUND FLOOR	2,544
(E) SECOND FLOOR	479
	3,023 SF
PAVING	
CONCRETE	119
CONCRETE 2	220
HARDSCAPE ASPHALT	2,518
HARDSCAPE CONCRETE	2,034
	4,891 SF

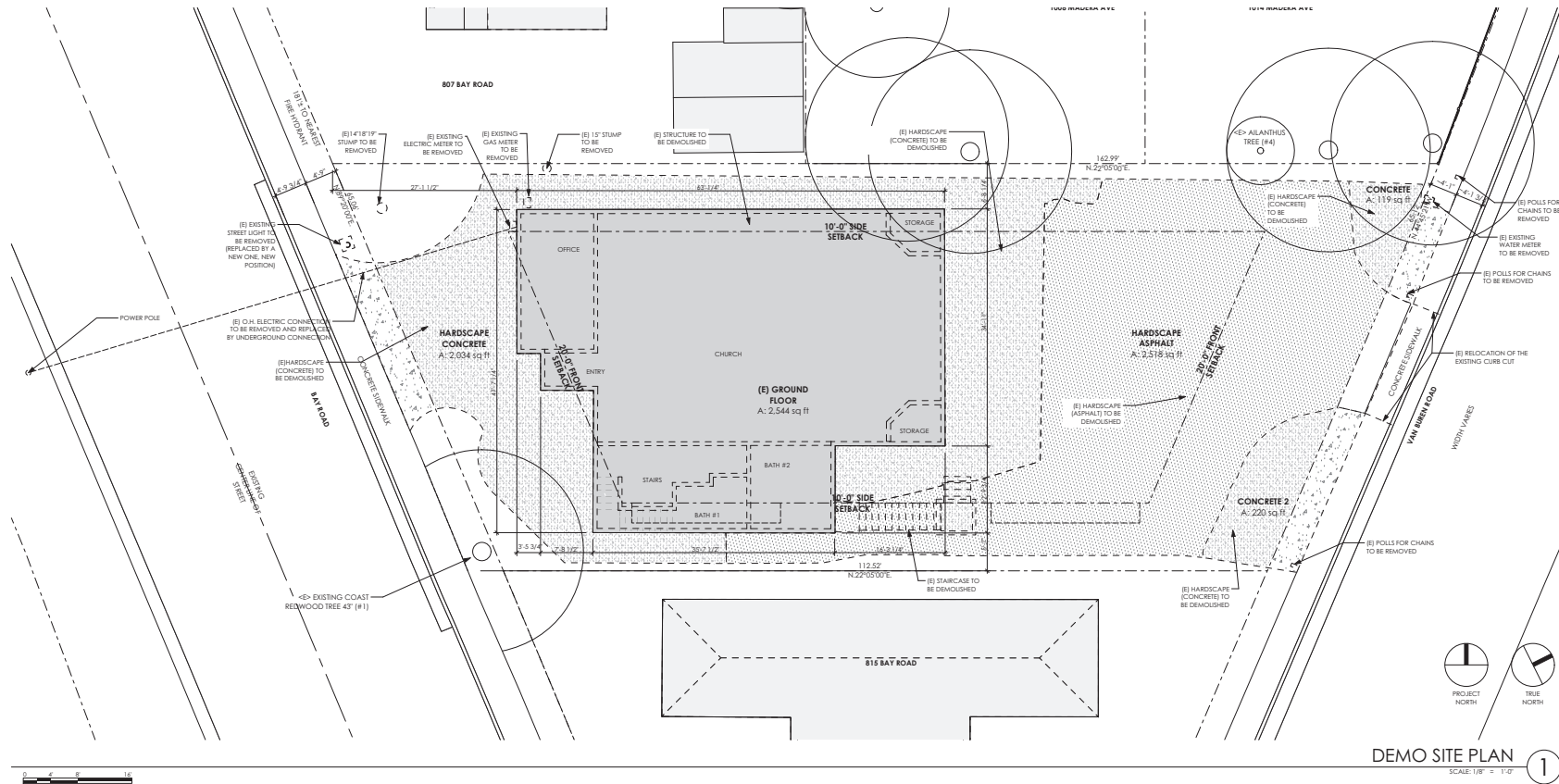


DEMO SECOND FLOOR ②
SCALE 1/8" = 1'-0"

FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

ISSUANCES		
REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2022	PLANNING REV
	2/25/2022	PLANNING REV 2



DEMO SITE PLAN ①
SCALE 1/8" = 1'-0"

EXISTING/DEMO SITE PLAN

A1.0

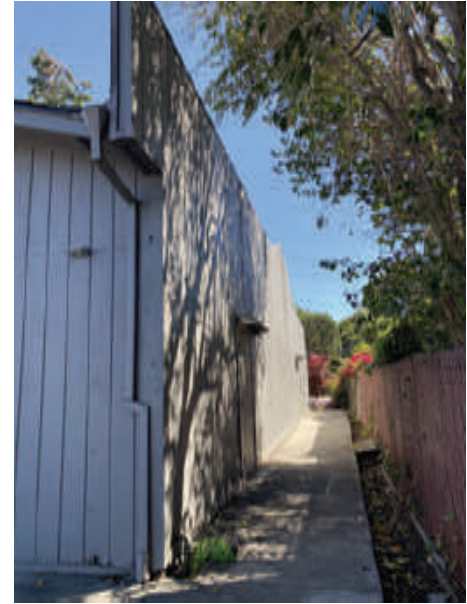
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811 BAY ROAD, FRONT / SOUTH ELEVATION ⑥



LEFT / WEST SIDE ELEVATION ⑤



LEFT / WEST SIDE ELEVATION ④



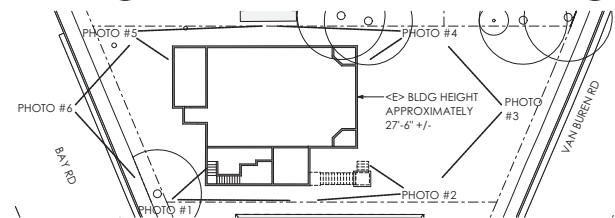
REAR / NORTH ELVATION, FROM VAN BUREN ROAD ③



RIGHT / EAST SIDE ELEVATION ②



RIGHT / EAST SIDE ELEVATION ①



FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

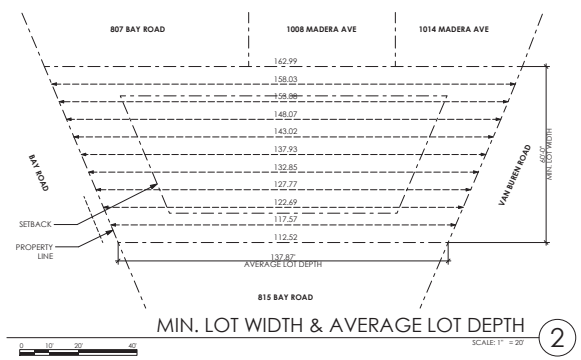
ISSUANCES		
REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2022	PLANNING REV
	2/25/2022	PLANNING REV 2

EXISTING ELEVATIONS

A1.1



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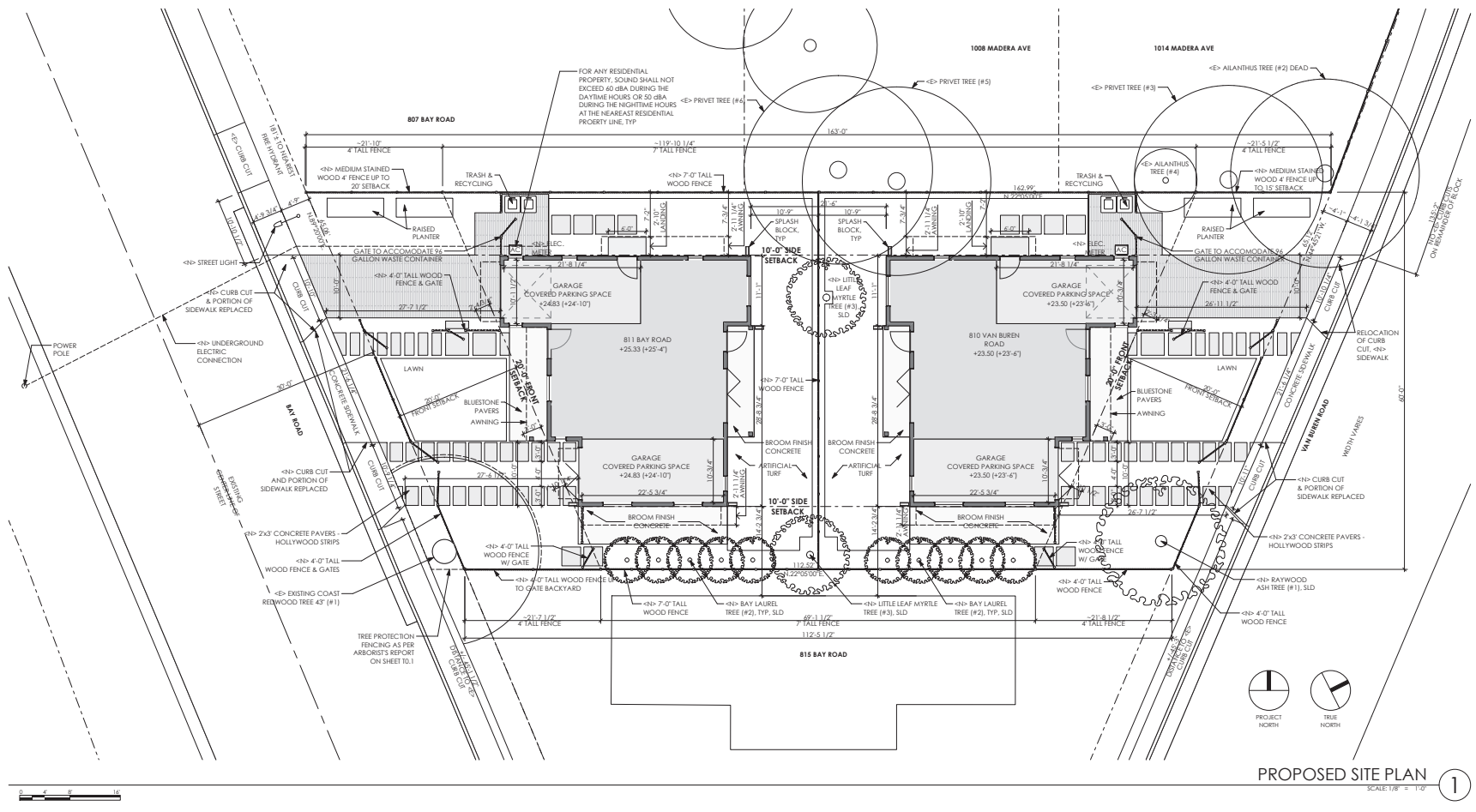


SITE ANALYSIS
ZONING: R-3

LOT AREA: 8,273 X .45% =	8,273 SF
ALLOWABLE BUILDING COVERAGE: 8,273 X .35% =	2,895 SF
BUILDING COVERAGE: PROPOSED	2,432 SF
GROUND FLOOR: (2 x 1,216 ft)	2,432
TOTAL	2,432 SF
BUILDING COVERAGE EXISTING STRUCTURE PERCENTAGE OF EXISTING BUILDING COVERAGE	- 2,544 sf - 30.8%
ALLOWABLE FLOOR AREA RATIO: 8,273 X .45% =	3,722 SF
FLOOR AREA:	
811 BAY RD. (712 x 1,148 ft)	1,860
811 VAN BUREN RD. (712 x 1,148 ft)	1,860
TOTAL	3,720 SF
BUILDING COVERAGE:	29.4%
LANDSCAPE (4,925 SF + 315 SF (50% PERMEABLE PAVERS))=5,240 SF:	63.3%
PAVED SURFACES (PERMEABLE PAVERS) 629 SF x SIDE = 315 SF:	3.9%
OVERHANG:	3.5%
PARKING SPACES:	4 COV

ALL GRADES TO REMAIN NATURAL
AT SIDE AND REAR PROPERTY LINES

MIN. LOT WIDTH & AVERAGE LOT DEPTH (2)
SCALE: 1" = 40'



FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD,
MENLO PARK CA, 94025

REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2022	PLANNING REV. 1
	3/25/2022	PLANNING REV. 2
	3/16/2022	PLANNING REV. 5

PROPOSED SITE PLAN

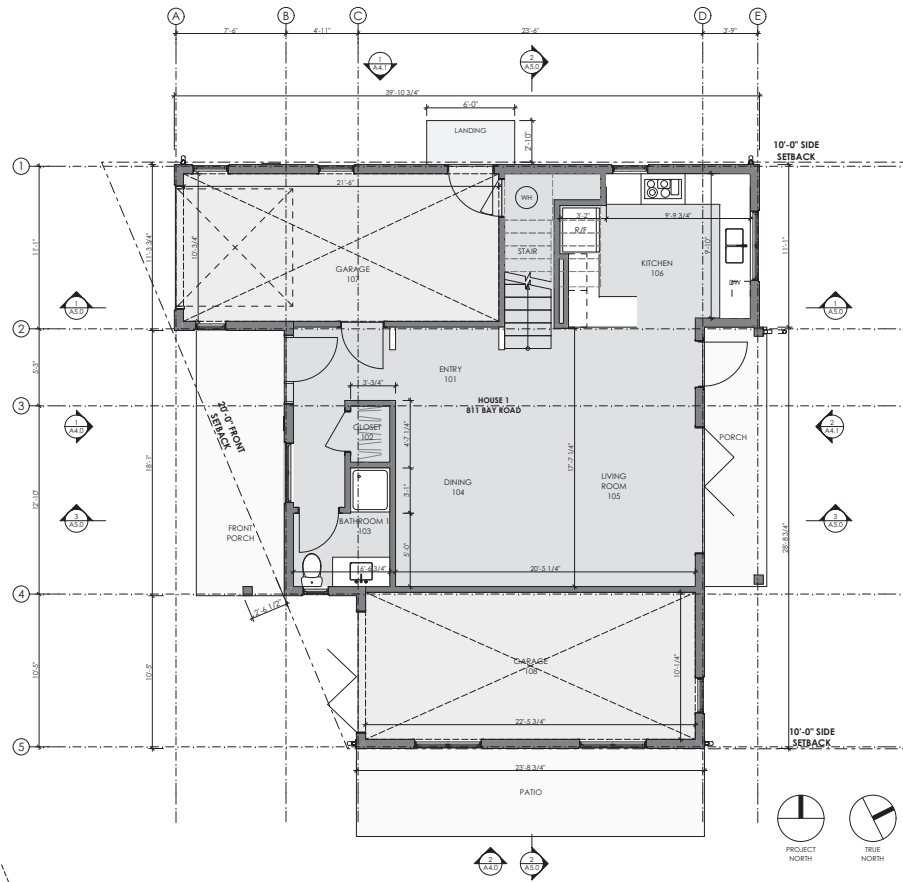
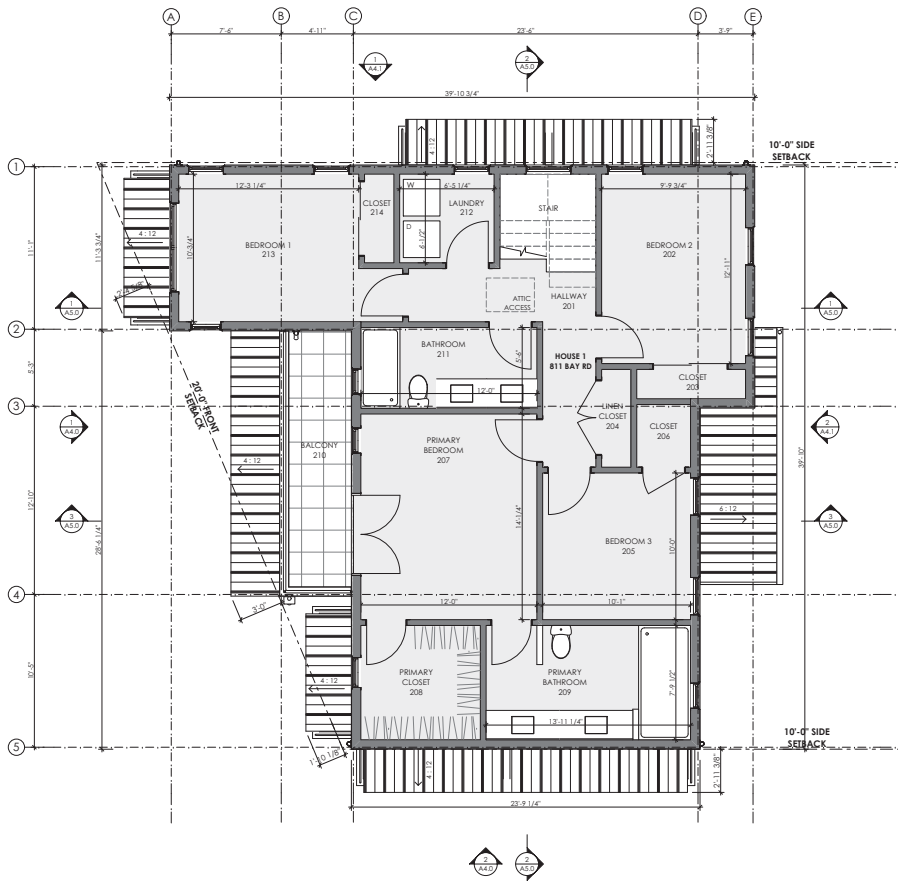
A1.2
 PROPOSED SITE PLAN (1)
 SCALE: 1/8" = 1'-0"
 © HEATHER YOUNG ARCHITECTS 2022

FLOOD PARK HOMES: 18-18337-000-WA

FLOOD PARK
HOMES

811 BAY ROAD & 810
VAN BUREN ROAD,
MENLO PARK CA,
94025

ISSUANCES		
REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2022	PLANNING REV
	2/25/2022	PLANNING REV 2



FLOOR PLANS
811 BAY ROAD

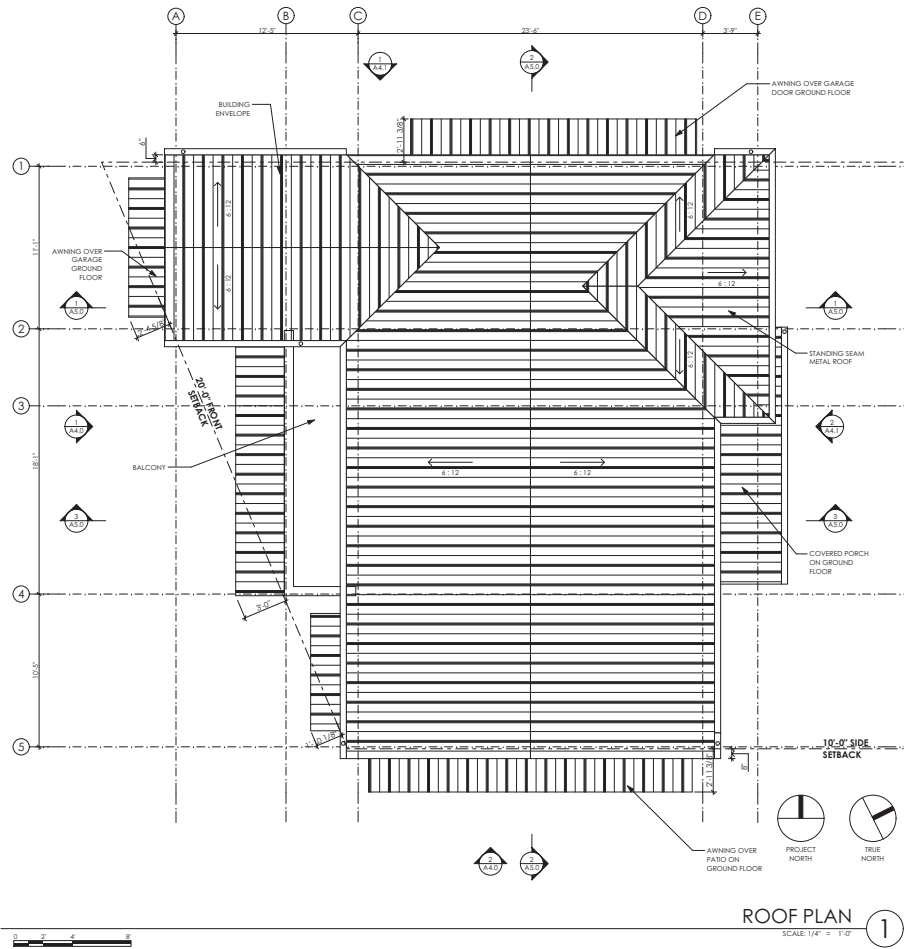
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FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

ISSUANCES

REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2023	PLANNING REV
	2/25/2023	PLANNING REV 2



ROOF PLAN
811 BAY ROAD

A2.1

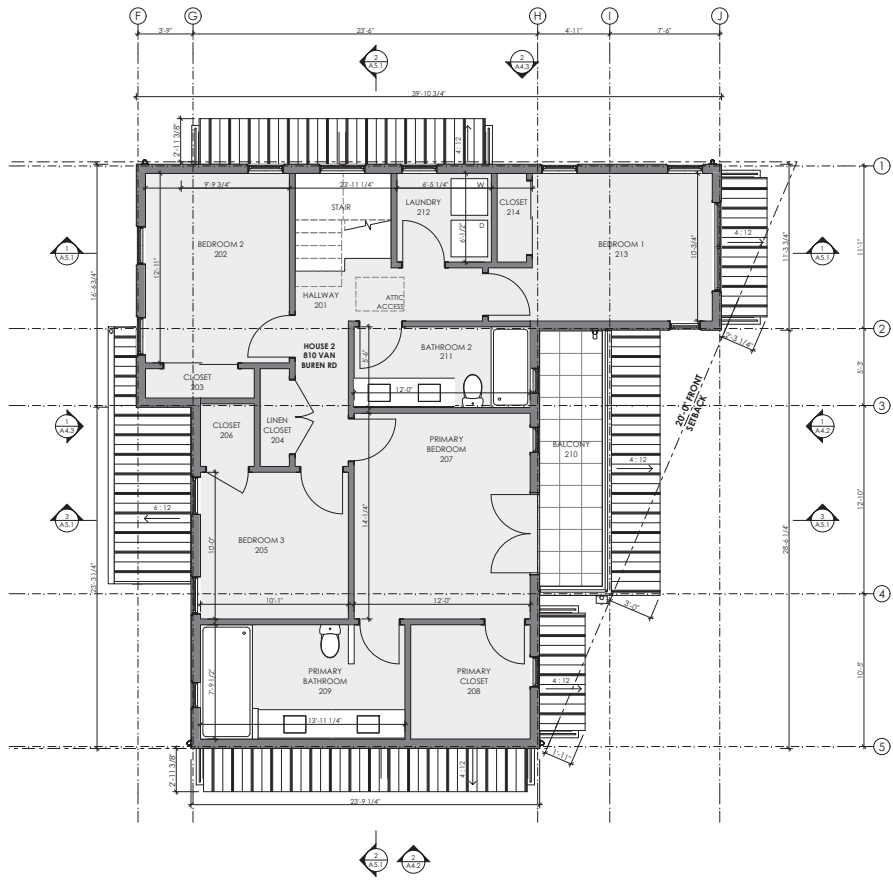
ROOF PLAN
SCALE: 1/4" = 1'-0" 1

FLOOD PARK HOMES

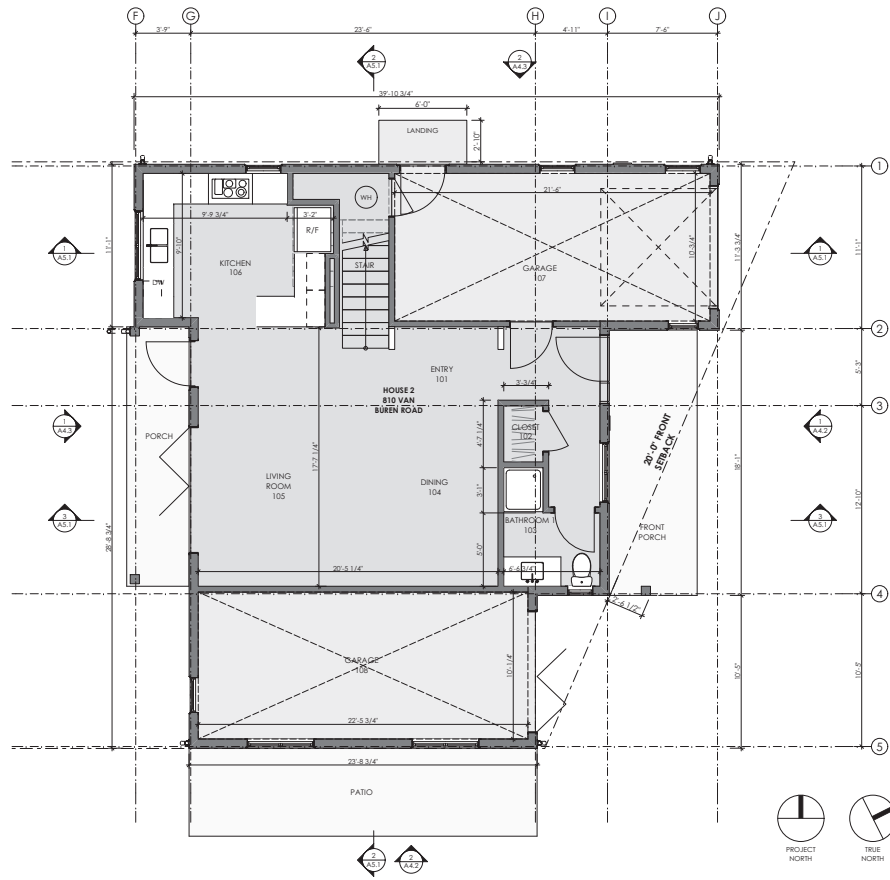
811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

ISSUANCES

REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2022	PLANNING REV
	2/25/2022	PLANNING REV 2



SECOND FLOOR ②
SCALE 1/4" = 1'-0"



GROUND FLOOR ①
SCALE 1/4" = 1'-0"

FLOOR PLANS
810 VAN BUREN ROAD

A2.2



FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

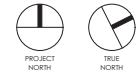
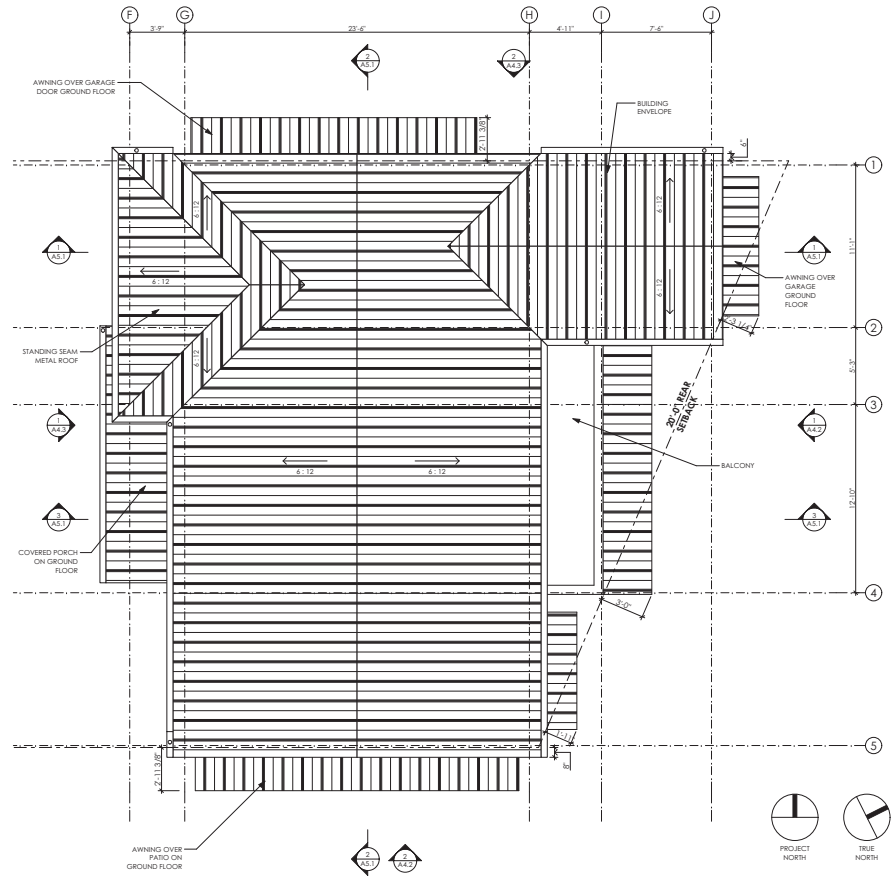
ISSUANCES

REV	DATE	DESCRIPTION
	10/11/2021	PLANNING
	1/18/2022	PLANNING REV.
	2/25/2022	PLANNING REV 2

ROOF PLAN
810 VAN BUREN ROAD

A2.3

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ROOF PLAN
SCALE: 1/4" = 1'-0"

1

D9



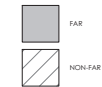
SITE ANALYSIS
ZONING: R-3

LOT AREA:	8,273 SF
ALLOWABLE BUILDING COVERAGE: 8,273 x .30% =	2,481 SF
BUILDING COVERAGE:	PROPOSED
GROUND FLOOR (2 x 1,214 sf)	2,428
TOTAL	2,432 SF
BUILDING COVERAGE EXISTING STRUCTURE	- 2,544 sf
PERCENTAGE OF EXISTING BUILDING COVERAGE	- 30.8%
ALLOWABLE FLOOR AREA RATIO: 8,273 x .45% =	3,722 SF
FLOOR AREA:	PROPOSED
811 BAY RD (712 + 1,148 sf)	1,860
811 VAN BUREN RD (712 + 1,148 sf)	1,860
TOTAL	3,720 SF
BUILDING COVERAGE	29.4%
LANDSCAPE (4,925 SF + 315 SF (50% PERMEABLE PAVERS))=5,240 SF:	63.3%
PAVED SURFACES (PERMEABLE PAVERS) 439 SF x .50% = 315 SF:	3.8%
OVERHANG:	3.5%

AREA CALCS - FAR		
		AREA
810 VAN BUREN RD		
GROUND FLOOR	BLOCK 1	195
GROUND FLOOR	BLOCK 2	517
SECOND FLOOR	BLOCK 3	451
SECOND FLOOR	BLOCK 4	144
SECOND FLOOR	BLOCK 5	553
		1,860 SF
811 BAY RD		
GROUND FLOOR	BLOCK 1	195
GROUND FLOOR	BLOCK 2	517
SECOND FLOOR	BLOCK 3	451
SECOND FLOOR	BLOCK 4	144
SECOND FLOOR	BLOCK 5	553
		1,860 SF
TOTAL		3,720 SF
MAX ALLOWABLE FAR		3,722 sq ft

AREA CALCS - NON FAR		
		AREA
810 VAN BUREN RD		
GROUND FLOOR	AWNING 1	61
GROUND FLOOR	AWNING 2	30
GROUND FLOOR	AWNING 3	25
GROUND FLOOR	AWNING 4	65
GROUND FLOOR	COVERED PORCH	84
GROUND FLOOR	ENTRY PORCH	60
GROUND FLOOR	GARAGE	503
SECOND FLOOR	ROOF TERRACE	89
811 BAY RD		
GROUND FLOOR	AWNING 1	61
GROUND FLOOR	AWNING 2	30
GROUND FLOOR	AWNING 3	25
GROUND FLOOR	AWNING 4	65
GROUND FLOOR	COVERED PORCH	84
GROUND FLOOR	ENTRY PORCH	60
GROUND FLOOR	GARAGE	503
SECOND FLOOR	ROOF TERRACE	89
		1,834 SF

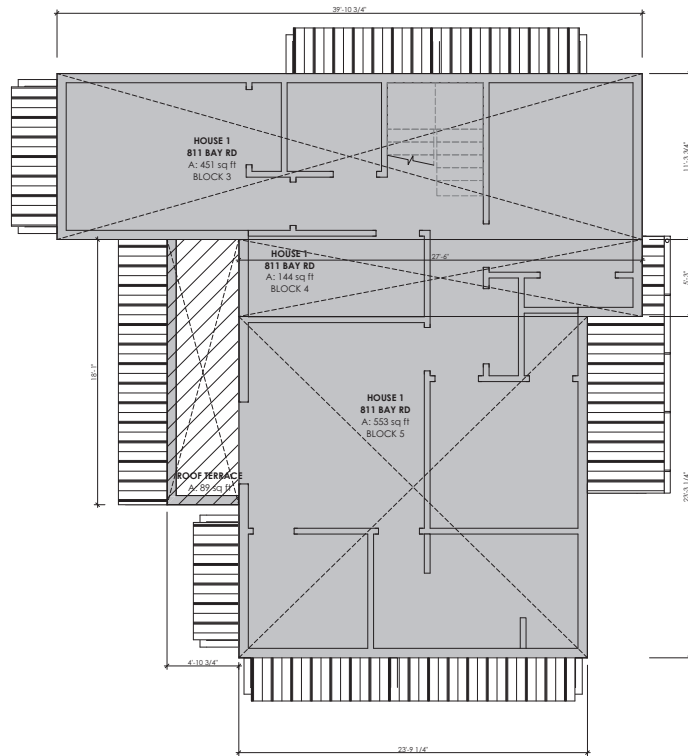
FAR LEGEND



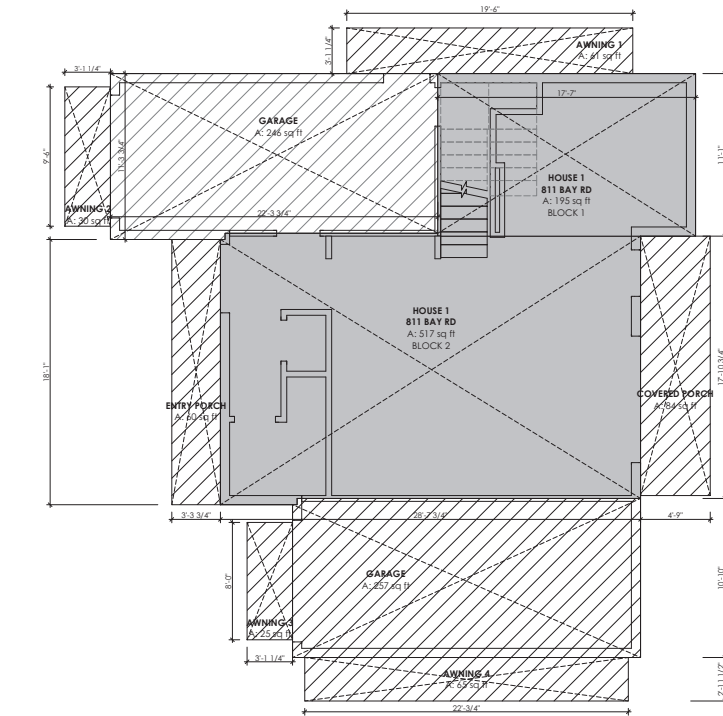
FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

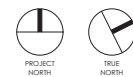
ISSUANCES		
REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2022	PLANNING REV
	2/25/2022	PLANNING REV 2



SECOND FLOOR FAR SCALE: 1/4" = 1'-0" ②



GROUND FLOOR FAR SCALE: 1/4" = 1'-0" ①



AREA CALCS 811 BAY ROAD

A3.0

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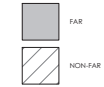
SITE ANALYSIS ZONING: R-3

LOT AREA:	8,273 SF
ALLOWABLE BUILDING COVERAGE: 8,273 x 30% =	2,481 SF
BUILDING COVERAGE: PROPOSED	2,432 SF
GROUND FLOOR: (2 x 1,214 sf)	2,428 SF
TOTAL	2,432 SF
BUILDING COVERAGE EXISTING STRUCTURE	~ 2,544 sf
PERCENTAGE OF EXISTING BUILDING COVERAGE	~ 30.8%
ALLOWABLE FLOOR AREA RATIO: 8,273 x 45% =	3,722 SF
FLOOR AREA: PROPOSED	3,720 SF
811 BAY RD (712 + 1,148 sf)	1,860
811 VAN BUREN RD (712 + 1,148 sf)	1,860
TOTAL	3,720 SF
BUILDING COVERAGE	29.4%
LANDSCAPE	(4,925 SF + 315 SF (50% PERMEABLE PAVERS))=5,240 SF: 63.3%
PAVED SURFACES (PERMEABLE PAVERS)	439 SF + 308 = 747 SF:
OVERHANG:	3.8%
	3.5%

AREA CALC - FAR			AREA
810 VAN BUREN RD			
GROUND FLOOR	BLOCK 1	195	1,860 SF
GROUND FLOOR	BLOCK 2	517	
SECOND FLOOR	BLOCK 3	451	
SECOND FLOOR	BLOCK 4	144	
SECOND FLOOR	BLOCK 5	553	
811 BAY RD			
GROUND FLOOR	BLOCK 1	195	1,860 SF
GROUND FLOOR	BLOCK 2	517	
SECOND FLOOR	BLOCK 3	451	
SECOND FLOOR	BLOCK 4	144	
SECOND FLOOR	BLOCK 5	553	
TOTAL		1,860 SF	3,720 SF
MAX ALLOWABLE FAR		3,722 sq ft	

AREA CALC - NON FAR			AREA	
810 VAN BUREN RD				
GROUND FLOOR	AWNING 1	61	1,834 SF	
GROUND FLOOR	AWNING 2	30		
GROUND FLOOR	AWNING 3	25		
GROUND FLOOR	AWNING 4	65		
GROUND FLOOR	COVERED PORCH	84		
GROUND FLOOR	ENTRY PORCH	60		
GROUND FLOOR	GARAGE	503		
GROUND FLOOR	ROOF TERRACE	89		
811 BAY RD				
GROUND FLOOR	AWNING 1	61		
GROUND FLOOR	AWNING 2	30		
GROUND FLOOR	AWNING 3	25		
GROUND FLOOR	AWNING 4	65		
GROUND FLOOR	COVERED PORCH	84		
GROUND FLOOR	ENTRY PORCH	60		
GROUND FLOOR	GARAGE	503		
SECOND FLOOR	ROOF TERRACE	89		

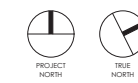
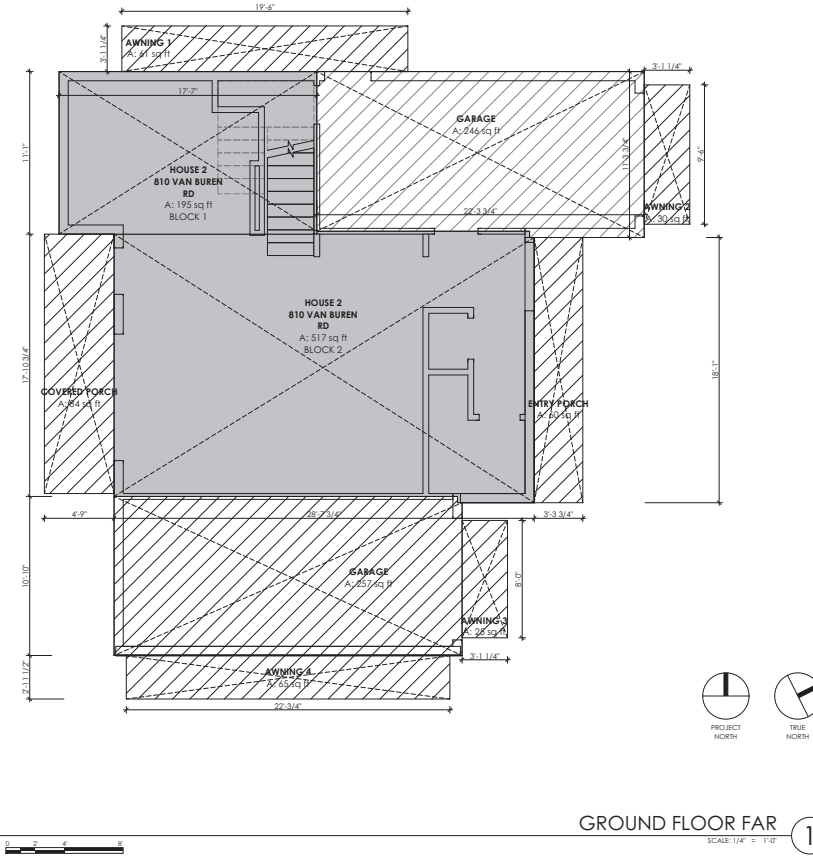
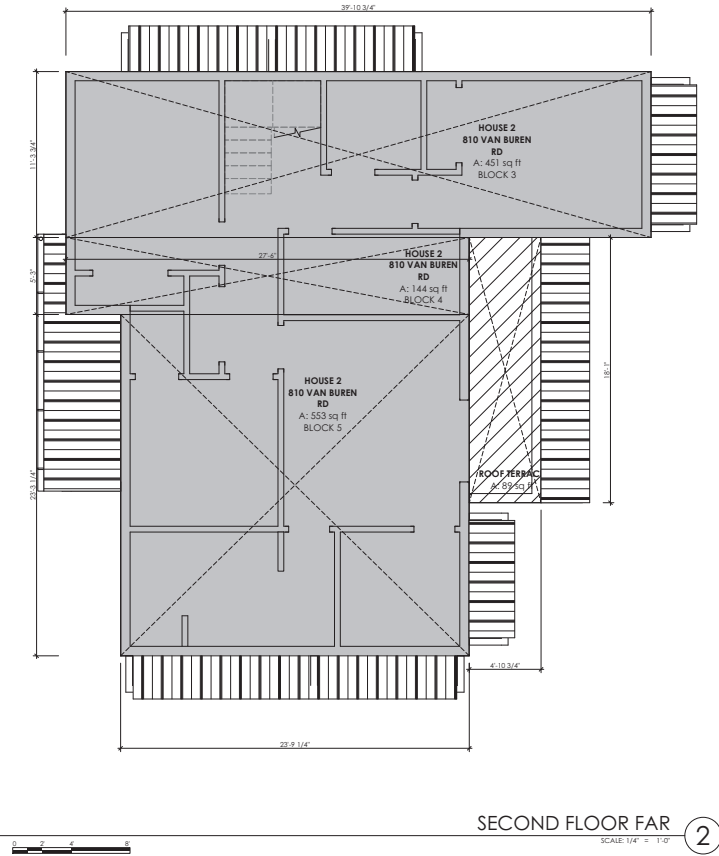
FAR LEGEND



FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD,
MENLO PARK CA,
94025

ISSUANCES		
REV	DATE	DESCRIPTION
1	10/11/2021	PLANNING
2	1/18/2022	PLANNING REV
3	2/25/2022	PLANNING REV 2

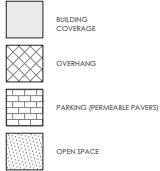


AREA CALC
810 VAN BUREN ROAD

A3.1

FLOODPARK HOMES 10.06.2022 04:31A

BUILDING COVERAGE LEGEND



AREA CALCS - SITE COVERAGE

Table with 2 columns: Description and Area. Includes categories like BUILDING COVERAGE, LANDSCAPE, OVERHANG, PARKING, and TRASH & RECYCLING.

SITE ANALYSIS

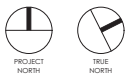
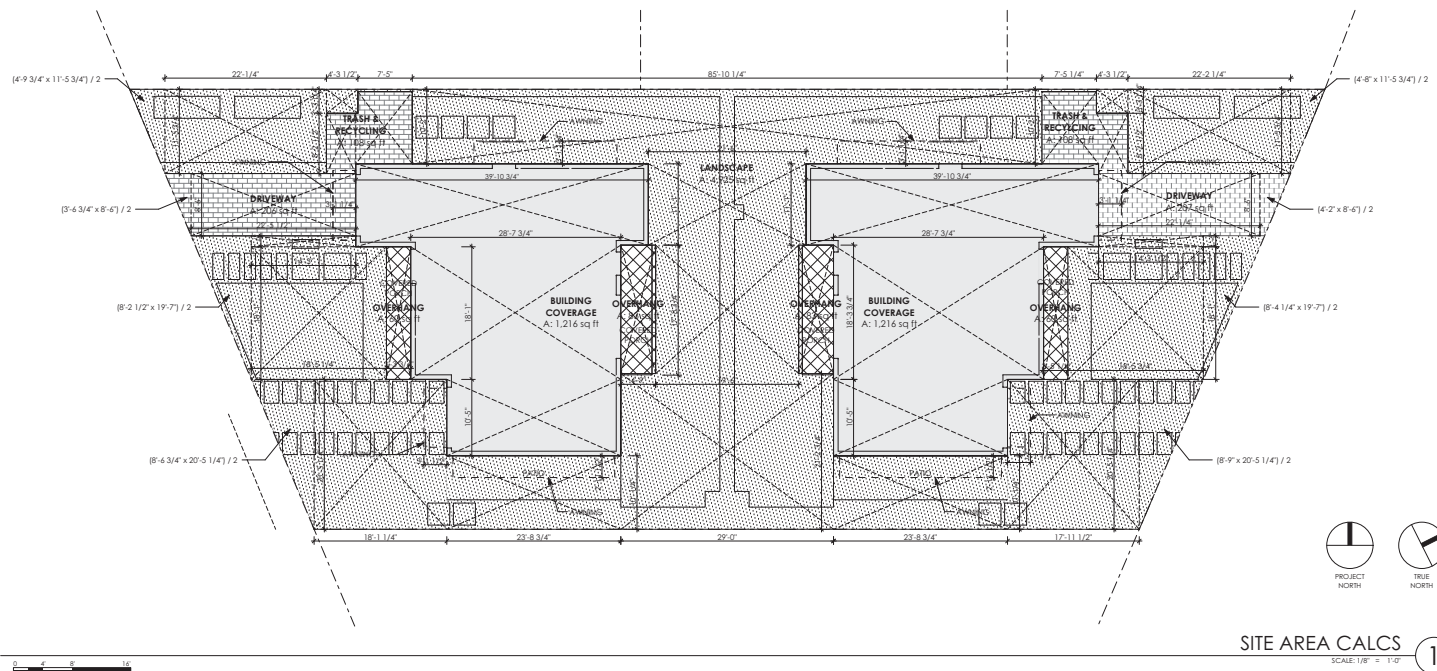
Table showing site analysis metrics: LOT AREA (8,273 SF), ALLOWABLE BUILDING COVERAGE (2,481 SF), BUILDING COVERAGE (PROPOSED 2,432 SF), and FLOOR AREA (TOTAL 3,720 SF).



FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

ISSUANCES table with columns: REV, DATE, DESCRIPTION. Shows revisions for planning and planning review.

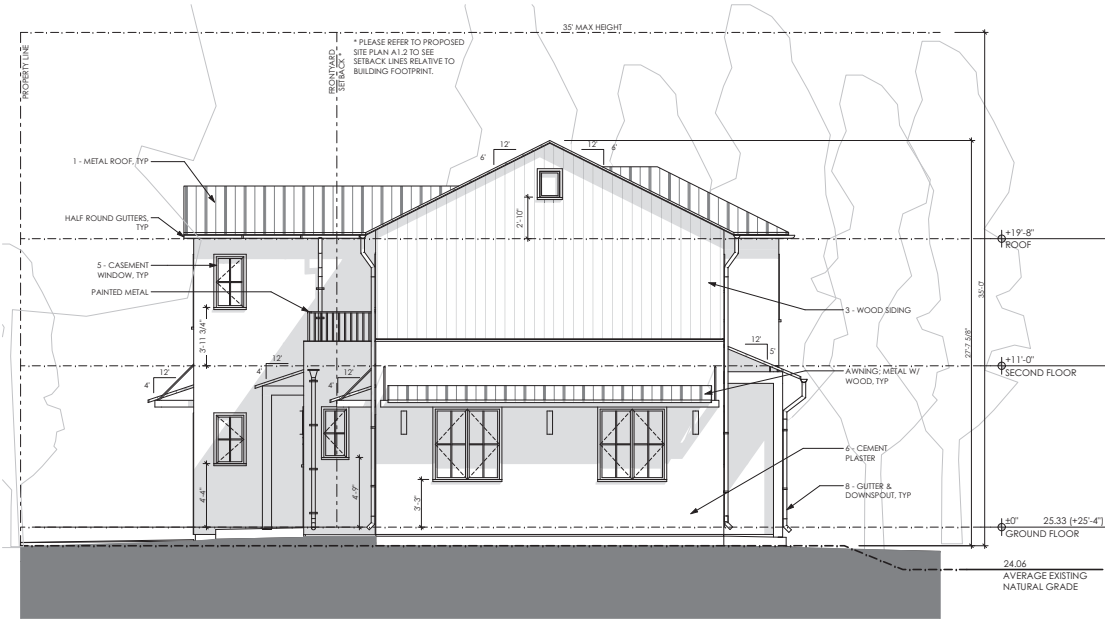


SITE AREA CALCS

SITE AREA CALCS SCALE 1/8" = 1'-0" 1

A1.3

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811 BAY RD EAST / RIGHT SIDE ELEVATION (2)

MATERIALS & FINISHES

- 1) **METAL ROOF:**
- STANDING SEAM STEEL ROOF
- LIGHT GREY
- 2) **EAVES:**
- 5/8" x 6" TONGUE & GROOVE
- WOOD BECKING
- PAINT FINISH
- 3) **WOOD SIDING:**
- CLEAR WESTERN RED CEDAR
- 1 x 4 PLANKS @ 3/4" THICK
- VERTICAL ORIENTATION WITH NICKEL GAP
- SMOOTH FACE
- 4) **CEMENT PLASTER:**
- 7/8" THICK
- SMOOTH BROWEL FINISH
- PAINTED OFF WHITE
- SEE SHEET A6.0 MATERIAL BOARD
- 5) **WINDOWS / BI-FOLD PATIO DOOR:**
- METAL CLAD WOOD WITH TRIM
- SIMULATED DIVIDED LIGHT
- COLOR DARK BRONZE / BLACK
- SEE SHEET A6.0 MATERIAL BOARD
- 6) **ENTRY DOOR/PATIO DOORS:**
- METAL CLAD WOOD WITH SIDE LIGHT
- COLOR DARK BRONZE / BLACK
- SEE SHEET A6.0 MATERIAL BOARD
- 7) **GARAGE DOOR:**
- METAL SECTIONAL
- COLOR DARK BRONZE / BLACK
- SEE SHEET A6.0 MATERIAL BOARD
- 8) **GUTTER AND DOWNSPOUTS:**
- 6" HALF ROUND GUTTER
- PAINTED ALUMINUM TO MATCH WINDOWS
- 9) **TRELLIS AND PORCH:**
- PAINTED WOOD
- COLOR BROWN
- SEE SHEET A6.0 MATERIAL BOARD
- 10) **SLAB:**
- EXPOSED CONCRETE FOUNDATION
- PAINTED OR STAINED
- 11) **FRONT PORCH:**
- THINSET BLUESTONE PAVERS OVER
- CONCRETE SLAB
- 12) **DRIVEWAY:**
- PERMEABLE PAVERS



FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

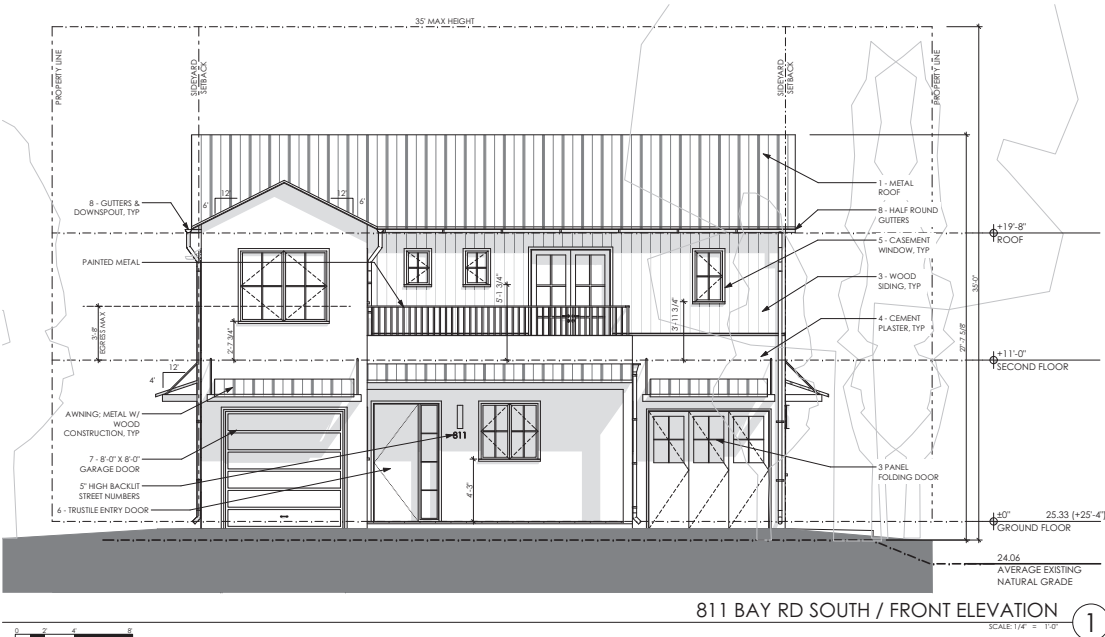
ISSUANCES

REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2022	PLANNING REV
	2/25/2022	PLANNING REV 2

ELEVATIONS
811 BAY RD SOUTH + EAST

A4.0

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811 BAY RD SOUTH / FRONT ELEVATION (1)

FLOODPARK HOMES 10.26.2022 A4.0 (1)

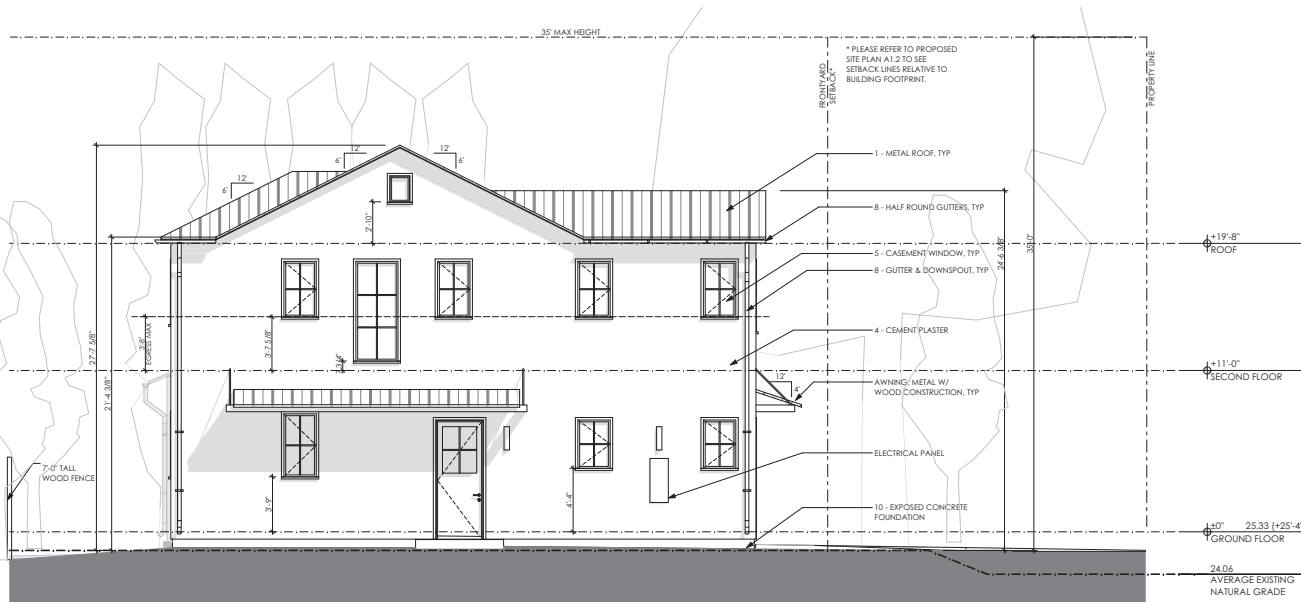


811 BAY RD NORTH / REAR ELEVATION

2



SCALE: 1/4" = 1'-0"



811 BAY RD WEST / LEFT SIDE ELEVATION

1



SCALE: 1/4" = 1'-0"

MATERIALS & FINISHES

- 1) METAL ROOF:
 - STANDING SEAM STEEL ROOF
 - LIGHT GREY
- 2) EAVES:
 - 5/8" x 6" TONGUE & GROOVE
 - WOOD BECKING
 - PAINT FINISH
- 3) WOOD SIDING:
 - CLEAR WESTERN RED CEDAR
 - 1 x 4 PLANKS @ 3/4" THICK
 - VERTICAL ORIENTATION WITH NICKEL GAP
 - SMOOTH FACE
- 4) CEMENT PLASTER:
 - 7/8" THICK
 - SMOOTH BROWEL FINISH
 - PAINTED OFF WHITE
 - SEE SHEET A&D MATERIAL BOARD
- 5) WINDOWS / BI-FOLD PATIO DOOR:
 - METAL CLAD WOOD WITH TRIM
 - SIMULATED DIVIDED LIGHT
 - COLOR DARK BRONZE / BLACK
 - SEE SHEET A&D MATERIAL BOARD
- 6) ENTRY DOOR/PATIO DOORS:
 - METAL CLAD WOOD WITH SIDE LIGHT
 - COLOR DARK BRONZE / BLACK
 - SEE SHEET A&D MATERIAL BOARD
- 7) GARAGE DOOR:
 - METAL SECTIONAL
 - COLOR DARK BRONZE / BLACK
 - SEE SHEET A&D MATERIAL BOARD
- 8) GUTTER AND DOWNSPOUTS:
 - 6" HALF ROUND GUTTER
 - PAINTED ALUMINUM TO MATCH WINDOWS
- 9) TRELLIS AND PORCH:
 - PAINTED WOOD
 - COLOR BROWN
 - SEE SHEET A&D MATERIAL BOARD
- 10) SLAB:
 - EXPOSED CONCRETE FOUNDATION
 - PAINTED OR STAINED
- 11) FRONT PORCH:
 - THINSET BLUESTONE PAVERS OVER CONCRETE SLAB
- 12) DRIVEWAY:
 - PERMEABLE PAVERS



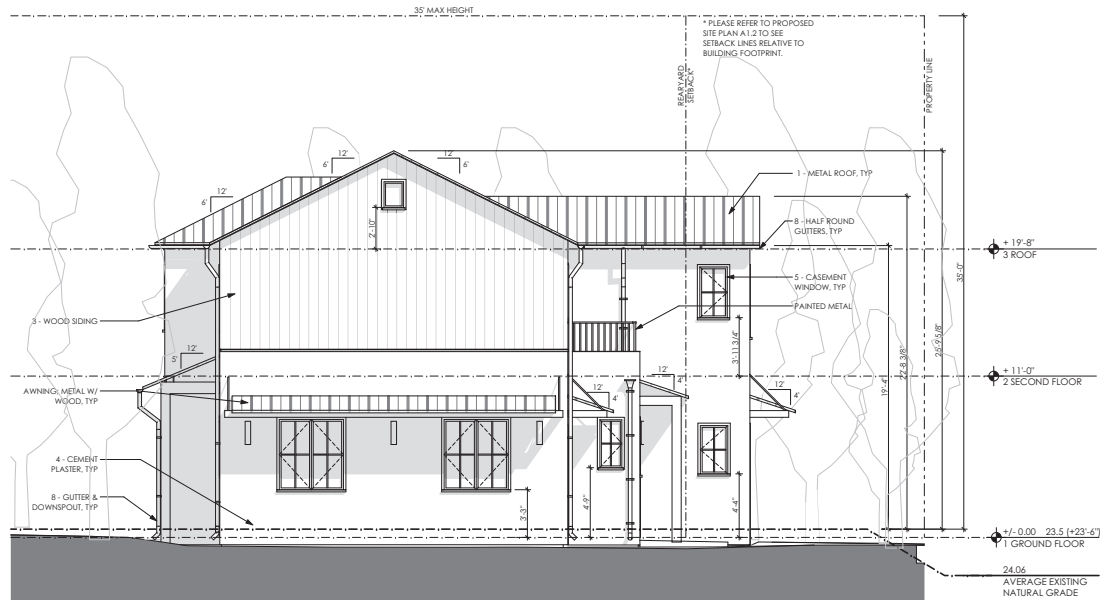
FLOOD PARK HOMES

811 BAY ROAD & 810
VAN BUREN ROAD,
MENLO PARK CA,
94025

ISSUANCES		
REV	DATE	DESCRIPTION
	10/11/2022	PLANNING
	1/18/2023	PLANNING REV
	2/25/2023	PLANNING REV 2

ELEVATIONS
811 BAY RD WEST +
NORTH

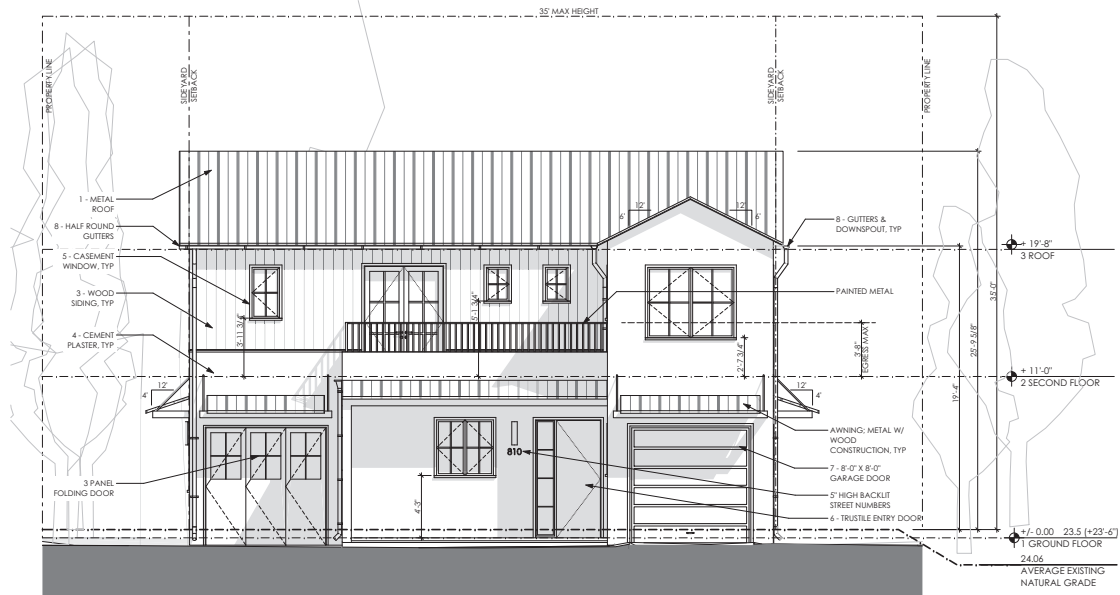
A4.1



810 VAN BUREN RD EAST / LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

(2)



810 VAN BUREN RD NORTH / FRONT ELEVATION

SCALE: 1/4" = 1'-0"

(1)

MATERIALS & FINISHES

- 1) METAL ROOF:
 - STANDING SEAM STEEL ROOF
 - LIGHT GREY
- 2) EAVES:
 - 5/8" x 6" TONGUE & GROOVE
 - WOOD BECKING
 - PAINT FINISH
- 3) WOOD SIDING:
 - CLEAR WESTERN RED CEDAR
 - 1 x 4 PLANKS @ 3/4" THICK
 - VERTICAL ORIENTATION WITH NICKEL GAP
 - SMOOTH FACE
- 4) CEMENT PLASTER:
 - 7/8" THICK
 - SMOOTH BROWEL FINISH
 - PAINTED OFF WHITE
 - SEE SHEET A6.0 MATERIAL BOARD
- 5) WINDOWS / BI-FOLD PATIO DOOR:
 - METAL CLAD WOOD WITH TRIM
 - SIMULATED DIVIDED LIGHT
 - COLOR DARK BRONZE / BLACK
 - SEE SHEET A6.0 MATERIAL BOARD
- 6) ENTRY DOOR / PATIO DOORS:
 - METAL CLAD WOOD WITH SIDE LIGHT
 - COLOR DARK BRONZE / BLACK
 - SEE SHEET A6.0 MATERIAL BOARD
- 7) GARAGE DOOR:
 - METAL SECTIONAL
 - COLOR DARK BRONZE / BLACK
 - SEE SHEET A6.0 MATERIAL BOARD
- 8) GUTTER AND DOWNSPOUTS:
 - 6" HALF ROUND GUTTER
 - PAINTED ALUMINUM TO MATCH WINDOWS
- 9) TRELLIS AND PORCH:
 - PAINTED WOOD
 - COLOR BROWN
 - SEE SHEET A6.0 MATERIAL BOARD
- 10) SLAB:
 - EXPOSED CONCRETE FOUNDATION
 - PAINTED OR STAINED
- 11) FRONT PORCH:
 - THINSET BLENSTONE PAVERS OVER CONCRETE SLAB
- 12) DRIVEWAY:
 - PERMEABLE PAVERS



FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

ISSUANCES

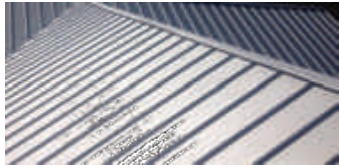
REV	DATE	DESCRIPTION
10/11/2021	PLANNING	
1/18/2022	PLANNING REV	
2/25/2022	PLANNING REV 2	

ELEVATIONS
810 VAN BUREN RD
NORTH + EAST

A4.2

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TRELLIS PAINTED WOOD

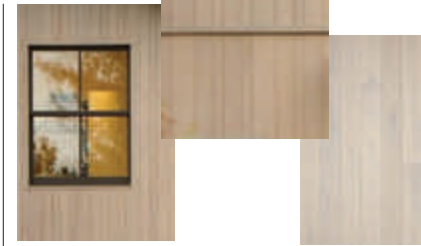


STANDING SEAM METAL ROOF, LIGHT GREY



LIGHT COLOR SMOOTH FINISH CEMENT PLASTER

RED CEDAR SIDING 5/8" x 6" TONGUE & GROOVE SMOOTH FACE



hya

HEATHER YOUNG ARCHITECTS
811 Bay Road, Suite 100
Menlo Park, CA 94025
415-321-8888 / hyaarch.com

FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK CA, 94025

ISSUANCES		
REV	DATE	DESCRIPTION
	10/11/2021	PLANNING
	1/18/2022	PLANNING REV
	2/25/2022	PLANNING REV 2



PERSPECTIVE BACK ②



PERSPECTIVE FRONT ①

PRECAST CONCRETE STEPPING STONES



PERMEABLE PAVER DRIVEWAY



DARK BRONZE / BLACK WOOD CLAD WINDOWS BLACK TRIM

DARK BRONZE / BLACK DOOR WITH SIDELIGHT

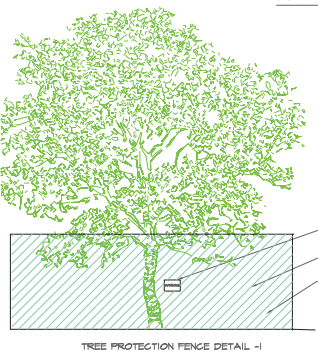
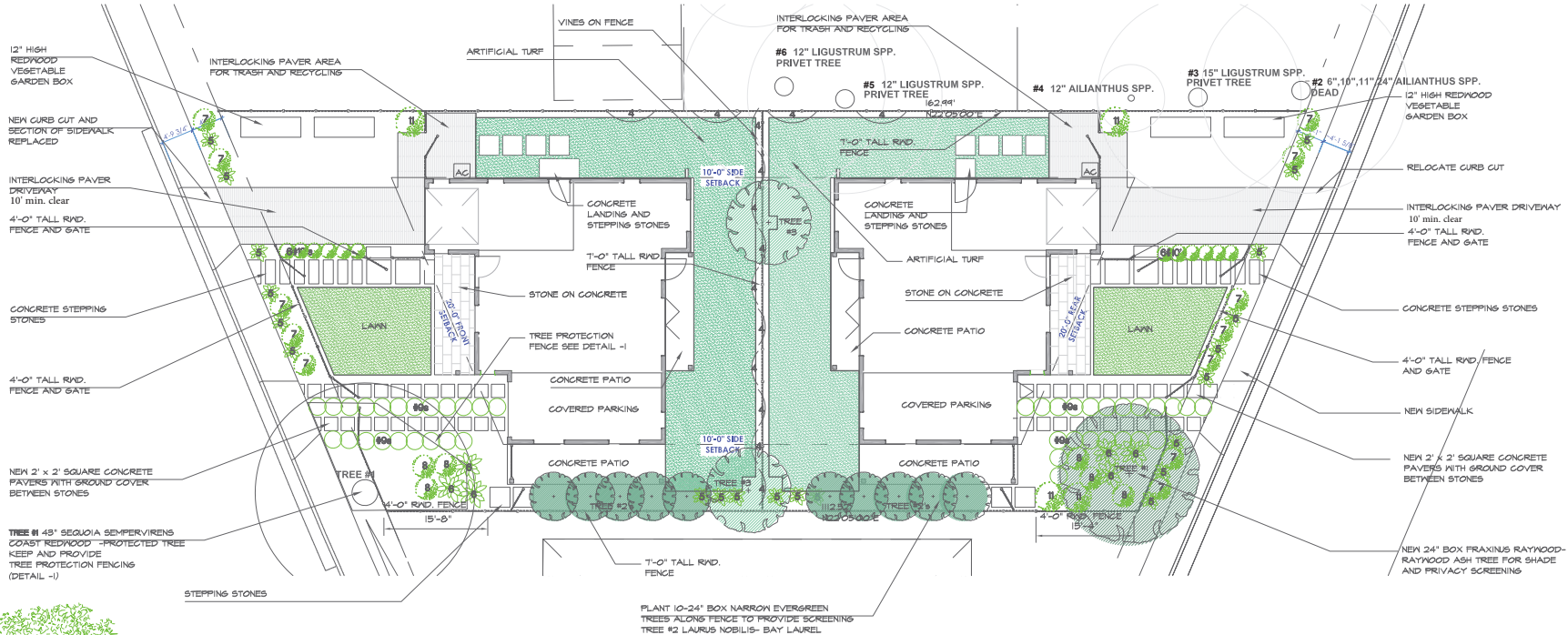


MATERIAL BOARD

A6.0

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#	QU.	SIZE	BOTANICAL NAME	COMMON NAME	MOQOLS PLANT FACTOR	MATURE HEIGHT & WIDTH
1	1	24" BOX	FRAXINUS 'RAYWOOD'	RAYWOOD ASH	L	40'x25'
2	10	24" BOX	LAURUS NOBILIS (TREE FORM)	BAY LAUREL	M	30'x4'-15'
3	2	24" BOX	TRISTANIA LAURINA	LITTLE LEAF MYRTLE	M	20'-30' x 15'-20'
4	14	56	ROSA BANKSIA 'ALBA PLENA'	WHITE LADY BANKS ROSE	L	12'x12'
5	21	16	LOMONDRA 'BREEZE'	MATT RUSH	L	2'x5'
6	6	56	MISCANTHUS 'MORNING LIGHT'	EULALIA GRASS	M	4'x4'
7	12	26	ROSA 'WHITE FLOWER CARPET'	WHITE GROUND COVER ROSE	M	2'x5'
8	6	56	ACACIA 'COUSIN ITT'	COUSIN ITT WATTLE	M	3'x5'
9	AS SHOWN	16	ARGTOSTAPHYLOS 'EMERALD CARPET'	MANZANITA GROUND COVER	L	1'x3'
10	12	56	BUXUS 'GREEN TOMER'	NARROW UPRIGHT BOXWOOD	M	4'x2'
11	4	156	PRUNUS CAROLINIANA (COLUMN FORM)	CAROLINA LAUREL CHERRY	L	15'x4'-5'



TOTAL NEW OR REHABILITATED LANDSCAPE AREA = 2028.5 S.F.
 I HAVE ELECTED TO COMPLY WITH THE WELO REGULATIONS USING THE WATER BUDGET COMPLIANCE METHOD. A STAND ALONE WELO APPLICATION AND WATER BUDGET WILL BE SUBMITTED AS REQUIRED.
 I HAVE COMPLIED WITH THE CRITERIA OF THE WATER CONSERVATION IN LANDSCAPE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE AND IRRIGATION DESIGN PLAN.
 A MIN. OF 3" LAYER OF MULCH SHALL BE ADDED ON ALL EXPOSED SOIL SURFACES, WITH THE EXCEPTION OF TURF.
 A LANDSCAPE AUDIT REPORT FROM A CERTIFIED PROFESSIONAL IS REQUIRED AND MUST BE SUBMITTED TO THE ENGINEERING DIVISION PRIOR TO FINAL INSPECTION.



MARA YOUNG
 LANDSCAPE ARCHITECT
 CAL. LICENSE # 3754
 PHONE: (650) 704-9255
 WWW.MARA-YOUNG.COM

FLOOD PARK HOMES

811 BAY ROAD & 810
 VAN BUREN ROAD,
 MENLO PARK CA,
 94025

REV	DATE	DESCRIPTION
	10/11/2021	PLANNING
	1/18/22	PLANNING RE-SUBMITTAL

LANDSCAPE



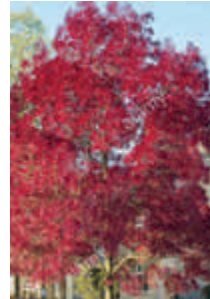
L1.0

© HEATHER YOUNG ARCHITECTS 2021

PLANT LIST						
#	QU.	SIZE	BOTANICAL NAME	COMMON NAME	MOGOLS PLANT FACTOR	MATURE HEIGHT & WIDTH
1	1	24" BOX	FRAXINUS 'RAYWOOD'	RAYWOOD ASH	L	40'x25'
2	10	24" BOX	LAURUS NOBILIS (TREE FORM)	BAY LAUREL	M	30'x9'-15'
3	2	24" BOX	TRISTANIA LAURINA	LITTLE LEAF MYRTLE	M	20'-30' x 15'-20'
4	14	56	ROSA BANKSIA 'ALBA PLENA'	WHITE LADY BANKS ROSE	L	12'x12'
5	21	16	LOMONDRA 'BREEZE'	MATT RUSH	L	2'x3'
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8	6	56	AGACIA 'COUSIN ITT'	COUSIN ITT KATTLE	M	3'x3'
9	AS SHOWN	16	ARGTOSTAPHYLOS 'EMERALD CARPET'	MANZANITA GROUND COVER	L	1'x3'
10	12	56	BUXUS 'GREEN TOWER'	NARROW UPRIGHT BOXWOOD	M	4'x2'
11	4	156	PRUNUS CAROLINIANA (COLUMN FORM)	CAROLINA LAUREL CHERRY	L	15'x4'-5'



TREE #1 FRAXINUS 'RAYWOOD'
RAYWOOD ASH TREE



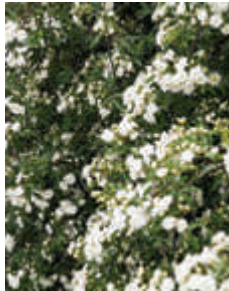
TREE #1 FRAXINUS 'RAYWOOD'
RAYWOOD ASH TREE
(IN FALL)



TREE #2 LAURUS NOBILIS
BAY LAUREL (TREE FORM)



TREE #3 TRISTANIA LAURINA
LITTLE LEAF MYRTLE



#4 ROSA BANKSIA 'ALBA PLENA'
LADY BANKS ROSE



#5 LOMONDRA 'BREEZE'
MATT RUSH



#6 MISCANTHUS 'MORNING LIGHT'
EULALIA GRASS



#7 ROSA 'WHITE FLOWER CARPET'
WHITE CARPET ROSE



#8 AGACIA 'COUSIN ITT'
KATTLE



#9 ARGTOSTAPHYLOS
'EMERALD CARPET'
MANZANITA GROUND COVER



#10 BUXUS 'GREEN TOWER'
NARROW UPRIGHT BOXWOOD



#11 PRUNUS CAROLINIANA
(COLUMN FORM)
CAROLINA LAUREL CHERRY



MARA YOUNG
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FLOOD PARK
HOMES

811 BAY ROAD & 810
VAN BUREN ROAD,
MENLO PARK CA,
94025

ISSUANCES		
REV	DATE	DESCRIPTION
	10/11/2021	PLANNING
	1/18/2022	FORNERS REDBUDDA

PLANT LIST & IMAGES



L1.1

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3/2/2022 & 3/8/2022

Site: 811 Bay Road
Menlo Park, CA 94025

Re: Tree Survey

To Whom It May Concern:

Assignment

It was my assignment to inspect the Protected Trees on site and write a Tree Report. It was also my assignment to reply to Town Comments regarding the driveway construction near the Redwood.

Summary

This survey provides a numbered map and complete and detailed information for each tree surveyed. There is one Protected tree included in this report on site and five undesirable trees on two different neighbor properties (see numbered map). None of these are Protected. For this review I considered the Plan Set from HYA Architects (A0.0 - A6.0, L1.0 - L1.1, T0.1, C1.0 - S1.1, 2/25/2022). Using the Tree Valuations-Guide for Tree Appraisals 10th Edition, the Valuations for the protected Redwood at this site is \$20,621.00.

The Town Comments that I addressed were: "The report still lacks an evaluation of impacts from proposed work to heritage trees. A new driveway and construction of a new wood fence are planned within the tree protection zone of heritage coast redwood #1.

a. Evaluate the impacts of this work, estimate the severity of the impacts to the tree, and provide work specific recommendations for reducing impacts."

Discussion

All the trees surveyed were examined and then rated based on their individual health and structure according to the table following. For example, a tree may be rated "good" under the health column for excellent/vigorous appearance and growth, while the same tree may be rated "fair/poor" in the structure column if structural mitigation is needed. More complete



descriptions of how health and structure are rated can be found under the "Methods" section of this report.

Rating	Health	Structure
Good	excellent/vigorous	flawless
Fair/good	no significant health concerns	very stable
Fair	showing initial or temporary disease, pests or lack of vitality measures should be taken to improve health and appearance.	routine maintenance needed such as pruning or end weight reduction as tree grows
Fair/poor	in decline, significant health issues	significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree
Poor	dead or near dead	hazard

Methods

The trunks of the trees were measured using an arborist's diameter tape at 54" above soil grade. In cases where the main trunk divides below 34", the tree is measured (per the City of Menlo Park's heritage tree ordinance) at the point where the trunks divide. The canopy height and spread are estimated using visual references only.

The condition of each tree is assessed by visual observation only from a standing position without climbing or using aerial equipment. No invasive equipment is used. Consequently, it is possible that individual tree(s) may have internal (or underground) health problems or structural defects, which are not detectable by visual inspection. In cases where it is thought further investigation is warranted, a "full tree risk assessment" is recommended. This assessment may be inclusive of drilling or using sonar equipment to detect internal decay and include climbing or the use of aerial equipment to assess higher portions of the tree.

The health of an individual tree is rated based on leaf color and size, canopy density, new shoot growth and the absence or presence of pests or disease.

Individual tree structure is rated based on the growth pattern of the tree (including whether it is leaning), the presence or absence of poor limb attachments (such as co-dominant leaders), the length and weight of limbs and the extent and location of apparent decay. For each tree, a structural rating of fair or above indicates that the structure can be maintained with routine pruning such as removing dead branches and reducing end weight as the tree grows. A

fair/poor rating indicates that the tree has significant structural weaknesses and corrective action is warranted. A poor structural rating indicates that the tree or portions of the tree are likely to fail and that there is little that can constructively be done about the problem other than removal of the tree or large portions of the tree. Very large trees that are rated Fair/Poor for structure AND that are near structures or in an area frequently traveled by cars or people, receive an additional "CONSIDER REMOVAL" notation under recommendations. This is included because structural mitigation techniques do not guarantee against structural failure, especially in very large trees. Property owners may or may not choose to remove this type of tree but should be aware that if a very large tree experiences a major structural failure, the danger to nearby people or property is significant.

Survey Area Observations

The property is in a residential area in the City of Menlo Park. The surveyed area is rectangular and flat.

Local Regulations Governing Trees

Definition of a heritage tree

- Any tree having a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more measured at 54 inches above natural grade.
- Any oak tree native to California, with a circumference of 31.4 inches (diameter of 10 inches) or more measured at 34 inches above natural grade.
- Any tree or group of trees specifically designated by the City Council for protection because of its historical significance, special character or community benefit.
- Any tree with more than one trunk measured at the point where the trunks divide, with a circumference of 47.1 inches (diameter of 15 inches) or more, with the exception of trees that are under 12 feet in height, which are exempt from the ordinance.

The Trees

Tree #1 is a Coast Redwood (*Sequoia sempervirens*) with a 43" diameter that stands 73' tall and 30' wide. This tree is in Fair Health and has a Fair/Fair- Poor Structure because the top is stunted and wind swept due to prevailing winds. None of the concrete around the tree is currently lifted by tree roots. This tree is highly suitable for preservation.



An exploratory trench was dug in the area of the proposed driveway installation. With the results of the excavation, it became clear that it is possible to install piers between the anchor roots, retaining all roots 2" diameter + and bridge over the Redwood roots, without harming them. This construction method will allow for the main roots of the tree to go uncut and a structure to be built over the roots, without harming the tree. The pier holes must once again be pre-excavated, avoiding roots 2" diameter +. The Project Arborist must review these pilot holes before they are drilled. I will also write a sign off letter when the holes are clear, and the piers have been drilled. The same construction method will be used for the proposed fence.

This tree needs weekly irrigation for the life of the project, and for three years after.

With these construction methods and Project Arborist oversight the impacts to this, very robust species of tree, shall be minimal.

Tree #2 is an undesirable *Alnus* with trunk diameters of 6", 10", 11" and 24". This tree is 2' back from the fence on neighboring property. The tree is 30' tall and wide. This tree is dead.



Tree #3 is an undesirable *Prinet* with a trunk diameter of 14.9". This tree is 2' back from the fence on neighboring property. The tree is 30' tall and wide. Tree Health is Fair - Poor and Structure is Poor.

Tree #4 is an undesirable *Alnus* with a trunk diameter of 12". This tree is 2' back from the fence on neighboring property. The tree is 30' tall and 10' wide. Tree Health is Fair and Structure is Poor.

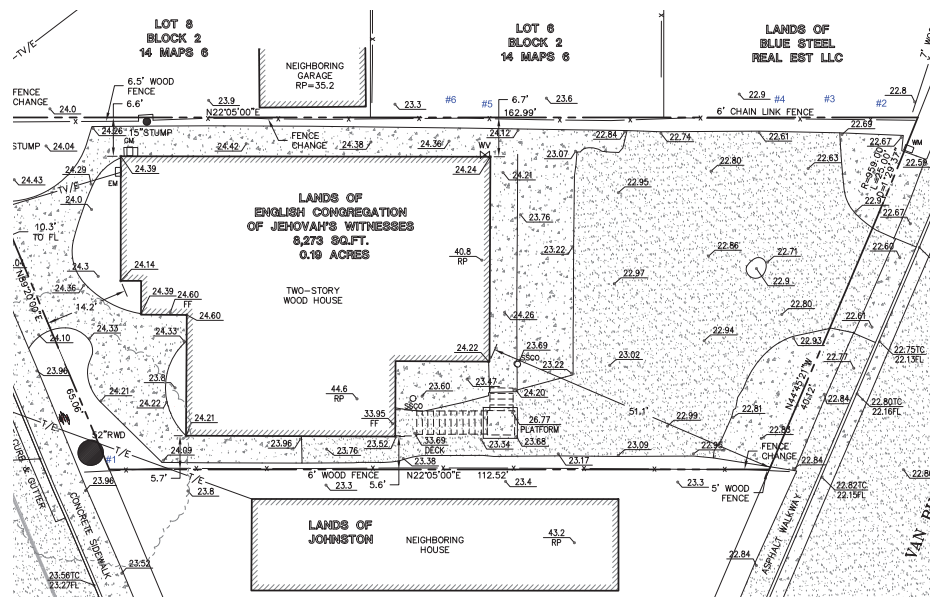
Tree #5 is an undesirable *Prinet* with a trunk diameter of 12". This tree is 2' back from the fence on neighboring property. The tree is 35' tall and 30' wide. Tree Health is Fair and Structure is Poor.

- The area under the drip line of trees should be thoroughly irrigated to a soil depth of 18" every 3-4 weeks during the dry months.
- Mulch should cover all bare soils within the tree protection fencing. This material must be 6-8 inches in depth after spreading, which must be done by hand. Course wood chips are preferred because they are organic and degrade naturally over time.
- Loose soil and mulch must not be allowed to slide down slope to cover the root zones or the root collars of protected trees.
- There must be no grading, trenching, or surface scraping inside the driplines of protected trees, unless specifically approved by a Certified Arborist. For trenching, this means:
 - Trenches for any underground utilities (gas, electricity, water, phone, TV cable, etc.) must be located outside the driplines of protected trees, unless approved by a Certified Arborist. Alternative methods of installation may be suggested.
 - Landscape irrigation trenches must be located a minimum distance of 10 times the trunk diameter from the trunks of protected trees unless otherwise noted and approved by the Arborist.
- Materials must not be stored, stockpiled, dumped, or buried inside the driplines of protected trees.
- Excavated soil must not be piled or dumped, even temporarily, inside the driplines of protected trees.
- Landscape materials (cobble, decorative bark, stones, fencing, etc.) must not be installed directly in contact with the bark of trees because of the risk of serious disease infection.
- Landscape irrigation systems must be designed to avoid water striking the trunks of trees, especially oak trees.
- Any pruning must be done by a Company with an Arborist Certified by the ISA (International Society of Arboriculture) and according to ISA, Western Chapter Standards, 1996.
- Any Tree protected by the City's Municipal Code will require replacement according to its appraised value if it is damaged beyond repair as a result of construction.

I certify that the information contained in this report is correct to the best of my knowledge and that this report was prepared in good faith. Please call me if you have questions or if I can be of further assistance.

Respectfully,

Michael P. Young



MAP WITH NUMBERED TREES (NTS) 1



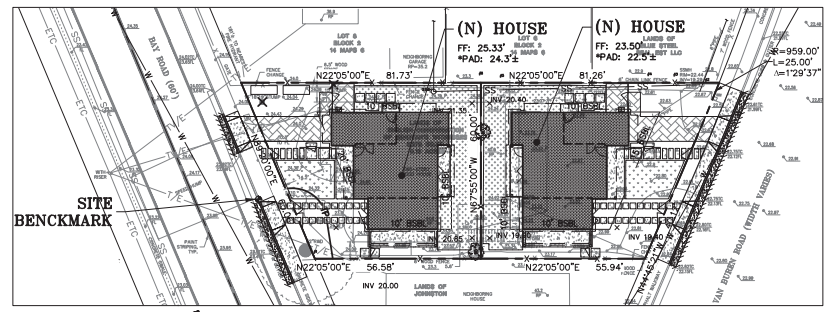
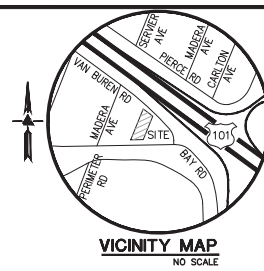
FLOOD PARK HOMES

811 BAY ROAD & 810 VAN BUREN ROAD, MENLO PARK, CA, 94025

REV	DATE	DESCRIPTION
10/11/2021	PLANNING	
1/18/2022	PLANNING REV.	
3/23/2022	PLANNING REV.2	
3/04/2022	PLANNING REV.3	
3/08/2022	PLANNING REV.4	

ARBORIST REPORT

TENTATIVE MAP 811 BAY ROAD MENLO PARK, CA



EXISTING	PROPOSED	DESCRIPTION
---	---	BOUNDARY
---	---	PROPERTY LINE
---	---	RETAINING WALL
---	---	LANDSCAPE RETAINING WALL
---	---	RAINWATER TIGHTLINE
---	---	SUBDRAIN LINE
---	---	TIGHTLINE
---	---	STORM DRAIN LINE
---	---	SANITARY SEWER LINE
---	---	WATER LINE
---	---	GAS LINE
---	---	STORM DRAIN PRESSURE LINE
---	---	SANITARY SEWER PRESSURE LINE
---	---	JOINT TRENCH
---	---	SET BACK LINE
---	---	CONCRETE VALLEY GUTTER
---	---	EARTHEN SWALE
---	---	CATCH BASIN
---	---	JUNCTION BOX
---	---	AREA DRAIN
---	---	CURB INLET
---	---	STORM DRAIN MANHOLE
---	---	FIRE HYDRANT
---	---	SANITARY SEWER MANHOLE
---	---	STREET SIGN
---	---	SPOT ELEVATION
---	---	FLOW DIRECTION
---	---	DEMOLISH/REMOVE
---	---	BENCHMARK
---	---	CONTOURS
---	---	TREE TO BE REMOVED
---	---	TREE PROTECTION FENCING

ABBREVIATIONS	DESCRIPTION
AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
ACC	ACCESSIBLE
AD	AREA DRAIN
BC	BEGINNING OF CURVE
B & D	BEARING & DISTANCE
BM	BENCHMARK
BUB	BUBBLER BOX
BW/FG	BOTTOM OF WALL/FINISH GRADE
CB	CATCH BASIN
C & G	CURB AND GUTTER
CP	CENTER LINE
CPP	CORRUGATED PLASTIC PIPE (SMOOTH INTERIOR)
CD	CLEANOUT
COTG	CLEANOUT TO GRADE
CONC	CONCRETE
CONST	CONSTRUCT OR - TON
CONC COR	CONCRETE CORNER
CY	CUBIC YARD
D	DIAMETER
DI	DROP INLET
DI	DUCTILE IRON PIPE
EA	EACH
EG	EXISTING GRADE
EL	ELEVATIONS
EP	EDGE OF PAVEMENT
EQ	EQUIPMENT
EW	EACH WAY
EX	EXISTING
FC	FACE OF CURB
FF	FINISHED FLOOR
FG	FINISHED GRADE
FL	FIRE HYDRANT
FL	FLOW LINE
FS	FINISHED SURFACE
GA	GAGE OR GAUGE
GB	GRADE BREAK
GDPE	HIGH DENSITY CORRUGATED POLYETHYLENE PIPE
HORIZ	HORIZONTAL
HI	HIGH POINT
H&T	HUB & TACK
IB	INSIDE DIAMETER
INV	INVERT ELEVATION
JB	JUNCTION BOX
JT	JOINT TRENCH
JL	JOINT UTILITY POLE
LP	LENGTH
LNDD	LANDING
LF	LINEAR FEET
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MON.	MONUMENT
(N)	NEW
NLS	NUMBER NOT TO SCALE
O.C.	ON CENTER
(PA)	PLANTING AREA
PE	PEDESTRIAN
PVI	POST INDICATOR VALVE
PSS	PUBLIC SERVICES EASEMENT
PRV	PROPERTY LINE
IE	POWER POLE
PUE	PUBLIC UTILITY EASEMENT
PVC	POLYVINYL CHLORIDE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
RM	RAINWATER
RW	RIGHT OF WAY
SAN	SANITARY
S&D	SEE ARCHITECTURAL DRAWINGS
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SHT	SHEET
S.L.D.	SEE LANDSCAPE DRAWINGS
SPIC	SANITARY SEWER
SS	SANITARY SEWER CLEANOUT
SSCO	SANITARY SEWER CLEANOUT
PVC	POLYVINYL CHLORIDE
ST	STREET
STA	STATION
STD	STANDARD
STRUC	STRUCTURAL
TEL	TELEPHONE
TC	TOP OF CURB
TOW	TOP OF WALL
TEMP	TEMPORARY
TP	TOP OF PAVEMENT
TW/FG	TOP OF WALL/FINISH GRADE
TYP	TYPICAL
VC	VERTICAL CURVE
VCP	VERTICAL CLAY PIPE
VERT	VERTICAL
W	WITH
WL	WATER LINE
WM	WATER METER
WWF	WELODED WIRE FABRIC

ENCROACHMENT PERMIT FOR CONSTRUCTION IN THE STREET REQUIRED
CONSTRUCTION CONDUCTED IN THE CITY RIGHT-OF-WAY MUST HAVE A "PERMIT FOR CONSTRUCTION IN THE STREET" THAT MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCEMENT OF WORK. ANY CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY, EASEMENTS, OR OTHER PROPERTY CONTROLLED BY THE CITY/TOWN/COUNTY MUST CONFORM TO STANDARDS ESTABLISHED IN THE CITY STANDARD SPECIFICATIONS FOR THE UTILITIES DEPT. AND THE PUBLIC WORKS DEPT.

CONTRACTOR TO CONTACT USA 48 HOURS PRIOR TO CONSTRUCTION/EXCAVATION IN THE RIGHT-OF-WAY.

ANY/ALL PUBLIC IMPROVEMENTS THAT ARE DAMAGED BY THE OWNER OR HIS/HER CONTRACTOR WHILE WORKING ON THIS PROJECT WILL BE THE RESPONSIBILITY OF THE OWNER TO REPAIR, RESTORE, OR REPLACE IN KIND. REPLACEMENT, REPAIR, OR RESTORATION WORK MUST BE IN COMPLIANCE WITH THE CITY STANDARD SPECIFICATIONS FOR CONSTRUCTION IN THE PUBLIC RIGHT-OF-WAY.

REQUIRED DRAINAGE INSPECTIONS
THE CITY OF MENLO PARK REQUIRES LEA & BRAZE ENGINEERING, INC. TO INSPECT ALL STORM DRAINAGE AS IT IS INSTALLED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT LEA & BRAZE ENGINEERING, INC. PRIOR TO START OF CONSTRUCTION TO SET UP A PRE-CONSTRUCTION MEETING, AND TO CALL AT LEAST 48 HOURS IN ADVANCE OF ANY INSPECTIONS, PIPES ARE TO REMAIN UNCOVERED UNTIL AN INSPECTION OCCURS.

POINT OF CONTACT:
PETER CARLINO
LEA & BRAZE ENGINEERING, INC.
(510)887-4088 pcarlino@leabraze.com

DEVELOPMENT AREA SUMMARY	
PRE-DEVELOPMENT	(SQFT)
BUILDING	2,769
DRIVEWAY & PARKING	7,667
PATIOS, WALKWAYS & PADS	1,852
TOTAL	7,288
POST-DEVELOPMENT LOT 1	(SQFT)
BUILDINGS	1,683
DRIVEWAY & PARKING	305
PATIOS, WALKWAYS & PADS	259
TOTAL	2,247
DIFFERENCE (DECREASE)	-1,232
POST-DEVELOPMENT LOT 2	(SQFT)
BUILDINGS	1,683
DRIVEWAY & PARKING	307
PATIOS, WALKWAYS & PADS	268
TOTAL	2,247
DIFFERENCE (DECREASE)	-1,551

ESTIMATED EARTHWORK QUANTITIES			
CUBIC YARDS	WITHIN BUILDING FOOTPRINT	OUTSIDE BUILDING FOOTPRINT	TOTAL CUBIC YARDS
FILL	60	90	140
CUT	0	10	10
EXPORT			130
NOTE:			
GRADING QUANTITIES REPRESENT BANK YARDAGE; IT DOES NOT INCLUDE ANY SWELLING OR SHRINKAGE FACTORS AND IS INTENDED TO REPRESENT IN-SITU CONDITIONS. QUANTITIES DO NOT INCLUDE OVER-EXCAVATION, TRENCHING, STRUCTURAL FOUNDATIONS OR PIERS, OR POOL EXCAVATION (IF ANY). NOTE ADDITIONAL EARTHWORKS, SUCH AS KEYWAYS OR BENCHING MAY BE REQUIRED BY THE GEOTECHNICAL ENGINEER IN THE FIELD AT TIME OF CONSTRUCTION. CONTRACTOR TO VERIFY QUANTITIES.			

OWNER'S INFORMATION

OWNER:
MC-2 BAY LLC
361 LITTON AVE, SUITE 200
PALO ALTO, CA 94301
APN: 062-065-050

REFERENCES

- THIS GRADING AND DRAINAGE PLAN IS SUPPLEMENTAL TO:
1. TOPOGRAPHIC SURVEY BY LEA & BRAZE ENGINEERING, INC. ENTITLED: "TOPOGRAPHIC SURVEY" 811 BAY ROAD MENLO PARK, CA DATED: 12-3-17 JOB# 2171445
- SITE PLAN BY HEATHER YOUNG ARCHITECTS ENTITLED: "FLOOD PARK DUPLEX" 811 BAY ROAD MENLO PARK, CA
- SOIL REPORT BY XXX. ENTITLED: "XXX" 811 BAY ROAD MENLO PARK, CA DATED: JOB#
- LANDSCAPE PLAN BY MARA YOUNG LANDSCAPE ARCHITECT ENTITLED: "FLOOD PARK DUPLEX" 811 BAY ROAD MENLO PARK, CA

THE CONTRACTOR SHALL REFER TO THE ABOVE NOTED SURVEY AND PLAN, AND SHALL VERIFY BOTH EXISTING AND PROPOSED ITEMS ACCORDING TO THEM.

➔ SITE BENCHMARK

SURVEY CONTROL POINT
CUT CROSS IN CONCRETE
ELEVATION = 23.88'
(NAVD 88 DATUM)

NOTES

- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.
 - UNDERGROUND UTILITY LOCATION IS BASED ON SURFACE EVIDENCE.
 - BUILDING FOOTPRINTS ARE SHOWN TO FINISHED MATERIAL (STUCCO/SIDING) AT GROUND LEVEL.
 - FINISH FLOOR ELEVATIONS ARE TAKEN AT DOOR THRESHOLD (EXTERIOR).
- EASEMENT NOTE**
NO EASEMENTS ARE LISTED AS LISTED IN TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY, ORDER NO. 00193235-001-489-JAN, DATED AUGUST 3, 2017.

BASIS OF BEARINGS

THE BEARING NORTH N89°20'00"E EAST ESTABLISHED BY SPLIT OF IMPROVEMENTS OF THE CENTERLINE OF BAY ROAD AS SHOWN ON THAT CERTAIN MAP ENTITLED, "NEWBRIDGE PARK" FILED IN BOOK 14 OF MAPS AT PAGES 6 AND 7, SAN MATEO COUNTY RECORDS IS THE BASIS OF ALL BEARINGS SHOWN UPON THIS MAP.

BENCHMARK

CITY OF MENLO PARK BENCHMARK #875 BRASS DISC SET IN CONCRETE BASE, STAMPED "875" AT THE INTERSECTION OF VAN BUREN ROAD AND HENDERSON AVENUE BEHIND THE BACK OF THE RAMP AT THE NORTHWESTERLY CURB RETURN.
ELEVATION = 22.03'
(NAVD 88 DATUM)

NOTE:
FOR CONSTRUCTION STAKING SCHEDULING OR QUOTATIONS PLEASE CONTACT ALEX ABAYA AT LEA & BRAZE ENGINEERING (510)887-4088 EXT 116. aabaya@leabraze.com

* BUILDING PAD NOTE: ADJUST PAD LEVEL AS REQUIRED. REFER TO STRUCTURAL PLANS FOR SLAB SECTION OR ORAWL SPACE DEPTH TO ESTABLISH PAD LEVEL.



SHEET INDEX

- C-1.0 TITLE SHEET
- C-1.1 LOT LAYOUT & LAND USAGE PLAN
- C-2.0 PRELIMINARY GRADING & DRAINAGE PLAN
- C-3.0 PRELIMINARY UTILITY PLAN
- ER-1 EROSION CONTROL
- ER-2 EROSION CONTROL DETAILS
- SW-1 STORMWATER POLLUTION PREVENTION PLAN



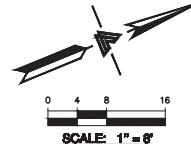
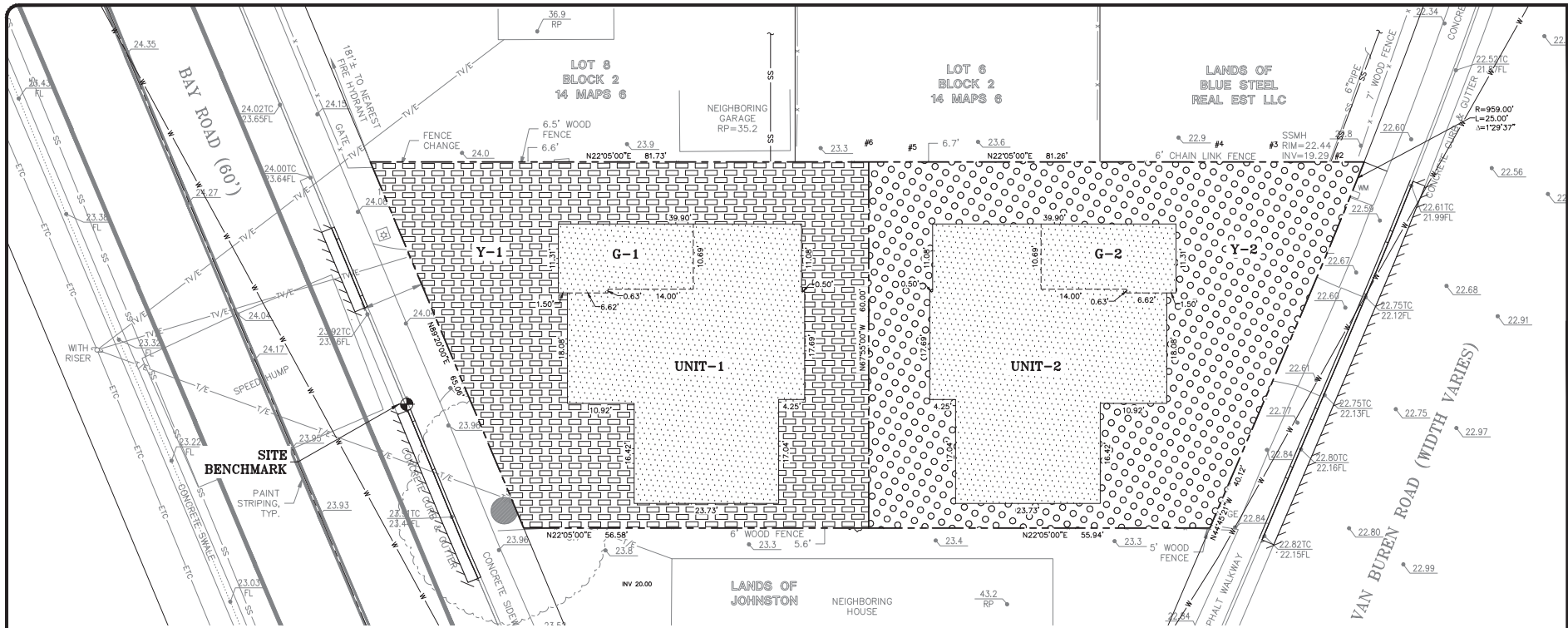
LEA & BRAZE ENGINEERING, INC.
CIVIL ENGINEERS | LAND SURVEYORS
RESIDENTIAL DESIGN
1500 INDUSTRIAL PARK WEST
HAYWARD, CALIFORNIA 94545
(510) 887-4088
WWW.LEABRAZE.COM

FLOOD PARK HOMES
811 BAY ROAD
MENLO PARK, CALIFORNIA
SAN MATEO COUNTY
APN: 062-065-050

TITLE SHEET

PLAN CHECK	WA
01-18-22	
REVISIONS	BY
JOB NO:	2211054
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SITE PLAN SQ-FOOTAGE CALCULATION

	*EXCLUSIVE USE COMMON AREA OF UNIT 1 2,933 SF
	*EXCLUSIVE USE COMMON AREA OF UNIT 2 2,908 SF
	BUILDING AREA FOR SPECIFIC UNIT 2,432 SF (FIRST FLOOR, GARAGE, AND PORCH)

NOTE:
EXCLUSIVE USE COMMON AREAS DESIGNATED FOR THE INDIVIDUAL UNITS USE SHALL BE OVERLAPPED WITH A PRIVATE UTILITY EASEMENT.

PROJECT DATA

TRACT NO.	MC-Z BAY LLC 361 LYITON AVE, SUITE 200 PALO ALTO, CA 94301
RECORD OWNER(S):	ZACH TRAILER 1075 CURTIS STREET MENLO PARK, CA, 94025
SUBVIDER:	LEA & BRAZE ENGINEERING INC. 2495 INDUSTRIAL PARKWAY WEST HAYWARD, CA 94545 (510) 887-4086 CONTACT: PETE CARLINO
ENGINEER:	LOT 1 4,149 SF LOT 2 4,124 SF
LOT AREAS:	ASSESSOR'S PARCEL NO. 062-065-050
EXISTING AND PROPOSED ZONING:	R-3
EXISTING USE:	SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL
UTILITIES SERVICES:	WATER SUPPLY: CITY OF MENLO PARK SEWAGE DISPOSAL: WEST BAY SANITARY DISTRICT GAS & ELECTRICAL: PACIFIC GAS & ELECTRIC TELEPHONE: PACIFIC BELL CABLE: AT&T CABLE SERVICES



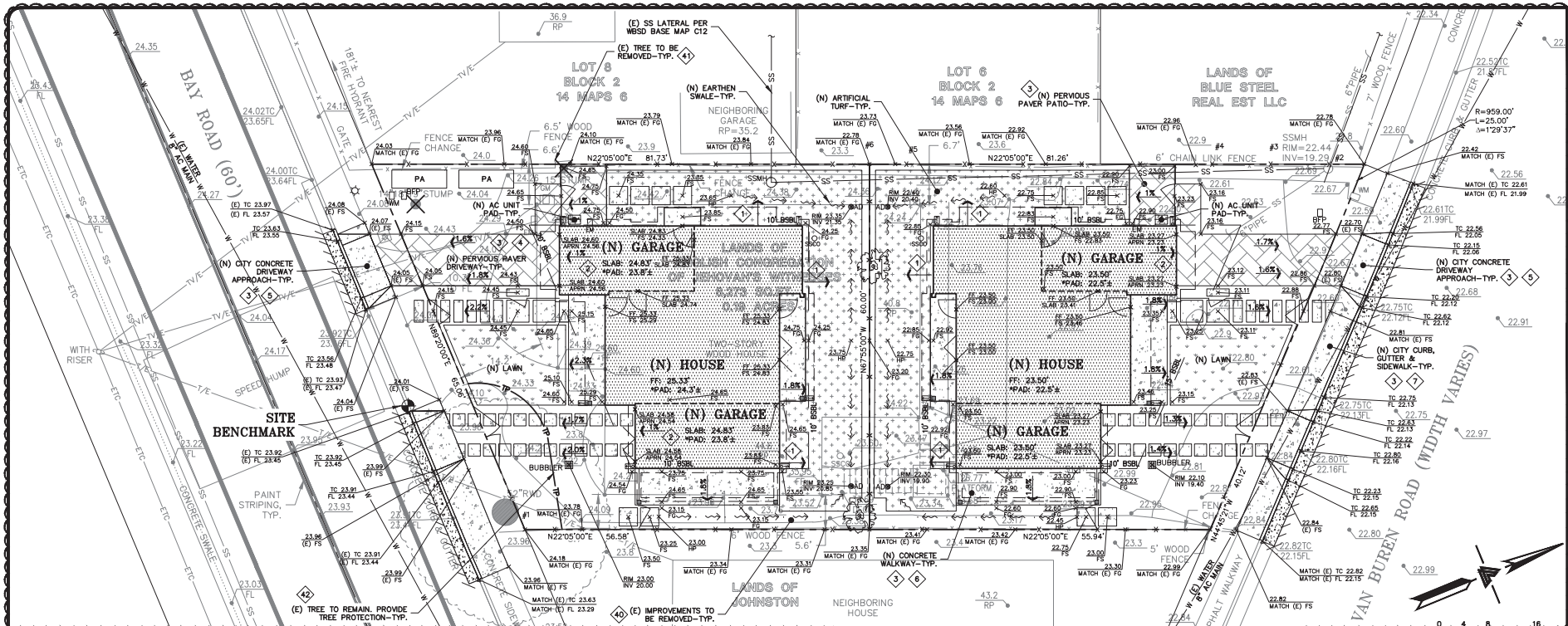
LEA & BRAZE ENGINEERING, INC.
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WWW.LEABRAZE.COM

FLOOD PARK HOMES
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LOT LAYOUT & LAND USAGE PLAN

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 CIVIL ENGINEERS | LAND SURVEYORS
 1000 INDUSTRIAL PARK WEST
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FLOOD PARK HOMES
 811 BAY ROAD
 MENLO PARK, CALIFORNIA
 SAN MATEO COUNTY
 APRN 092-055-050

PRELIMINARY GRADING & DRAINAGE PLAN

- FLATWORK KEYNOTES**
- 1. FINISHED GRADES AT BUILDING PERIMETER SHALL BE SLOPED AT A MINIMUM OF 5% FOR THE FIRST 10' AWAY FROM THE BUILDING PER CBC 1804.4 OR TO AN APPROVED DRAINAGE SWALE OR STRUCTURE. GRADES SHALL CONTINUE TO SLOPE TOWARDS POSITIVE DRAINAGE AND A POSITIVE OUTFALL. MAINTAIN 8" CLEARANCE BETWEEN FINISH EARTHEN GRADE AND BOTTOM OF MUD SILL AT ALL TIMES PER CBC 2304.12.1.2 UNLESS STRUCTURAL DETAILING ALLOWS LESS. REFER TO STRUCTURAL PLANS FOR FOUNDATION DESIGN AND DETAILS.
 - 2. SLOPE GARAGE SLAB 1/8" MINIMUM (1/8" PER FOOT) FROM BACK TO FRONT TO ALLOW FOR ADEQUATE DRAINAGE. MAINTAIN 1/2" TO 1" LIP BETWEEN GARAGE SLAB AND DRIVEWAY. SEE PLANS FOR SPECIFIC DROP.
 - 3. PROVIDE 2% SLOPE ACROSS FLAT WORK AND/OR PAVING PER CBC 1804.4. SLOPE TOWARDS POSITIVE DRAINAGE AS SHOWN ON PLAN.
 - 4. (N) PERVIOUS PAVEMENT.
 - 5. (N) CITY CONCRETE DRIVEWAY APPROACH.
 - 6. (N) CONCRETE PATIOS/WALKWAYS.
 - 7. (N) CITY CONCRETE SIDEWALK, CURB & GUTTER.

- DEMOLITION KEYNOTES**
- 40. DEMOLISH (E) IMPROVEMENTS AS NECESSARY TO ACCOMMODATE (N) CONSTRUCTION. NO DEMOLITION SHALL COMMENCE WITHOUT REQUIRED DEMOLITION PERMITS.
 - 41. REMOVE (E) TREE. CONTRACTOR SHALL OBTAIN THE PROPER TREE REMOVAL PERMITS AS REQUIRED.
 - 42. PROVIDE TREE PROTECTION AROUND TREES TO REMAIN. SEE DETAIL 6 ON SHEET ER-2.

- FRONTAGE IMPROVEMENT NOTES:**
- I. ALL EXISTING CRACKED OR DAMAGED FEATURES ALONG THE PROPERTY FRONTAGE MUST BE REPAIRED IN KIND. ALL FRONTAGE IMPROVEMENT WORK SHALL BE IN ACCORDANCE WITH THE LATEST VERSION OF THE CITY STANDARD DETAILS: [HTTPS://WWW.MENLOPARK.ORG/211/STANDARD-DETAILS](https://www.menlopark.org/211/STANDARD-DETAILS)
 - II. ANY FRONTAGE IMPROVEMENTS WHICH ARE DAMAGED AS A RESULT OF CONSTRUCTION WILL BE REQUIRED TO BE REPLACED.
 - III. AN ENCROACHMENT PERMIT FROM THE ENGINEERING DIVISION IS REQUIRED PRIOR TO ANY CONSTRUCTION ACTIVITIES IN THE PUBLIC RIGHT OF WAY.

- GRADING AND DRAINAGE NOTES:**
1. GRADES WITHIN THE FIRST 10 FEET ADJACENT TO A STRUCTURE MUST HAVE A 5% SLOPE ON PERVIOUS SURFACES, AND A 2% SLOPE ON IMPERVIOUS SURFACES PER 1804.44 OF THE CALIFORNIA BUILDING CODE (CBC).
 - UNDER NO CIRCUMSTANCE SHALL DRAINAGE RESULTING FROM THIS PROJECT, DURING OR POST CONSTRUCTION, DIRECTLY SHEETFLOW ACROSS AN ADJOINING PROPERTY. RUNOFF SHALL BE CONTAINED ON-SITE UP TO THE 10-YEAR STORM.

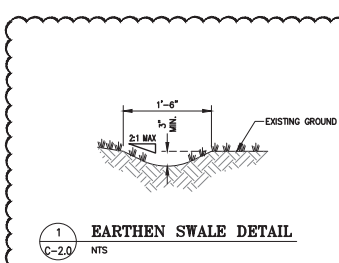
ARBORIST NOTE:
 THE PROJECT ARBORIST SHALL BE PRESENT AT ALL TIMES DURING CONSTRUCTION OF IMPROVEMENTS ADJACENT TO EXISTING HERITAGE TREES. ADDITIONAL RECOMMENDATIONS FOR TREE PROTECTION WILL FURNISHED IN THE FIELD AND SUBJECT TO PUBLIC WORKS WHERE REQUIRED.

REQUIRED DRAINAGE INSPECTIONS
 THE CITY OF MENLO PARK REQUIRES LEA & BRAZE ENGINEERING, INC. TO INSPECT ALL STORM DRAINAGE AS IT IS INSTALLED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT LEA & BRAZE ENGINEERING, INC. PRIOR TO START OF CONSTRUCTION TO SET UP A PRE-CONSTRUCTION MEETING, AND TO CALL AT LEAST 48 HOURS IN ADVANCE OF ANY INSPECTIONS. PIPES ARE TO REMAIN UNCOVERED UNTIL AN INSPECTION OCCURS.

POINT OF CONTACT:
 PETER CARLINO
 LEA & BRAZE ENGINEERING, INC.
 (510)887-4086 pcarlino@leabraze.com

NOTE:
 FOR CONSTRUCTION STAKING SCHEDULING OR QUOTATIONS PLEASE CONTACT ALEX ABBAYA AT LEA & BRAZE ENGINEERING (510)887-4086 EXT 116. aabbaya@leabraze.com

*** BUILDING PAD NOTE:**
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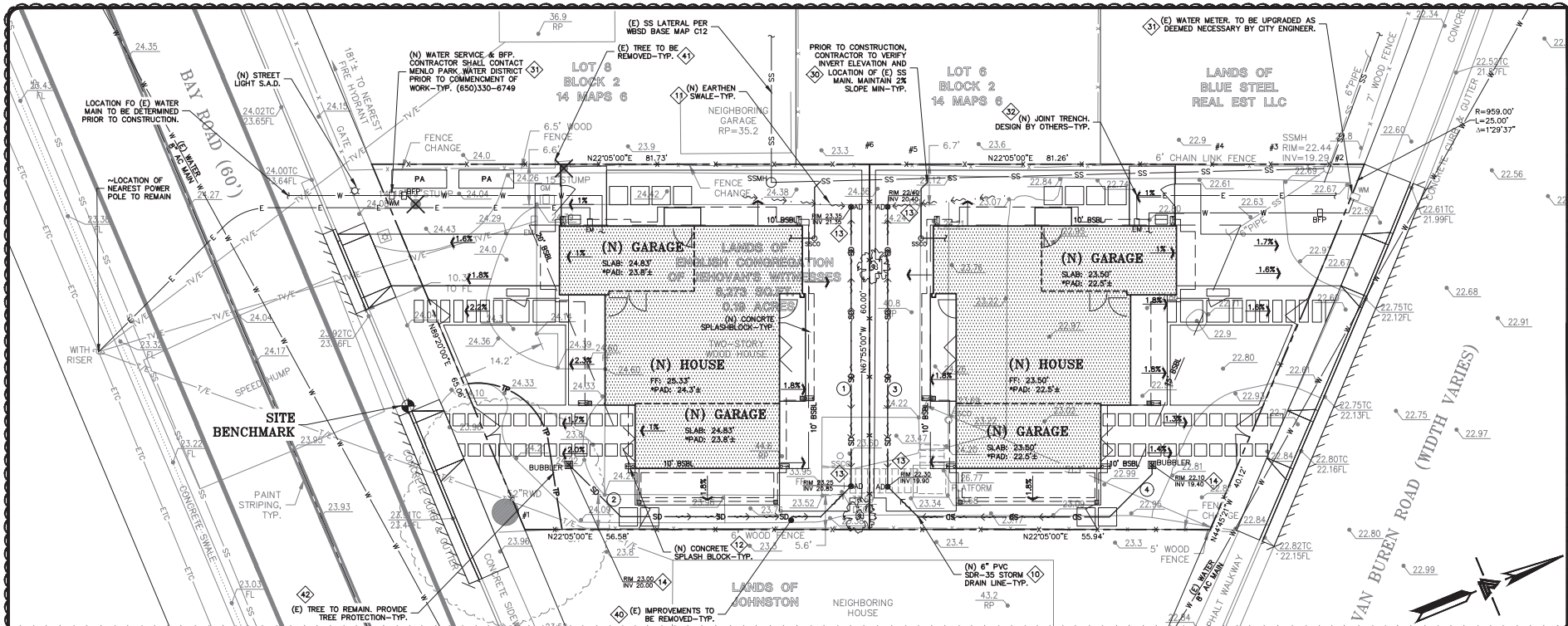
ENCROACHMENT PERMIT FOR CONSTRUCTION IN THE STREET REQUIRED
 CONSTRUCTION CONDUCTED IN THE CITY RIGHT-OF-WAY MUST HAVE A PERMIT FOR CONSTRUCTION IN THE STREET THAT MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCEMENT OF WORK. ANY CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY, EASEMENTS, OR OTHER PROPERTY CONTROLLED BY THE CITY/TOWN/COUNTY MUST CONFORM TO STANDARDS ESTABLISHED IN THE CITY STANDARD SPECIFICATIONS FOR THE UTILITIES DEPT. AND THE PUBLIC WORKS DEPT.

CONTRACTOR TO CONTACT USA 48 HOURS PRIOR TO CONSTRUCTION/EXCAVATION IN THE RIGHT-OF-WAY.

ANY/ALL PUBLIC IMPROVEMENTS THAT ARE DAMAGED BY THE OWNER OR HIS/HER CONTRACTOR WHILE WORKING ON THIS PROJECT WILL BE THE RESPONSIBILITY OF THE OWNER TO REPAIR, RESTORE, OR REPLACE IN KIND. REPAIRS, RESTORATION, OR RESTORATION WORK MUST BE IN COMPLIANCE WITH THE CITY STANDARD SPECIFICATIONS FOR CONSTRUCTION IN THE PUBLIC RIGHT-OF-WAY.

PLAN CHECK	WA
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REVISIONS	BY
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FLOOD PARK HOMES
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 MENLO PARK, CALIFORNIA
 SAN MATEO COUNTY
 APR. 062-055-050

PRELIMINARY UTILITY PLAN

- STORM DRAIN KEYNOTES**
- 10 INSTALL (N) ON-SITE STORM DRAIN SYSTEM. USE MINIMUM 6" PVC (SDR 35) OR HDPE (ADS N-12 W/ SMOOTH INTERIOR WALLS). MAINTAIN 24" MINIMUM COVER AND SLOPED AT 1% MINIMUM AT ALL TIMES UNLESS OTHERWISE NOTED. PROVIDE CLEANOUT TO GRADE AT MAJOR CHANGES IN DIRECTION. AVOID USING 90° BENDS AND INSTEAD USE (2) 45° BENDS AND WYE CONNECTIONS.
 - 11 CONSTRUCT (N) EARTHEN SWALE SLOPED AT 1% MINIMUM TOWARDS POSITIVE OUTFALL.
 - 12 CONNECT RAIN WATER DOWNSPOUTS TO 4" PVC (SDR-35) TIGHTLINE SLOPED AT 1% MINIMUM DIRECT TO NEAREST STORM DRAIN LINE AS SHOWN ON PLANS. PROVIDE CLEANOUT TO GRADE AT MAJOR CHANGES IN DIRECTION. AVOID USING 90° BENDS AND INSTEAD USE (2) 45° BENDS. TIGHTLINE MAY BE PLACED IN COMMON TRENCH WITH SUBDRAIN LINES, HOWEVER, DO NOT CONNECT TO SUBDRAIN LINES.
 - 13 INSTALL (N) 4" DIAMETER HEAVY DUTY PLASTIC BLACK GRATE IN LANDSCAPE OR PLANTER AREAS (NDS PART 78 OR 90 FOR 6" DIAMETER HEAVY DUTY PLASTIC BLACK GRATE).
 - 14 INSTALL (N) 'CHRISTY V-24' BUBBLER BOX.

- UTILITIES KEYNOTES**
- 30 INSTALL (N) SANITARY SEWER LATERALS. USE 4" PVC (SDR-26) SLOPED AT 2% MINIMUM. CONNECT TO (E) SEWER MAIN AS SHOWN. PROVIDE CLEANOUT TO GRADE AT BUILDING AND BEHIND PROPERTY LINE AND AT MAJOR CHANGES IN DIRECTION AS SHOWN. REUSE (E) LATERAL IF POSSIBLE. CONNECT PER DISTRICT STANDARDS.
 - 31 CONNECT (N) WATER SERVICE PER WATER DISTRICT STANDARDS. UPGRADE (E) WATER METER PER WATER DISTRICT STANDARDS AS APPLICABLE.
 - 32 INSTALL (N) 2" MINIMUM SERVICE LINE TO (N) RESIDENCE OR AS DIRECTED BY FIRE SPRINKLER DESIGNER.
 - 33 INSTALL (N) JOINT TRENCH FOR SERVICES INCLUDING GAS, CATV & ELECTRIC FROM NEAREST POINT OF CONNECTION. DESIGN BY OTHERS.

- STORM DRAIN PIPES**
- 1 ~46' LF 6" PVC SD PIPE AT 1.0% MIN SLOPE.
 - 2 ~52' LF 6" PVC SD PIPE AT 1.0% MIN SLOPE.
 - 3 ~46' LF 6" PVC SD PIPE AT 1.0% MIN SLOPE.
 - 4 ~50' LF 6" PVC SD PIPE AT 1.0% MIN SLOPE.

ENCROACHMENT PERMIT FOR CONSTRUCTION IN THE STREET REQUIRED
 CONSTRUCTION CONDUCTED IN THE CITY RIGHT-OF-WAY MUST HAVE A PERMIT FOR CONSTRUCTION IN THE STREET THAT MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCEMENT OF WORK. ANY CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY, EASEMENTS, OR OTHER PROPERTY CONTROLLED BY THE CITY/TOWN/COUNTY MUST CONFORM TO STANDARDS ESTABLISHED IN THE CITY STANDARD SPECIFICATIONS FOR THE UTILITIES DEPT. AND THE PUBLIC WORKS DEPT.
 CONTRACTOR TO CONTACT USA 48 HOURS PRIOR TO CONSTRUCTION/ EXCAVATION IN THE RIGHT-OF-WAY.

ANY/ALL PUBLIC IMPROVEMENTS THAT ARE DAMAGED BY THE OWNER OR HIS/HER CONTRACTOR WHILE WORKING ON THIS PROJECT WILL BE THE RESPONSIBILITY OF THE OWNER TO REPAIR, RESTORE, OR REPLACE IN KIND. REPLACEMENT, REPAIR, OR RESTORATION WORK MUST BE IN COMPLIANCE WITH THE CITY STANDARD SPECIFICATIONS FOR CONSTRUCTION IN THE PUBLIC RIGHT-OF-WAY.

NOTE:
 ALL EARTHWORK AND SITE DRAINAGE, INCLUDING EXCAVATION FOR THE BASEMENT, EXCAVATIONS FOR DRILLED PIER FOUNDATIONS, PLACEMENT OF ENGINEER FILL PREPARATION OF SUBGRADE BENEATH THE BASEMENT MAT AND ANY AT GRADE SLAB, BASEMENT RETAINING WALL BACKFILL AND FINAL SURFACE DRAINAGE INSTALLATION SHOULD BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT. THE SOIL ENGINEER SHOULD BE PROVIDED AT LEAST 48 HOURS ADVANCE NOTIFICATION OF ANY EARTHWORK OPERATIONS AND SHOULD BE PRESENT TO OBSERVE AND TEST AS NECESSARY. THE EARTHWORK AND FOUNDATION INSTALLATION PHASES OF THE PROJECT.

ARBORIST NOTE:
 THE PROJECT ARBORIST SHALL BE PRESENT AT ALL TIMES DURING CONSTRUCTION OF IMPROVEMENTS ADJACENT TO EXISTING HERITAGE TREES. ADDITIONAL RECOMMENDATIONS FOR TREE PROTECTION WILL FURNISHED IN THE FIELD AND SUBJECT TO PUBLIC WORKS WHERE REQUIRED.

WATER NOTE
 PRIOR TO CONSTRUCTION, CLIENT/CONTRACTOR TO CONTACT MENLO PARK MUNICIPAL WATER (MPMW) @ 650-330-6750 TO DETERMINE SUFFICIENCY OF SIZE OF THE EXISTING SERVICE LATERAL.

SEWER NOTE
 PRIOR TO CONSTRUCTION, CLIENT/CONTRACTOR TO VERIFY LOCATION OF (E) SANITARY SEWER. INVERT, SIZE, & MATERIAL. PROVIDE VIDEO TAPE TO VERIFY INTEGRITY. CONTACT WEST BAY SANITARY SEWER DISTRICT @ 650-321-0384 AS NECESSARY. A WBSD PERMIT SHALL BE PROCURED PRIOR TO CONNECTING PRIVATE SERVICES TO THE PUBLIC SEWER MAINS.

REQUIRED DRAINAGE INSPECTIONS
 THE CITY OF MENLO PARK REQUIRES LEA & BRAZE ENGINEERING, INC. TO INSPECT ALL STORM DRAINAGE AS IT IS INSTALLED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT LEA & BRAZE ENGINEERING, INC. PRIOR TO START OF CONSTRUCTION TO SET UP A PRE-CONSTRUCTION MEETING, AND TO CALL AT LEAST 48 HOURS IN ADVANCE OF ANY INSPECTIONS. PIPES ARE TO REMAIN UNCOVERED UNTIL AN INSPECTION OCCURS.

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NOTE:
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BUILDING PAD NOTE:
 ADJUST PAD LEVEL AS REQUIRED. REFER TO STRUCTURAL PLANS FOR SLAB SECTION OR CRAWL SPACE DEPTH TO ESTABLISH PAD LEVEL.



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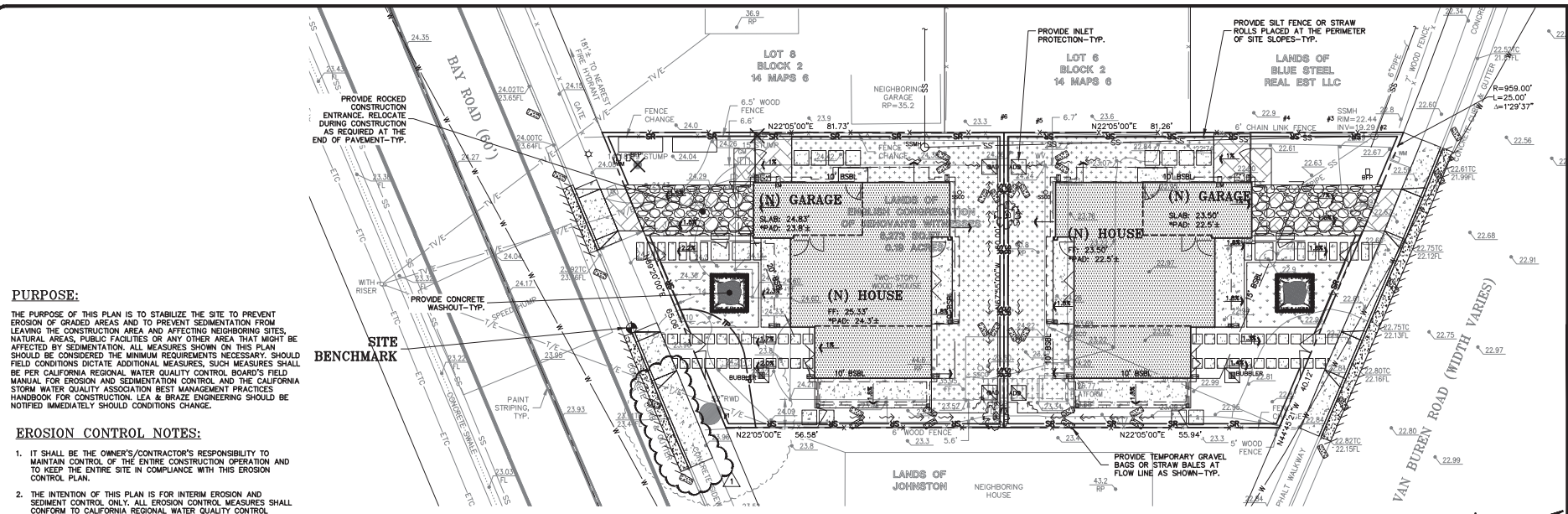


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FLOOD PARK HOMES
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EROSION CONTROL PLAN

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PURPOSE:
 THE PURPOSE OF THIS PLAN IS TO STABILIZE THE SITE TO PREVENT EROSION OF GRADED AREAS AND TO PREVENT SEDIMENTATION FROM LEAVING THE CONSTRUCTION AREA AND AFFECTING NEIGHBORING SITES, NATURAL AREAS, PUBLIC FACILITIES OR ANY OTHER AREA THAT MIGHT BE AFFECTED BY SEDIMENTATION. ALL MEASURES SHOWN ON THIS PLAN SHOULD BE CONSIDERED THE MINIMUM REQUIREMENTS NECESSARY. SHOULD FIELD CONDITIONS DICTATE ADDITIONAL MEASURES, SUCH MEASURES SHALL BE PER CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL AND THE CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION. LEA & BRAZE ENGINEERING SHOULD BE NOTIFIED IMMEDIATELY SHOULD CONDITIONS CHANGE.

EROSION CONTROL NOTES:

- IT SHALL BE THE OWNER'S/CONTRACTOR'S RESPONSIBILITY TO MAINTAIN CONTROL OF THE ENTIRE CONSTRUCTION OPERATION AND TO KEEP THE ENTIRE SITE IN COMPLIANCE WITH THIS EROSION CONTROL PLAN.
- THE INTENTION OF THIS PLAN IS FOR INTERIM EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO THE INCEPTION OF ANY WORK CONSISTENT WITH THIS EROSION CONTROL PLAN. THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL, THE CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION, AND THE LOCAL GOVERNING AGENCY FOR THIS PROJECT.
- OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO, DURING, AND AFTER STORM EVENTS. PERSON IN CHARGE OF MAINTAINING EROSION CONTROL MEASURES SHOULD WATCH LOCAL WEATHER REPORTS AND ACT APPROPRIATELY TO MAKE SURE ALL NECESSARY MEASURES ARE IN PLACE.
- SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE AT ALL TIMES.
- DURING THE RAINY SEASON, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT-LOADED RUNOFF TO ANY STORM DRAINAGE SYSTEM, INCLUDING EXISTING DRAINAGE SWALES AND WATERCOURSES.
- CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION WILL BE MINIMIZED. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS CONCERNING POLLUTION SHALL BE MAINTAINED AT ALL TIMES.
- CONTRACTOR SHALL PROVIDE DUST CONTROL AS REQUIRED BY THE APPROPRIATE FEDERAL, STATE AND LOCAL AGENCY REQUIREMENTS.
- ALL MATERIALS NECESSARY FOR THE APPROVED EROSION CONTROL MEASURES SHALL BE IN PLACE BY OCTOBER 1ST.
- EROSION CONTROL SYSTEMS SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE RAINY SEASON, OR FROM OCTOBER 1ST THROUGH APRIL 30TH, WHICHEVER IS LONGER.
- IN THE EVENT OF RAIN, ALL GRADING WORK IS TO CEASE IMMEDIATELY AND THE SITE IS TO BE SEALED IN ACCORDANCE WITH THE APPROVED EROSION CONTROL MEASURES AND APPROVED EROSION CONTROL PLAN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING AND REPAIRING EROSION CONTROL SYSTEMS AFTER EACH STORM.
- ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED BY LOCAL JURISDICTION'S ENGINEERING DEPARTMENT OR BUILDING OFFICIALS.
- MEASURES SHALL BE TAKEN TO COLLECT OR CLEAN ANY ACCUMULATION OR DEPOSIT OF DIRT, MUD, SAND, ROCKS, GRAVEL OR DEBRIS ON THE SURFACE OF ANY STREET, WALKWAY OR PUBLIC PLACE OR ANY PUBLIC STORM DRAIN SYSTEMS. THE REMOVAL OF AFORESAID SHALL BE DONE BY STREET SWEEPING OR HAND SWEEPING. WATER SHALL NOT BE USED TO WASH SEDIMENTS INTO PUBLIC OR PRIVATE DRAINAGE FACILITIES.
- EROSION CONTROL MEASURES SHALL BE ON-SITE FROM SEPTEMBER 1ST THRU APRIL 30TH.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE RAINY SEASON OR FROM OCTOBER 1ST THROUGH APRIL 30TH, WHICHEVER IS GREATER.
- PLANS SHALL BE DESIGNED TO MEET C3 REQUIREMENTS OF THE MUNICIPAL STORMWATER REGIONAL PERMIT (MRP) NPDES PERMIT CAS 612008.
- THE CONTRACTOR TO NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) BEST MANAGEMENT PRACTICES (BMP) FOR SEDIMENTATION EROSION AND EROSION CONTROL TO PREVENT DELETERIOUS MATERIALS OR POLLUTANTS FROM ENTERING THE TOWN OR COUNTY STORM DRAIN SYSTEMS.

EROSION CONTROL NOTES CONTINUED:

- THE CONTRACTOR MUST INSTALL ALL EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO THE INCEPTION OF ANY WORK ON-SITE AND MAINTAIN THE MEASURES UNTIL THE COMPLETION OF ALL LANDSCAPING.
- THE CONTRACTOR SHALL MAINTAIN ADJACENT STREETS IN A NEAT, CLEAN, DUST FREE AND SANITARY CONDITION AT ALL TIMES AND TO THE SATISFACTION OF THE TOWN INSPECTOR. THE ADJACENT STREET SHALL AT ALL TIMES BE KEPT CLEAN OF DEBRIS, WITH DUST AND OTHER NUISANCE BEING CONTROLLED AT ALL TIMES. THE CONTRACTOR BE RESPONSIBLE FOR ANY CLEAN UP ON ADJACENT STREETS AFFECTED BY THE BY THEIR CONSTRUCTION METHOD OF STREET CLEANING SHALL BE BY DRY SWEEPING OF ALL PAVED AREAS. NO STOCKPILING OF BUILDING MATERIALS WITHIN THE TOWN RIGHT-OF-WAY.
- SEDIMENTS AND OTHER MATERIALS SHALL NOT BE TRACKED FROM THE SITE BY VEHICLE TRAFFIC. THE CONTRACTOR SHALL INSTALL A STABILIZED CONSTRUCTION ENTRANCE PRIOR TO THE INCEPTION OF ANY WORK ON-SITE AND MAINTAIN IT FOR THE DURATION OF THE CONSTRUCTION PROCESS SO AS TO NOT INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC RIGHT-OF-WAY UNTIL THE COMPLETION OF ALL LANDSCAPING.
- THE CONTRACTOR SHALL PROTECT DOWN SLOPE DRAINAGE COURSES, STREAMS AND STORM DRAINS WITH ROCK FILLED SAND BAGS, TEMPORARY SWALES, SILT FENCES, AND EARTH FERMS IN CONJUNCTION WITH ALL LANDSCAPING.
- STOCKPILED MATERIALS SHALL BE COVERED WITH VISQUEUR OR A TARPAILIN 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 IS SEEDED OR PLANTED TO PROVIDE GROUND COVER PRIOR TO THE FALL RAINY SEASON.
- EXCESS OR WASTE CONCRETE MUST NOT BE WASHED INTO THE PUBLIC RIGHT-OF-WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ON SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.
- TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION AND DISPERSAL BY WIND FUELS, OILS, SOLVENTS AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MUST NOT BE WASHED INTO THE DRAINAGE SYSTEM.
- DUST CONTROL SHALL BE DONE BY WATERING AND AS OFTEN AS REQUIRED BY THE TOWN INSPECTOR.
- SILT FENCE(S) AND/OR FIBER ROLL(S) SHALL BE INSTALLED PRIOR TO SEPTEMBER 15TH AND SHALL REMAIN IN PLACE UNTIL THE LANDSCAPING GROUND COVER IS INSTALLED. CONTRACTOR SHALL CONTINUOUSLY MONITOR THESE MEASURES, FOLLOWING AND DURING ALL RAIN EVENTS TO PUBLIC OWNED FACILITIES.

EROSION CONTROL MEASURES:

- THE FACILITIES SHOWN ON THIS PLAN ARE DESIGNED TO CONTROL EROSION AND SEDIMENT DURING THE RAINY SEASON, OCTOBER 1ST TO APRIL 30TH. EROSION CONTROL FACILITIES SHALL BE IN PLACE PRIOR TO OCTOBER 15TH OF ANY YEAR. GRADING OPERATIONS DURING THE RAINY SEASON WHICH LEAVE EXPOSED SLOPES SHALL BE PROTECTED WITH EROSION CONTROL MEASURES IMMEDIATELY FOLLOWING GRADING ON THE SLOPES.
- SITE CONDITIONS AT TIME OF PLACEMENT OF EROSION CONTROL MEASURES WILL VARY. APPROPRIATE ACTION INCLUDING TEMPORARY SWALES, INLETS, HYDROSEEDING, STRAW BALES, ROCK SACKS, ETC. SHALL BE TAKEN TO PREVENT EROSION AND SEDIMENTATION FROM LEAVING SITE. EROSION CONTROL MEASURES SHALL BE ADJUSTED AS THE CONDITIONS CHANGE AND THE NEED OF CONSTRUCTION SHIFT.
- CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING. ALL CONSTRUCTION TRAFFIC ENTERING ONTO THE PAVED ROADS MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCES. CONTRACTOR SHALL MAINTAIN STABILIZED ENTRANCE AT EACH VEHICLE ACCESS POINT TO EXISTING PAVED STREETS. ANY MUD OR DEBRIS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED DAILY AND AS REQUIRED BY THE GOVERNING AGENCY.
- ALL EXPOSED SLOPES THAT ARE NOT VEGETATED SHALL BE HYDROSEEDDED. IF HYDROSEEDING IS NOT USED OR IS NOT EFFECTIVE BY OCTOBER 1ST, THEN OTHER IMMEDIATE METHODS SHALL BE IMPLEMENTED, SUCH AS EROSION CONTROL BLANKETS, OR A THREE-STEP APPLICATION OF 1) SEED, MULCH, FERTILIZER, 2) BLOWN STRAW 3) TACKIFIER AND MULCH. HYDROSEEDING SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20" EROSION CONTROL AND HIGHWAY PLANTING" OF THE STANDARD SPECIFICATION OF THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, AS LATEST REVISIONS, REFER TO THE CONTROL SECTION OF THE GRADING SPECIFICATIONS THAT ARE A PART OF THIS PLAN SET FOR FURTHER INFORMATION.
- INLET PROTECTION SHALL BE INSTALLED AT OPEN INLETS TO PREVENT SEDIMENT FROM ENTERING THE STORM DRAIN SYSTEM. INLETS NOT USED IN CONJUNCTION WITH EROSION CONTROL ARE TO BE BLOCKED TO PREVENT ENTRY OF SEDIMENT. MINIMUM INLET PROTECTION SHALL CONSIST OF A ROCK SACKS OR AS SHOWN ON THIS PLAN.
- THE EROSION AND SEDIMENT CONTROL PLAN MAY NOT COVER ALL THE SITUATIONS THAT MAY ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS AND ADDITIONS MAY BE MADE TO THIS PLAN IN THE FIELD. A REPRESENTATIVE OF LEA & BRAZE ENGINEERING SHALL PERFORM A FIELD REVIEW AND MAKE RECOMMENDATIONS AS NEEDED. CONTRACTOR IS RESPONSIBLE TO NOTIFY LEA & BRAZE ENGINEERING AND THE GOVERNING AGENCY OF ANY CHANGES.
- THE EROSION CONTROL MEASURES SHALL CONFORM TO THE LOCAL JURISDICTION'S STANDARDS AND THE APPROVAL OF THE LOCAL JURISDICTION'S ENGINEERING DEPARTMENT.
- STRAW ROLLS SHALL BE PLACED AT THE TOE OF SLOPES AND ALONG THE DOWN SLOPE PERIMETER OF THE PROJECT. THEY SHALL BE PLACED AT 25 FOOT INTERVALS ON GRADED SLOPES. PLACEMENT SHALL RUN WITH THE FOOTPRINTS AND ROLLS SHALL BE TIGHTLY END BUTTED. CONTRACTOR SHALL REFER TO MANUFACTURER'S SPECIFICATIONS FOR PLACEMENT AND INSTALLATION INSTRUCTIONS.

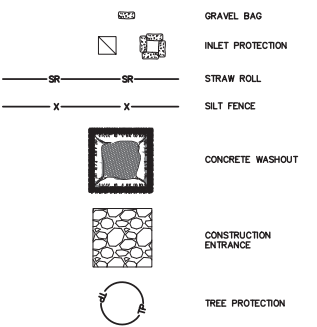
REFERENCES:

- CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL
- CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION

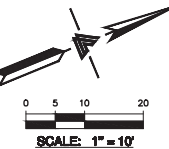
PERIODIC MAINTENANCE:

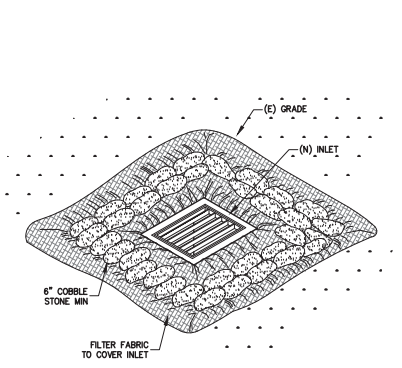
- MAINTENANCE IS TO BE PERFORMED AS FOLLOWS:
 - DAMAGES CAUSED BY SOIL EROSION OR CONSTRUCTION SHALL BE REPAIRED AT THE END OF EACH WORKING DAY.
 - SWALES SHALL BE INSPECTED PERIODICALLY AND MAINTAINED AS NEEDED.
 - SEDIMENT TRAPS, BERMS, AND SWALES ARE TO BE INSPECTED AFTER EACH STORM AND REPAIRS MADE AS NEEDED.
 - SEDIMENT SHALL BE REMOVED AND SEDIMENT TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT HAS ACCUMULATED TO A DEPTH OF 1 FOOT.
 - SEDIMENT REMOVED FROM TRAP SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
 - RILLS AND GULLIES MUST BE REPAIRED.
- GRAVEL BAG INLET PROTECTION SHALL BE CLEANED OUT WHENEVER SEDIMENT DEPTH IS ONE HALF THE HEIGHT OF ONE GRAVEL BAG.
- STRAW ROLLS SHALL BE PERIODICALLY CHECKED TO ASSURE PROPER FUNCTION AND CLEANED OUT WHENEVER THE SEDIMENT DEPTH REACHED HALF THE HEIGHT OF THE ROLL.
- SILT FENCE SHALL BE PERIODICALLY CHECKED TO ASSURE PROPER FUNCTION AND CLEANED OUT WHENEVER THE SEDIMENT DEPTH REACHES ONE FOOT IN HEIGHT.
- CONSTRUCTION ENTRANCE SHALL BE REGRAVELED AS NECESSARY FOLLOWING SILT/SOIL BUILDUP.
- ANY OTHER EROSION CONTROL MEASURES SHOULD BE CHECKED AT REGULAR INTERVALS TO ASSURE PROPER FUNCTION

EROSION CONTROL LEGEND

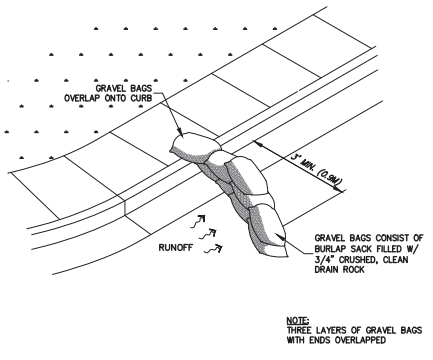


NOTE:
 SEAL ALL OTHER INLETS NOT INTENDED TO ACCEPT STORM WATER AND DIRECT FLOWS TEMPORARILY TO FUNCTIONAL SEDIMENTATION BASIN INLETS. -TYP

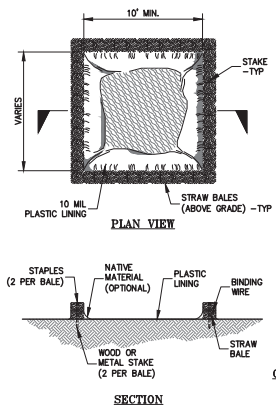




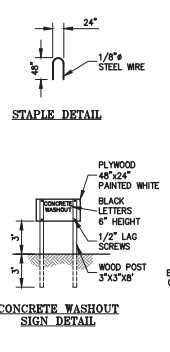
1 INLET PROTECTION
ER-2 NTS



2 GRAVEL BAG AT STREET FLOW LINE
ER-2 NTS

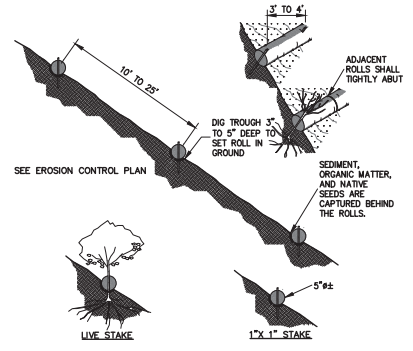


3 CONCRETE WASHOUT
ER-2 NTS



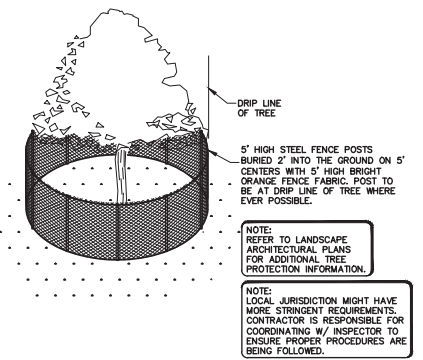
4 CONSTRUCTION ENTRANCE
ER-2 NTS

NOTES:
 STABILIZED CONSTRUCTION SITE ACCESS SHALL BE CONSTRUCTED OF 3" TO 4" WASHED, FRACTURED STONE AGGREGATE.
 MATERIAL SHALL BE PLACED TO A MINIMUM THICKNESS OF 12". LENGTH OF ENTRANCE SHALL BE A MINIMUM OF 50'.
 WIDTH SHALL BE A MIN. OF 15' OR GREATER IF NECESSARY TO COVER ALL VEHICULAR INGRESS AND EGRESS. PROVIDE AMBLE TURNING RADI.
 THE ENTRANCE SHALL BE KEPT IN GOOD CONDITION BY OCCASIONAL TOP DRESSING WITH MATERIAL AS SPECIFIED IN ABOVE NOTE.
 ACCESSES SHALL BE INSPECTED WEEKLY DURING PERIODS OF HEAVY USAGE, MONTHLY DURING NORMAL USAGE, AND AFTER EACH RAINFALL. WITH MAINTENANCE PROVIDED AS NECESSARY.
 PERIODIC TOP DRESSING SHALL BE DONE AS NEEDED.

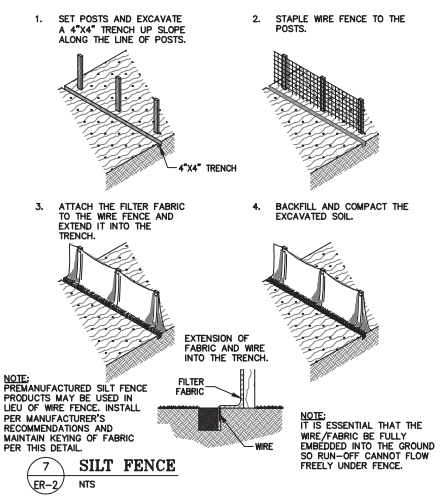


NOTE:
 1. STRAW ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3" TO 5" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND ROLL.
 2. CONTRACTOR IS RESPONSIBLE FOR REGULAR MAINTENANCE AND INSPECTION. THE SILT SHALL BE CLEANED OUT WHEN IT REACHES HALF THE HEIGHT OF THE ROLL.

5 STRAW ROLLS
ER-2 NTS



6 EXISTING TREE PROTECTION DETAIL
ER-2 NTS



NOTE:
 PREMANUFACTURED SILT FENCE PRODUCTS MAY BE USED IN LIEU OF WIRE FENCE. INSTALL PER MANUFACTURER'S RECOMMENDATIONS AND MAINTAIN KEYING OF FABRIC PER THIS DETAIL.
NOTE:
 IT IS ESSENTIAL THAT THE WIRE FABRIC BE FULLY EMBEDDED INTO THE GROUND SO RUN-OFF CANNOT FLOW FREELY UNDER FENCE.

7 SILT FENCE
ER-2 NTS



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 RESIDENTIAL
 COMMERCIAL
 DRAINAGE
 SAN JOSE
 WWW.LEABRAZE.COM

FLOOD PARK HOMES
 811 BAY ROAD
 MENLO PARK, CALIFORNIA
 SAN MATEO COUNTY
 APN: 062-065-050

EROSION CONTROL
 DETAILS

PLAN CHECK	WA
01-18-22	-
-	-
-	-
-	-
-	-
REVISIONS	BY

JOB NO: 2211054
 DATE: 10-15-21
 SCALE: AS NOTED
 DESIGN BY: WA
 CHECKED BY: BY
 SHEET NO:



Construction Best Management Practices (BMPs)

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

Materials & Waste Management



Non-Hazardous Materials

- ❑ Burn and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or if not actively being used within 14 days.
- ❑ Use (but don't overuse) reclaimed water for dust control.

Hazardous Materials

- ❑ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state and federal regulations.
- ❑ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast.
- ❑ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ❑ Arrange for appropriate disposal of all hazardous wastes.

Waste Management

- ❑ Cover waste disposal containers securely with tarps at the end of every work day and during wet weather.
- ❑ Check waste disposal containers frequently for leaks and to make sure they are not overfilled. Never hose down a dumpster on the construction site.
- ❑ Clean or replace portable toilets, and inspect them frequently for leaks and spills.
- ❑ Dispose of all wastes and debris properly. Recycle materials and wastes that can be recycled (such as asphalt, concrete, aggregate base materials, wood, gypsum board, pipe, etc.).
- ❑ Dispose of liquid residues from paints, thinners, solvents, glass, and cleaning fluids as hazardous waste.

Construction Entrances and Perimeter

- ❑ Establish and maintain effective perimeter controls and stabilize all construction entrances and cuts to sufficiently control erosion and sediment discharges from site and tracking off site.
- ❑ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.

Equipment Management & Spill Control



Maintenance and Parking

- ❑ Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
- ❑ Perform major maintenance, repair jobs, and vehicle and equipment washing off site.
- ❑ If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan or drop cloth big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- ❑ If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface waters.
- ❑ Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, or steam cleaning equipment.

Spill Prevention and Control

- ❑ Keep spill cleanup materials (e.g., rags, absorbents and cat litter) available at the construction site at all times.
- ❑ Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- ❑ Clean up spills or leaks immediately and dispose of cleanup materials properly.
- ❑ Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- ❑ Sweep up spilled dry materials immediately. Do not try to wash them away with water, or bury them.
- ❑ Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- ❑ Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: 1) Dial 911 or your local emergency response number. 2) Call the Governor's Office of Emergency Services Warning Center, (800) 852-7550 (24 hours).

Earthmoving



- ❑ Schedule grading and excavation work during dry weather.
- ❑ Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- ❑ Remove existing vegetation only when absolutely necessary, and seed or plant vegetation for erosion control on slopes or where construction is not immediately planned.
- ❑ Prevent sediment from migrating offsite and protect storm drain inlets, gutters, ditches, and drainage courses by installing and maintaining appropriate BMPs, such as fiber rolls, silt fences, sediment basins, gravel bags, berms, etc.
- ❑ Keep excavated soil on site and transfer it to dump trucks on site, not in the streets.

Contaminated Soils

- ❑ If any of the following conditions are observed, test for contamination and contact the Regional Water Quality Control Board:
 - Unusual soil conditions, discoloration, or odor.
 - Abandoned underground tanks.
 - Abandoned wells.
 - Buried barrels, debris, or trash.

Paving/Asphalt Work



- ❑ Avoid paving and seal coating in wet weather or when rain is forecast, to prevent materials that have not cured from contacting stormwater runoff.
- ❑ Cover storm drain inlets and manholes when applying seal coat, tack coat, slurry seal, fog seal, etc.
- ❑ Collect and recycle or appropriately dispose of excess abrasive gravel or sand. Do NOT re-occupy or wash it into gutters.
- ❑ Do not use water to wash down fresh asphalt concrete pavement.

Sawcutting & Asphalt/Concrete Removal

- ❑ Protect nearby storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or gravel bags to keep slurry out of the storm drain system.
- ❑ Shovel, absorb, or vacuum saw-cut slurry and dispose of all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ❑ If saw-cut slurry enters a catch basin, clean it up immediately.

Concrete, Grout & Mortar Application



- ❑ Store concrete, grout, and mortar away from storm drains or waterways, and on pallets under cover to protect them from rain, runoff, and wind.
- ❑ Wash out concrete equipment trucks offsite or in a designated washout area, where the water will flow into a temporary waste pit, and in a manner that will prevent leaching into the underlying soil or onto surrounding areas. Let concrete harden and dispose of as garbage.
- ❑ When washing exposed aggregate, prevent washwater from entering storm drains. Block any inlets and vacuum gutters, hose wash-water onto dirt areas, or drain onto a bermed surface to be pumped and disposed of properly.

Landscaping



- ❑ Protect stockpiled landscaping materials from wind and rain by storing them under tarps all year-round.
- ❑ Stack bagged material on pallets and under cover.
- ❑ Discontinue application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.

Painting & Paint Removal



Painting Cleanup and Removal

- ❑ Never clean brushes or rinse paint containers into a street, gutter, storm drain, or stream.
- ❑ For water-based paints, paint out brushes to the extent possible and rinse into a drain that goes to the sanitary sewer. Never pour paint down a storm drain.
- ❑ For oil-based paints, paint out brushes to the extent possible and clean with thinner or the solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids as hazardous waste.
- ❑ Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- ❑ Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury, or tributyltin must be disposed of as hazardous waste. Lead based paint removal requires a state-certified contractor.

Dewatering



- ❑ Discharges of ground-water or captured runoff from dewatering operations must be properly managed and disposed. When possible send dewatering discharge to landscaped area or sanitary sewer. If discharging to the sanitary sewer call your local wastewater treatment plant.
- ❑ Divert run-on water from offsite away from all disturbed areas.
- ❑ When dewatering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ❑ In areas of known or suspected contamination, call your local agency to determine whether the ground water must be tested. Pumped groundwater may need to be collected and handled off-site for treatment and proper disposal.

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



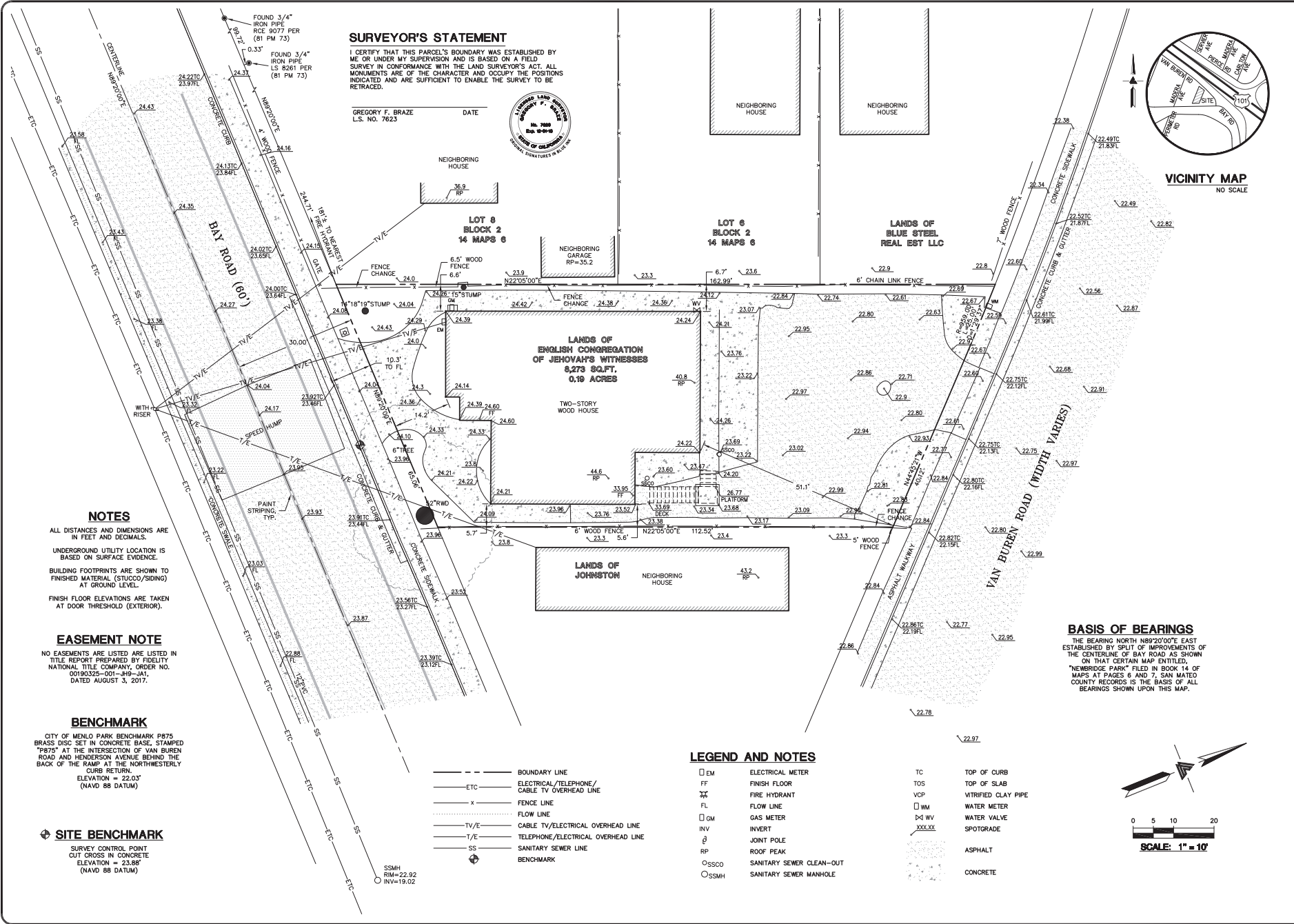
LEA & BRAZE ENGINEERING, INC.
 CIVIL ENGINEERS | LAND SURVEYORS
 5400 INDUSTRIAL PARK WEST
 HAYWARD, CALIFORNIA 94545
 (510) 887-0088
 WWW.LEABRAZE.COM

FLOOD PARK HOMES
 811 BAY ROAD
 MENLO PARK, CALIFORNIA
 SAN MATEO COUNTY
 APN: 082-055-050

STORMWATER POLLUTION PREVENTION PLAN

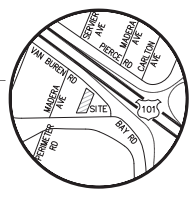
PLAN CHECK	DATE	BY
1	01-18-22	WA
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
REVISIONS		BY
JOB NO:	2211054	
DATE:	10-15-21	
SCALE:	AS NOTED	
DESIGN BY:	WA	
CHECKED BY:	BY	
SHEET NO:	SW-1	

SW-1
 07 OF 07 SHEETS



SURVEYOR'S STATEMENT
 I CERTIFY THAT THIS PARCEL'S BOUNDARY WAS ESTABLISHED BY ME OR UNDER MY SUPERVISION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

GREGORY F. BRAZE DATE _____
 L.S. NO. 7623



VICINITY MAP
NO SCALE

NOTES
 ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.
 UNDERGROUND UTILITY LOCATION IS BASED ON SURFACE EVIDENCE.
 BUILDING FOOTPRINTS ARE SHOWN TO FINISHED MATERIAL (STUCCO/SIDING) AT GROUND LEVEL.
 FINISH FLOOR ELEVATIONS ARE TAKEN AT DOOR THRESHOLD (EXTERIOR).

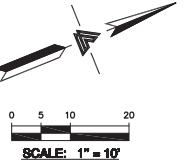
EASEMENT NOTE
 NO EASEMENTS ARE LISTED ARE LISTED IN TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY, ORDER NO. 00190325-001-J49-JA1, DATED AUGUST 3, 2017.

BENCHMARK
 CITY OF MENLO PARK BENCHMARK P875 BRASS DISC SET IN CONCRETE BASE, STAMPED "P875" AT THE INTERSECTION OF VAN BUREN ROAD AND HENDERSON AVENUE BEHIND THE BACK OF THE RAMP AT THE NORTHWESTERLY CURB RETURN.
 ELEVATION = 22.03' (NAVD 88 DATUM)

SITE BENCHMARK
 SURVEY CONTROL POINT CUT CROSS IN CONCRETE
 ELEVATION = 23.88' (NAVD 88 DATUM)

- LEGEND AND NOTES**
- BOUNDARY LINE
 - ETC --- ELECTRICAL/TELEPHONE/CABLE TV OVERHEAD LINE
 - x- FENCE LINE
 - FLOW LINE
 - TV/E CABLE TV/ELECTRICAL OVERHEAD LINE
 - T/E TELEPHONE/ELECTRICAL OVERHEAD LINE
 - SS SANITARY SEWER LINE
 - ⊕ BENCHMARK
 - EM ELECTRICAL METER
 - FF FINISH FLOOR
 - ⊕ FIRE HYDRANT
 - FL FLOW LINE
 - GM GAS METER
 - INV INVERT
 - ⊕ JOINT POLE
 - RP ROOF PEAK
 - SSCO SANITARY SEWER CLEAN-OUT
 - SSMH SANITARY SEWER MANHOLE
 - TC TOP OF CURB
 - TOS TOP OF SLAB
 - VCP VITRIFIED CLAY PIPE
 - WM WATER METER
 - Dd Wv WATER VALVE
 - xxx.xx SPOTGRADE
 - ASPHALT
 - CONCRETE

BASIS OF BEARINGS
 THE BEARING NORTH N89°20'00"E EAST ESTABLISHED BY SPLIT OF IMPROVEMENTS OF THE CENTERLINE OF BAY ROAD AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MENLO PARK" FILED IN BOOK 14 OF MAPS AT PAGES 6 AND 7, SAN MATEO COUNTY RECORDS IS THE BASIS OF ALL BEARINGS SHOWN UPON THIS MAP.



LEA & BRAZE ENGINEERING, INC.
 CIVIL ENGINEERS - LAND SURVEYORS
 SACRAMENTO REGION
 BAY AREA REGION
 SACRAMENTO, CALIFORNIA 95804
 HAYWARD, CALIFORNIA 94540
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 (F) (916) 887-1333
 (T) (916) 887-9777-1343
 WWW.LEA-BRAZE.COM

811 BAY ROAD
 MENLO PARK
 CALIFORNIA

TOPOGRAPHIC AND
 BOUNDARY SURVEY

REVISIONS	BY

JOB NO: 2171445
 DATE: 12-5-17
 SCALE: 1" = 10'
 FIELD BY: DR
 DRAWN BY: DB
 SHEET NO:

March 4, 2021

Project Description

City of Menlo Park
Community Development Department
Planning Division
701 Laurel Street
Menlo Park, CA 94025

Re: Flood Park Homes
811 Bay Road and 810 Van Buren Road
Menlo Park, CA 94025
2 Unit Single-Family Houses Development

This letter of application requests Planning Commission Approval for the demolition and proposed construction of a 2 unit Single-Family House Development at 811 Bay Road and 810 Van Buren Road.

Purpose of the Proposal

The existing residence at 811 Bay Road is a two-story house from 1959, with significant exterior modifications in 1988) which has been used as a church on the ground floor and an apartment on the second floor. There is a paved entry on Bay Road side of the house and the main parking lot is accessible from the Van Buren Road side of the property. Towering over the house and dominating the front yard is a 43" diameter Redwood Tree which is on the City sidewalk, close to the property line.

The project intent is to demolish the existing structure to develop two single-family houses in this R-3 Apartment Zoning District. Each house would have its own independent access, one from Bay Road, the other from Van Buren Road. The project design proposes (2) mirrored two-story houses in a Transitional design style.

The current structure has been built in the front and side setbacks and the building coverage is 2,544 sf, over the allowed building coverage. The new project proposes a smaller code compliant building coverage of 2,432 sf, decreased parking / paving area, and increased landscaping.

The proposed project complies with all on-site zoning regulations. Although the proposed structures will be set 10' from the side setback, a Variance is requested to address the distance between the existing main structure at 815 Bay Road and the property line as it is less than the 10' minimum required setback.

Scope of Work

The project consists of demolition of an existing structure on a 8,273 sf parcel located in the R-3 Apartment Zoning District North West of the 101 / Willow Interchange and the construction of two new single-family houses. A Condo Map is being submitted in parallel with this application.

Architectural Style, Materials, Colors and Construction Methods

The project design style is transitional. The simple volumes of the design and building structure are articulated by the material selections. Cement plaster is the main façade material, which is often found in this neighborhood. It has a light color. To break up the volume of the building, some walls of the second floor feature a vertical cedar siding. The warm tones of the wood plank walls and the white plaster walls are complimented with dark brown/black trims on the metal clad doors and windows, and the light grey standing seam metal roofs and awnings. Exterior beams or columns for the porches, awnings and trellises are designed to be painted wood in a natural dark brown tone. The balcony railing outside of the Primary Bedrooms is painted metal, dark brown/black. The drought tolerant landscape is designed to preserve the Redwood and new trees at the property line provide privacy to and from the adjacent buildings. For additional information on the materials and finishes, please see drawing sheets A4.0 – A4.3, and the Material Board on sheet A6.0.

The building structure is a concrete slab on grade with wood frame Type V-B construction above. Project sustainability will meet or exceed Title 24. The 3,720 FAR sf project conforms to the front, side and rear yard setbacks, and is well under the maximum height.

Basis for Site Layout

The 8,273 sf site is 60' narrow at both ends (Bay Road and Van Buren Road) and between 112' and 163' deep in a polygonal shape. Per municipal code section 16.04.460 through lot means a lot having frontage on two parallel or approximately parallel streets; which is why the property has two front yards.

Each single-family house has a modestly sized and fenced frontyard and a backyard. There are (2) one car garages integrated in each house. The houses are 2-stories in height and each house is a 4-bedroom, 3-bathroom unit with private patios in the rear and on the side. The houses can be entered through the front yard and a covered front porch. The team worked closely with the project Arborist, Civil Engineer and Landscape Architect to develop a proposal that meet the city's requirements.

Existing and Proposed Uses

The existing structure containing a church and apartment is proposed to be replaced by 2 single-family homes. The site is located in a small corner of R-3 Zoning with apartment complexes and single-family houses in the close neighborhood.



Neighbor Outreach

The attached letter was hand delivered on January 30th to the mailboxes of the following adjacent neighbors at: 807 Bay Rd, 815 Bay Rd, 1008 Madera Ave, 1014 Madera Ave.

Thank you for your time and attention to this proposal. Please contact us with any questions or requests for additional information. We look forward to working with you to entitle this application.

Sincerely -

Heather Young
HEATHER YOUNG ARCHITECTS

Cc: Zach Trailer and John McNellis

Mc-Z Bay LLC

January 29, 2022

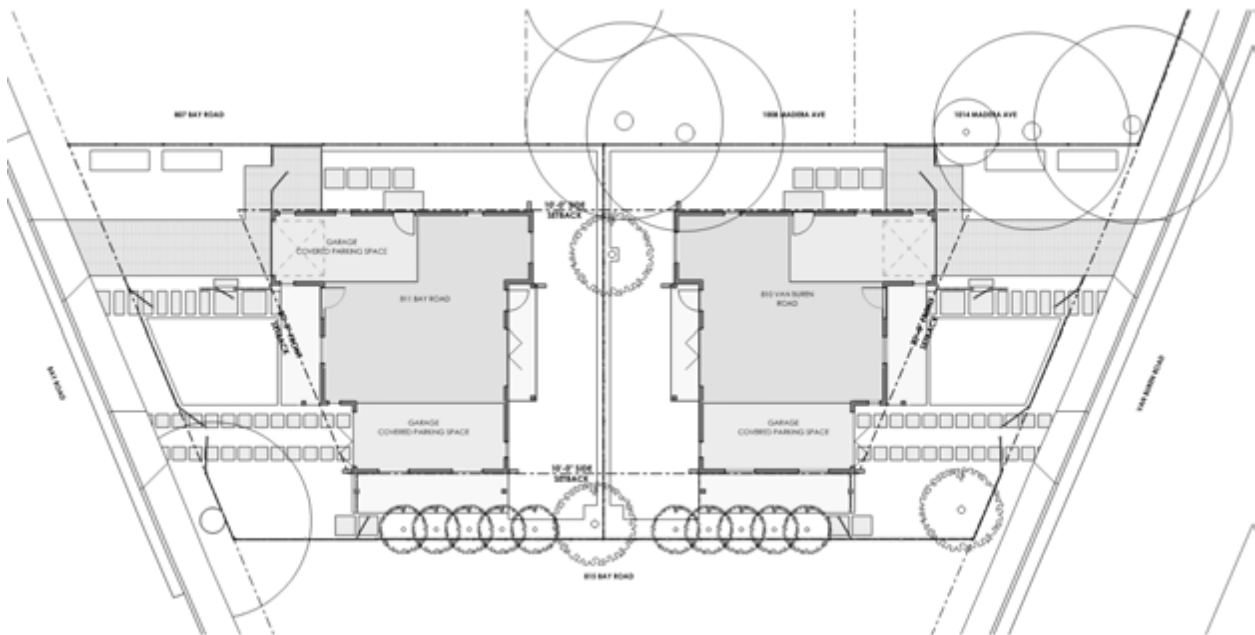
RE: New Homes at 811 Bay Road / 810 Van Buren Road

Dear Neighbor,

Hello! We're working with the owners of 811 Bay Road to redevelop the property. The project consists of demolishing the existing 2- story structure (a church and an apartment) to construct two new 2-story single-family homes.

The existing structure at 811 Bay Road is a two-story house from 1990 which has been used as a church on the ground floor and an apartment on the second floor. There is a small driveway from Bay Road to the house, the main parking lot is accessible from the Van Buren side of the property.

The lot is accessible from two roads, Bay Road and Van Buren Road. Each single-family house has a modestly sized and fenced frontyard and a backyard. The houses are 2-stories in height and each house is a 4-bedroom, 3-bathroom design with private patios in the rear and on the side. The houses can be entered through the front yard and a covered front porch.



Proposed Site Plan

Architectural Style, Materials, Colors and Construction Methods

The project design style is transitional. The simple volumes of the design and building structure are articulated by the material selections. Cement plaster is the main façade material, which is often found in this neighborhood. It has a light color. To break up the volume of the building, some walls of the second floor feature a cedar siding. The warm tones of the wood plank and the white plaster walls are complimented with dark brown/black trims on the doors and windows and a light grey standing seam metal roof. Exterior beams or columns for the porches, awnings and trellises are designed to be painted wood in a natural tone. The drought tolerant landscape is designed to preserve the Redwood and new trees at the property line provide privacy to and from the adjacent buildings.

Plans and perspective images of the homes are attached.

All neighbors adjacent to the property are being provided this notice as a courtesy. Please note the enclosed drawings and images are preliminary and may change due to project modification requested by either the applicant or by the city of Menlo Park.

This project is being reviewed by the City of Menlo Park. For additional information please contact the project planner, Fahteen Khan, at fnkhan@menlopark.org or (650)330-6739.

Sincerely -

A handwritten signature in black ink that reads "Heather Young". The signature is fluid and cursive, with the first name being more prominent than the last.

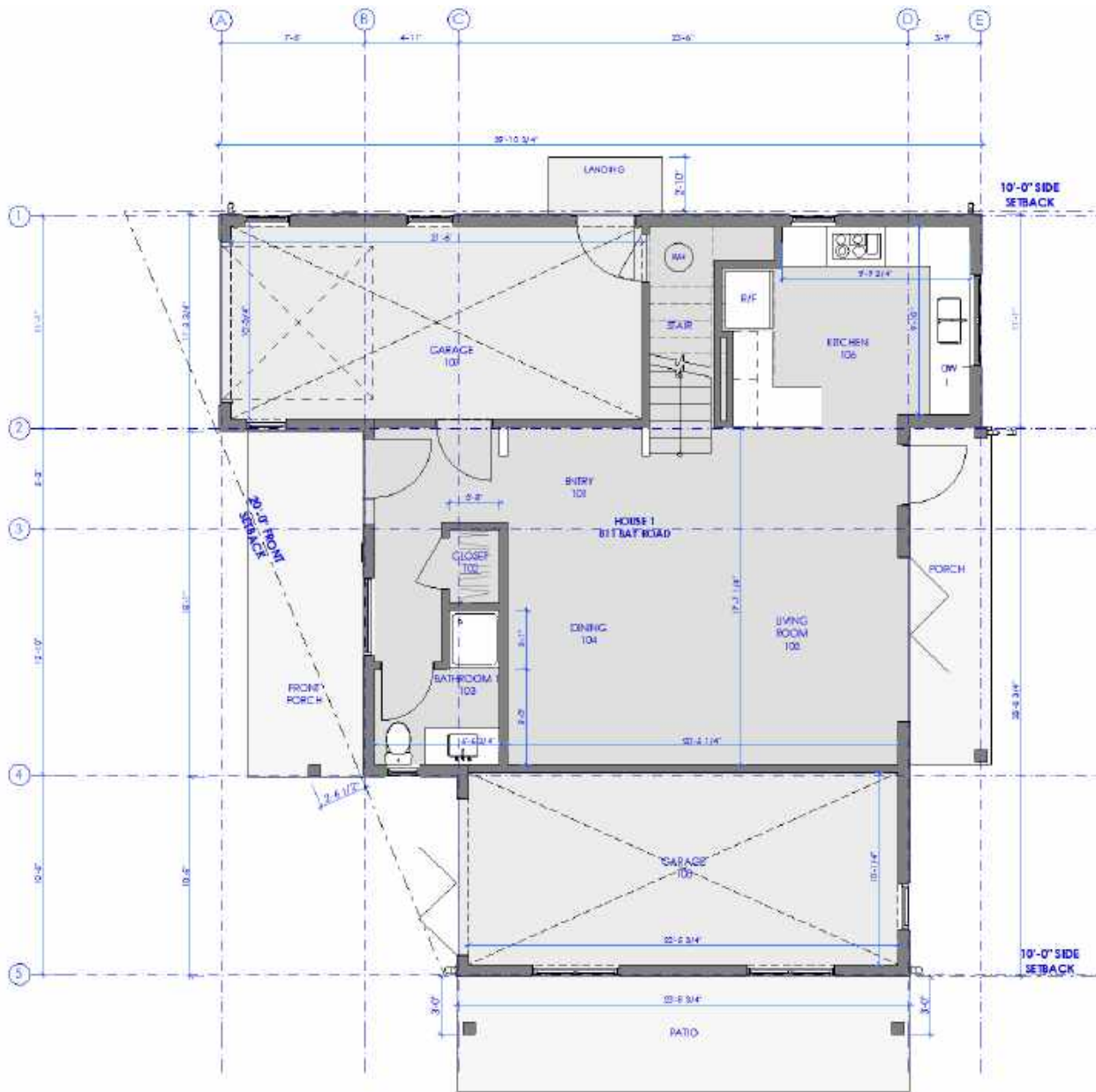
Heather Young
Heather Young Architects
email: studio@hyarchs.com



PERSPECTIVE FRONT



PERSPECTIVE BACK



GROUND FLOOR PLAN – 811 BAY ROAD



SECOND FLOOR PLAN – 811 BAY ROAD

March 4, 2022

Variance Request Letter

City of Menlo Park
Community Development Department
Planning Division
701 Laurel Street
Menlo Park, CA 94025

Re: Flood Park Homes – Variance Request
811 Bay Road and 810 Van Buren Road
Menlo Park, CA 94025
2 Unit Single-Family House Development

Planning Commission Members –

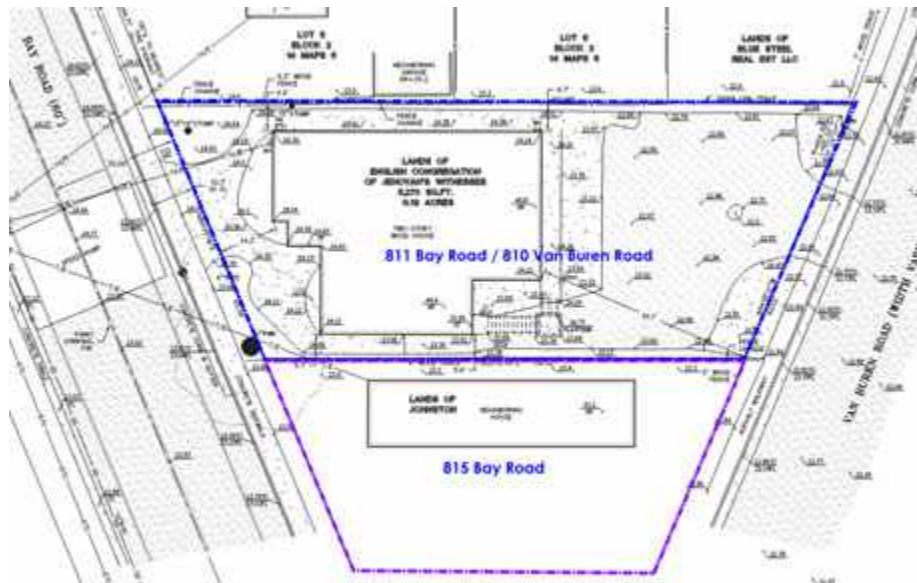
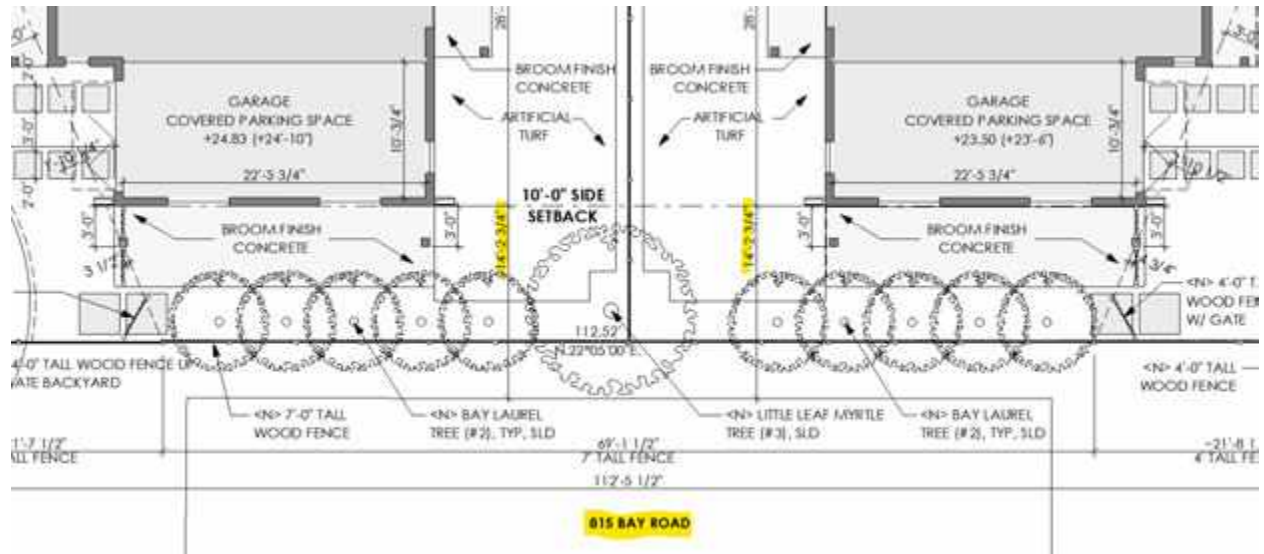
The proposed project proposes to redevelop an irregularly shaped 8,273 sf parcel located in the R-3 Apartment Zoning District Northwest of the 101 / Willow Interchange with the construction of two new single-family houses. A Condo Map is being submitted under a separate application.

The 8,273 sf site is 60' narrow at both ends (Bay Road and Van Buren Road) and between 112' and 163' deep in a polygonal shape. Per municipal code section 16.04.460 through lot means a lot having frontage on two parallel or approximately parallel streets; which is why the property has two front yards.



Each single-family house has a modestly sized and fenced street facing front yard and a backyard. The houses are 2-stories in height and each house is a 4-bedroom, 3-bathroom unit with private patios in the rear and on the side. The houses can be entered through the front yard and a covered front porch.

As proposed, the design at 811 Bay/810 Van Buren conforms to the front, side and rear yard setbacks required on the property and all other zoning regulations. This letter of application requests Planning Commission Approval of a Variance to enable construction of this project with less than 20' separation required between the new structures and the existing adjacent property structure at 515 Bay.



The existing 2-story apartment building at 815 Bay Road is approximately 4'-2 3/4" from the property line, less than the 10' minimum setback required for new development in the R-3 Apartment District. Although we can't change the setback at 815 Bay, the proposed development at 811 Bay/810 Van Buren replaces the existing 5.6' setback

between the existing structure and the property line to a code compliant 10' setback. As the property at 815 Bay remains as permitted non-compliant, the total separation is less than the 20' separation distance required between Main Buildings located on one property and an adjacent property. Both lots are substandard and irregularly shaped.



We believe the Planning Commission can find the following:

- 1) This hardship is peculiar and specific to the property at 811 Bay/810 Van Buren and not created by the property owner. The 4'-2 ¾" setback of the existing permitted non-compliant structure on 815 Bay is in no way created or controlled by the owners of 811 Bay/810 Van Buren. The 815 Bay site appears to be less than 7,000 sf, substandard in the R-3 zone, and may not be attractive to redevelopment for some time.
- 2) This variance is required and necessary for the successful development of 810 Bay/811 Van Buren. The property is a subcategory of the R-3 zoning for parcels less than 10,000 sf. The irregular site shape makes having more than a 10' setback along the 815 Bay property line impossible to achieve while still providing the required rear and front yard setbacks (on both Bay and Van Buren) and the required (2) parking spaces for each home.
- 3) The granting of the variance will not be materially detrimental to the public health, safety, or welfare, or will not impair an adequate supply of light and air to the adjacent property. Instead, the proposed project provides greater separation than the current condition by replacing the current 5.6' setback between 810 Bay and the property line with a 10' setback, improving access to light and air at the adjacent property at 815 Bay.
- 4) The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification. The conditions noted – the irregularly shaped sites of 811 Bay and 815 Bay, and the existing permitted non-compliant setback from the property line - are specific to this location.

- 5) The condition upon which the requested variance is based is an unusual factor that was not anticipated in the development of the R-3 zoning. The R-3 zoning does not include any exceptions or alternate standards for the lack of setback compliance by the existing main buildings on adjacent properties.

We respectfully ask the Planning Commission to approve the requested variance.

Thank you for your time and attention to this proposal. Please contact us with any questions or requests for additional information. We look forward to working with you to entitle this application.

Sincerely -

A handwritten signature in black ink that reads "Heather Young". The signature is fluid and cursive, with the first name being more prominent than the last.

Heather Young
HEATHER YOUNG ARCHITECTS

Cc: Zach Trailer and John McNellis

Mc-Z Bay LLC

3/2/2022

Site: 811 Bay Road
Menlo Park, CA 94025

Re: **Tree Survey**

To Whom It May Concern:

Assignment

It was my assignment to inspect the Protected Trees on site and write a Tree Report.

Summary

This survey provides a numbered map and complete and detailed information for each tree surveyed. There is one Protected tree included in this report on site and *five* undesirable trees on two different neighbor properties (see numbered map). None of these are Protected. For this review I considered the Plan Set from HYA Architects (A0.0 – A6.0, L1.0 – L1.1, TO.1, C1.0 – SU 1, 2/25/2022). Using the Tree Valuations-Guide for Tree Appraisals 10th Edition, *the Valuations for the protected Redwood at this site is \$20,621.00.*



Discussion

All the trees surveyed were examined and then rated based on their individual health and structure according to the table following. For example, a tree may be rated “good” under the health column for excellent/vigorous appearance and growth, while the same tree may be rated “fair/poor” in the structure column if structural mitigation is needed. More complete descriptions of how health and structure are rated can be found under the “Methods” section of this report.

<u>Rating</u>	<u>Health</u>	<u>Structure</u>
Good	excellent/vigorous	flawless
Fair/good	no significant health concerns	very stable

Fair	showing initial or temporary disease, pests or lack of vitality. measures should be taken to improve health and appearance.	routine maintenance needed such as pruning or end weight reduction as tree grows
Fair/poor	in decline, significant health issues	significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree
Poor	dead or near dead	hazard

Methods

The trunks of the trees were measured using an arborist’s diameter tape at 54” above soil grade. In cases where the main trunk divides below 54”, the tree is measured (per the City of Menlo Park’s heritage tree ordinance) at the point where the trunks divide. The canopy height and spread are estimated using visual references only.

The condition of each tree is assessed by visual observation only from a standing position without climbing or using aerial equipment. No invasive equipment is used. Consequently, it is possible that individual tree(s) may have internal (or underground) health problems or structural defects, which are not detectable by visual inspection. In cases where it is thought further investigation is warranted, a “full tree risk assessment” is recommended. This assessment may be inclusive of drilling or using sonar equipment to detect internal decay and include climbing or the use of aerial equipment to assess higher portions of the tree.

The health of an individual tree is rated based on leaf color and size, canopy density, new shoot growth and the absence or presence of pests or disease.

Individual tree structure is rated based on the growth pattern of the tree (including whether it is leaning); the presence or absence of poor limb attachments (such as co-dominant leaders); the length and weight of limbs and the extent and location of apparent decay. For each tree, a structural rating of fair or above indicates that the structure can be maintained with routine pruning such as removing dead branches and reducing end weight as the tree grows. A fair/poor rating indicates that the tree has significant structural weaknesses and corrective action is warranted. A poor structural rating indicates that the tree or portions of the tree are likely to fail and that there is little that can constructively be done about the problem other than removal of the tree or large portions of the tree. Very large trees that are rated Fair/Poor for structure AND that are near structures or in an area frequently traveled by cars or people, receive an additional **CONSIDER REMOVAL” notation under recommendations. This is included because structural mitigation techniques do not guarantee against structural failure, especially in very large trees. Property owners may or may not choose to remove this type of

tree but should be aware that if a very large tree experiences a major structural failure, the danger to nearby people or property is significant.

Survey Area Observations

The property is in a residential area in the City of Menlo Park. The surveyed area is rectangular and flat.

Local Regulations Governing Trees

Definition of a heritage tree

1. Any tree having a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more measured at 54 inches above natural grade.
2. Any oak tree native to California, with a circumference of 31.4 inches (diameter of 10 inches) or more measured at 54 inches above natural grade.
3. Any tree or group of trees specifically designated by the City Council for protection because of its historical significance, special character or community benefit.
4. Any tree with more than one trunk measured at the point where the trunks divide, with a circumference of 47.1 inches (diameter of 15 inches) or more, with the exception of trees that are under 12 feet in height, which are exempt from the ordinance.

The Trees

Tree #1 is a Coast Redwood (*Sequoia sempervirens*) with a 43" diameter that stands 73' tall and 30' wide. This tree is in Fair Health and has a Fair/Fair - Poor Structure because the top is stunted and wind swept due to prevailing winds. None of the concrete around the tree is currently lifted by tree roots. This tree is highly suitable for preservation. All excavation work within 6X trunk diameter of this tree must be done under supervision of the Project Arborist. With this measure in place we can ensure Tree Protection. No roots greater than 2" diameter may be cut without prior consent of the Project Arborist. This tree needs weekly irrigation for the life of the project, and for three years after.



Tree #2 is an undesirable *Ailanthus* with trunk diameters of 6", 10", 11" and 24". This tree is 2' back from the fence on neighboring property. The tree is 30' tall and wide. This tree is dead.



Tree #3 is an undesirable *Privet* with a trunk diameter of 14.9". This tree is 2' back from the fence on neighboring property. The tree is 30' tall and wide. Tree Health is Fair – Poor and Structure is Poor.

Tree #4 is an undesirable *Ailanthus* with a trunk diameter of 12". This tree is 2' back from the fence on neighboring property. The tree is 30' tall and 10' wide. Tree Health is Fair and Structure is Poor.

Tree #5 is an undesirable *Privet* with a trunk diameter of 12". This tree is 2' back from the fence on neighboring property. The tree is 35' tall and 30' wide. Tree Health is Fair and Structure is Poor.

Tree #6 is an undesirable *Privet* with a trunk diameter of 12". This tree is 2' back from the fence on neighboring property. The tree is 30' tall and wide. Tree Health is Fair – Poor and Structure is Poor.

Risks to Trees by Construction

Besides the above-mentioned health and structure-related issues, the trees at this site could be at risk of damage by construction or construction procedures that are common to most construction sites. These procedures may include the dumping or the stockpiling of materials over root systems; the trenching across the root zones for utilities or for landscape irrigation; or the routing of construction traffic across the root system resulting in soil compaction and root dieback. It is therefore essential that Tree Protection Fencing be used as per the Architect's drawings. In constructing underground utilities, it is essential that the location of trenches be done outside the drip lines of trees except where approved by the Arborist.

General Tree Protection Plan

Protective fencing is required to be provided during the construction period to protect trees to be preserved. This fencing must protect a sufficient portion of the root zone to be effective. Fencing is recommended to be located 8 to 10 X the diameter at breast height (DBH) in all directions from the tree. DBH for each tree is shown in the attached data table. The minimum recommendation for tree protection fencing location is 6 X the DBH, where a larger distance is not possible. There are areas where we will amend this distance based upon tree condition and proposed construction. In my experience, the protective fencing must:

- a. Consist of chain link fencing and having a minimum height of 6 feet.
- b. Be mounted on steel posts driven approximately 2 feet into the soil.
- c. Fencing posts must be located a maximum of 10 feet on center.
- d. Protective fencing must be installed prior to the arrival of materials, vehicles, or equipment.
- e. Protective fencing must not be moved, even temporarily, and must remain in place until all construction is completed, unless approved by a certified arborist.
- f. Tree Protection Signage shall be mounted to all individual tree protection fences.

Based on the existing development and the condition and location of trees present on site, the following is recommended:

1. The Project Arborist is Michael Young (650) 321-0202. A Project Arborist should supervise any excavation activities within the tree protection zone of these trees.
2. Any roots exposed by the hand dug exploratory trench that are larger than 1.5 inches in diameter should not be cut or damaged until the project Arborist has an opportunity to assess the impact that removing these roots could have on the trees.
3. The area under the drip line of trees should be thoroughly irrigated to a soil depth of 18" every 3-4 weeks during the dry months.
4. Mulch should cover all bare soils within the tree protection fencing. This material must be 6-8 inches in depth after spreading, which must be done by hand. Course wood chips are preferred because they are organic and degrade naturally over time.
5. Loose soil and mulch must not be allowed to slide down slope to cover the root zones or the root collars of protected trees.
6. There must be no grading, trenching, or surface scraping inside the driplines of protected trees, unless specifically approved by a Certified Arborist. For trenching, this means:
 - a. Trenches for any underground utilities (gas, electricity, water, phone, TV cable, etc.) must be located outside the driplines of protected trees, unless approved by a Certified Arborist. Alternative methods of installation may be suggested.
 - b. Landscape irrigation trenches must be located a minimum distance of 10 times the trunk diameter from the trunks of protected trees unless otherwise noted and approved by the Arborist.
7. Materials must not be stored, stockpiled, dumped, or buried inside the driplines of protected trees.
8. Excavated soil must not be piled or dumped, even temporarily, inside the driplines of protected trees.
9. Landscape materials (cobbles, decorative bark, stones, fencing, etc.) must not be installed directly in contact with the bark of trees because of the risk of serious disease infection.
10. Landscape irrigation systems must be designed to avoid water striking the trunks of trees, especially oak trees.



STAFF REPORT

Planning Commission

Meeting Date:

3/28/2022

Staff Report Number:

22-017-PC

Public Hearing:

Final Actions on Environmental Review, Use Permit, Architectural Control, and Below Market Rate (BMR) Housing Agreement, Community Amenities Proposal for the proposed Menlo Flats project with 158 multifamily dwelling units and an approximately 13,400-square-foot office space, and approximately 1,600 square feet of commercial space/Andrew Morcos for Greystar/165 Jefferson Drive

Recommendation

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

1. **Make the required findings per the California Environmental Quality Act (CEQA) and certify the final environmental impact report (Final EIR)** that analyzes the potential environmental impacts of the proposed project and adopt an associated Mitigation, Monitoring, and Reporting Program (MMRP) (Attachment A, Exhibit B and D);
2. **Approve the use permit** to demolish the existing single-story approximately 24,300-square-foot office building, and construct 158 dwelling units and approximately 13,400 square feet of office space, and approximately 1,600 square feet of commercial space. The use permit includes a request for bonus level development potential, which would allow increases in floor area ratio (FAR), density, and height in exchange for providing community amenities (Attachment B);
3. **Approve the architectural control permit** for the design of the new mixed-use building and associated site improvements (Attachment B);
4. **Approve the below market rate (BMR) housing agreement** for the inclusion of 21 on-site BMR units in compliance with the City's Below Market Rate Housing Program requirements (Attachment B, Exhibit E); and,
5. **Approve the community amenities proposal** in exchange for bonus level development potential, in compliance with the City's Community Amenities requirement, the applicant proposes to pay an in-lieu community amenities fee (Attachment B).

The proposed project also includes a request for heritage tree removal permits to remove two heritage trees that conflict with development of the proposed project and plant heritage tree replacements per the City's municipal code requirements that were in effect when the proposed project's application was filed under the provisions of the Housing Crisis Act of 2019, also called Senate Bill 330 (SB 330). The City Arborist has recommended approval of the requested heritage tree removal permits and the conditional action would be posted at the site and mailed notices would be sent out stating the action following the

Planning Commission's affirmative action on the proposed project. The City Arborist's action is appealable to the Environmental Quality Commission (EQC). If no appeal of the City Arborist's action is received, the tree removal permits would become effective.

Policy Issues

The proposed project requires the Planning Commission to consider the merits of the project, including the project's consistency with the City's General Plan, R-MU zoning district standards, BMR housing program, community amenities requirements for bonus level development, and other adopted policies and programs. As part of the project review, the Planning Commission will need to consider the environmental review and determine whether to certify the Final EIR, make findings regarding the Project's environmental effects pursuant to the California Environmental Quality Act (CEQA), and adopt the MMRP. Additionally, the Commission will need to consider the use permit, architectural control, the BMR agreement, and community amenities proposal for the proposed project. All requested entitlements would be reviewed and acted upon by the Planning Commission and are final, unless appealed to the City Council.

In addition to the Final EIR, the City and/or applicant has prepared the following documents to analyze the proposed project. These reports are not subject to specific City action. But they provide background information and may inform the review by community members and the Planning Commission:

- Housing Needs Assessment (HNA) (hyperlink Attachment C), including an analysis of the multiplier effect for indirect and induced employment from the proposed project, in compliance with the terms of the 2017 settlement agreement between the City of Menlo Park and the City of East Palo Alto;
- Fiscal Impact Analysis (FIA) (hyperlink Attachment D) to inform decision makers and the public of the potential fiscal impacts of the proposed project;
- Appraisal (hyperlink Attachment E) to identify the required value of the community amenities in exchange for bonus level development; and
- Applicant's community amenities proposal (hyperlink Attachment F) meeting the required value identified by the appraisal.

The remainder of this report analyzes the policy issues summarized above, which includes a discussion of the listed documents' main findings.

Background

Site location

The project site consists of a R-MU-B (Residential Mixed Use-Bonus) zoned parcel, approximately 1.38 acres in size, which is currently developed with an approximately 24,300-square-foot, single-story office building. The existing building is proposed to be demolished as part of the redevelopment of the project site.

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 south of Bayfront Expressway, east of Marsh Road, and on the north side of Jefferson Drive. The

parcels to the north and west of the site are also located in the R-MU-B zoning district and contain the approved Menlo Uptown project, which is now under construction. The parcels to the south of the project site are zoned O-B and currently contain office and industrial buildings. Parcels to the south of the project site are zoned O-B and PF and contain a mix of office, light industrial, and R&D uses, as well as the Tide Academy high school. Meta (formerly Facebook) occupies some of the nearby office buildings. A location map is provided as Attachment G.

Project history

In December 2019, the applicant submitted an initial application for a study session for the proposed project. A brief summary of previous Planning Commission meetings is provided in Table 1.

Table 1: Previous Planning Commission Reviews				
Meeting Date	Meeting Purpose	Key Project Components	Changes Since Previous Review	Commission Comments
April 20, 2020	Study Session	<ul style="list-style-type: none"> • 158 units • 21 affordable units • 14,400 s.f. commercial space 	---	<ul style="list-style-type: none"> • Identify community amenities for the project • Comments on building design and compliance with the development standards • Redesign garage screening
December 7, 2020	EIR Scoping / Study Session	<ul style="list-style-type: none"> • 158 units • 14,400 s.f. commercial space 	<ul style="list-style-type: none"> • Redesigned the paseo • Changes to the massing and color scheme 	<ul style="list-style-type: none"> • Explore additional BMR housing units • Enhance paseo design • Explore alternate fuel source for generators • Add bike parking pursuant to the code requirements and explore reduction in vehicular parking

November 15, 2021	Draft EIR (Draft EIR) Public Hearing/ Study Session	<ul style="list-style-type: none"> • 158 units • 13,400 s.f. office space including 1,600 s.f. commercial space (café) 	<ul style="list-style-type: none"> • Refined the community amenities proposal to include an in-lieu fee instead of a specific on-site amenity • Updated the BMR proposal • Refined the paseo area • Removed onsite diesel generators 	<ul style="list-style-type: none"> • General support for project design and materials • General support for the community amenities proposal • General support for level of service (LOS) intersection improvements that would not induce more traffic
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A notice of preparation of a focused EIR and an initial study were released on November 16, 2020 to solicit input on the scope and content of the focused EIR. The City released a focused Draft EIR on October 25, 2021 and the Planning Commission held a public hearing on the Draft EIR on November 15, 2021, as summarized in the table above. The staff report for the most recent public hearing and study session is available as hyperlink Attachment H, and an excerpt of the meeting minutes is available as Attachment I.

Since the Draft EIR public hearing and study session, the applicant has updated the project plans and documents with minor changes to address spacing of public entrances to the buildings, comply with required bicycle parking, include bird-friendly design components, update the location of short-term bicycle parking spaces, and include green infrastructure frontage improvements.

Housing Commission recommendation

In compliance with the City’s BMR Housing Program Ordinance, Chapter 16.96, and the City’s BMR Housing Program Guidelines, the applicant is proposing to provide 15 percent of the total number of units, excluding bonus units, which translates to 21 of the 138 units as affordable to lower income households. On February 6, 2022, The Housing Commission unanimously recommended approval of the applicant’s proposal and the draft BMR Term Sheet with an option that provides four units affordable to very-low, 12 units affordable to low, and five units affordable to moderate income households.

Analysis

Project description

The applicant is proposing to demolish the existing buildings and site improvements across the project site and construct an eight-story 170,364-square-foot mixed-use building with 158 apartment units, approximately 13,400 square feet of office use, and approximately 1,600 square feet of commercial space. The project proposes to provide a three-level parking garage to serve the proposed uses on the site. The first level of the parking garage would provide parking for the office and commercial uses on site, while levels two and three would provide parking for the residential units. The applicant is proposing to develop the project utilizing the bonus level provisions identified in the Zoning Ordinance. The bonus level

provisions of the R-MU-B zoning district regulations allow a development to seek an increase in floor area ratio (FAR), density (dwelling units per acre), and/or height subject to obtaining a use permit or conditional development permit (CDP) and providing one or more community amenities, as described in the Community Amenities section of this report. The proposal would also include additional density and gross floor area by utilizing the City's BMR density bonus to add additional units on-site in exchange for providing on-site BMR units.

The R-MU-B zoning district allows for a mixture of land uses with the purpose to provide high density housing and encourage mixed-use development. The commercial component of mixed-use development projects is intended to provide a mixture of uses including neighborhood-serving retail and services that promote a live/work/play environment. Office is an allowed use in the R-MU district but was not envisioned to be the primary non-residential component of a project. The proposed project includes office on the first floor which would be approximately at the maximum nonresidential FAR.

The applicant is proposing that 15 percent (a minimum of 21 of the 138 units allowed by the Zoning Ordinance) would be affordable to very low-, low-, and moderate-income households to comply with the City's BMR Housing Program. Pursuant to the City's BMR Housing Program, which allows one additional market rate unit (and associated gross floor area) for every below market rate (BMR) unit provided, the proposal would include an additional 20 market rate units and associated gross floor area for a total of 158 dwelling units.

Residential units are proposed to be a mix of studios and four-bedroom units as summarized in the Table 2 below:

Unit Type	Total
Studio	113 units
Four bedrooms	45 units

The project plans and project description letter are included as Exhibit A (as hyperlink) of Attachment A, and hyperlink Attachment J, respectively.

Site layout

The proposed eight-story, mixed-use building would contain 158 residential units located above three levels of above-grade structured parking, non-residential uses, lobbies, and ancillary spaces for tenants. To account for potential flooding and sea level rise (and comply with the City's Zoning Ordinance requirements), the main lobbies and resident ancillary spaces would be elevated approximately three feet above the existing grade of the street (and a minimum of 24 inches above the base flood elevation of the site). The proposed project would include an outdoor patio area along Jefferson Drive, which would be an extension of the public paseo into the building envelope.

A portion of the publicly accessible paseo, which is identified on the City's adopted Zoning Map, would run

along the eastern property line. The project would construct half of the paseo and the remaining half would be developed by the adjoining property when it is redeveloped. The paseo would provide public access through the site and would link to future paseo extensions that would be required as the neighboring properties redevelop. A portion of the paseo is located adjacent to the proposed ground floor commercial space and the remainder of the paseo is located adjacent to the garage façade and entrances to resident bicycle parking and stair access to the residential units. The fourth floor of the proposed project partially steps back along Jefferson Drive and near the corner of Jefferson Drive and the paseo in order to create covered patios, a terrace with pool, and other private and communal open spaces on top of the garage that would serve future residents of the project.

The proposed multi-family residential building complies with the minimum and maximum setbacks permitted at the street frontages. The majority of the street façade is located within the maximum 25-foot setback requirement, with the lobby entrances further set back which is allowed in the R-MU-B zoning district. The building would meet or exceed the minimum interior side setbacks of 10 feet.

The proposed project shares a portion of the northern property line with the approved Menlo Uptown project. An emergency vehicle access runs north to south along the western property line and east to west along the northern property line. The project proposes to allow pedestrians, bicyclists, emergency vehicles, and garbage service trucks to travel between the subject property and the Menlo Uptown property via the shared property line. No private vehicles would be permitted through the two sites.

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

Table 3 below provides a comparison between the existing and proposed development as it relates to the R-MU-B development regulations. The proposed project would be developed at a bonus-level FAR of approximately 281 percent, inclusive of the density and FAR bonuses allowed through the BMR Ordinance.

Table 3: Project Data				
	Existing	Proposed Project	Zoning Ordinance bonus level standards (maximums)	City's BMR bonus standards (maximums)
Residential dwelling units	0	158 units	138 units	159 units
Residential square footage	0	153,964.2 s.f.	135,168.8 s.f.	154,758.8 s.f.
Residential floor area ratio	0	256%	225%	257%
Commercial square footage	24,300 s.f	15,000 s.f.*	15,018.8 s.f.	n/a
Commercial floor area ratio	40.5%	25%*	25%	n/a
Total square footage	24,300 s.f.	168,964.1 s.f.	150,187.55 s.f.	178,675.8 s.f.
Total floor area ratio	40.5%	281%	250%	297%

*Includes approximately 1,600 square feet of neighborhood serving commercial space and the remainder as office space.

In the R-MU-B zoning district, base level development has a maximum FAR of 90 percent at 30 dwelling units per acre and at the bonus level the maximum FAR increases on an even gradient to 225 percent at 100 dwelling units per acre. The project is proposed at approximately 115 units per acre including the bonus units. The City’s BMR Housing Program provides that for each BMR unit provided, an applicant shall be permitted to build one additional market rate unit and shall be permitted to increase the floor area associated with the residential development project by an amount that corresponds to the increase in allowable density. The applicant is providing 21 inclusionary units and according to the City’s BMR Housing Program would be entitled to incorporate an additional 21 market rate units. However, the proposed project would only incorporate 20 additional market units. This would allow the proposed project to increase allowed residential FAR above 225 percent in an amount commensurate with the additional market rate units up to 257 percent residential FAR to accommodate the additional proposed density. The proposed project would increase the residential density from 225 percent to 256 percent.

Height

The maximum height of the building would be 84 feet, which would be below the maximum permitted height of 95 feet. The ground floor of each building would be raised three to five feet above grade to accommodate flood plain design requirements and future sea level rise, per the requirements of the City’s municipal code and Zoning Ordinance. The maximum and average heights of the overall proposed project are outlined in the Table 4 below.

Table 4: Building Height		
	Proposed	Zoning Ordinance standards
Mixed-use Building Height (Maximum)**	84 feet	95 feet*
Height (Average)**	66 feet, three inches***	62.5 feet*

* The height limits include the 10-foot height increase allowed for properties within the FEMA flood zone.

** Maximum height and average height do not include roof-mounted equipment, utilities, and parapets used to screen mechanical equipment.

***The additional height above the Zoning Ordinance maximums is allowed as a waiver by the BMR Ordinance if necessary to accommodate the density bonus, as enumerated in the City’s BMR Ordinance.

As shown in the above table, the project average height exceeds the average height prescribed in the Zoning Ordinance, however, the applicant is requesting a waiver from this particular development standard (Attachment K) in order to accommodate the bonus units pursuant to the City’s BMR Ordinance allowance. Staff believes the applicant’s request to increase the average height of the building by approximately four feet is reasonable given that the maximum height of the project is within the prescribed limitations of the Zoning Ordinance and granting the waiver would allow the applicant to include 20 additional bonus units that facilitate provision of affordable housing within the project. Therefore, staff recommends that the Planning Commission grant the requested waiver to increase the average building height by approximately four feet.

Design standards

In the R-MU-B zoning district, all new construction must meet specific design standards subject to

architectural control review. The design standards regulate the siting and placement of buildings, landscaping, parking, and other features in relation to the street; building mass, bulk, size, and vertical building planes; ground floor exterior facades of buildings; open space, including publicly accessible open space; development of paseos to enhance pedestrian and bicycle connections between parcels and public streets in the vicinity; building design, materials, screening, and rooflines; and site access and parking.

Architectural style and building design

The proposed mixed-use building is designed in a contemporary architectural style, incorporating both solid elements and glass storefront along the majority of the primary street façades. The facades would predominantly consist of fiber cement board, stucco, and aluminum siding accent. The proposed windows would consist of a combination of dark and light vinyl finish. The stucco portions of the façade would be required to be smooth troweled and limited to 50 percent of exterior facing facades. The applicant has provided a color and materials board (hyperlink Exhibit A of Attachment A) which indicates that stucco would be a smooth-troweled finish. The facades would include material variation through the use of aluminum siding, white and dark grey stucco, dark grey fiber cement panel, and perforated metal screen. The windows would be vinyl clad windows and the ground floor storefronts would contain an aluminum storefront system with a clear anodized dark grey finish. The proposed windows would be either dark grey or white in color depending on their location and are designed to blend with the adjoining stucco color. Select residences would include private balconies finished with a mix of glass and metal railings.

The mixed-use building would be eight stories tall, including a three-floor concrete podium base element and a five-story wood-framed structure above. Office and commercial uses, parking, residential amenities, lobbies, and tenant bicycle storage would be incorporated on the first floor and surround the perimeter of the parking garage along Jefferson Drive. The site layout and building orientation would reduce the parking garage visibility from Jefferson Drive. However, the parking garage would be visible and located directly adjacent to the proposed public paseo.

Building mass and scale, and ground floor transparency

Attachment L provides a summary of the proposed project's compliance with the design standards related to building mass and scale and ground floor transparency, as required by the zoning ordinance bonus level development regulations. As described in the attachment, with the overall project design/style and the application of R-MU-B zoning district standards, the proposed project would comply with the design standards required by the Zoning Ordinance. The project has demonstrated compliance with all applicable plans, programs, policies, ordinances, standards, and requirements.

General Plan compliance

The proposed project would be consistent with the City's general plan goals, policies, and programs, in addition to the City's Zoning Ordinance development regulations and design standards. The following table summarizes key general plan and Housing Element goals, policies, and programs that are applicable to the project. Attachment M includes a full summary table of general plan goals, policies, and programs and an evaluation of project compliance.

Table 5: Key General Plan and Housing Element Policies and Programs Compliance Summary

Policy or Program	Requirement	Project Compliance Details
General Plan Policy LU 2.9 Compatible Uses	Promote residential uses in mixed-use arrangements and the clustering of compatible uses such as employment centers, shopping areas, open space and parks, within easy walking and bicycling distance of each other and transit stops.	<ul style="list-style-type: none"> The project would redevelop an existing office building site with multi-family residential apartments, locally serving commercial space, and office space. The project provides a publicly accessible paseo along its eastern property line which provides bicycle and pedestrian access from the Jefferson Drive to the project site and other adjoining residential uses.
General Plan Policy LU 6.3 Public Open Space Design General Plan Program LU 6.B Open Space Requirements and Standards	Promote public open space design that encourages active and passive uses and use during daytime and appropriate nighttime hours to improve quality of life.	<ul style="list-style-type: none"> The project includes rooftop open space for the project for active uses and a plaza fronting Jefferson Drive and a publicly accessible paseo along the eastern property line as active and passively designed open space.
General Plan Policy CIRC-2.14	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.	<ul style="list-style-type: none"> The project would include a publicly accessible paseo which would provide pedestrian and bicycle access across two rights-of-way providing connectivity and improving pedestrian and bicycle infrastructure in the area. The project includes a transportation demand management (TDM) plan that would reduce project trips by 20 percent. The project would install frontage improvements to facilitate bike and pedestrian connections within the vicinity of the project site. The EIR evaluated the project’s potential impact on VMT and determined that its impact would be less than significant when mitigation measures were incorporated as part of project implementation.
Housing Element Policy H4.2 Housing Element Policy H4.4	Strive to provide opportunities for new housing development to meet the City’s share of its Regional Housing Needs Allocation (RHNA). In doing so, it is the City’s intent to provide an adequate supply and variety of housing opportunities to meet the needs of Menlo Park’s workforce and special needs populations, striving to match	<ul style="list-style-type: none"> Project would provide 21 Inclusionary housing rental units affordable to people at various income levels. Of the 21 BMR units, applicant’s BMR proposal would provide 5 units to moderate-income households, which is the City’s greatest area of need in terms of meeting current RHNA numbers. Project would provide four very low-income and 12 low-income BMR rental units that would help address a broader range of housing needs in the community.

	housing types, affordability and location, with household income, and addressing the housing needs of extremely low income persons, lower income families with children and lower income seniors.	<ul style="list-style-type: none"> Project would provide two different types of units within the project – studios and four-bedroom units.
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Vehicle and pedestrian circulation, parking, and roadway congestion

Vehicle parking and circulation

Table 6, below, identifies the potential range of required parking spaces on the project site by use and the total overall range of parking spaces needed to meet the R-MU-B zoning district requirements:

Table 6: Parking Requirements		
	Proposed	Zoning Ordinance standards
Residential parking stalls	138	min. 158 and max. 237*
Residential parking ratio (spaces/dwelling unit)	0.87*	min. 1 and max. 1.5 spaces per unit
Office parking stalls	39	min. 39 and max. 51
Non-residential/retail (spaces/1,000 s.f of GFA)	2.5	min. 2.5 and max. of 3.3 spaces per 1,000 square feet
Total parking	177	min. 197 and max. 288*

*The parking of the additional housing units that are allowed by the BMR Housing Program can be exempted from the required parking as an incentive/waiver under the City’s BMR Housing Program (Section 16.94.040(c)).

The proposed office parking would include 39 vehicular parking stalls incorporated into first level of the above ground parking at the base of the building and access to the parking garage would be located on Jefferson Drive. This floor would also serve as guest parking, although the project is not proposing any identified guest parking spaces. The residential parking is located on levels 2 and 3 of the parking garage and includes 138 spaces.

Pursuant to the City’s BMR Housing Program (Section 16.94.040(c)), the applicant may request relief from the parking requirement for the 20 additional housing units. Based on the Zoning Ordinance, the required minimum residential parking would be 158 spaces for the 158 total residential units. The applicant is requesting relief from the parking requirements as a waiver under the BMR Housing Program (Attachment K). 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 a unit). Therefore, the proposed project would be required to unbundle the parking for the apartment units. The proposed parking provided would meet the Zoning Ordinance parking ratio for the 138 dwelling units and the parking relief requested for the additional density bonus under the City’s BMR Housing Program allowances. In addition, as required by the R-MU-B zoning regulations, the proposed project includes a TDM plan demonstrating that the project would reduce associated vehicle trips by least 20 percent below standard generation rates for uses on the site. The TDM plan and associated trip reduction could also reduce the parking demand for the proposed

project. The efficacy of the TDM plan has been analyzed through the environmental review process (analysis in the Draft EIR and the transportation impact analysis “TIA”). Staff finds that the project provides sufficient parking when considered unbundled to serve the proposed uses on site. For these reasons staff generally believes that the waiver request, pursuant to the City’s BMR Housing Program, to reduce the required parking by 20 spaces would be appropriate. The recommended conditions of approval include a requirement that compliance with the required trip reduction pursuant to the TDM plan and any mitigation measures identified in the environmental documents for the project be documented annually by the applicant.

Bicycle parking and pedestrian circulation

The project proposes to provide a total of 238 long-term bicycle parking spaces and 27 short-term bicycle parking spaces. For the residential uses, the R-MU-B zoning district requires 1.5 long-term spaces per unit plus an additional 10 percent short-term spaces within 50 feet of entrances for guests. The project proposes to provide 237 long-term bicycle parking spaces for the residents located in level 1 bike rooms accessed via the public paseo and on level 2 of the parking garage, and 24 short-term spaces for the guests located near the building entrance and near the public paseo. For the non-residential use, the R-MU-B zoning district requires that 1 bicycle parking space is provided for every 5,000 square feet of floor area of which 20 percent shall be long-term parking and 80 percent shall be short-term parking spaces. Accordingly, the project would provide one long-term bicycle parking space in the level 1 bike rooms and three short-term bicycle parking spaces near the building entrance and the public paseo.

As part of the proposed project, new sidewalks and other street improvements such as street trees, green-infrastructure, and streetlights would be provided along the project frontages on Jefferson Drive, as required by the City’s Public Works Department. The project plans include the required street frontage improvements, designed to the City’s standards, as well as schematic designs for potential green infrastructure improvements along the project frontages. Additionally, the project is required to improve the public paseo along the eastern property line consistent with applicable Zoning Ordinance requirements and record an easement allowing public access of the paseo in perpetuity. Staff is currently working with the applicant to make sure that the off-site improvements for this project are consistent with the City’s requirements and coordinated with other projects in the vicinity. Accordingly, a condition of approval has been added to the project requiring that the applicant submit off-site improvements for review and approval by the City’s Public Works Department.

Level of service (LOS) or roadway congestion improvements

Level of Service, or LOS, is no longer a CEQA threshold of significance; however, the City’s TIA Guidelines require that the TIA analyze LOS for local planning purposes. The study intersections were selected based on the TIA Guidelines. The LOS analysis determines whether the project traffic would cause an intersection LOS to be potentially noncompliant with local policy if it degrades the LOS operational level or increases delay under near term and cumulative conditions. The LOS and delay thresholds vary depending on the street classifications as well as whether the intersection is on a State route or not. The following thresholds are from the City’s TIA Guidelines:

- A project is considered potentially noncompliant with local policies if the addition of project traffic causes an intersection on a collector street operating at LOS “A” through “C” to operate at an

unacceptable level (LOS “D,” “E” or “F”) or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first. Potential noncompliance shall also include a project that causes an intersection on arterial streets or local approaches to State controlled signalized intersections operating at LOS “A” through “D” to operate at an unacceptable level (LOS “E” or “F”) or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.

- A project is also considered potentially noncompliant if the addition of project traffic causes an increase of more than 0.8 seconds of average delay to vehicles on all critical movements for intersections operating at a near-term LOS “D” through “F” for collector streets and at a near-term LOS “E” or “F” for arterial streets. For local approaches to State controlled signalized intersections, a project is considered to be potentially noncompliant if the addition of project traffic causes an increase of more than 0.8 seconds of delay to vehicles on the most critical movements for intersections operating at a near-term LOS “E” or “F.”

Where deficiencies are identified, the TIA Guidelines require consideration of improvement measures. Any such improvement measures could be imposed on the project as conditions of approval to ensure the general health, safety and welfare of the community, provided the measures do not decrease the residential density or induce vehicle miles traveled (VMT), which would be in conflict with the requirements of CEQA. The proposed project was evaluated for intersection level changes caused both in the Near Term (2022) plus project conditions and Cumulative (2040) plus project conditions as part of the project TIA, discussed in detail below.

Near Term (2022) plus project conditions

Under near term (2022) plus project conditions, the proposed project would increase average critical movement delay by 0.8 seconds or more during at least one peak hour (AM and/or PM) and cause three out of 15 studied intersections to potentially exceed the City’s LOS thresholds. Table 7 below summarizes the intersections that would be noncompliant and summarizes the TIA’s recommended intersection improvements to bring the intersections back to pre-project conditions (including a reference to the more detailed analysis in the Draft EIR). The TIA determined that implementation of the improvements would bring the intersections to pre-project conditions and eliminate the increased vehicle delay without resulting in any changes to the VMT associated with the proposed project and would not result in secondary effects or contribute to impacts under CEQA.

At the most recent Planning Commission study session, the Commission expressed interest in including feasible intersection improvements that would bring the intersection operations to a pre-project level. Staff analyzed the intersection improvements recommended in the TIA to determine if the improvements were feasible. Because transportation modifications or improvements that address LOS delay tend to add roadway capacity, which is at odds with the legislative goals identified for transitioning to VMT, if an intersection improvement could induce additional VMT it would not be recommended by staff due to a conflict with local and state transportation goals, as well as CEQA.

Table 7: Potential Improvements to Return Intersections Exceeding LOS Thresholds for Near Term (2022) Plus Project Conditions to Pre-Project Conditions				
Intersection and Jurisdiction*	Affected Peak Hour Period	Improvement Type	EIR Reference	Staff's Preliminary Feasibility Determination
Intersection #8: Chrysler Drive and Constitution Drive (Menlo Park)	AM	Install one left-turn lane on westbound Chrysler Drive and convert the shared left/through/right lane to shared through/right lane resulting in having one left-turn lane and one shared through/right lane in this direction. Installation of a right-turn lane and conversion of the shared through/right lane to through lane resulting in having one left-turn lane, one through lane, and one right-turn lane in southbound direction.	Page 4.2-50	Low: Likely requires ROW acquisition for southbound Constitution Drive approach; not fully included in TIF program. ROW acquisition would make this improvement generally infeasible. Staff evaluating if partial improvement could be feasible.
Intersection #10: Chrysler Drive and Independence Drive (Menlo Park)	AM	Install a stop control for both approaches on Chrysler Drive, converting the intersection from a two-way stop control to an all-way stop control.	Page 4.2-50	High: No roadway widening/ROW acquisition required; Included in City's TIF program.

*Bolded intersections indicate improvements recommended by staff following a feasibility analysis. Non-bold text indicates improvements not recommended by staff due to factors listed in the feasibility evaluation column of the table.

Following a feasibility analysis (Attachment N), staff determined of the two Near Term (2022) plus project intersection improvements described above (Intersection #10 - Chrysler Drive and Independence Drive) would be feasible to implement. Accordingly, condition of approval requiring that the applicant provide plans to the Transportation Division for review and approval for installation of an all way stop control at this intersection has been added to the proposed project-specific conditions of approval. The recommended intersection improvements would be required to be constructed prior to granting of occupancy of the building.

Cumulative (2040) plus project conditions

Under cumulative (2040) plus project conditions, the proposed project would increase average critical movement delay by 0.8 seconds or more during at least one peak hour and cause the following four intersections to potentially exceed the City's LOS thresholds:

Table 8: Potential Improvements to Return Intersections Exceeding LOS Thresholds for Cumulative (2040) Plus Project Conditions to Pre-Project Conditions				
Intersection and Jurisdiction	Affected Peak Hour Period	Improvement Type	EIR Reference	Staff's Preliminary Feasibility Determination
Intersection #1: Marsh Road and Bayfront	AM	Restripe the through lane on Haven Avenue to a shared	Page 4.2-54	High: No roadway widening/ROW

Expressway/Haven Avenue (Local approaches to State)		through/right lane resulting in having one shared left/through lane, one shared through/right lane, and one right-turn lane.		acquisition required; Included in City's TIF program.
Intersection #7: Chrysler Drive and Bayfront Expressway (Local approaches to State)	PM	Convert the existing right-turn lane on Chrysler Drive to shared left/right-turn lane resulting in having two left-turn lanes and one shared left/right-turn lane in this direction	Page 4.2-54	High: Intersection under Caltrans jurisdiction, however no ROW acquisition required.
Intersection #8: Chrysler Drive and Constitution Drive (Menlo Park)*	AM and PM	<p>Modification is to install left-turn lane on westbound Chrysler Drive and convert the shared left/through/right to a shared through/right lane resulting in having one left-turn lane and one shared through/right lane in this direction.</p> <p>The excessive delays on southbound Constitution Drive would require an installation of right-turn lane and a conversion of the shared through/right lane to through lane resulting in having one left-turn lane, one through lane, and one right-turn lane.</p> <p>The northbound Constitution Drive would require an installation of right-turn lane and a conversion of the shared left/through/right lane to shared left/through lane resulting in having one shared left/through lane and one right-turn lane.</p>	Page 4.2-54 & 4.2-55	Low: Likely requires ROW acquisition westbound Chrysler Drive and widening of Constitution Drive on both sides, might need signal modifications; only westbound modifications are in the City's TIF program. ROW acquisition would make this improvement generally infeasible. Staff evaluating if partial improvement could be feasible.
Intersection #9: Chrysler Drive and Jefferson Drive (Menlo Park)	AM and PM	Install signal and convert the shared left/right lane to one left-turn lane and one right-turn lane on northbound Jefferson Drive	Page 4.2-55	High: Signal included in the City's TIF program; lane modification not included in TIF program.
Intersection #10: Chrysler Drive and Independence Drive (Menlo Park)	AM	Install signal	Page 4.2-55	High: Included in the City's TIF program.
Intersection #11: Chilco Street and Bayfront Expressway (Local approaches to State)	AM and PM	Restripe the eastbound center left-turn lane on Chilco Street to a shared left/right-turn lane and redesign existing bike lane resulting in one left-turn, one shared	Page 4.2-56	High: No widening/ROW acquisition. This improvement is not included in the TIF program.

		left/right lane, and one right-turn lane.		
Intersection #12: Chilo Street and Constitution Drive (Menlo Park)	AM and PM	Convert the westbound shared through/right-turn lane on Chilco Street to a through lane and a right-turn lane resulting in two left-turn lanes, one through lane, and one right-turn lane. Convert the southbound left-through lane on Constitution Drive to one-left lane and one through lane resulting in one left-turn lane, one through lane, and one right-turn lane in this direction.	Page 4.2-56	High: No widening/ROW acquisition. This improvement is not included in the TIF program.

*Bolded intersections indicate improvements recommended by staff following a feasibility analysis. Non-bold text indicates improvements not recommended by staff due to factors listed in the feasibility evaluation column of the table.

Pursuant to the feasibility analysis (Attachment N) staff determined that the recommended improvements for the following intersections would be feasible:

- Intersection #7: Chrysler Drive and Bayfront Expressway
- Intersection #9: Chrysler Drive and Jefferson Drive
- Intersection #11: Chilo Street and Bayfront Expressway
- Intersection #12: Chilo Street and Constitution Drive

The improvement for Intersections #1 and #10 are included in the City’s Transportation Master Plan and payment of the TIF would cover the applicant’s obligation for these improvement. For Intersections #7 and #9, staff has included recommended conditions of approval requiring the applicant to submit conceptual plans and a cost estimate for the improvements (unless another similarly conditioned project completes the plans and cost estimates first) and to pay their fair share for the improvements. Staff has calculated the applicant’s fair share for Intersection #7 as 0.4 percent of the improvement cost, for Intersection #9 as 7.6 percent, for Intersection #11 as 0.9 percent, and for Intersection #12 as 1.3 percent of the improvement costs. The fair share percentage calculation is staff’s cost sharing methodology in determining the future development’s share of the costs of the transportation improvements to bring the intersection into compliance with the City policy. The fair share percentage is calculated based on the estimated number of new trips created by the proposed project under cumulative conditions at each intersection #7, #9, #11, and #12. It is possible, that future development in the vicinity of the project site might render these intersections noncompliant with City policy on intersection level of service operation or delay under cumulative conditions. The project specific condition requires payment of fair share costs prior to issuance of the first building permit. If these funds are not used within a five-year period, they would be returned to the applicant.

The TIA identified that implementation of the above improvements would bring these affected intersections to pre-project levels, reduce the increase in delay and address the project’s share of non-compliant operation for cumulative effects. As stated previously the recommended improvement measures would not conflict with CEQA as the recommended measures would not induce additional VMT. The City’s General

Plan Circulation Policy 3.4, states that projects should strive to maintain LOS D at City-controlled intersections during peak hours, with few exceptions. Many of the intersections in the City currently operate at LOS E or F without the proposed project. These identified improvement measures would bring the intersection operations back to pre-project levels (as required by the TIA) but would not necessarily bring these intersections to LOS D operation.

Open Space

The proposed project would be required to provide open space equivalent to 25 percent of the project site area (15,018.8 square feet), of which 25 percent (3,754.7 square feet) must be provided as publicly-accessible open space. The proposal provides approximately 20,923 square feet dedicated to open space of which approximately 5,230 square feet is proposed be to publicly-accessible, which includes the public paseo.

Publicly-accessible open space

As defined in the Zoning Ordinance, paseos are pedestrian and bicycle paths that provide a member of the public access through one or more parcels and to public streets and/or other paseos. The adopted Zoning Map identifies the locations of new paseos in the Bayfront Area, including a paseo connecting Constitution Drive to Jefferson Drive along the eastern edge of the proposed building. The paseo would provide an important future mid-block connection from Jefferson Drive to Constitution Drive. Since the adjacent properties are not currently proposed to be redeveloped, only a portion of the paseo would be built out as part of the proposed project, and the full build out of the paseo would not be realized unless the adjacent properties are redeveloped. The conceptual landscaping plans show a paseo as a path with landscaping on either side. Since staff is still working with the applicant to finalize the paseo design, the Planning Commission may wish to consider how the proposed paseo design would integrate with a future paseo on the neighboring property.

The applicant is proposing an approximately 3,375-square-foot public paseo that would be a minimum 10-foot wide along the eastern side of the building. The paseo is proposed to be furnished with trees, landscaping, lighting, and designed to enhance the pedestrian experience. The applicant is proposing to incorporate the paseo into the publicly-accessible open space provided as part of the project, which is permitted by the Zoning Ordinance. A small portion of the paseo is located adjacent to the ground floor commercial area and the remainder of the paseo is located adjacent to the garage façade and short-term and long term-bicycle parking.

In addition to the paseo, the project proposes to provide approximately 1,855.4 square feet of publicly-accessible open space in the form of an outdoor plaza located at southeast corner of the site. The applicant has submitted preliminary plans that identify the conceptual design and layout of the publicly-accessible open space. The open space would be located on the ground level, visible from the public right-of-way, and would contain direct connections to the public right-of-way. The plaza would include site furnishings, decorative pavement, and landscaping. The plaza also includes portions of the accessible ramp that connects the sidewalk and public plaza area along Jefferson Drive to the main entrance of the proposed commercial space. A portion of the landing for the accessible ramp is proposed to potentially become an outdoor seating area or an extension of the proposed non-residential use. The project is recommended to be subject to a condition requiring that the applicant enter into an open space agreement

(Attachment B, Exhibit F) with the City that allows access to the public paseo.

Common and private open space

The proposed mixed-use building would provide a mix of common and private open spaces for residential tenants. The building would incorporate a combination of private balconies and terraces on the third-floor roof and sixth-floor roof levels, and a dog run on the ground level of the building. Common open spaces in the building would be available to residential tenants and guests but would not be accessible to the public. The applicant's open space analysis indicates 1,147.7 square feet of private open space and 14,545 square feet of common open space would be provided for the building, for a total of 15,692-square-feet of private and common open space. The overall proposed project would meet the required ratio of common to private open space and the required dimensions.

Trees and landscaping

The project would require the removal of eight trees in the existing parking and landscaped areas, two of which are heritage-sized trees. A minimum of 11 of the 37 trees proposed to be planted as part of the project would be heritage tree replacements meeting the City's Heritage Tree Replacement Procedures guidelines in place at the time the SB330 application was filed for the proposed project. Those guidelines require a 2:1 replacement ratio for multifamily/commercial projects. The proposed project is not subject to the City's heritage tree ordinance that took effect on July 1, 2020. The City Arborist reviewed and recommended approval of the heritage tree removals on February 9, 2022 and would post the removal notice at the site and mail notices subsequent to the Planning Commission's affirmative action on the proposed project. If no appeals are received, the removal permits would be issued by the City.

The applicant has provided a conceptual landscaping plan that includes planting 36-inch box village green zelkova and 20-inch box queen palm along the Jefferson Drive frontage and 36-inch box brisbane box trees along the edge of the public paseo. Aside from that, the project proposes to provide 24-inch box pigmy date palms as part of the development. In addition to trees, the proposed project landscaping also includes a variety of native and draught tolerate shrubs and ground cover in the common areas throughout the project site. As part of the project conditions of approval, the applicant would be required to submit and seek approval of the final landscaping plan from the Planning and Building Departments prior to commencement of construction.

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 finished floor of the proposed building 24 inches above the Federal Emergency

- Management Agency (FEMA) base flood elevation (BFE) to account for sea level rise; and
- Plan for waste management during the demolition, construction, and occupancy phases of the project (including the preparation of the required documentation of zero waste plans).

The applicant commissioned a report by H.T. Harvey & Associates to assess appropriate bird-friendly design for the project. According to the report, dated February 14, 2022, the proposed building would be located in an area of low-quality bird habitat with very little vegetation, although it is also approximately 900 feet from the more natural habitats associated with the San Francisco Baylands which support higher bird diversity and abundance. Given the distance to the San Francisco Baylands, the report determined that the appropriate bird-friendly building designs would include opaque wall panels, overhangs, shadow boxes, and window mullions. These features have been incorporated into the project design to reduce the risk of bird strikes. The H.T. Harvey & Associates report is included as Attachment O.

In addition, the proposed project would be required to use electricity as the only source of energy for all appliances used for space heating, water heating, cooking, and other activities, consistent with the City's reach code ordinance approved in September 2019. The reach codes went into effect beginning January 1, 2020. The project is also conditioned to comply with the following:

- Not include a single pass cooling system;
- Have dual plumbing for internal use of future recycled water;
- Not use potable water for dust control while in construction;
- Not use potable water for decorative features, unless the water is recirculated; and
- Purchase 100 percent renewable energy from Peninsula Clean Energy and install an onsite solar system of minimum five kilowatt photovoltaic.

Additionally, the project would be designed to meet the City's sea level rise and hazard mitigation requirements. The applicant has submitted preliminary documentation that the proposed building would achieve LEED Gold certification. At the building permit stage, the applicant would provide an updated checklist prepared by a LEED Accredited Professional (LEED AP) and confirm that the development has achieved LEED Gold certification prior to final inspection or as soon thereafter depending on the commissioning and evaluation timeline for the building. Moreover, the proposed project would submit and seek approval of a zero-waste management plan that would minimize waste to landfill and incineration in accordance with the applicable state and local regulations prior to issuance of a building permit. Lastly, the project proposes to install a photovoltaic system of approximately 16.20-kilowatt capacity along with associated photovoltaic equipment (Attachment P).

Below Market Rate (BMR) housing

Projects in the R-MU-B zoning district are required to design and construct inclusionary affordable housing on-site as part of the project. The applicant proposes to provide 21 BMR housing units to comply with the City's BMR Ordinance. The BMR Guidelines assess the project's BMR requirement on the entire project and not by housing product type (rental or for-sale), with the exception that the BMR units must be evenly distributed throughout the project and the unit sizes/bedroom counts must be based on similar percentages of the market rate unit sizes/bedroom counts within the proposed project.

The applicant’s proposal included two scenarios: Scenario 1 which provided units affordable to low-income households and Scenario 2 which provided units affordable to a mix of incomes. At its meeting on February 2, 2022, the Housing Commission recommended that the Planning Commission approve a BMR Housing Agreement that requires the applicant to provide a mix of units affordable to very low-, low-, and moderate-income households as reflected in Table 9 below:

Table 9: Inclusionary unit breakdown Scenario 2 (as recommended by the Housing Commission)

Unit Type	Average sq. ft.	Units allowed per Zoning*	Total Proposed Project	Moderate	Low	Very Low	Total
Studio	345	99	113	0	12	3	15
Four Bedroom	1,625	39	45	5	0	1	6
Avg./Total	710	138*	158	5	12	4	21

* At 100 units per acre, the project would yield 138 units, without incorporating any bonus units.

The project includes 45 four-bedroom units including density bonus units, of which six units are proposed to be affordable to low-income households in scenario 1 and five units are proposed to be affordable to moderate-income and one unit is proposed to be affordable to very-low income households in scenario 2.

The City’s current Housing Element (2015-2023) identified the need for 655 units to be produced affordable to very low-, low-, moderate-, and above moderate-income households. The 655 units were comprised of 233 very low-, 129 low-, 143 moderate-, and 150 above moderate-income units. As of January 1, 2022 the City has produced 217 very-low, 91 low-, 22 moderate-, and 1,182 above moderate-income units. Generally, the City needs to increase production of very low-, low-, and moderate-income units, which are currently considered a high need in the community. The City has recently approved three projects in the Bayfront area in proximity to the proposed project site. Combined these approved projects are projected to provide 14 very-low, 46 low-, and 79 moderate-income units in the area. Additionally, large family units are also identified as a high need for the City.

The exterior of the BMR units would be indistinguishable from those of the market-rate units with the same contemporary architectural style. Since the BMR units would be equivalent in size as several of the market-rate units, staff believes that the requirements for BMR unit characteristics, including the size, location, design, and materials as identified in the BMR Guidelines are met by the proposed project. The proposed mix of income levels is considered equivalent to all low-income units, would provide a greater diversity of unit types to households of different income levels, and would produce a number of moderate-income units, which is the City’s greatest area of need in terms of meeting the current Housing Element goals. Additionally, the project would provide four-bedroom affordable units at moderate and very-low-income level. Therefore, staff recommends that the Planning Commission adopt the Housing Commission’s recommendation and approve the draft BMR Agreement requiring that the applicant provide units affordable to a mix of different income households (Attachment B, Exhibit E).

Community Amenities

Bonus level development is allowed in exchange for the provision of community amenities. Community

amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. As part of the ConnectMenlo process, a list of community amenities was generated based on robust public input and adopted by resolution of the City Council. The Zoning Ordinance identifies several mechanisms for providing amenities, including selecting an amenity from the Council-approved list as part of the proposed project or providing an amenity not on the approved list through a development agreement. The City Council held a study session on the community amenities list at its meeting of April 20, 2021 and directed staff to develop an in-lieu fee and to conduct additional outreach on modifications to the amenities list. At its June 8, 2021 meeting, the Council introduced modifications to the community amenities ordinance in the Office, Life Sciences and Residential Mixed Use zoning districts to allow community amenities requirements to be satisfied by payment of an in-lieu fee and/or negotiated through a development agreement, in addition to providing an amenity from the list as part of a project. The City Council also provided direction on a revised community amenities list. The City Council adopted the ordinance amendment at its meeting on June 22, 2021. The current list of Council approved community amenities is included as hyperlink Attachment Q. The value of the amenity to be provided must equal a minimum of 50 percent of the fair market value of the additional GFA of the bonus level development.

The process for determining the required value of the community amenities begins with an appraisal process. The applicant provides, at their expense, an appraisal performed by a licensed appraisal firm consistent with the City's appraisal instructions. 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 is adequate, the City commissions a peer review or peer appraisal at the applicant's cost. Once the Community Development Director approves the appraisal based on the peer review or peer appraisal identifying the required community amenity value, the applicant will then provide the City with a proposal identifying the proposed community amenity and providing an explanation of the amenity value. City staff then hires a professional economic consultant to peer review the proposal and determine the adequacy of the amenity to satisfy the required value, and work with the applicant as necessary to modify the proposal to meet the requirements of the ordinance.

With the consent of the applicant, the City commissioned Fabbro, Moore & Associates, Inc. to perform an independent professional appraisal. That appraisal determined that the project's community amenities obligation would amount to \$4,400,000 which was accepted as the project's community amenities obligation by the Community Development Director (hyperlink Attachment E).

In response to this determination, the applicant submitted a community benefits proposal on July 28, 2021 (hyperlink Attachment F) which proposes to provide an in-lieu payment which is equal to 110% of the value of the community amenity (which includes a 10% administration fee). The applicant is proposing to pay \$4,840,000 in-lieu payment in exchange of providing a community amenity on site. Staff finds that the proposed community amenities proposal is consistent with the latest adopted amendments to the community amenities ordinance. The proposed project is conditioned to pay in the community amenities in-lieu fee prior to issuance of the superstructure building permit.

Fiscal Impact Analysis

To inform the decision makers and the community about the potential fiscal impacts that the proposed project would generate, staff also engaged BAE to prepare a FIA outlining the effects of the proposed project on local expenditures and revenues the proposed project would generate. The FIA is attached as a hyperlink Attachment D.

The FIA determined that the anticipated net increase in revenue and expenditures and resulting net fiscal impact of the proposed project for the following:

1. City of Menlo Park General Fund,
2. Menlo Park Fire Protection District,
3. School districts that serve the project area, and
4. Other special districts that serve the project site.

The FIA estimates that the proposed project would result in a modest net negative fiscal impact on the City of Menlo Park Annual General Fund operating budget, totaling \$148,000, equal to approximately 0.21 percent of the City’s 2019-2020 General Fund operating budget. The proposed project would not have a fiscal impact on the Ravenswood school district and would have a negative net fiscal impact on the Sequoia Union High School District, equal to approximately 0.19 percent of the District’s budget. The proposed project would have a small net negative fiscal impact to the Menlo Park Fire Protection District, equal to approximately 0.14 percent of the District’s 2019-2020 General Fund operating budget as shown below:

Annual Impact for Proposed Project	City of Menlo Park General Fund	Menlo Park Fire Protection District	Sequoia Union High School District	Redwood City Elementary District
New Revenues	\$195,119	\$160,584	\$180,324	\$626,625
New Expenditure	(\$342,684)	(\$239,246)	(\$411,599)	(\$626,625)
Net Fiscal Impact	(\$147,565)	(\$78,662)	(\$231,275)	\$0

The fiscal impacts shown in the table above reflect the impacts of the proposed project itself, irrespective of other changes in the City’s population, workforce, property tax base, and other factors that could impact the City’s budget or those of the school and special districts. The proposed project would not occur in isolation, and therefore other projects that have a net positive impact on the City or districts, as well as other factors that affect budgets, could potentially counterbalance the negative fiscal impacts of this proposed project. No action on the FIA is required by the Planning Commission but should be considered by the Planning Commission when evaluating the proposed project.

Correspondence

As of the writing of this report, staff has received one item of correspondence (Attachment R) expressing concerns about the development happening in the Bayfront Area and the lack of services such as pharmacy, grocery stores, dry cleaners, barbers, and public transportation available in the area.

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. In addition, the proposed development would be subject to payment of the Transportation Impact Fee (TIF) and other applicable impact fees.

Environmental Review

As stated in the CEQA Guidelines, an EIR is an informational document that is intended to provide the City, responsible and trustee agencies, other public agencies, and community members with detailed information about the environmental effects that could result from implementing the proposed project, examine and implement mitigation measures to reduce or avoid potentially significant physical environmental impacts if the proposed project is approved, and consider feasible alternatives to the proposed project, including a required No Project Alternative. Members of the Planning Commission were previously provided a copy of the Draft EIR for the proposed project, which was released on October 25, 2021 with a public comment period that ended 45 days later on December 9, 2021. The Draft EIR is also available on the City's development projects environmental documents website (<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-draft-eir.pdf>). A hyperlink is also included in Attachment S.

Prior to development of the focused Draft EIR, and in accordance with CEQA Guidelines Section 15168(c), an initial study was prepared to evaluate the potential environmental impacts of the proposed project and determine what level of environmental review would be appropriate for the project EIR. The initial study (IS) and a Notice of Preparation (NOP) were released on November 16, 2020, beginning a 30-day review and comment period ending on December 21, 2020. A NOP begins the EIR process. The NOP is included via hyperlink in Attachment T and the IS as hyperlink Attachment U. Following the release of the initial study, the Planning Commission conducted a scoping session on December 7, 2020, to provide an opportunity early in the environmental review process for the Planning Commission and interested persons to provide comments on the scope and content of the EIR as well as the initial study. The initial study disclosed relevant impacts and mitigation measures already covered in the program-level Final EIR for ConnectMenlo (ConnectMenlo EIR), which was certified by the City Council on November 29, 2016, as part of an update to the Land Use and Circulation Elements of the General Plan and related zoning changes, commonly referred to as ConnectMenlo. Applicable mitigation measures from the ConnectMenlo EIR apply to the proposed project.

Based on the findings of the IS, the following potential environmental effects of the proposed project would have no impacts, less-than-significant impacts, or less-than-significant impacts with mitigation measures (including applicable mitigation measures from the ConnectMenlo EIR), and are not studied in detail in the focused Draft EIR:

- Aesthetics
- Agriculture and forestry resources
- Biological resources
- Cultural resources
- Land use and planning
- Mineral resources
- Noise (construction-period, groundborne vibration, and aircraft-related noise)
- Public services

- Energy
- Geology and soils
- Hazards and hazardous materials
- Hydrology and water quality
- Recreation
- Utilities and service systems
- Tribal cultural resources
- Wildfire

Consistent with the findings of the IS and Settlement Agreement, which requires preparation of an EIR including a housing needs assessment (HNA) and transportation impact analysis (TIA) for proposed bonus level development, a focused Draft EIR was prepared to address potential physical environmental effects of the proposed project in the following areas:

- Population and housing
- Transportation
- Air Quality
- Greenhouse Gas Emissions
- Noise (Operational period traffic and stationary noise)

Although the IS identified tribal cultural resources as a potential topic to be evaluated in the Draft EIR, further evaluation determined that impacts to tribal cultural resources would be less than significant. Pursuant to AB 52, a State law that provides for consultation between lead agencies and Native American tribal organizations during the CEQA process, the City sent a letter to Native American tribes providing the opportunity for consultation on the project during the EIR scoping period. No requests for consultation were received. As a result, the topic is not included as a separate section of the Draft EIR.

For each of the analyzed topic areas, the Draft EIR describes the existing conditions (including regulatory and environmental settings) and analyzes the potential environmental impacts (noting the thresholds of significance and applicable methods of analysis). Impacts are considered both for the project individually, as well as cumulatively, for the project in combination with other projects and cumulative growth. The Draft EIR identifies and classifies the potential environmental impacts as:

- Less than Significant
- Potentially Significant
- Less than Significant with Mitigation
- Significant and Unavoidable

Where a potentially significant impact is identified, mitigation measures are considered to reduce, eliminate, or avoid the adverse effects (less than significant with mitigation). If a mitigation measure cannot eliminate/avoid an impact, or reduce the impact below the threshold of significance, it is considered a significant and unavoidable impact.

The Draft EIR prepared for the project identifies less than significant effects and effects that can be mitigated to a less-than-significant level in all five studied topic areas:

- Population and Housing
- Transportation
- Greenhouse Gas Emission
- Air Quality
- Noise (Operational period traffic and stationary noise)

The Draft EIR does not identify any environmental effects that are significant and unavoidable in any topic

area. The November 15, 2021 staff report provides a detailed analysis of the findings in the focused Draft EIR for the Population and Housing, Transportation, and Alternatives topic areas (Attachment H).

During the November 15, 2021 Planning Commission meeting, the Commission reviewed the Draft EIR and solicited comments on the document from members of the community. Public comments were received regarding the merits of the project, but not regarding the adequacy of the environmental document or analysis provided in the Draft EIR. The Commission had questions regarding the reduced parking or no parking scenario as an alternative to the proposed project, maximum VMT reduction allowed, and discussion on the environmentally superior alternative. Excerpt minutes of the November 15, 2021 meeting are provided as Attachment I.

Additionally, staff received three written comments during the public comment period for the project. One of the written comments was received from Lozano Smith, Attorneys at Law representing the Sequoia Union High School District. The letter claimed that the Draft EIR was inadequate, mostly for reasons associated with alleged impacts to schools generally and the TIDE Academy in particular. The School District's letter also claimed the Draft EIR should not have relied on the ConnectMenlo EIR.

The remaining items of correspondence received by staff were from community members outlining their concerns regarding the adequacy of the environmental document as no significant and unavoidable impacts were identified, the mitigation recommended to deal with cultural resources was inappropriate, and that the proposed housing project should be larger to include more residential units.

In accordance with CEQA, staff prepared a response to all substantive comments received and made editorial changes to the Draft EIR as necessary and prepared what is referred to as a "Response to Comments" document or Final EIR (included as hyperlink in Attachment A, Exhibit B). The Final EIR was released on March 16, 2022, for a 12-day public review period, which exceeds the 10-day minimum period pursuant to CEQA. The Final EIR is available on the project webpage (<https://beta.menlopark.org/Government/Departments/Community-Development/Projects/Under-review/Menlo-Flats>). All the comments received during the Draft EIR public comment period are included in the Final EIR and responses are provided for all comments. The Final EIR concluded that no new analysis or changes to the current analysis included in the Draft EIR were necessary in response to any comments received on the Draft EIR prepared for the project. No additional mitigation measures or impacts were identified based on any comments received on the Draft EIR.

The Final EIR includes City initiated text revisions including two corrections:

1. Under project location and existing conditions, the project size was corrected to be 1.38 acres instead of 1.98 acres and
2. On page 4.2-40 of the Draft EIR, Table 4.2.F was amended to reflect the correct TAZ number of 3072 instead of TAZ 3070.

Staff finds that the text revisions would not change any conclusions and findings of the Draft EIR.

As part of its consideration staff requests that the Planning Commission review and consider the Mitigation Monitoring and Reporting Program (MMRP) (Attachment A, Exhibit D). The MMRP includes all feasible mitigation measures identified in the Final EIR and ensures that full implementation of the mitigation measures would reduce the environmental impacts to a less than significant level. The MMRP identifies

monitoring and reporting of the environmental mitigation measures and is included as part of the conditions of approval for the project. The Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of Menlo Park, the applicant, and other identified public agencies in the implementation and monitoring of measures adopted from the certified EIR.

CEQA Guidelines Section 15352(b) requires the City to comply with CEQA at the “earliest commitment” to the project’s approval. Because the Planning Commission is the final decision making body on the bulk of the entitlements, the Planning Commission is required to certify the Final EIR, make findings, and adopt the MMRP before it takes action to approve the project.

Conclusion

The project would comply with the requirements of the Zoning Ordinance with regard to the overall project design/style and the application of R-MU-B zoning district standards. Vehicular and bicycle parking requirements would be met, and the development would also provide a positive pedestrian experience through public, common, and private open spaces throughout the project site. New trees and landscaping would be planted throughout the project, and the open space for the site would exceed the minimum standards. The proposed project’s BMR proposal provides variety in size and type of units, as well as units affordable to various income levels. The project’s community amenities proposal meets the minimum required value determined by the City’s community amenities appraisal. Staff believes that the payment of an in-lieu fee of 110 percent of the appraised value of the community amenity, meets the intent of the adopted Council community amenities ordinance. Therefore, staff recommends that the Planning Commission certify the EIR, make findings as required by CEQA, approve the MMRP, and approve the use permit, architectural control, BMR Housing Agreement, and Community Amenities proposal to pay an in-lieu fee.

Public Notice

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

Attachments

- A. Draft Planning Commission Resolution Certifying a Final Environmental Impact Report (EIR), Adopting Findings Required by the California Environmental Quality Act, and Adopting a Mitigation, Monitoring, and Reporting Program

Exhibits to Attachment A:

- A. Hyperlink: Project Plans including materials and colors board -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-march-2022-project-plans-with-materials-and-color-board.pdf>
- B. Hyperlink: Menlo Flats Final EIR -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-final-eir.pdf>

- C. Statement of Findings and Facts pursuant to CEQA
 - D. Mitigation Monitoring and Reporting Program (MMRP)
- B. Draft Planning Commission Resolution Adopting Findings for project Use Permit, Architectural Control, draft Below Market Rate Agreement, and draft Community Amenities Operating Covenant including project Conditions of Approval
- Exhibits to Attachment B:
- A. Hyperlink: Project Plans including materials and color board -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-march-2022-project-plans-with-materials-and-color-board.pdf>
 - B. Hyperlink: Menlo Flats Final EIR -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-final-eir.pdf>
 - C. Statement of Findings and Facts pursuant to CEQA (See Attachment A, Exhibit C)
 - D. Mitigation Monitoring and Reporting Program (MMRP) (See Attachment A, Exhibit D)
 - E. Below Market Rate Housing Agreement
 - F. Open Space Agreement
 - G. Conditions of Approval
- C. Hyperlink: Housing Needs Assessment (HNA) -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/appendix-c-menlo-flats-housing-needs-assessment.pdf>
- D. Hyperlink: Fiscal Impact Analysis (FIA) -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-project-fiscal-impact-analysis.pdf>
- E. Hyperlink: City's Community Amenities Appraisal -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-project-community-amenities-appraisal.pdf>
- F. Hyperlink: Applicant's Community Amenities Proposal -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-project-community-amenities-proposal.pdf>
- G. Location Map
- H. Hyperlink: Planning Commission Staff Report, November 15, 2021 -
https://www.menlopark.org/DocumentCenter/View/30017/F4_165-Jefferson-Menlo-Flats?bidId=
- I. Planning Commission Excerpt Minutes and Recorder's Transcript of Proceedings, November 15, 2021
- J. Hyperlink: Project Description - <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/att-b-project-description-letter.pdf>
- K. Applicant letter requesting waivers
- L. Building Mass and Scale Design Standards Compliance Table
- M. General Plan Goals, Policies, and Programs Compliance Table
- N. LOS Intersection Improvement Feasibility Analysis

- O. H.T. Harvey & Associates report evaluating compliance with the City's bird friendly design requirements
- P. Project Solar Photovoltaic System
- Q. Hyperlink: Community Amenities List - <https://www.menlopark.org/DocumentCenter/View/15009/6360--Community-Amenities?bidId=&msckid=2263f503a61c11ec8ee2bd33e8ea6cef>
- R. Correspondence
- S. Hyperlink: Menlo Flats Project Draft EIR - <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-draft-eir.pdf>
- T. Hyperlink: Notice of Preparation - <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/appendix-a-menlo-flats-notice-of-preparation-and-comment-letters.pdf>
- U. Hyperlink: Initial Study - <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/appendix-b-menlo-flats-initial-study.pdf>

Disclaimer

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

Exhibits to Be Provided at Meeting

None

Report prepared by:

Payal Bhagat, Contract Principal Planner

Report reviewed by:

Corinna Sandmeier, Acting Principal Planner

Eric Phillips, City Attorney's Office

March 28, 2022

PLANNING COMMISSION RESOLUTION NO. 2022-__

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK
CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS
REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND
ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
FOR A DEVELOPMENT PROJECT**

WHEREAS, the City of Menlo Park (“City”) received an application requesting environmental review, use permit, architectural control, below market rate (BMR) housing agreement, and heritage tree removal permits from Greystar (“Applicant”), to redevelop the property located at 165 Jefferson Drive (APN 055-242-090) (“Property”), with a bonus level development project consisting of up to 158 multifamily rental units, approximately 13,400 square feet of office space, and approximately 1,600 square feet of ground floor commercial retail space, which development is more particularly described in the Initial Study to the Project which was prepared pursuant to the California Environmental Quality Act (hereinafter the “**Project**”). The Project is depicted in and subject to the development plans which are attached hereto as Exhibit A (“Hyperlink Project Plans including colors and materials board”) and incorporated herein by this reference; and

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

WHEREAS, the bonus level provisions identified in the City’s Zoning Ordinance allow a development to seek an increase in floor area ratio (FAR), density (dwelling units per acre), and/or height subject to approval of a use permit and the provision of community amenities equal to a minimum of 50 percent of the fair market value of the increased development potential and the applicant has submitted a community amenities proposal in compliance with the required minimum value; and

WHEREAS, pursuant to the City’s Below Market Rate (BMR) Housing Program (Chapter 16.96.040), the applicant would provide 21 inclusionary units of the 138 maximum units allowed by the Zoning Ordinance. The Project would provide an additional 20 market-rate units pursuant to the density bonus provisions in the BMR Housing

Program, resulting in the total number of units included in the Project to 158 rental units;
and

WHEREAS, the proposed Project would be developed with an increase in FAR, density, and height pursuant to City's bonus level development allowances; and

WHEREAS, pursuant to City's General Plan goals and policies, the proposed Project is required to provide a minimum 10 foot wide publically accessible paseo connecting Jefferson Drive and Constitution Drive; and

WHEREAS, the proposed Project complies with all applicable objective standards of the City's Zoning Ordinance, including design standards, green and sustainable building standards, and is consistent with the City's General Plan goals, policies, and programs; and

WHEREAS, as allowed by the City's BMR Ordinance, the proposed Project requests waivers to increase the average building height from 62.5 feet to 66 feet and three inches and reduce the required parking by 20 vehicular spaces. These waivers would be necessary to accommodate the 20 additional bonus units allowed by the City's BMR Ordinance to facilitate accommodating the increase density, FAR, and open space; and

WHEREAS, Section 16.45.070 of the City of Menlo Park Municipal Code requires that bonus level projects that are developed at a greater level of intensity with an increase in density, FAR, and/or height shall provide one or more community amenities to address the needs that result from the effect of the increased development. The value of the community amenities to be provided shall be equal to 50 percent of the fair market value of the additional gross floor area of the bonus level development; and

WHEREAS, pursuant to the requirements of Section 16.45.070 of the City of Menlo Park Municipal Code, the City commissioned Fabbro Moore & Associates, Inc. to perform an independent appraisal to determine the value of the Project's community amenities contribution. The appraisal determined the project's community amenities obligation would amount to \$4,400,000. The Community Development Director determined that the appraisal was created pursuant to the City's guidelines and approved the appraisal; and

WHEREAS, on July 28, 2021, the applicant submitted the community amenities proposal that provides a one time in-lieu fee to the City of approximately \$4,840,000 (including the required administrative fees); and

WHEREAS, the City evaluated the community amenities proposal and determined that the value of the proposal, at \$4,840,000 (inclusive of the administrative fee for the in-lieu payment) is consistent with the Zoning Ordinance; and

WHEREAS, providing the in-lieu fee would allow the City to develop community amenities that reflects the community's priority of benefits within the Bayfront area through the community outreach and engagement process; and

WHEREAS, for these reasons, staff recommends that the Planning Commission approves the payment of in-lieu fee; and

WHEREAS, pursuant to the requirements Section 16.45.060 of the City of Menlo Park Municipal Code, the applicant submitted a Below Market Rate (BMR) proposal that would provide 21 inclusionary housing units (15 percent of the 138 units allowed per R-MU zoning district with a mix of very-low, low, and moderate income limits (15 studio units and 6 four-bedroom units)); and

WHEREAS, at a duly noticed public meeting on February 2, 2022, the Housing Commission considered the applicant's BMR proposal and draft BMR Housing Agreement Term Sheet, inclusive of the 21 inclusionary BMR units, and forwarded a recommendation of approval to the Planning Commission of the proposed BMR Term Sheet showing mixed income and unit sizes/types that would be equivalent to an all low-income BMR scenario; and

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

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

WHEREAS, the Project would be developed at the bonus level allowances of the Zoning Ordinance, and therefore, is subject to the settlement agreement between the City of Menlo Park and City of East Palo Alto ("Settlement Agreement"), which requires project-specific environmental impact reports ("EIRs") for certain future projects. Pursuant to the Settlement Agreement, the project-specific EIR may tier from the certified program level ConnectMenlo Final EIR ("ConnectMenlo EIR") which was certified by the City Council on November 29, 2016, as part of an update to the Land Use and Circulation Elements of the General Plan and related zoning changes, commonly referred to as ConnectMenlo, and the project-level EIR shall include a project specific transportation impact analysis. The City shall also prepare a housing needs assessment ("HNA") to inform the population and housing topic area of the project-level EIR; and

WHEREAS, the City released a Notice of Preparation ("NOP") and Initial Study for the Project on November 16, 2020 for a 30-day public review period ending on December 21, 2020. The City held a public EIR scoping meeting on December 7, 2020 before the City Planning Commission to receive comments on the NOP prior to the close of the

public review period. Comments received by the City on the NOP and at the public EIR scoping meeting were considered during preparation of the Draft EIR. The initial study disclosed relevant impacts and mitigation measures already covered in the program-level ConnectMenlo EIR; and

WHEREAS, on December 7, 2020, concurrently with the public NOP scoping meeting, the Planning Commission conducted a study session to review and provide comments on the Project's conceptual design; and

WHEREAS, pursuant to the requirements of the Settlement Agreement and CEQA, the City prepared, or caused to be prepared, a project level EIR and conducted a HNA for the Project; and

WHEREAS, the Draft EIR was released on October 25, 2021 for a 45-day review period that ended on December 9, 2021. The public review period included one duly noticed public meeting on November 15, 2021 to received oral and written comments on the Draft EIR; and

WHEREAS, On November 15, 2021, as part of the duly noticed public hearing to review the Draft EIR, the Planning Commission also conducted a study session and provided an opportunity for members of the public to provide comments on the proposed project design, BMR proposal, and community amenities proposal; and

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research and copies of the Draft EIR were made available at the Community Development Department, on the City's website and at the Menlo Park Library; and

WHEREAS, on March 18, 2022, the City published a Response to Comments Document that contains all of the comments received during the public comment period, including a transcript of the public hearing, and written responses to those comments, and any text changes to the Draft EIR, prepared in accordance with CEQA and the CEQA Guidelines. The Draft EIR and Response to Comments Document constitute the Final EIR, a copy of which is available by the following the internet link included in Exhibit B; and

WHEREAS, the City prepared or caused to be prepared the Findings of Fact as included in Exhibit C in accordance with CEQA and CEQA Guidelines Section 15091; and

WHEREAS, the City prepared or caused to be prepared a Mitigation Monitoring and Reporting Program ("MMRP"), which is incorporated herein by this reference and as part of the Final EIR, which will ensure all mitigation measures relied upon in the findings are fully implemented and that all environmental impacts are reduced to a less than significant level; and

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

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on March 28, 2022 at which all persons interested had the opportunity to appear and comment; and

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

WHEREAS, the Planning Commission fully reviewed, considered, evaluated, and certified the Final EIR, along with all public and written comments, pertinent information, documents and plans prior to taking action to approve the use permit, architectural control, BMR Housing agreement, and community amenities agreement.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Menlo Park hereby resolves as follows:

1. The Final EIR has been prepared, published, circulated, and reviewed in compliance with the California Environmental Quality Act and the CEQA Guidelines.
2. The Final EIR constitutes an adequate, accurate, objective, and complete analysis addressing all issues relevant to the approval of the proposed Project including the issuance of a use permit and architectural control permit, and approval of the BMR Housing agreement for the Project.
3. The Planning Commission has been presented with, reviewed and considered the information contained in the above recitals and within the Final EIR prior to acting on the proposed Project, and the Final EIR reflects the independent judgement and analysis of the City pursuant to section 21082.1(c)(3) of the California Environmental Quality Act.
4. Notice of the Planning Commission's hearings on the Draft EIR and Final EIR have been given as required by law and the actions were conducted pursuant to the State Planning and Zoning Law, CEQA, the State CEQA Guidelines. Additionally, all individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Final EIR which met or exceeded the requirements of State Planning and Zoning Law and CEQA. All comments submitted during the public review and

comment period on the Draft EIR were responded to adequately in the Final EIR.

5. As set forth in the attached Findings of Fact, the Final EIR identifies all potential significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less than significant level. All of the mitigation measures identified in the Final EIR, including those in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as Conditions of Approval for the use permit and architectural control.
6. The monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the attached MMRP, and incorporated into the Conditions of Approval of the use permit and architectural control for the Project. All proposed mitigation measures are capable of being fully implemented by the efforts of the City, the Applicant, or other identified public agencies of responsibility, and will reduce the environmental impacts to a less-than significant level.
7. Pursuant to CEQA Guidelines Section 15091 and CEQA Section 21081.6, and in support of its approval of the Project, the Planning Commission adopts the attached Findings of Fact and MMRP as set forth in Exhibits C and D of this Resolution.
8. The Planning Commission hereby certifies the Final EIR based upon consideration of the Finding of Facts, together with the staff report (copies of which are on file in the Planning Division), public testimony presented at the hearing, and all other oral and written evidence received by the City on this Project.

SEVERABILITY

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

I, _____, Clerk of the Planning Commission 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 28 day of March, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibits

- A. Hyperlink: Project Plans including materials and color board -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-march-2022-project-plans-with-materials-and-color-board.pdf>
- B. Hyperlink: Menlo Flats Final EIR –
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-final-eir.pdf>
- C. CEQA Findings of Fact
- D. Mitigation Monitoring and Reporting Program (MMRP)

Exhibit C

Statement of Findings and Facts Pursuant to the California Environmental Quality Act in Support of Certifying the Final Environmental Impact Report for the Menlo Flats Project

Findings of Fact

The following findings, including impact statements, mitigation measures, findings, and facts in support of findings, are based on the full administrative record including but not limited to the Final EIR which contains a greater discussion of each issue. Pursuant to CEQA Guidelines Section 15091(a)(1), the mitigation measures will be required in the Project and avoid or substantially lessen the significant environmental effects identified in the Final EIR, as described herein. In addition to the following findings of fact, the City remakes each of the findings included in Resolutions No.6356 which are incorporated by reference as though fully restated in these Findings.

A. Findings Regarding Impacts Which Remain Less Than Significant

The Initial Study for the EIR and the EIR identified twelve less than significant impacts. The City finds that, based upon substantial evidence in the record, the following areas would result in impacts that have been determined to be less than significant by the Initial Study and the Final EIR. Therefore, no mitigation measures would be required for any of the following areas:

1. Aesthetics

Aesthetics were analyzed in section 3.1 of the Initial Study. The Initial Study found that the project would result in less than significant impacts related to aesthetics. The project site is located within a developed portion of the Bayfront Area and does not provide public views of the Bay, and therefore would not block any scenic vistas as the Bayfront Area is not located within the view shed of Interstate 280, which is considered a State scenic highway. The proposed project would comply with the City's maximum height and average height requirements and all adopted design standards of the Zoning Ordinance. Further, the project is subject to the City's existing architectural control process, which would ensure the proposed project complies with the existing design standards outlined in the Zoning Ordinance, including light and glare standards. Additionally, Policy LU-2.3 from the City's General Plan requires that new development with residential units address potential compatibility issues such as light spillover. Therefore, potential impacts related to scenic vistas, scenic resources, scenic regulations, and light and glare would be less than significant.

2. Agriculture and Forestry Resources

Agriculture and Forestry resources were analyzed in section 3.2 of the Initial Study which found that the project would result in no impact to agriculture and forestry resources. The project site and vicinity are located within an urban area of the city. The project site is located within the R-MU-B (Residential Mixed Use Bonus) zoning district and is classified as “Urban and Built-Up Land” by the State Department of Conservation. The project site is not used for agricultural production nor does it support forestry resources. Therefore, there would be no impact to agricultural and forestry resources.

3. Biological Resources

Biological Resources were analyzed in section 3.4 of the Initial Study which determined that the project would result in a less than significant impact on biological resources. The project site is currently developed and does not include any sensitive habitat, nor is it located near any sensitive habitats and therefore, Mitigation Measure BIO-1 from the ConnectMenlo Final EIR would not be applicable to the proposed project. The proposed project would be required to comply with the bird-safe design measures included in the building regulations for the Bayfront Area. The project site does not contain any riparian habitat, federally protected wetlands, or wildlife movement corridors. The proposed project includes the removal of 11 trees, including 4 heritage size trees, which would be replaced at a 2:1 ratio for a minimum of 8 heritage tree replacements, in compliance with the City’s Tree Preservation Ordinance in effect at the time of a complete submittal under Senate Bill (SB) 330. The proposed project complies with the City’s Tree Preservation Ordinance. Furthermore, the proposed project is not subject to the Stanford University Habitat Conservation Plan. Therefore, potential impacts related to biological resources would be less than significant.

4. Energy

Energy was analyzed in section 3.6 of the Initial Study and the Initial Study determined that the proposed project would result in a less than significant impact. The proposed project would comply with specific green building requirements for LEED certification, provide outlets for EV charging, provide on-site renewable energy generation (per the City’s adopted Reach Codes), enroll in the USEPA Energy Star Building Portfolio Manager, use new modern appliances and equipment, and comply with current CALGreen standards, which would help to reduce energy consumption. Per the City’s Reach Codes, the building would be all electric. The proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Electricity demand associated with the proposed project would be approximately 0.01 percent of San Mateo County’s total energy demand. Further, per the City’s Zoning Ordinance, all electricity used by the project would be purchased through renewable energy from the local provider and the use of diesel fuel by the

emergency generators would require the proposed project to purchase carbon credits/offsets annually based on generator use. Moreover, the proposed project is required to reduce trips generated by at least 20 percent through implementation of Transportation Demand Management measures and would help the area change from an auto-oriented corridor to a multi-modal oriented community, with related energy conservation resulting from the more efficient use of transportation, circulation, and infrastructure systems by locating a residential use within a jobs-rich area. The proposed project would be consistent with the State's goal of reducing vehicle miles traveled and vehicular greenhouse gas emissions as outlined in SB 743 and the City's Climate Action Plan. Therefore, potential impacts related to energy use would be less than significant.

5. Hydrology and Water Quality

Potential impacts on Hydrology and Water Quality were analyzed in section 3.10 of the Initial Study and the Initial Study determined that the proposed project would result in a less than significant impact. The proposed project would be required to comply with the City's Stormwater Management Program, and would be required to prepare a Hydrology Report. The project would be required to prepare a stormwater pollution prevention plan (SWPPP) for the project site. The proposed project would incorporate site design measures to reduce stormwater runoff during the operation period, including directing runoff onto vegetated areas, maximizing permeability by clustering development and preserving open space, and using micro-detention per the City's stormwater requirements and Zoning Ordinance requirements. The proposed project would also implement source controls to reduce pollution runoff during the operation period. The proposed project would result in a net increase in impervious surface coverage of approximately 362 square feet compared to existing conditions. The proposed project would include stormwater control features that would enhance filtration of stormwater to the subsurface and would therefore further increase the amount of groundwater recharge compared to existing conditions. The project site is located within a flood zone with a base elevation of 11 feet, and the grade of the project site would be raised approximately 3 feet to meet FEMA requirements and the City's sea level rise resiliency requirements, which require the finished floor to be an additional 24 inches above the base flood elevation set by the FEMA flood zone. The proposed project would connect to the Menlo Park Municipal Water system, and would not require the use of any groundwater. Therefore, the proposed project's impact to hydrology and water quality would be less than significant.

6. Land Use and Planning

Potential impacts on Land Use and Planning were evaluated in section 3.11 of the Initial Study which determined that implementation of the proposed project would result in less than significant impacts. The ConnectMenlo Final EIR concluded that implementation of ConnectMenlo would not include any new major roadways or

other physical features through existing residential neighborhoods or other communities that would create new barriers in the city. The proposed project is consistent with ConnectMenlo. Therefore, the proposed project would not physically divide an established community. The project site is located within the R-MU-B zoning district, which allows for the proposed mix of residential and commercial uses. The proposed project would be consistent with the mix and intensity of development contemplated by ConnectMenlo, as it includes bonus-level residential and office development with community amenities. As noted throughout the Initial Study and EIR, the proposed project would generally not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, impacts related to land use and planning for CEQA purposes would be less than significant.

7. Mineral Resources

Potential impacts on Mineral Resources were evaluated in section 3.12 of the Initial Study which determined that implementation of the proposed project would result in no impacts to mineral resources. The project site is currently developed and located within an urban area. The ConnectMenlo Final EIR determined that there are no mineral resource recovery operations within the city. Therefore, there would be no impact related to mineral resources.

8. Population and Housing

Potential impacts on Population and Housing were evaluated in section 4.1 of the Draft EIR and determined to be less than significant. The proposed project itself would not directly displace people or housing by demolishing existing residential units and represents a small percentage of the population and housing growth assumed and studied under ConnectMenlo. Instead, the proposed project would add to the supply of market rate and affordable housing. Therefore, the Draft EIR determined that the proposed project is not anticipated to contribute to displacement either in the Belle Haven neighborhood of Menlo Park or in East Palo Alto. The Housing Needs Assessment, which is not a required study under CEQA and was prepared per the terms of the settlement agreement with the City of East Palo Alto, found that increasing the availability of market rate and affordable housing would instead tend to moderate or counteract displacement pressures to some degree by relieving market pressures on existing housing stock and could contribute to a reduction of rents in the area making housing more affordable and accessible. Therefore, the Draft EIR determines that the development of the proposed project would not displace substantial number of people or housing, and therefore, the impact would be less than significant. Because the proposed project population growth was already anticipated in the ConnectMenlo EIR and the project contributes towards the City's current 2014-2022 RHNA for BMR units; the project is not anticipated to result in new impacts, making its potential impact less than significant.

9. Public Services

Potential impacts on Public Services were evaluated in section 3.15 of the Initial Study which determined that implementation of the proposed project would result in less than significant impacts. Impacts to public services would occur if the proposed project increases demand for services such that new or expanded facilities would be required, and these new facilities would themselves cause environmental impacts. The ConnectMenlo Final EIR determined that adherence to State and City requirements and the Menlo Park Fire Protection District (MPFPD) permitting process would ensure that future proposed projects would not result in the need for remodeled or expanded MPFPD facilities. Additionally, Station 77, which would serve the project site, was planned and budgeted for prior to ConnectMenlo. The Menlo Park Police Department (MPPD) also indicated implementation of ConnectMenlo would not require the expansion or addition of facilities. Further, the proposed project is required to implement a TDM program to reduce trips from the project site by 20 percent, which would help alleviate potential congestion that could interfere with MPPD operations. The proposed project would be subject to the payment of development impact fees, which under Senate Bill 50, are deemed to be full and complete mitigation for the generation of new students. The proposed project would have a less-than-significant impact related to the need for remodeled or expanded school facilities and no new or more severe impacts would occur beyond those examined in the ConnectMenlo Final EIR. The proposed project would include private and public open space and contribute development impact fees that would address infrastructure and service needs, and would not result in substantial deterioration of parks or other public facilities. Therefore, the proposed project's impacts to public services would be less than significant.

10. Recreation

Potential impacts on Recreation were evaluated in section 3.16 of the Initial Study and determined to be less than significant. The ConnectMenlo Final EIR determined that full buildout of ConnectMenlo would result in a parkland ratio per of 5.2 acres per 1,000 residents, which complies with the City's goal to maintain 5 acres of parkland for every 1,000 residents. In addition to the existing parkland within the city, the proposed project would include a total of approximately 20,929 square feet of open space, which would include common courtyards, a roof terrace, a pool, landscaping, and a publicly-accessible plaza. Because the proposed project would be consistent with the type and intensity of development and population projections assumed for the project site in ConnectMenlo and would include private and public open space, the proposed project would not result in substantial or accelerated physical deterioration of recreational facilities. The proposed project does not include or require the construction or expansion of existing public recreational facilities. Therefore, the proposed project's impacts on recreational facilities would be less than significant.

11. Utilities and Service Systems

Potential impacts on Utilities and Services Systems were evaluated in section 3.19 of the Initial Study and determined to be less than significant. The project sponsor would be required to coordinate with the City, MPFPD, and West Bay Sanitary to ensure that water and wastewater supply and infrastructure would be adequate. Additionally, as a part of the Zoning Update, ConnectMenlo includes green and sustainable building standards in the Bayfront Area that require all new buildings within the Bayfront Area to be maintained without the use of well water and incorporate dual plumbing within all buildings for future recycled water. Landscaping on the project site would be required to comply with the City's water efficient landscape ordinance, reducing the project's water demand. The proposed project would be required to prepare a water budget, subject to review and approval by the City's Public Works director that the proposed project would be required to comply with and document compliance with annually. The proposed project would also comply with CalGreen requirements of the California Building Code, including water efficient fixtures. Therefore, impacts to utilities and service systems would be less than significant.

12. Wildfire

Potential impacts associated with Wildfire were evaluated in Section 3.20 of the Initial Study and determined to be less than significant. The ConnectMenlo Final EIR determined that the Bayfront Area does not contain areas of moderate, high, or very high Fire Hazard Severity for the Local Responsibility area, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area. The project is generally level and bounded by existing development on all sides and would not exacerbate fire risks. Therefore, the proposed project would have no impact related to wildfire.

B. Findings and Recommendations Regarding Potentially Significant Impacts Which Are Avoided or Reduced to Less Than Significant by Mitigation

Pursuant to Section 21081(a) of the Public Resources Code and section 15091(a)(1) of the CEQA Guidelines, the City finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been incorporated into the Project through mitigation measures that avoid the identified significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of the proceedings.

The Initial Study for the EIR and the EIR identified nine significant impacts that, with mitigation, can be reduced to less than significant level. Based on the findings in the Initial Study, Final EIR, and the evidence in the record, these impacts can be mitigated to a less than significant level, as follows:

Air Quality

Air quality was analyzed in section 4.3 of the Final EIR. The Final EIR found that the proposed project would not conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan, would not result in operational air quality emissions in excess of established thresholds, and would not expose sensitive receptors to substantial pollutant concentrations once operational. Consistent with the requirements of ConnectMenlo Final EIR Mitigation Measure AQ-3b, an analysis of potential health risk was performed for the proposed project. Results of the analysis indicate that the maximum long-term health risk from mobile and stationary sources and cumulative risk from all sources would not exceed established thresholds and that this impact would be less than significant.

It was determined that the project could result in significant impacts due to project construction, which could violate air quality standards and expose nearby sensitive receptors to toxic air contaminants. To mitigate these potential impacts to a less than significant level, the Final EIR requires the following mitigation measures:

1. Project Mitigation Measure AIR-1
2. Project Mitigation Measure AIR-2

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the Project to less-than-significant levels, and that they have been adopted by the City. Before approving the proposed project, the City reviewed the proposal to confirm it complies with the mitigation measures' requirements. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Site preparation and project construction would involve demolition, grading, paving, and other activities. Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM10 emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM10 emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. ConnectMenlo Final EIR Mitigation Measure AQ-2b2 requires implementation of BAAQMD-approved mitigation measures if it is determined through project-specific evaluation that individual

development projects would generate construction exhaust emissions in excess of the BAAQMD significance thresholds. The project does not exceed BAAQMD thresholds. However, Mitigation Measure AIR-1 requires the contractor to implement certain measures to reduce construction emissions, to the extent feasible and consistent with BAAQMD requirements. Implementation of this measure would reduce fugitive dust and other air contaminants from project construction to a less than significant level.

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks. The closest sensitive receptors include the approved multi-family residential buildings located at 186 Constitution Drive to the north of the site and 141 Jefferson Drive to the west. The closest existing sensitive receptors include TIDE Academy, located at 150 Jefferson Drive, approximately 245 feet southwest of the project site. In addition, across the UPRR tracks and 0.6 mile east of the site is the Belle Haven residential neighborhood, which is generally occupied by single-family residences. The EPA identifies engines based on tiers that track with emissions standards. The proposed project includes the use of Tier 2 construction equipment. Model results show that without the use of Tier 2 construction equipment equipped with Level 3 diesel particulate filters, Project construction could exceed the threshold for carcinogenic health risk (one in a million) due to the concentrations of toxic air contaminants. The Final EIR found that implementation of Mitigation Measure AIR-2 would reduce substantial pollutant concentrations during project construction to the extent feasible and to a less-than-significant level.

Mitigation Measure AIR-1: Consistent with Connect Menlo Final EIR Mitigation Measure AQ- 2b1, the proposed project would be required to comply with 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:

- 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.
- 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.

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 2 emissions standards or equivalent equipped with Level 3 diesel particulate filters.

Cultural Resources

Potential impacts on cultural resources were analyzed in section 3.5 of the Initial Study. In compliance with ConnectMenlo Final EIR Mitigation Measure CULT-1 a Historic Resources Assessment was prepared for the project and determined that the building constructed in 1964 does not appear to be eligible for listing in the National Register of Historical Places or the California Register of Historical Resources. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

It was determined that the project could result in significant impacts due to project construction, which could result in disturbance of unidentified subsurface materials that have the potential to contain prehistoric archaeological resources, including unrecorded Native American prehistoric archeological sites or human remains associated with pre-contact archeological deposits. To mitigate these potential impacts to a less than significant level, the Initial Study requires the following mitigation measures:

1. ConnectMenlo Final EIR Mitigation Measure CULT-2a
2. ConnectMenlo Final EIR Mitigation Measure CULT-4

Findings:

The City finds that the above mitigation measure[s] are feasible, will reduce the impacts of the Project to less-than-significant levels, and that they have been adopted by the City. Before approving the proposed Project, the City reviewed the proposal to confirm

it complies with the mitigation measures' requirements. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Due to the highly disturbed nature of the site, it is unlikely that archaeological deposits associated with the historic period of Menlo Park and Native American prehistoric archeological sites exist on the site, or that human remains associated with pre-contact archaeological deposits would be encountered during construction; however, the potential to encounter such resources during project ground-disturbing activities cannot be discounted. If deposits of prehistoric or historic archaeological materials are encountered during project activities, Mitigation Measure CULT-2a requires the construction contractor to stop work within 100 feet of the find and requires the project applicant to retain a qualified archaeologist to assess the deposit finds and make recommendations. If deposits cannot be avoided, further measures for recovery and documentation are required. Implementation of this measure would avoid destroying a unique prehistoric or historic archaeological resource or site and would reduce the impact to a less-than-significant level. Mitigation Measure CULT-4 requires the project applicant to contact the San Mateo County Coroner immediately upon discovery of human remains, and an archaeologist contacted to assess the situation and consult with appropriate agencies. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission. Implementation of this measure would avoid potential adverse effects to human remains and tribal cultural resources. Therefore, with implementation of Mitigation Measures CULT-2a and CULT-4 from the ConnectMenlo Final EIR, impacts to cultural resources would be less than significant with mitigation.

Connect Menlo 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 archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the

recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required. Connect Menlo 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. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Geology and Soils

Potential impacts on geology and soils were analyzed in section 3.7 of the Initial Study. It was determined that potential impacts associated with fault rupture, seismic ground shaking, seismic-related ground failure and liquefaction, erosion, unstable soils, and expansive soils would be less than significant with compliance with the California Building Code.

It was determined that the project could result in significant impacts due to project construction, which could result in disturbance of previously unrecorded paleontological resources. To mitigate this potential impact to a less than significant level, the Initial Study requires the following mitigation measure:

1. ConnectMenlo Final EIR Mitigation Measure CULT-3

Findings:

The City finds that the above mitigation measure is feasible, will reduce the impacts of the Project to less-than-significant levels, and that it has have been adopted by the City. Before approving the proposed Project, the City reviewed the proposal to confirm it complies with the mitigation measures' requirements. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Demolition, site preparation, and construction activities associated with the proposed project could reach significant depths below the ground surface where no such excavation has previously occurred and unrecorded fossils of potential scientific significance and other unique geologic features could exist. The ConnectMenlo Final EIR identified Mitigation Measure CULT-3 to ensure that such impacts would be reduced to a less than significant level. If paleontological resources are encountered during site preparation or grading activities, this mitigation measure requires the construction contractor to stop work within 50 feet of the find and requires the project applicant to retain a qualified paleontologist to assess the discoveries and make recommendations. Implementation of this measure would avoid destroying a unique paleontological resource or site. With implementation of Mitigation Measure CULT-3 from the ConnectMenlo Final EIR this construction-period impact would be less than significant with mitigation.

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. 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.

Greenhouse Gas Emissions

Greenhouse Gas (GHG) Emissions were analyzed in section 4.4 of the Final EIR. The Final EIR found that operation-period GHG emissions would be below established thresholds and that the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions; therefore, these impacts were determined to be less than significant.

It was determined that the project could generate construction-period GHG emissions that may have a significant impact on the environment. To mitigate these potential impacts to a less than significant level, the Final EIR requires the following mitigation measures:

1. Project Mitigation Measure AIR-1
2. Project Mitigation Measure AIR-2

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the Project to less-than-significant levels, and that they have been adopted by the City. Before adopting the proposed project, the City reviewed the proposal to confirm it complies with the mitigation measures' requirements. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Project construction could result in engine idling and equipment use that generates greenhouse gas emissions. Although the BAAQMD does not have adopted thresholds for construction emissions, without implementation of all feasible reduction measures, construction-period GHG emissions would contribute to global climate change and impacts would be potentially significant. Implementation of Mitigation Measure AIR-1, as identified in section 4.3, Air Quality, would require implementation of the BAAQMD's Basic Construction Measures as required by ConnectMenlo Final EIR Mitigation Measure AQ-2b1, which would reduce GHG emissions by reducing the amount of construction vehicle idling and by requiring the use of properly maintained equipment. In addition, implementation of Mitigation Measure AIR-2, as identified in section 4.3, Air Quality, would require the use of Tier 2 construction equipment equipped with Level 3 filters. Therefore, project construction impacts associated with GHG emissions would be less than significant with mitigation.

Hazards

Hazards and Hazardous Materials were evaluated in section 3.9 of the Initial Study. The project site is not located on a site included on a list of hazardous materials sites, nor is it located within and airport land use plan or two miles of any airport. The proposed project would not substantially alter any adjacent roadways, and therefore would not be expected to impair the function of nearby evacuation routes. As noted in the ConnectMenlo Final EIR, compliance with existing regulations, including the California Building Code, California Fire Code, and Menlo Park Fire Protection District Fire Code would ensure that the proposed project would not expose people to loss, injury, or death involving wildland fires. These impacts would be less than significant.

It was determined that the public or the environment could be affected by the release of hazardous materials from the project site into the environment during the construction period through exposure to potentially contaminated soils or groundwater or hazardous building materials. To mitigate these potential impacts to a less than significant level, the Initial Study requires the following mitigation measures:

1. ConnectMenlo Final EIR Mitigation Measure HAZ-4a

2. ConnectMenlo Final EIR Mitigation Measure HAZ-4b

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the Project to less-than-significant levels, and that they have been adopted by the City. Before approving the proposed Project, the City reviewed the proposal to confirm it complies with the mitigation measures' requirements. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

A Phase I ESA was prepared for the project site and identified that historical site operations included the use of chlorinated solvents. Limited subsurface investigations conducted at the site in the 1980s and 1990s indicated that volatile organic compounds (VOCs) were present above the San Francisco Regional Water Quality Control Board's (Regional Water Board) Environmental Screening Levels (ESLs) for residential and commercial/industrial land uses in soil, soil vapor, and groundwater.

A Phase II ESA was prepared for the project site and found that soil samples on the project site contained concentrations of metals, which were all above their respective ESLs for residential land use and VOCs, which were below their respective ESLs for residential land use. Groundwater samples at the project site contained chemical concentrations above residential ESLs. Soil vapor samples contained concentrations of chemicals above their respective ESLs. The Initial Study found that implementation of ConnectMenlo Final EIR Mitigation Measures HAZ-4a (preparation of a site specific environmental site management plan) and HAZ-4b (inclusion of a vapor intrusion barrier in the new building) would ensure that impacts associated with potential exposure to hazardous soil vapor and groundwater conditions during project construction and operation would be reduced to a less-than-significant level. These are standard measures applicable to redevelopment projects located in areas of previously identified soil and groundwater contamination. Further incorporation of Mitigations Measures HAZ-4a and HAZ-4b from ConnectMenlo would reduce potentially significant impact to less than significant. Therefore, impacts related to hazards and hazardous materials would be less than significant with mitigation.

Connect Menlo Final EIR Mitigation Measure HAZ-4a: Construction at the sites of any site in the City with known contamination, shall be conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared in consultation with the Regional Water Quality Control Board (RWQCB) or the Department of Toxic Substances Control (DTSC), as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the

possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations.

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.

Connect Menlo 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).

Noise

Potential Noise impacts were analyzed in section 3.13 of the Initial Study and 4.5 of the Final EIR. It was determined that the Project would expose sensitive receptors to construction period noise, generate construction-period vibration, and locate residential land uses in an area that is considered a conditionally acceptable noise environment based on the City's Noise and Land Use Compatibility Guidelines for multifamily residential land uses. To mitigate these potential impacts to a less than significant level, the Final EIR requires the following mitigation measures:

1. ConnectMenlo Final EIR Mitigation Measure NOISE-1c
2. ConnectMenlo Final EIR Mitigation Measure NOISE-2a
3. Project Mitigation Measure NOI-1

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the Project to less-than-significant levels, and that they have been adopted by the City. Before approving the proposed Project, the City reviewed the proposal to confirm it complies with the mitigation measures' requirements. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section

15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Demolition, site preparation, and construction would require the use of heavy construction equipment including pile drivers, bulldozers, scrapers, loaders, excavators, cranes, and trucks, the operation of which could result in substantial temporary increases in ambient noise and vibration in the vicinity of the project. Demolition and site preparation phases are typically the loudest phases of construction due to the types of equipment used. There are sensitive receptors within 100 feet of the project site, which could be exposed to construction period noise. The ConnectMenlo Final EIR identified Mitigation Measures NOISE-1c (measures to reduce excessive construction-period noise levels) and NOISE-2a (pre-construction noise and vibration analysis) to ensure that construction-period noise and vibration are reduced to the extent feasible through implementation of standard reduction measures. Implementation of these measures would ensure that these impacts are reduced to a less-than-significant level with mitigation.

The noise environment at the project site is dominated by vehicle traffic noise on Independence Drive, Constitution Drive, Marsh Road, and US 101 northbound (NB) off-ramp. Based on the ambient noise monitoring presented in Table 4.5.B of the Draft EIR, noise levels at the project site are approximately 60 dBA CNEL. Based on the City's noise and land use compatibility standards, this noise level is considered conditionally acceptable for multi-family residential land uses. Such land use should only be permitted only after detailed analysis of the noise reduction features proposed to be incorporated in the building design. Consistent with the City's requirements and the requirements of Mitigation Measure NOISE-1a of the ConnectMenlo Final EIR, a detailed interior and exterior noise analysis was prepared as part of the Draft EIR. The interior noise analysis determined that in order to comply with the City's interior noise level requirement of 45 dBA CNEL, a minimum exterior to interior noise level reduction of 25 dBA CNEL would be required. Therefore, modifications to ensure that buildings would comply with the City's noise and land use compatibility standards and reduce interior noise impacts are required to be implemented as outlined in Mitigation Measure NOI-1. Implementation of Mitigation Measure NOI-1 would allow windows to remain closed in order to reduce interior noise levels by 25 dBA, which would meet the City's interior noise standard of 45 dBA CNEL. Further, since interior noise levels would meet City standards, the proposed project would meet the City's exterior land use compatibility standards. Therefore, the Final EIR found that implementation of Mitigation Measure NOI-1 would reduce operation-period noise to a less-than-significant level.

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: Construction activity is limited to the daytime hours between 8:00 a.m. to 6:00 p.m. on Monday through Friday, as prescribed in the City's municipal code.

- All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer.
- Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling is located as far as feasible from nearby noise-sensitive receptors.
- Limit unnecessary engine idling to the extent feasible.
- Limit the use of public address systems.
- Construction traffic shall be limited to the haul routes established by the City of Menlo Park.

ConnectMenlo Final EIR Mitigation Measure NOISE-2a: To prevent architectural damage citywide as a result of construction-generated vibration: 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.

To prevent vibration-induced annoyance as a result of construction-generated vibration:

- 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.

Vibration impacts to nearby receptors shall not exceed the vibration annoyance levels (in RMS inches/second) as follows:

- 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

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.

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:

- 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.
- 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.

Transportation

Potential impacts related to Transportation were evaluated in section 4.2 of the Draft EIR and found to be less than significant with mitigation. The Draft EIR determined that the proposed project would provide adequate bicycle and pedestrian infrastructure and would represent an overall improvement to bicycle and pedestrian circulation. Although the project adds vehicles and bicycles, in doing so, the Draft EIR determined that it would not substantially impact emergency vehicle response times. The proposed project would incorporate a publicly accessible paseo, in compliance with the City's adopted Zoning Map and would provide additional off-street bicycle and pedestrian connections within the vicinity of the project site. The proposed project would be constructed with appropriate permits and review from the City's Public Works Department, Planning, Building, and Menlo Park Fire Protection District for compliance with the applicable codes. Therefore, the Draft EIR determined that the proposed project would not substantially increase hazards due to a design feature or incompatible uses and would

not have a significant impact to emergency access or circulation and the impact would be less than significant.

The Draft EIR found that impacts related to the Vehicle Miles Traveled (VMT) associated with the proposed project's office component would be potentially significant. To mitigate this potential impact to a less than significant level, the Final EIR requires the following mitigation measure:

1. Project Mitigation Measure TRA-1

Findings:

The City finds that the above mitigation measure is feasible, will reduce the impacts of the Project to less-than-significant levels, and that it has been adopted by the City. Before approving the proposed Project, the City reviewed the proposal to confirm it complies with the mitigation measures' requirements. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

The estimated VMT does not factor in the TDM plan requirement of the Zoning Ordinance, which requires the applicant to create a program to reduce vehicle trips by at least 20 percent from typical project land uses. Without any TDM measures the proposed project would result in a substantial increase in VMT above the City's adopted threshold and would result in a potentially significant impact. The Draft EIR determined that the proposed TDM program (provided by the applicant) for the project could reduce VMT generated by the proposed residential use by up to 30 percent, which would exceed the City's trip reduction requirement of 20 percent. However, since the effectiveness of the TDM plan at 30 percent for the residential use cannot be reliably predicted, the project would be required to comply with the minimum required trip reduction of 20 percent for both residential and office uses through the implementation of the proposed project and this would be an adequate amount to reduce VMT impacts associated with the residential use to less than significant.

For the proposed office use, only a 6.63 percent reduction would be achieved with implementation of the TDM plan. Additional measures would be required as outlined in Mitigation Measure TRA-1 to reduce the office use VMT. Together with the proposed TDM plan, such measures would need to achieve a minimum of 22.4 percent further reduction in VMT, for a total reduction in VMT greater than 29 percent. As outlined in Mitigation Measure TRA-1, these additional measures could include, but are not limited to, charging employees for parking, subsidized or discounted transit, and employee telecommuting and alternative work schedules.

The Draft EIR estimated that the proposed project TDM plan would have to reduce residential trips by 16.8 percent to reduce the project impact below the 13.7 City VMT per capita threshold, and the proposed TDM plan plus implementation of Mitigation Measure TRA-1 would have to reduce office trips by 22.6 percent to reduce the project impact below the 12.7 City VMT per employee threshold. Implementation of the TDM plan and additional measures outlined in Mitigation Measure TRA-1 would achieve these reductions. Therefore, the Draft EIR determined that the project would have a less than significant impact after accounting for the required TDM program and Mitigation Measure TRA-1 and would not exceed the applicable VMT threshold.

In terms of cumulative transportation impact, the OPR's Technical Advisory on Evaluating Transportation impacts for CEQA outlines that "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." A project that falls below an efficiency-based threshold that is aligned with the long-term environmental goals and relevant plans, would have no cumulative impact distinct from the project impact. Since the proposed project VMT does not exceed the threshold of significance when TDM measures are implemented, the proposed project would not have cumulative impacts with respect to VMT. Since the project is being developed consistent with the General Plan for this area and is required to implement Zoning Ordinance requirements and comply with other applicable City codes, guidelines, and policies; the proposed project combined with cumulative projects would have a less than significant impact with respect to design features and incompatible uses, and emergency access.

Mitigation Measure TRA-1: In addition to the proposed TDM Plan, the project sponsor shall implement additional measures to reduce VMT generated by the proposed office use by an additional 22.4 percent to achieve a total reduction in VMT. Potential measures to include in the TDM plan include, but are not limited to:

- Charge employees for parking or provide parking cash-out program
- Provide car-sharing, bike-sharing, or ride-sharing program
- Provide transit passes or subsidies
- Subsidize people who walk or bike to work
- Implement an alternate hours or compressed workweek program
- Provide telework options

The project sponsor shall select appropriate measures to incorporate into the proposed TDM plan and shall retain a transportation consultant to monitor and report effectiveness of the measures on an annual basis. The monitoring plan and annual reporting is subject to the City's review and approval.

Tribal Cultural Resources

Potential impacts on tribal cultural resources were analyzed in section 3.18 of the Initial Study. The City did not receive any requests for consultation from Native American tribes that are traditionally affiliated with the project site. It was determined that the project could result in significant impacts due to project construction, which could result in disturbance of unidentified subsurface materials that have the potential to contain unrecorded Native American prehistoric archeological sites. To mitigate these potential impacts to a less than significant level, the Initial Study requires the following mitigation measures:

1. ConnectMenlo Final EIR Mitigation Measure CULT-2a
2. ConnectMenlo Final EIR Mitigation Measure CULT-4

Findings:

The City finds that the above mitigation measures are feasible, will reduce the impacts of the Project to less-than-significant levels, and that they have been adopted by the City. Before approving the proposed Project, the City reviewed the proposal to confirm it complies with the mitigation measures' requirements. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid significant effects on the environment identified in the Final EIR.

Facts and Explanation in Support of Finding:

Due to the highly disturbed nature of the site, it is unlikely that Native American prehistoric archeological sites exist on the site; however, the potential to encounter such resources during project ground-disturbing activities cannot be discounted. If deposits of prehistoric or historic archaeological materials are encountered during project activities, Mitigation Measure CULT-2a requires the construction contractor to stop work within 100 feet of the find and requires the project applicant to retain a qualified archaeologist to assess the deposit finds and make recommendations. If deposits cannot be avoided, further measures for recovery and documentation are required. Implementation of this measure would avoid destroying a unique prehistoric or historic archaeological resource or site and would reduce the impact to a less-than-significant level. Mitigation Measure CULT-4 requires the project applicant to contact the San Mateo County Coroner immediately upon discovery of human remains, and an archaeologist contacted to assess the situation and consult with appropriate agencies. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission. Implementation of this measure would avoid potential adverse effects to human remains and tribal cultural resources. Therefore, with implementation of Mitigation Measures CULT-2a and CULT-4 from the ConnectMenlo Final EIR, impacts to tribal cultural resources would be less than significant with mitigation.

Connect Menlo 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 archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.

Connect Menlo 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. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Findings Regarding Alternatives to the Project

1. Alternatives Considered and Rejected During the Scoping/Project Planning Process.

During the Notice of Preparation comment period, the City received verbal and written suggestions for the identification and evaluation of alternatives to the proposed project. The following provides a description of various potential alternatives that were identified

and considered, and the reasons why they were ultimately not selected for further evaluation in this EIR.

- **Off-Site Locations.** Although relocation of the proposed project to an area with low VMT could avoid the VMT impact of the project, an alternative location was not considered for analysis because the project sponsor does not own or would not feasibly otherwise be able to gain control of a suitable vacant site within the city. In addition, major objectives of the project include the development of housing within close proximity to a jobs center. An alternative location located outside of the Bayfront Area would fail to meet this and several objectives of the project and would not further the goals of the City's General Plan and Zoning Ordinance.
- **Additional Reduction in Residential Development.** The Base Level alternative discussed above addresses a potential reduced development scenario of approximately 70 percent fewer residential units but at the maximum base residential density permitted within the R-MU-B zoning district. Additional reductions in the total number of units on the site would not result in a substantial additional reduction or avoidance of any additional impacts of the project as most project impacts are location-based (i.e., located adjacent to a high-volume roadway). Because the project site is located within a high-VMT area, any increase in development compared to existing conditions that is not also coupled with improvements to transit infrastructure within the area would likely result in an increase in VMT. In addition, the project site is located in a high VMT area partially because of the existing lack of housing to balance out the number of employment center uses. Furthermore, an additional reduction in residential development would fail to further the goals of the City's General Plan and Zoning Ordinance to promote high density housing to complement nearby employment.
- **All Affordable Housing or Senior Housing.** An alternative was considered that would result in the same development pattern as proposed by the project but all residential units would be affordable to low-income residents rather than a mix of affordable and market-rate units. Affordable units sometimes correlate to lower rates of vehicle ownership; thereby potentially reducing VMT. However, this cannot be guaranteed and lower rates of vehicle ownership were not assumed for the proposed project's BMR units. While the developer could choose to provide a 100 percent affordable housing project on the site, such an alternative would not reduce or avoid any impacts of the project as identified in this EIR. In addition, the site is not designated as an affordable housing site in any adopted planning or policy document.

Similarly, an age-restricted senior housing development, where data supports that residents typically have a lower rate of vehicle ownership, would not be an appropriate use in this location as the site is not located in a transit-rich area. Furthermore, the site is located within a jobs-rich area and residential development in this location is anticipated to reduce the jobs/housing imbalance by locating more residents within proximity to existing professional service and office jobs.

- No Net VMT Increase/No Net GHG Increase. An alternative that would result in no net increase in VMT or GHG emissions would likely not be feasible without development and implementation of programs that would increase the availability of alternative modes of transit within the Bayfront Area as a whole. Such improvements cannot be developed and implemented by individual project sponsors. A no net VMT increase could also be achieved by either replacing the existing use with a similar use (i.e., approximately 24,000 square feet of office use) or by limiting the residential units included in a new project to be equal to the VMT generated by the existing use, which is estimated to be approximately 35 residential units. As discussed in the bullet above regarding an additional reduction in residential development, the potentially significant impacts associated with the proposed project are location-based, and would not be reduced to less-than-significant levels by reducing the amount of development.

A no net VMT or GHG increase could also be achieved through participation in a cap-and-trade program, where the project sponsor would purchase credits to offset VMT and GHG produced by the project. However, a cap-and-trade program for VMT does not currently exist, and therefore VMT reduction on the site would be limited by the factors listed above.

The State of California launched a GHG cap-and-trade program in January 2013 where individual projects can purchase GHG credits to offset their own production. As described in Chapter 4.4, Greenhouse Gas Emissions, of this EIR, the proposed project would generate approximately 433.6 metric tons of CO₂e in the year 2030. Therefore, to offset GHG emissions associated with project operations for the life of the project (30 years), the project sponsor would be required to purchase approximately 13,008 tons in carbon credits. While the developer could choose to purchase these carbon credits, such an alternative would not reduce or avoid any impacts of the project as identified in this EIR, as impacts related to GHG emissions are already less than significant.

Findings:

The Planning Commission hereby finds and rejects the above alternatives, as undesirable for the reasons described above and because specific economic, legal, social, technological or other considerations, including consistency with the Applicant's project objections, make each alternative infeasible. Further, some of the rejected objections would not have been consistent with specific General Plan goals, policies, or programs for which the proposed project would be consistent. The City finds that any of these grounds are independently sufficient to support rejection of this specific alternative.

2. Alternatives Selected for Analysis.

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the proposed project but would avoid or substantially lessen any of

the significant effects of the proposed project and evaluate the comparative merits of the alternatives.” The EIR identified and considered the following reasonable range of feasible alternatives to the proposed Project that would be capable, to varying degrees, of reducing identified impacts:

1) No Project alternative, 2) Base Level alternative, 3) All Residential alternative; and 4) Reduced Parking alternative.

These alternatives were evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as consideration of their ability to meet most of the basic objectives of the proposed project.

No Project alternative:

Under the No Project alternative, the project site would continue to be occupied by the existing single-story office building totaling approximately 24,311 square feet with 40 designated surface parking spaces. No modifications to existing site access or infrastructure would occur. The No Project alternative would avoid all of the less than significant impacts of the proposed project. Compared to the other alternatives selected for analysis, the No Project alternative would have the fewest impacts and would be the environmentally superior alternative. Under CEQA, if the No Project alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). While the No Project alternative would be environmentally superior in the technical sense in that contribution to the aforementioned impacts would not occur, it would also fail to achieve any of the project’s objectives. The No Project alternative would not provide affordable or market rate housing in the area, would not contribute to building electrification within the City, would not develop a high quality-aesthetic project, and would not provide any community amenities. Furthermore, the No Project alternative would not further any of the objectives of the Land Use Element for properties with the Mixed Use Residential designation to promote live/work/play environments oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs, or achieve the purpose and intent of the R-MU zoning district to provide high density housing to complement nearby employment and encourage mixed use development.

Findings:

The Planning Commission hereby finds and rejects the No Project Alternative, as undesirable as it fails to satisfy the proposed Project’s underlying purpose and to meet most Project objectives, and because specific economic, legal, social, technological or other considerations, including considerations for the provision of affordable and market rate housing and employment opportunities for highly trained workers, make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Base Level alternative:

Under the Base Level alternative, the proposed project would be developed at the base level of development allowed under the R-MU-B zoning district, which is 30 units per acre. The approximately 1.38-acre project site would be redeveloped with approximately 47 residential units (15 percent of the base level 41 units permitted by the Zoning Ordinance or 6 units would be affordable), and up to 9,011 square feet of nonresidential space. The additional 6 units above the base level 41 units would be permitted by utilizing the density bonus provision in the City's BMR Housing Program, which allows one additional market rate unit for each below market rate unit. The maximum building height would be 40 feet with a maximum gross floor area of approximately 54,102 square feet. The proposed building would include a ground floor parking garage with a total of 65 vehicle parking spaces and similar site access and infrastructure improvements as those identified for the proposed project. The total square footage of open space would be reduced compared to the proposed project and would comply with City requirements.

The Base Level alternative would achieve most of the project objectives, although to a lesser extent than the proposed project. In particular, objectives related to building electrification and a high-quality aesthetic project, although the objective related to providing affordable and market rate housing would not be achieved to the same extent as the proposed project as the site would only be developed at the base level density, and not the bonus level. The Base Level alternative would not meet the goal of providing community amenities within the Bayfront area. The Base Level alternative would require implementation of the same mitigation measures as those required for the proposed project, although construction-related impacts would be reduced given that construction duration and activities on the site would be reduced with the smaller buildings, as compared to the proposed project.

Findings:

The Planning Commission hereby finds and rejects the Base Level alternative, as undesirable, because, although it would meet most project objectives, these objectives would not be met to the same extent as the proposed project, and because specific economic, legal, social, technological or other considerations, make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

All Residential alternative:

Under the All Residential alternative, the proposed project would be developed at the maximum level of residential development under the R-MU-B zoning district, but would not include any nonresidential space. The approximately 1.38-acre project site would be redeveloped with approximately 159 residential units (15 percent of the base level 138 units permitted by the Zoning Ordinance or 21 would be affordable). The additional 20 units would be permitted by utilizing the density bonus provision in the City's BMR Housing Program, which allows one additional market rate unit for each below market

rate unit. The maximum building height would be 70 feet with a maximum gross floor area of approximately 135,250 square feet. The proposed building would include a parking garage similar to the proposed project that would provide a total of 159 parking spaces and similar site access and infrastructure improvements as those identified for the proposed project. The total square footage of open space would be similar to the proposed project, while the residential amenity (i.e., private open space, leasing office, fitness center, etc.) space would be increased compared to the proposed project.

The All Residential alternative would achieve most of the project objectives to a similar degree as the proposed project. This alternative would provide affordable and market rate housing, contribute to building electrification within the city, and construct a high-quality-aesthetic project. Like the project, the All Residential alternative would not provide on-site community amenities; however both the project and the All Residential Alternative would be required to pay, an equivalent in-lieu fee would be required to fund community amenities in the Belle Haven neighborhood, and therefore it would satisfy this objective at an equivalent level as the project. The All Residential alternative would require implementation of most of the mitigation measures as those required for the proposed project, but would not require the implementation of Mitigation Measure TRA-1.

Findings:

The Planning Commission hereby finds and rejects the All Residential alternative, as undesirable, because, although it would meet the project objective to provide residential, commercial, and office uses on the site, these objectives would not be met to the same extent as the proposed project, and because specific economic, legal, social, technological or other considerations, make the alternative inconsistent with the project objectives and therefore infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Reduced Parking alternative:

Under the Reduced Parking alternative, the amount of residential and non-residential included in the proposed project would not change, but the amount of parking provided would be reduced by 9 spaces. The building would have similar site access and infrastructure improvements as those identified for the proposed project, and the total square footage of open space would remain the same.

The Reduced Parking alternative would achieve all of the project objectives to a similar degree as the proposed project. This alternative would provide more affordable and market rate housing, contribute to building electrification within the city, construct a high-quality-aesthetic project, and provide communities amenities. The Reduced Parking alternative would require implementation of the same mitigation measures as those required for the proposed project.

Findings:

The Planning Commission hereby finds and rejects the Reduced Parking alternative, as undesirable as, although it would meet the project objectives, specific economic, legal, social, technological or other considerations, make the alternative infeasible as the project would not comply with the City's parking requirements pursuant to the applicable Zoning Ordinance. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

D. Mitigation Monitoring and Reporting Program (MMRP)

Based on the entire record before the Planning Commission and having considered the impacts of the proposed Project, the Planning Commission hereby determines that all feasible mitigation measures identified in the EIR within the responsibility and jurisdiction of the City have been adopted to reduce or avoid the significant impacts identified in the EIR. As noted in Planning Commission Resolution _____, all feasible mitigation measures identified in the Final EIR will also be incorporated as conditions of approval for the project.

The City further finds that no additional feasible mitigation measures are available to further reduce significant impacts. The feasible mitigation measures are discussed in these Findings, above, and are set forth in the Mitigation Monitoring and Reporting Program.

Section 21081.6 of the Public Resources Code requires the Planning Commission to adopt a monitoring or compliance program regarding the changes in the proposed Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program for the Project. The Planning Commission finds that this Mitigation Monitoring and Reporting fulfills the CEQA mitigation monitoring requirements because:

- The Mitigation Monitoring and Reporting Program is designed to ensure compliance with the changes in the proposed Project and mitigation measures imposed on the proposed Project during Project implementation; and
- Measures to mitigate or avoid significant effects on the environment will be fully enforceable through conditions of approval, permit conditions, agreements or other measures.

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Environmental Impact Report (EIR) prepared for the Menlo Flats Project (project) submitted by Menlo Park Flats 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 sponsor	Prior to issuance of a building permit and throughout the construction period	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 2 emissions standards or equivalent equipped with Level 3 diesel particulate filters.</p>	Project sponsor	Prior to issuance of a building permit and throughout the construction period	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 sponsor	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 sponsor	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 sponsor	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: _____
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</p>	Project sponsor	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-1c (continued): enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during on-going grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:</p> <ul style="list-style-type: none"> Construction activity is limited to the daytime hours between 8:00 a.m. to 6:00 p.m. on Monday through Friday, as prescribed in the City's municipal code. All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer. Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses. Stockpiling is located as far as feasible from nearby noise-sensitive receptors. Limit unnecessary engine idling to the extent feasible. Limit the use of public address systems. Construction traffic shall be limited to the haul routes established by the City of Menlo Park. 						

<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. <p>Vibration impacts to nearby receptors shall not exceed the vibration annoyance levels (in RMS inches/second) as follows:</p> <ul style="list-style-type: none"> Workshop = 0.126 Office = 0.063 Residential Daytime (7:00 AM – 10:00 PM) = 0.032 Residential Nighttime (10:00 PM – 7:00 AM) = 0.016 	<p>Project sponsor</p>	<p>Prior to issuance of construction permits</p>	<p>City of Menlo Park Planning Division</p>	<p>Plan review and approval</p>	<p>During construction</p>	<p>Initials: _____ Date: _____</p>
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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
<p>ConnectMenlo Final EIR Mitigation Measure NOISE-2a (continued): 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>						
<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. • All vent ducts connecting interior spaces to the exterior (ie. Bathroom exhaust, etc) shall have at least two 90 degree turns in the duct. 	Project sponsor	Prior to issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	Prior to approval	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
TRANSPORTATION						
<p>Project Mitigation Measure TRA-1: In addition to the proposed TDM Plan, the project sponsor shall implement additional measures to reduce VMT generated by the proposed office use by an additional 15.4 percent to achieve a total 22.6 percent reduction in VMT. Potential measures to include in the TDM plan include, but are not limited to:</p> <ul style="list-style-type: none"> Charge employees for parking or provide parking cash-out program Provide car-sharing, bike-sharing, or ride-sharing program Provide transit passes or subsidies Subsidize people who walk or bike to work Implement an alternate hours or compressed workweek program Provide telework options <p>The project sponsor shall select appropriate measures to incorporate into the proposed TDM plan and shall retain a transportation consultant to monitor and report effectiveness of the measures on an annual basis. The monitoring plan and annual reporting is subject to the City's review and approval.</p>	Project sponsor and sponsor's transportation consultant	The TDM plan shall be in place prior to issuance of a certificate of occupancy	City of Menlo Park Public Works Department	Reporting to occur on an annual basis	Annually	Initials: _____ Dates: _____

Source: LSA (2021).

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March 28, 2022

PLANNING COMMISSION RESOLUTION NO. 2022-__

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING THE USE PERMIT, ARCHITECTURAL CONTROL, BELOW MARKET RATE HOUSING AGREEMENT, OPEN SPACE AGREEMENT, AND APPROVAL OF THE COMMUNITY AMENITIES PROPOSAL FOR THE PROPOSED MENLO FLATS PROJECT CONSISTING OF 158 MULTI-FAMILY DWELLINGS, AN APPROXIMATELY 13,400 SQUARE FOOT OF OFFICE SPACE, AND AN APPROXIMATELY 1,600 SQUARE FOOT OF COMMERCIAL SPACE AT 165 JEFFERSON DRIVE (APN 055-242-090).

WHEREAS, the City of Menlo Park (“City”) received an application requesting environmental review, use permit, architectural control, below market rate (BMR) housing agreement, and heritage tree removal permits from Greystar (“Applicant”), to redevelop the property located at 165 Jefferson Drive (APN 055-242-090) (“Property”), with a bonus level development project consisting of up to 158 multifamily rental units, approximately 13,400 square feet of office space, and approximately 1,600 square feet of ground floor commercial retail space, which development is more particularly described in the Initial Study to the Project which was prepared pursuant to the California Environmental Quality Act (hereinafter the “**Project**”). The Project is depicted in and subject to the development plans which are attached hereto as Exhibit A (“Hyperlink Project Plans including colors and materials board”) and incorporated herein by this reference; and

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

WHEREAS, the bonus level provisions identified in the City’s Zoning Ordinance allow a development to seek an increase in floor area ratio (FAR), density (dwelling units per acre), and/or height subject to approval of a use permit and the provision of community amenities equal to a minimum of 50 percent of the fair market value of the increased development potential and the applicant has submitted a community amenities proposal in compliance with the required minimum value; and

WHEREAS, pursuant to the City’s Below Market Rate (BMR) Housing Program (Chapter 16.96.040), the applicant would provide 21 inclusionary units of the 138

maximum units allowed by the Zoning Ordinance. The Project would provide an additional 20 market-rate units pursuant to the density bonus provisions in the BMR Housing Program, resulting in the total number of units included in the Project to 158 rental units; and

WHEREAS, the proposed Project would be developed with an increase in FAR, density, and height pursuant to City's bonus level development allowances; and

WHEREAS, pursuant to City's General Plan goals and policies, the proposed Project is required to provide a minimum 10 foot wide publically accessible paseo connecting Jefferson Drive and Constitution Drive; and

WHEREAS, the proposed Project complies with all applicable objective standards of the City's Zoning Ordinance, including design standards, green and sustainable building standards, and is consistent with the City's General Plan goals, policies, and programs; and

WHEREAS, as allowed by the City's BMR Ordinance, the proposed Project requests waivers to increase the average building height from 62.5 feet to 66 feet and three inches and reduce the required parking by 20 vehicular spaces. These waivers would be necessary to accommodate the 20 additional bonus units allowed by the City's BMR Ordinance to facilitate accommodating the increase density, FAR, and open space; and

WHEREAS, Section 16.45.070 of the City of Menlo Park Municipal Code requires that bonus level projects that are developed at a greater level of intensity with an increase in density, FAR, and/or height shall provide one or more community amenities to address the needs that result from the effect of the increased development. The value of the community amenities to be provided shall be equal to 50 percent of the fair market value of the additional gross floor area of the bonus level development; and

WHEREAS, pursuant to the requirements of Section 16.45.070 of the City of Menlo Park Municipal Code, the City commissioned Fabbro Moore & Associates, Inc. to perform an independent appraisal to determine the value of the Project's community amenities contribution. The appraisal determined the project's community amenities obligation would amount to \$4,400,000. The Community Development Director determined that the appraisal was created pursuant to the City's guidelines and approved the appraisal; and

WHEREAS, on July 28, 2021, the applicant submitted the community amenities proposal that provides a one time in-lieu fee to the City of approximately \$4,840,000 (including the required administrative fees); and

WHEREAS, the City evaluated the community amenities proposal and determined that the value of the proposal, at \$4,840,000 (inclusive of the administrative fee for the in-lieu payment) is consistent with the Zoning Ordinance; and

WHEREAS, providing the in-lieu fee would allow the City to develop community amenities that reflects the community's priority of benefits within the Bayfront area through the community outreach and engagement process; and

WHEREAS, for these reasons, staff recommends that the Planning Commission approves the payment of in-lieu fee; and

WHEREAS, pursuant to the requirements Section 16.45.060 of the City of Menlo Park Municipal Code, the applicant submitted a Below Market Rate (BMR) proposal that would provide 21 inclusionary housing units (15 percent of the 138 units allowed per R-MU zoning district with a mix of very-low, low, and moderate income limits (15 studio units and 6 four-bedroom units)); and

WHEREAS, at a duly noticed public meeting on February 2, 2022, the Housing Commission considered the applicant's BMR proposal and draft BMR Housing Agreement Term Sheet, inclusive of the 21 inclusionary BMR units, and forwarded a recommendation of approval to the Planning Commission of the proposed BMR Term Sheet showing mixed income and unit sizes/types that would be equivalent to an all low-income BMR scenario; and

WHEREAS, the Proposed Project includes the removal of two heritage-size trees that have been evaluated by the City Arborist and on February 9, 2022, and the City Arborist conditionally approved the heritage tree removal permit. The conditional action would be posted on the site and mailed notices would be sent out stating the action following the Planning Commission review and action on the architectural control and use permit requests; and

WHEREAS, the proposed project would include minimum of four heritage tree replacements, per the required 2:1 replacement ratio of the Heritage Tree Ordinance in effect at the time of submittal of a complete application under the provisions of SB330; and

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

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

WHEREAS, the Project would be developed at the bonus level allowances of the Zoning Ordinance, and therefore, is subject to the settlement agreement between the City of Menlo Park and City of East Palo Alto ("Settlement Agreement"), which requires project-specific environmental impact reports ("EIRs") for certain future projects. Pursuant

to the Settlement Agreement, the project-specific EIR may tier from the certified program level ConnectMenlo Final EIR (“ConnectMenlo EIR”) which was certified by the City Council on November 29, 2016, as part of an update to the Land Use and Circulation Elements of the General Plan and related zoning changes, commonly referred to as ConnectMenlo, and the project-level EIR shall include a project specific transportation impact analysis. The City shall also prepare a housing needs assessment (“HNA”) to inform the population and housing topic area of the project-level EIR; and

WHEREAS, the City released a Notice of Preparation (“NOP”) and Initial Study for the Project on November 16, 2020 for a 30-day public review period ending on December 21, 2020. The City held a public EIR scoping meeting on December 7, 2020 before the City Planning Commission to receive comments on the NOP prior to the close of the public review period. Comments received by the City on the NOP and at the public EIR scoping meeting were considered during preparation of the Draft EIR. The initial study disclosed relevant impacts and mitigation measures already covered in the program-level ConnectMenlo EIR; and

WHEREAS, on December 7, 2020, concurrently with the public NOP scoping meeting, the Planning Commission conducted a study session to review and provide comments on the Project’s conceptual design; and

WHEREAS, pursuant to the requirements of the Settlement Agreement and CEQA, the City prepared, or caused to be prepared, a project level EIR and conducted a HNA for the Project; and

WHEREAS, the Draft EIR was released on October 25, 2021, for a 45-day review period that ended on December 9, 2021. The public review period included one duly noticed public meeting on November 15, 2021, to received oral and written comments on the Draft EIR; and

WHEREAS, On November 15, 2021, as part of the duly noticed public hearing to review the Draft EIR, the Planning Commission also conducted a study session and provided an opportunity for members of the public to provide comments on the proposed project design, BMR proposal, and community amenities proposal; and

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research and copies of the Draft EIR were made available at the Community Development Department, on the City’s website and at the Menlo Park Library; and

WHEREAS, on March 18, 2022, the City published a Response to Comments Document that contains all of the comments received during the public comment period, including a transcript of the public hearing, and written responses to those comments, and any text changes to the Draft EIR, prepared in accordance with CEQA and the CEQA Guidelines. The Draft EIR and Response to Comments Document constitute the Final EIR, a copy of which is available by the following the internet link included in Exhibit B; and

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

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on March 28, 2022 at which all persons interested had the opportunity to appear and comment; and

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

WHEREAS, on March 28, 2022, the Planning Commission fully reviewed, considered, evaluated the whole of the record including all public and written comments, pertinent information, document and plans, and certified the Final EIR for the Project adopted findings of fact in accordance with the CEQA, and adopted a Mitigation Monitoring and Reporting Program prior to taking action to approve the use permit, architectural control, BMR Housing agreement, Open Space agreement, and community amenities proposal for the Menlo Flats project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

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

1. That the consideration and due regard to the nature and condition of all uses and structures, and to general and specific plans for the area in question and surrounding areas, and impact of the application hereon; in that, the proposed project Final Environmental Impact Report determined that the proposed project with mitigation incorporated would cause less than significant impacts on the environment or less than significant impacts on the environment with mitigation incorporated. The proposed project is designed in a manner consistent with the goals, policies, and objectives of ConnectMenlo and applicable Zoning Ordinance requirements. Specifically, the proposed project would be an infill project that would be compatible with the surrounding uses. The building would redevelop the project site currently occupied with an older office building and located new residential and office uses on an underutilized property and the redevelopment would be undertaken at the bonus level of development in exchange for funding for community amenities. The proposed Project includes on-site open space, parking, and the proposed building adheres to the design standards set forth by the Zoning Ordinance and therefore, the project would be consistent with ConnectMenlo. Compliance

with the Zoning Ordinance and consistency with ConnectMenlo would ensure that the project would not be detrimental to the health, safety, and welfare of the surrounding community. The project is subject to mitigation measures and conditions of approval that ensure that all existing adjoining structures are appropriately protected during and after construction and the heritage tree removals would be replaced at a 2:1 ratio on the site, in compliance with the Heritage Tree Ordinance in effect at the time of the submittal of a complete SB330 development application. Moreover, the proposed project is designed with appropriate ingress and egress and sufficient on-site bicycle and vehicular parking; and therefore, will not have a detrimental impact on the surrounding areas.

2. That whether or not the establishment, maintenance, or the use applied for will, under the circumstance of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city; in that, the proposed project is designed as a mixed-use project with multi-family residential units on the upper floors and office and commercial uses on the ground floor, which are permitted uses pursuant to Chapter 16.45.020 of the City of Menlo Park Municipal Code. The proposed project is designed to meet all the applicable codes and ordinances of the City of Menlo Park Municipal Code and staff believes the proposed project would not be detrimental to the health, safety, and welfare of the surrounding community due to the architectural design of the building and the compliance with the Zoning Ordinance design standards and the architectural review process. The proposed project is consistent with the goals and policies established by the Connect/Menlo General Plan and would result in a project that embodies the live/work/play vision of ConnectMenlo and the R-MU zoning district. Specifically, the proposed project would be a mixed-use building designed to be compatible with surrounding uses, and the mixed-use building design addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transportation and use of potentially hazardous materials. The proposed project is designed with sufficient off-site vehicular and bicycle parking, as well as public, common, and private open spaces. The eastern paseo has been found to meet the requirements of publically accessible open space and paseos outlined in the Zoning Ordinance and provides pedestrian access across the site connecting to another residential project and finally two public rights-of-way. The project includes 21 inclusionary rental housing units and on-site amenities to serve the future residents of the project. The proposed project is designed with plaza fronting the main thoroughfare to further the goals and policies of the land use, circulation, and open space design provision within project sites. The project is designed with appropriate ingress and egress and off-site improvements such as landscaping, street lighting, sidewalks, and green infrastructure. The project-level Final Environmental Impact Report

determined that the project would have less than significant impacts on the environment after implementation of mitigation measures. Further the Initial Study prepared for the project found that project would result in less than significant impacts on the environment after implementation of mitigation measures from the program-level EIR prepared for the ConnectMenlo General Plan Update. Therefore, the proposed project would not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood.

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

1. That the general appearance of the structures is in keeping with character of the neighborhood; in that, the proposed project is designed in a contemporary architectural style incorporating both solid elements and glass storefronts along the majority of the primary street façades. The materials and forms of the proposed buildings would provide modulations and articulations along the façades of the buildings. The materials and modulations would comply with the City’s Zoning Ordinance design standards and would provide visually interesting building facades on both the office and the apartment buildings. The facades would predominantly consist of fiber cement board, stucco, and aluminum siding accent. The proposed windows would consist of a combination of dark and light vinyl finish. The project incorporates complementary colors, and the stucco would comply with the Zoning Ordinance design standards. The Project would comply with the base height, building projections, and major and minor modulations along with ground floor transparency, entrances, and garage entrance requirements. Compliance with the Zoning Ordinance would further the goals and policies of ConnectMenlo for mixed-use design and compatible buildings with surrounding land uses.
2. That the development will not be detrimental to the harmonious and orderly growth of the city; in that, the project is a mixed-use building with multi-family rental apartment units, approximately 13,400 square foot office space, and approximately 1,600 square feet of commercial retail space on the ground floor. The project’s design is generally consistent with all applicable requirements of the City of Menlo Park Municipal Code. The proposed project does not include any modifications to the design standards of the R-MU zoning district to modify the design standards. The proposed Project is consistent with the new development and population growth envisioned by ConnectMenlo. Moreover, the proposed Project is designed in a manner that is consistent with the existing and future development in the area. The Project is designed with appropriate ingress and egress and appropriate number of

vehicular and bicycle parking on site to serve the residents and commercial space. The project would provide a publically accessible public paseo that connects to the residential development behind the project site and would also provide a pedestrian and bicycle connection across the connecting two public rights-of-way consistent with the land use and circulation element goals and policies of ConnectMenlo. Therefore, the project will not be detrimental to the harmonious and orderly growth of the city.

3. That the development will not impair the desirability of investment or occupation in the neighborhood; in that, the proposed project consists of a mixed-use building with 158 apartment units, approximately 13,400 square feet of office use, and approximately 1,600 square feet of commercial retail on the ground floor, which are uses that are consistent with the applicable standards of the Zoning Ordinance for the project site. The proposed project is designed in a manner consistent with all applicable codes and ordinances, as well as the ConnectMenlo goals and policies. The proposed Project contributes to the available affordable housing in the area and provides community amenities to serve the adjoining neighborhood and businesses. The proposed Project would redevelop and underutilized site. The proposed Project contributes towards providing residential apartment units in the area and provides affordable housing adding to the availability and variety of housing stock to households with various needs at different income levels. The proposed project would provide publicly accessible pedestrian and bicycle connectivity within the vicinity of the project site as well as additional ground level open space to enhance the pedestrian experience in the area. Therefore, the proposed project would not impair the desirability of investment or occupation in the neighborhood.
4. That the development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking; in that, the proposed project provides a total of 177 vehicular parking spaces, where a minimum number of 197 and maximum number of 288 parking spaces are required pursuant to the Zoning Ordinance requirements. However, pursuant to the provisions of the BMR Ordinance, the proposed project is requesting a waiver to reduce the required minimum parking by less than one space per unit requirement to accommodate the BMR bonus units. The project includes 138 residential parking space where a minimum of 158 spaces would be required by the Zoning Ordinance without the waiver request allowed by the BMR density bonus. The proposed project is required pursuant to the Zoning Ordinance to reduce vehicle trips from the site by 20 percent from the typical land uses within the site, through the implementation of a transportation demand management program. The on-site parking would be unbundled from the units and would likely reduce the parking demand of the project, per the requirements of the Zoning Ordinance. Moreover, the parking projected to be used by the office use would double as guest parking for the residential use. Lastly, consistent with the Zoning Ordinance requirements,

the project provides 238 long-term bicycle parking spaces, and 27 short-term bicycle parking spaces to serve all the uses on site. Therefore, the proposed development provides sufficient on-site parking for both vehicles and bicycles.

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

BE IT FURTHER RESOLVED that the Planning Commission of the City of Menlo Park (“City”) has read and considered that certain Below Market Rate Housing Agreement (“BMR Agreement”) between the City and Applicant that satisfies the requirements of Chapter 16.96 of the Menlo Park Municipal Code and City of Menlo Park Below Market Rate Housing Program Guidelines. The Planning Commission hereby resolves:

1. Pursuant to Chapter 16.96 of the City of Menlo Park Municipal Code and the City of Menlo Park Below Market Rate Housing Guidelines, public interest and convenience require that City to enter into the BMR Agreement described above and incorporated herein as Exhibit E.
2. Pursuant to Menlo Park Municipal Code Chapter 16.96, section 16.96.020(b), Applicant is required to provide no less than fifteen percent (15%) of the units at below market rates to very low, low and moderate-income households. (“For residential development projects of twenty (20) or more units, the developer shall provide not less than fifteen percent (15%) of the units at below market rates to very low-, low- and moderate-income households.” (MPMC § 16.96.020(b).) The proposed Project would provide 21 BMR units. Pursuant to the City of Menlo Park Below Market Rate Housing Program Guidelines, the applicant elected to provide 4 very low income rental units, 12 low income rental units, 5 moderate income rental units.
3. The Applicant’s proposed BMR alternatives are commensurate with the applicable requirements of Chapter 16.96 of the City of Menlo Park Municipal Code and the City of Menlo Park Below Market Rate Housing Program Guidelines because the total rent subsidy would be equivalent to an all low-income scenario.
4. The proposed BMR alternatives are consistent with the Goals of the City of Menlo Park Below Market Rate Housing Program Guidelines because the City’s current Housing Element (2015-2023) identified the need for 655 units to be produced affordable to very low-, low-, moderate-, and above moderate-income households. Further, the BMR Housing Program Guidelines allow for the provision of affordable units at extremely low, very low, low and/or

moderate income levels shall be roughly equivalent to the provision of all of the affordable units at the low income level.

5. Pursuant to MPMC section 16.96.020(c), on February 2, 2022, the Housing Commission considered Applicant's BMR proposal and associated BMR Agreement Term Sheet and forwarded a recommendation to the Planning Commission to approve the BMR Agreement pursuant to the BMR Agreement Term Sheet, with the scenario that includes a mix of income limits.
6. Based on the foregoing, The Planning Commission of the City of Menlo Park hereby approves the BMR Agreement and the City Manager is hereby authorized on behalf of the City to execute the BMR Agreement; any modifications to the BMR Agreement shall be approved by the City Attorney prior to execution of the BMR Agreement.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Menlo Park ("City") has read and considered the certain Open Space Agreement between the City and Applicant that satisfies the requirement that the Applicant comply with Chapter 16.45, Section 16.45.120(4)(A) of the City's Municipal Code. The Planning Commission hereby resolves:

1. Pursuant to Chapter 16.45, Section 16.45.120(4)(A) of the City's Municipal Code, public interest and convenience require the City to enter into the Open Space Agreement described above and incorporated herein as Exhibit F.
2. Pursuant to Menlo Park Municipal Code Chapter 16.45, Section 16.45.120(4)(A), Applicant is required to provide a publicly accessible paseo which is at the ground level and directly accessible from the public right-of-way containing furniture, art, landscaping, and lighting.
3. The proposed project contains a minimum 10-foot-wide public paseo along the eastern property line that provides a passive gathering space along with pedestrian and bicycle access directly from the public right-of-way in a manner that is consistent with the requirements of the applicable Zoning Ordinance standards.
4. Based on forgoing, the Planning Commission of the City of Menlo Park hereby approves the Open Space Agreement, and the City Manager is hereby authorized to on behalf of the City to execute the Open Space Agreement; any modifications to the Open Space Agreement shall be approved by the City Attorney prior to execution of the Open Space Agreement.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Menlo Park ("City") hereby approves the community amenities proposal, subject to conditions, attached hereto and incorporated herein by this reference as Exhibit G, for the Project. The Planning Commission hereby resolves:

1. Pursuant to Chapter 16.45, Section 16.45.070 of the City's Municipal Code and with Menlo Park City Council Resolution No. 6360 (the City Council adopted Community Amenities List), public interest and convenience requires that are developed at a greater level of intensity with an increase in density, FAR, and/or height shall provide one or more community amenities to address the needs that result from the effect of the increased development. The value of the community amenities to be provided shall be equal to 50 percent of the fair market value of the additional gross floor area of the bonus level development which as been determined to be \$4,400,000.
2. The City of Menlo Park hereby approves the applicant's community amenities proposal to pay an in-lieu fee of \$4,840,000 (including the required administrative fees).

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, _____, Clerk of the Planning Commission 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 28 day of March, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibits

- A. Hyperlink: Project Plans including materials and color board - <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-march-2022-project-plans-with-materials-and-color-board.pdf>
- B. Hyperlink: Menlo Flats Final EIR - <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-final-eir.pdf>
- C. Statement of Findings and Facts pursuant to CEQA (See Attachment A, Exhibit C)
- D. Mitigation Monitoring and Reporting Program (MMRP) (See Attachment A, Exhibit D)

- E. Below Market Rate Housing Agreement
- F. Open Space Agreement
- G. Conditions of Approval

Recording requested by, and when recorded return to:

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

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

Space Above this Line For Recorder's Use

**BELOW MARKET RATE RENTAL HOUSING AGREEMENT
 AND DECLARATION OF RESTRICTIVE COVENANTS
 (165 Jefferson Drive Project)**

This BELOW MARKET RATE RENTAL HOUSING AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS (“**Agreement**”) is entered into as of _____, 2022 (“**Effective Date**”), by and among the City of Menlo Park, a California municipal corporation (“**City**”), Menlo Park Flats Venture LLC, a limited liability company (“**Flats Venture**”), and David E. Bohannon Nonexempt Marital Trust (“**Bohannon**”) (collectively, Flats Venture and Bohannon shall be referred to as the “**Owner**”). City and Owner may be referred to individually as a “**Party**” or collectively as the “**Parties**” in this Agreement.

RECITALS

A. Bohannon is the fee owner of that certain real property located at 165 Jefferson Drive (APN 055-242-090) in the City of Menlo Park, California (“**Property**”), as more particularly described in Exhibit A attached hereto and incorporated herein by this reference. Bohannon and Flats Venture have entered into a ground lease whereby Flats Venture is leasing the Property from Bohannon to develop the Property.

B. Owner applied to demolish existing office and associated improvements and construct an approximately 326,816-gross-square-foot, seven-story multi-family apartment building with approximately 158 multi-family dwelling units, and an approximately 13,400-gross-square-foot commercial office building, and approximately 1,600-gross-square-foot ground floor commercial retail space, as well as associated open space, circulation and parking, and infrastructure improvements (“**Project**”).

C. Menlo Park Municipal Code Chapter 16.96, the Below Market Rate Housing Program (“**BMR Ordinance**”), and the Below Market Rate Housing Program Guidelines (“**Guidelines**”) require the Owner to provide fifteen percent (15%) of the total number of units in the Project as affordable to below market rate (“**BMR**”) households. To satisfy the requirements of the BMR Ordinance and Guidelines, Owner has proposed (the “**BMR Proposal**”) to provide twenty-one (21) BMR rental units to BMR households.

D. On February 2, 2022, after a duly noticed public hearing, the Housing Commission

recommended approval the BMR Proposal with the following units: four (4) units affordable to very low income households (“**Very Low Income Units**”), twelve (12) units affordable to low income households (“**Low Income Units**”), and five (5) units affordable to moderate income households (“**Moderate Income Units**”) (collectively, the “**BMR Units**”). The allocations of BMR Units across the unit-sizes in the Project is more particularly described on Exhibit B, attached hereto and incorporated herein by this reference.

E. On March 28, 2022, after a duly noticed public hearing, and on the recommendation of the Housing Commission, the Planning Commission certified the environmental impact report and granted architectural control, use permit, and BMR Housing Agreement approvals for the Project (“**Project Approvals**”). The Project Approvals require the Owner to provide the BMR Units in accordance the BMR Proposal. In accordance with the BMR Ordinance and Guidelines, Owner is required to execute and record an approved BMR Housing Agreement as a condition precedent to the issuance of a building permit for the Project. This Agreement is intended to satisfy that requirement.

NOW, THEREFORE, the Parties hereto agree as follows. The recitals are incorporated into this Agreement by this reference.

1. CONSTRUCTION OF THE IMPROVEMENTS.

1.1 Construction of the Project. Owner agrees to construct the Project in accordance with the Menlo Park Municipal Code and all other applicable state and local building codes, development standards, ordinances and zoning ordinances.

1.2 City and Other Governmental Permits. Before commencement of the Project, Owner shall secure or cause its contractor to secure any and all permits which may be required by the City or any other governmental agency affected by such construction, including without limitation building permits. Owner shall pay all necessary fees and timely submit to the City final drawings with final corrections to obtain such permits; City staff will, without incurring liability or expense therefore, process applications in the ordinary course of business for the issuance of building permits and certificates of occupancy for construction that meets the requirements of the Menlo Park Municipal Code, and all other applicable laws and regulations.

1.3 Compliance with Laws. Owner shall carry out the design, construction and operation of the Project in conformity with all applicable laws, including all applicable state labor standards, City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the Menlo Park Municipal Code, and **all** applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*

2. OPERATION OF THE BMR UNITS

2.1 BMR Units. Owner agrees to make available, restrict occupancy to, and lease not less than twenty-one (21) BMR Units, inclusive of four (4) Very Low Income Units, twelve (12) Low Income Units and five (5) Moderate Income Units, to Qualifying Households, as hereinafter

defined, at an affordable rent, pursuant to the terms set forth below. The BMR Units shall be of a quality comparable to all of the other units in the Project. The BMR Units shall be initially distributed as set forth in Exhibit C, attached hereto and incorporated herein by this reference. Thereafter, the location of the individual BMR Units may float to account for the next available unit requirement set forth below and as otherwise necessary for the professional maintenance and operation of the Project provided that the distribution of BMR Units are equitably disbursed throughout the Project and the City's Deputy Director of Community Development ("**Deputy Director**") shall be notified of any change or relocation of BMR Units by Owner.

2.2 Qualifying Households. For purposes of this Agreement, "**Qualifying Households**" shall mean those households with incomes as follows:

- a. **"Very Low Income Unit"**: means units restricted to households with incomes of not more than fifty percent (50%) of AMI. "AMI" means the median income for San Mateo County, California, adjusted for Actual Household Size, as published from time to time by the State of California Department of Housing and Community Development in Section 6932 of Title 25 of the California Code of Regulations or successor provision. Qualifying Households shall continue to qualify unless at the time of recertification, the household's income exceeds the Very Low Income eligibility requirements, then the tenant shall no longer be qualified. Upon Owner's determination that any such household is no longer qualified, the unit shall no longer be deemed a Very Low Income Unit, and Owner shall either (1) make the next available unit, which is comparable in terms of size, features and number of bedrooms, a Very Low Income Unit, or take other actions as may be necessary to ensure that the total required number of Very Low Income Units are rented to Qualifying Households, or (2) if the tenant's income does not exceed eighty percent (80%) of the maximum income that would qualify the tenant as a Low Income Household, the tenant shall be allowed to remain in the unit at a Low Income rent. If the tenant originally qualified as a Very Low Income Household, then the tenant's rent will be increased to a Low Income rent upon the later of sixty (60) days' notice or the renewal of the tenant's lease, and the Owner shall not be out of compliance with the requirement to maintain the specific number of Very Low Income Units as long as the Owner rents the next available Low Income Unit to a Very Low Income Household. Owner shall notify the City annually if Owner substitutes a different unit for one of the designated Very Low Income Units pursuant to this paragraph.
- b. **"Low Income Unit"**: means units restricted to households with incomes of not more than eighty percent (80%) of AMI. "AMI" means the median income for San Mateo County, California, adjusted for Actual Household Size, as published from time to time by the State of California Department of Housing and Community Development in Section 6932 of Title 25 of the California Code of Regulations or successor provision. Qualifying Households shall continue to qualify unless at the time of recertification,

the household's income exceeds the Low Income eligibility requirements, then the tenant shall no longer be qualified. Upon Owner's determination that any such household is no longer qualified, the unit shall no longer be deemed a Low Income Unit, and the Owner shall either (1) make the next available unit, which is comparable in terms of size, features and number of bedrooms, a Low Income Unit, or take other actions as may be necessary to ensure that the total required number of Low Income Units are rented to Qualifying Households, or (2) if the tenant's income does not exceed one hundred twenty (120%) of the maximum income that would qualify the Tenant as a Moderate Income Household, the tenant shall be allowed to remain in the unit at a Moderate Income rent. If the tenant originally qualified as a Low Income Household, then the tenant's rent will be increased to a Moderate Income rent upon the later of sixty (60) days' notice or the renewal of the tenant's lease, and the Owner shall not be out of compliance with the requirement to maintain the specified number of Low Income Units as long as the Owner rents the next available Moderate Income Unit to a Low Income Household. Owner shall notify the City annually if Owner substitutes a different unit for one of the designated Low Income Units pursuant to this paragraph.

- c. **“Moderate Income Unit”**: means units restricted to households with incomes of not more than one hundred and twenty percent (120%) of AMI. “AMI” means the median income for San Mateo County, California, adjusted for Actual Household Size, as published from time to time by the State of California Department of Housing and Community Development in Section 6932 of Title 25 of the California Code of Regulations or successor provision. Qualifying Households shall continue to qualify unless at the time of recertification, the household's income exceeds the Moderate Income eligibility requirements, then the tenant shall no longer be qualified. Upon Owner's determination that any such household is no longer qualified, the unit shall no longer be deemed a Moderate Income Unit and the Owner shall either (1) make the next available Moderate Income Unit, which is comparable in terms of size, features and number of bedrooms, a Moderate Income Unit, or take other actions as may be necessary to ensure that the total required number of Moderate Income Units are rented to Qualifying Households, or (2) If the tenant's income does not exceed one hundred twenty (120%) of the maximum income that would qualify the Tenant as a Moderate Income Household, the tenant shall be allowed to remain in the unit at a Moderate Income rent. If the tenant originally qualified as a Moderate Income Household, then the shall be notified they are no longer eligible for the BMR unit and tenant's rent will be increased to a market rate rent upon the later of sixty (60) days' notice or the renewal of the tenant's lease, and the Owner shall rent the next available unit to a Moderate Income Household. Owner shall notify the City annually if Owner substitutes a different unit for one of the designated Moderate Income Units pursuant to this paragraph.

2.3 Income Verification and Annual Report. On or before July 1 of each year, commencing with the calendar year that the first residential unit in the Project is rented to a tenant, and annually thereafter, Owner shall obtain from each household occupying a BMR Unit and submit to the City an income computation and certification form, completed by a tenant of such unit, which shall certify that the income of each Qualifying Household is truthfully set forth in the income certification form, in the form proposed by the Owner and approved by the Deputy Director (“**Annual Report**”). Owner shall make a good faith effort to verify that each household leasing a BMR Unit meets the income and eligibility restrictions for the BMR Unit by taking the following steps as a part of the verification process: (a) obtain a minimum of the three (3) most current pay stubs for all adults age eighteen (18) or older; (b) obtain an income tax return for the most recent tax year; (c) conduct a credit agency or similar search; (d) obtain the three (3) most current savings and checking account bank statements; (e) obtain an income verification form from the applicant's current employer; (f) obtain an income verification form from the Social Security Administration and/or the California Department of Social Services if the applicant receives assistance from either of such agencies; or (g) if the applicant is unemployed and has no such tax return, obtain another form of independent verification. Copies of tenant income certifications shall be available to the City upon request. The Annual Report shall, at a minimum, include the following information for each BMR Unit: unit number, number of bedrooms, current rent and other charges, dates of any vacancies during the reporting period, number of people residing in the unit, total household Gross Income, and lease commencement and termination dates. The Report shall also provide a statement of the owner’s management policies, communications with the tenants and maintenance of the BMR Unit, including a statement of planned repairs to be made and the dates for the repairs.

2.4 Affordable Rent. The maximum Monthly Rent, defined below, chargeable for the BMR Units and paid shall be as follows:

- a. **“Very Low Income Household”**: shall be 1/12th of 30 percent of not to exceed 50 percent of the AMI. The Monthly Rent for a Very Low Income Unit rented to a Very Low Income Household and paid by the household shall be based on an assumed average occupancy per unit of one person per studio unit, 1.5 persons for a one- bedroom unit, 3 persons for a two- bedroom unit and 4.5 persons for a three- bedroom unit, unless otherwise approved by the Deputy Director for an unusually large unit with a maximum of two persons per bedroom, plus one.
- b. **“Low Income Household”**: shall be 1/12th of 30 percent of not to exceed 80 percent of the AMI. The Monthly Rent for a Low Income Unit rented to a Low Income Household and paid by the household shall be based on an assumed average occupancy per unit of one person per studio unit, 1.5 persons for a one-bedroom unit, 3 persons for a two-bedroom unit and 4.5 persons for a three-bedroom unit, unless otherwise approved by the Deputy Director for an unusually large unit with a maximum of two persons per bedroom, plus one.
- c. **“Moderate Income Household”**: shall be 1/12th of 30 percent of not to exceed 120 percent of the AMI. The Monthly Rent for a Moderate Income

Unit rented to a Moderate Income Household and paid by the household shall be based on an assumed average occupancy per unit of one person per studio unit, 1.5 persons for a one- bedroom unit, 3 persons for a two- bedroom unit and 4.5 persons for a three- bedroom unit, unless otherwise approved by the Deputy Director for an unusually large unit with a maximum of two persons per bedroom, plus one.

For purposes of this Agreement, “**Monthly Rent**” means the total of monthly payments actually made by the household for (a) use and occupancy of each BMR Unit and land and facilities associated therewith, (b) any separately charged fees or service charges assessed by Owner which are required of all tenants, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, and which are not paid directly by Owner, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone or internet service, which reasonable allowance for utilities is set forth in the County of San Mateo’s Utility Allowance Schedule for detached homes, apartments, condominiums and duplexes, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than Owner. Pursuant to the Guidelines, in no case shall the Monthly Rent for a BMR Unit exceed 75 percent of comparable market rate rents.

2.5 Agreement to Limitation on Rents. Owner is developing at the bonus level of development, which is a form of assistance authorized by Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Sections 1954.52(b) and 1954.53(a)(2) of the Costa-Hawkins Act provide that, where a developer has received such assistance, certain provisions of the Costa-Hawkins Act do not apply if a developer has so agreed by contract. Owner hereby agrees to limit Monthly Rent as provided in this Agreement in consideration of Owner’s receipt of the assistance and further agrees that any limitations on Monthly Rents imposed on the BMR Units are in conformance with the Costa-Hawkins Act. Owner further warrants and covenants that the terms of this Agreement are fully enforceable.

2.6 Lease Requirements. No later than 180 days prior to the initial lease up of the BMR Units, Owner shall submit a standard lease form to the City for approval by the Deputy Director or his/her designee. The City shall reasonably approve such lease form upon finding that such lease form is consistent with this Agreement and contains all of the provisions required pursuant to the Guidelines. The City's failure to respond to Owner's request for approval of the standard lease form within thirty (30) business days of City's receipt of such lease, shall be deemed City's approval of such lease form. Owner shall enter into a written lease, in the form approved by the City, with each new tenant of a BMR Unit prior to a tenant or tenant household’s occupancy of a BMR Unit. Each lease shall be for an initial term of not less than one year which may be renewed pursuant to applicable local and State laws, and shall not contain any of the provisions which are prohibited pursuant to the Guidelines, local, state and Federal laws.

2.7 Selection of Tenants. Each BMR Unit shall be leased to tenant(s) selected by Owner who meet all of the requirements provided herein, and, to the extent permitted by law, with priority given to those eligible households who either live or work in the City of Menlo Park, or meet at least one of the other preferences identified in the Guidelines. The City’s BMR

Administrator, on behalf of the City will provide to Owner the names of persons who have expressed interest in renting BMR Units for the purposes of adding such interested persons to Owner's waiting list, to be processed in accordance with Owner's customary policies. Owner shall not refuse to lease to a holder of a certificate or a rental voucher under the Section 8 program or other tenant-based assistance program, who is otherwise qualified to be a tenant in accordance with the approved tenant selection criteria.

2.8 Affordability Period. The Property shall be subject to the requirements of this Agreement from the Effective Date until the 55th anniversary of such date. The duration of this requirement shall be known as the "Affordability Period." Owner shall not convert any BMR Unit in the Project to condominium or cooperative ownership or sell condominium or cooperative rights to any BMR Unit in the Project during the Affordability Period.

2.9 Maintenance. Owner shall comply with every condition of the Project Approvals and shall, at all times, maintain the Project and the Property in good repair and working order, reasonable wear and tear excepted, and in a safe and sanitary condition, and from time to time shall make all necessary and proper repairs, renewals, and replacements to keep the Project and the Property in a good, clean, safe, and sanitary condition.

2.10 Monitoring and Recordkeeping. Throughout the Affordability Period, Owner shall comply with all applicable recordkeeping and monitoring requirements set forth in the Guidelines. City shall have the right to inspect the books and records of Owner and its rental agent or bookkeeper upon reasonable notice during normal business hours. Representatives of the City shall be entitled to enter the Property, upon at least 48-hour prior written notice, which can be provided via email, to monitor compliance with this Agreement, to inspect the records of the Project with respect to the BMR Units, and to conduct, or cause to be conducted, an independent audit or inspection of such records. Owner agrees to cooperate with the City in making the Property available for such inspection or audit. Owner agrees to maintain records in businesslike manner, and to maintain such records for Affordability Period.

2.11 Non-Discrimination Covenants. Owner covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor shall any occupant of any BMR Unit or any person claiming under or through such occupant, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the Property. Owner shall include such provision in all deeds, leases, contracts and other instruments executed by Owner, and shall enforce the same diligently and in good faith.

a. In deeds, the following language shall appear:

(1) Grantee herein covenants by and for itself, its successors and assigns, and all persons claiming under or through it, that there shall be no discrimination against or segregation of a person or of a group of persons

on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the property herein conveyed nor shall the grantee or any person claiming under or through the grantee establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the property herein conveyed. The foregoing covenant shall run with the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

b. In leases, the following language shall appear:

(1) The lessee herein covenants by and for the lessee and lessee's heirs, personal representatives and assigns, and all persons claiming under the lessee or through the lessee, that this lease is made subject to the condition that there shall be no discrimination against or segregation of any person or of a group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, ancestry or disability in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the property herein leased nor shall the lessee or any person claiming under or through the lessee establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants, or vendees in the property herein leased.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

c. In contracts pertaining to management of the Project, the following language, or substantially similar language prohibiting discrimination and segregation shall appear:

(1) There shall be no discrimination against or segregation of any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the property nor shall the transferee or any person claiming under or through the transferee establish or permit any such practice or practices of discrimination or segregation with reference to selection, location, number, use or occupancy of tenants, lessee, subtenants, sublessees or vendees of the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11 and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1).

2.12 Subordination. This Agreement shall be recorded against the fee interest held by Bohannon and the leasehold interest in the Property held by Flats Venture in the Official Records of the County of San Mateo and shall run with the land. The City agrees that the City will not withhold consent to reasonable requests for subordination of this Agreement for the benefit of lenders providing financing for the Project, provided that the instruments effecting such subordination include reasonable protections to the City in the event of default, including without limitation, extended notice and cure rights.

3. DEFAULT AND REMEDIES

3.1 Events of Default. The following shall constitute an “Event of Default” by Owner under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the defaulting party without the defaulting party curing such breach, or if such breach cannot reasonably be cured within such 30 day period, commencing the cure of such breach within such 30 day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of Section 3 of this Agreement, the specific provision shall control.

3.2 Remedies. The occurrence of any Event of Default under Section 3.1 shall give the non-defaulting party the right to proceed with an action in equity to require the defaulting party to

specifically perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

3.3 Obligations Personal to Owner. The liability of Owner under this Agreement to any person or entity is limited to Owner's interest in the Project, and the City and any other such persons and entities shall look exclusively thereto for the satisfaction of obligations arising out of this Agreement or any other agreement securing the obligations of Owner under this Agreement. From and after the date of this Agreement, no deficiency or other personal judgment, nor any order or decree of specific performance (other than pertaining to this Agreement, any agreement pertaining to any Project or any other agreement securing Owner's obligations under this Agreement), shall be rendered against Owner, the assets of Owner (other than Owner's interest in the Project), its partners, members, successors, transferees or assigns and each of their respective officers, directors, employees, partners, agents, heirs and personal representatives, as the case may be, in any action or proceeding arising out of this Agreement or any agreement securing the obligations of Owner under this Agreement, or any judgment, order or decree rendered pursuant to any such action or proceeding. No subsequent Owner of the Project shall be liable or obligated for the breach or default of any obligations of Owner under this Agreement on the part of any prior Owner. Such obligations are personal to the person who was the Owner at the time the default or breach was alleged to have occurred and such person shall remain liable for any and all damages occasioned thereby even after such person ceases to be the Owner. Each Owner shall comply with and be fully liable for all obligations the Owner hereunder during its period of ownership of the Project.

3.4 Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or defaults are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within 30 days of the commencement of the cause.

3.5 Attorneys' Fees. In addition to any other remedies provided hereunder or available pursuant to law, if either party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing party shall be entitled to recover from the other party its costs of suit and reasonable attorneys' fees. This Section shall be interpreted in accordance with California Civil Code Section 1717 and judicial decisions interpreting that statute.

3.6 Remedies Cumulative. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each and every such right, power, or remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.

3.7 Waiver of Terms and Conditions. The City may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.

3.8 Non-Liability of City Officials and Employees. No member, official, employee or agent of the City shall be personally liable to Owner or any occupant of any BMR Unit, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Owner or its successors, or on any obligations under the terms of this Agreement.

4. GENERAL PROVISIONS

4.1 Below Market Rate Guidelines (“Guidelines”). This Agreement incorporates by reference the Guidelines as of the date of this Agreement and any successor sections as the Guidelines may be amended from time to time. In the event of any conflict or ambiguity between this Agreement, the requirements of state and federal fair housing laws and the Guidelines, the terms and conditions of this Agreement and the requirements of state and federal fair housing laws shall control.

4.2 Time. Time is of the essence in this Agreement.

4.3 Notices. Unless otherwise indicated in this Agreement, any notice requirement set forth herein shall be deemed to be satisfied three days after mailing of the notice first-class United States certified mail, postage prepaid, or by personal delivery, addressed to the appropriate party as follows:

Bohannon: David E. Bohannon Nonexempt Marital Trust

Attention: _____

Email: _____

Flats Venture: Menlo Park Flats Venture, LLC

Attention: _____

Email: _____

City: City of Menlo Park
701 Laurel Street
Menlo Park, California 94025-3483

Attention: City Manager

Such addresses may be changed by notice to the other party given in the same manner as provided above.

4.4 Successors and Assigns. This Agreement constitutes a covenant and legal restriction on the Property and shall run with the land, provided the Project remains on the Property, and all of the terms, covenants and conditions of this Agreement shall be binding upon Owner and the permitted successors and assigns of Owner.

4.5 Intended Beneficiaries. The City is the intended beneficiary of this Agreement and shall have the sole and exclusive power to enforce this Agreement. It is intended that the City may enforce this Agreement in order to, satisfy its obligations to improve, increase and preserve affordable housing within the City, as required by the Guidelines, and to provide that a certain percentage of new housing is made available at affordable housing cost to persons and families of very low, low and moderate incomes as required by the Guidelines. No other person or persons, other than the City and Owner and their assigns and successors, shall have any right of action hereon.

4.6 Partial Invalidity. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.

4.7 Governing Law. This Agreement and other instruments given pursuant hereto shall be construed in accordance with and be governed by the laws of the State of California. Any references herein to particular statutes or regulations shall be deemed to refer to successor statutes or regulations, or amendments thereto. The venue for any action shall be the County of San Mateo.

4.8 Amendment. This Agreement may not be changed orally, but only by agreement in writing signed by Owner and the City.

4.9 Approvals. Where an approval or submission is required under this Agreement, such approval or submission shall be valid for purposes of this Agreement only if made in writing. Where this Agreement requires an approval or consent of the City, such approval shall not be unreasonably withheld may be given on behalf of the City by the City Manager or his or her designee. The City Manager or his or her designee is hereby authorized to take such actions as may be necessary or appropriate to implement this Agreement, including without limitation the execution of such documents or agreements as may be contemplated by this Agreement, and amendments which do not substantially change the uses or restrictions hereunder, or substantially add to the costs of the City hereunder.

4.10 Indemnification. To the greatest extent permitted by law, Owner shall indemnify, defend (with counsel reasonably approved by City) and hold the City, its heirs, successors and assigns (the “**Indemnitees**”) harmless from and against any and all demands, losses, claims, costs and expenses, and any other liability whatsoever, including without limitation, reasonable accountants’ and attorneys’ fees, charges and expense (collectively, “**Claims**”) arising directly or indirectly, in whole or in part, as a result of or in connection with Owner’s construction,

management, or operation of the Property and the Project or any failure to perform any obligation as and when required by this Agreement. Owner's indemnification obligations under this Section 4.10 shall not extend to Claims to the extent resulting from the gross negligence or willful misconduct of Indemnitees. The provisions of this Section 4.10 shall survive the expiration or earlier termination of this Agreement, but only as to claims arising from events occurring during the Affordability Period.

4.11 Insurance Coverage. Throughout the Affordability Period, Owner shall comply with the insurance requirements set forth in Exhibit D, attached hereto and incorporated herein by this reference, and shall, at Owner's expense, maintain in full force and effect insurance coverage as specified in Exhibit D.

4.12 Transfer and Encumbrance.

4.12.1 Restrictions on Transfer and Encumbrance. During the term of this Agreement, except as permitted pursuant to this Agreement, Owner shall not directly or indirectly, voluntarily, involuntarily or by operation of law make or attempt any total or partial sale, transfer, conveyance, assignment or lease (collectively, "**Transfer**") of the whole or any part of any BMR Unit, without the prior written consent of the City, which approval shall not be unreasonably withheld. In addition, prior to the expiration of the term of this Agreement, except as expressly permitted by this Agreement, Owner shall not undergo any significant change of ownership without the prior written approval of City. For purposes of this Agreement, a "significant change of ownership" shall mean a transfer of the beneficial interest of more than twenty-five percent (25%) in aggregate of the present ownership and /or control of Owner, taking all transfers into account on a cumulative basis; provided however, neither the admission of an investor limited partner, nor the transfer by the investor limited partner to subsequent limited partners shall be restricted by this provision.

4.12.2 Permitted Transfers. The prohibitions on Transfer set forth herein shall not be deemed to prevent: (i) the granting of easements or permits to facilitate development of the Property; or (ii) assignments creating security interests for the purpose of financing the acquisition, construction, or permanent financing of the Project or the Property, or Transfers directly resulting from the foreclosure of, or granting of a deed in lieu of foreclosure of, such a security interest.

4.12.3 Requirements for Proposed Transfers. The City may, in the exercise of its reasonable discretion, consent to a proposed Transfer of this Agreement and/or a BMR Unit if all of the following requirements are met (provided however, the requirements of this Section 4.12.3 shall not apply to Transfers described in clauses (i) or (ii) of Section 4.12.2.

(i) The proposed transferee demonstrates to the City's satisfaction that it has the qualifications, experience and financial resources necessary and adequate as may be reasonably determined by the City to competently complete and manage the Project and to otherwise fulfill the obligations undertaken by the Owner under this Agreement.

(ii) The Owner and the proposed transferee shall submit for City review and approval all instruments and other legal documents proposed to effect any Transfer of all or any

part of or interest in the BMR Unit or this Agreement together with such documentation of the proposed transferee's qualifications and development capacity as the City may reasonably request.

(iii) The proposed transferee shall expressly assume all of the rights and obligations of the Owner under this Agreement arising after the effective date of the Transfer and all obligations of Owner arising prior to the effective date of the Transfer (unless Owner expressly remains responsible for such obligations) and shall agree to be subject to and assume all of Owner's obligations pursuant to conditions, and restrictions set forth in this Agreement.

(iv) The Transfer shall be effectuated pursuant to a written instrument satisfactory to the City in form recordable in the Official Records.

Consent to any proposed Transfer may be given by the City's Authorized Representative unless the City's Authorized Representative, in his or her discretion, refers the matter of approval to the City Council. If the City has not rejected a proposed Transfer or requested additional information regarding a proposed Transfer in writing within forty-five (45) days following City's receipt of written request by Owner, the proposed Transfer shall be deemed approved.

4.13 Effect of Transfer without City Consent. In the absence of specific written agreement by the City, no Transfer of any BMR Unit shall be deemed to relieve the Owner or any other party from any obligation under this Agreement. This Section 4.13 shall not apply to Transfers described in clauses (i) and (ii) of Section 4.12.2.

4.14 Recovery of City Costs. Owner shall reimburse City for all reasonable City costs, including but not limited to reasonable attorneys' fees, incurred in reviewing instruments and other legal documents proposed to effect a Transfer under this Agreement and in reviewing the qualifications and financial resources of a proposed successor, assignee, or transferee within ten (10) days following City's delivery to Owner of an invoice detailing such costs.

SIGNATURES ON FOLLOWING PAGE(S).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year set forth above.

OWNER:

Bohannon:

**DAVID E. BOHANNON NONEXEMPT
MARITAL TRUST**

By: _____

Its:

Flats Venture:

MENLO PARK FLATS VENTURE, LLC

By: _____

Its:

CITY:

CITY OF MENLO PARK, a California municipal corporation

By: _____

City Manager

ATTEST:

By: _____

City Clerk

List of Exhibits:

- Exhibit A: Property Description
- Exhibit B: Allocation of the BMR Units
- Exhibit C: BMR Unit Locations
- Exhibit D: Insurance Requirements

Exhibit A
Property Description

Exhibit B
Allocation of BMR Units in the Project

BMR Units	Very Low	Low	Moderate
Studio apartment	3	12	0
4-bedroom apartment	1	0	5
Total - BMR Units	4	12	5

Exhibit C
BMR Unit Locations

Exhibit D Insurance Requirements

Prior to initiating work on the Project and continuing throughout the Affordability Period, Owner shall obtain and maintain the following policies of insurance and shall comply with all provisions set forth in this Exhibit.

1. General Requirements. Owner shall procure and maintain the following insurance providing coverage against claims for injuries to persons or damages to property that may arise from or in connection with the Project, construction, management, or operation of the Property by the Owner or the Owner's agents, representatives, employees and contractors, or subcontractors, including the following:

(a) Commercial General Liability: The Owner and all contractors working on behalf of Owner on the Property shall maintain a commercial general liability policy in an occurrence policy for protection against all claims arising from injury to person or persons not in the employ of the Owner and against all claims resulting from damage to any property due to any act or omission of the Owner, its agents, or employees in the conduct or operation of the work or the execution of this Agreement. Such insurance shall include products and completed operations liability, blanket contractual liability, personal injury liability, and broad form property damage coverage. Coverage shall be at least as broad as Insurance Services Office Commercial General Liability coverage.

(b) Commercial Automobile Liability: The Owner and all contractors working on behalf of Owner on the Property shall maintain insurance for protection against all claims arising from the use of vehicles, owned, hired, non-owned, or any other vehicle in connection with the Project, construction, operation or management of the Property. Such insurance shall cover the use of automobiles and trucks on and off the site of the Property. Coverage shall be at least as broad as Insurance Services Office covering Commercial Automobile Liability, any auto, owned, non-owned and hired auto.

(c) Workers' Compensation Insurance: The Owner (and the general partners thereof) shall furnish or cause to be furnished to City evidence satisfactory to City that Owner (and the general partners thereof), and any contractor with whom Owner has contracted for the performance of work on the Property or otherwise pursuant to this Agreement, shall maintain Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance.

(d) Builder's Risk: Upon commencement of any construction work on the Property, Owner and all contractors working on behalf of Owner shall maintain a policy of builder's all-risk insurance in an amount not less than the full insurable cost of the Project on a replacement cost basis naming City as loss payee as its interests may appear.

(e) Professional Liability/Errors and Omissions: Owner shall require any architects, engineers, and general contractors working on the Property to maintain Professional Liability/Errors and Omissions insurance with limits not less than Two Million Dollars (\$2,000,000) each claim. Certificates evidencing this coverage must reference both the Owner and the Indemnitees. If the professional liability/errors and omissions insurance is written on a

claims made form: (i) the retroactive date must be shown and must be before the Effective Date, (ii) insurance must be maintained and evidence of insurance must be provided for at least three (3) years after completion of Project construction, and (iii) if coverage is cancelled or non-renewed and not replaced with another claims made policy form with a retroactive date prior to the Effective Date, Owner must purchase, or require the provision of, extended period coverage for a minimum of three (3) years after completion of construction.

(f) Property: Owner shall maintain property insurance covering all risks of loss, including earthquake and flood (if required) for 100% of the replacement value of the Project with deductible, if any, in an amount acceptable to City, naming City as loss payee as its interests may appear.

2. Minimum Limits; Adjustments. Insurance shall be maintained with limits no less than the following:

(a) Commercial General Liability and Property Damage: \$2,000,000 per occurrence and \$5,000,000 annual aggregate for bodily injury, personal injury and property damage; provided however, with City's advance written approval, subcontractors may maintain liability coverage with limits not less than \$1,000,000 per occurrence, \$2,000,000 annual aggregate.

(b) Products and Completed Operations: \$3,000,000 per occurrence/aggregate.

(c) Commercial Automobile Liability: \$2,000,000 combined single limit.

(d) Employer's Liability:

Bodily Injury by Accident - \$1,000,000 each accident.

Bodily Injury by Disease - \$1,000,000 policy limit.

Bodily Injury by Disease - \$1,000,000 each employee.

(e) Professional Liability/Errors and Omissions: \$2,000,000 per occurrence or claim. If the policy provides coverage on a claims-made basis, the retroactive date must be shown and must be before the date of the Agreement or the beginning of the contract work.

Coverage limits, and if necessary, the terms and conditions of insurance, shall be reasonably adjusted from time to time (not less than every five (5) years after the Effective Date nor more than once in every three (3) year period) to address changes in circumstance, including, but not limited to, changes in inflation and the litigation climate in California. City shall give written notice to Owner of any such adjustments, and Owner shall provide City with amended or new insurance certificates or endorsements evidencing compliance with such adjustments within thirty (30) days following receipt of such notice.

3. Deductibles and Self-Insured Retention. Any deductibles or self-insured retention must be declared to, and approved by, the City. Payment of all deductibles and self-insured retentions will be the responsibility of Owner. If the City determines that such deductibles or retentions are unreasonably high, either the insurer shall reduce or eliminate such deductibles or self-insurance

retentions as respects the Indemnitees or Owner shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense.

4. Additional Requirements. The required general liability and automobile policies shall contain, or be endorsed to contain, the following provisions:

(a) The Indemnitees are to be covered as Additional Insureds as respects: liability arising out of activities performed by or on behalf of the Owner; products and completed operations of the Owner; premises owned, occupied or used by the Owner; or automobiles owned, leased, hired or borrowed by the Owner. The coverage shall contain no special limitations on the scope of protection afforded to the Indemnitees. Additional insured endorsements for the general liability coverage shall use Insurance Services Office (ISO) Form No. CG 20 09 11 85 or CG 20 10 11 85, or equivalent, including (if used together) CG 2010 10 01 and CG 2037 10 01; but shall not use the following forms: CG 20 10 10 93 or 03 94.

(b) All insurance shall be primary insurance as respects the Indemnitees. Any insurance or self-insurance maintained by the Indemnitees shall be excess of the Owner's/contractor's insurance and shall not contribute with it.

(c) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the Indemnitees.

(d) The Owner's insurance shall apply separately to each insured against whom claim is made or suit is brought except, with respect to the limits of the insurer's liability.

(e) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

(f) If any insurance policy or coverage required hereunder is canceled or reduced, Owner shall, within five (5) days after receipt of notice of such cancellation or reduction in coverage, but in no event later than the effective date of cancellation or reduction, file with City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies. Upon failure to so file such certificate, City may, without further notice and at its option, procure such insurance coverage at Owner's expense, and Owner shall promptly reimburse City for such expense upon receipt of billing from City.

(g) Owner agrees to waive subrogation rights for commercial general liability, automobile liability and worker's compensation against Indemnitees regardless of the applicability of any insurance proceeds, and to require all contractors, subcontractors or others involved in any way with any construction on the Property to do likewise. Each insurance policy shall contain a waiver of subrogation for the benefit of City. If any required insurance is provided under a form of coverage that includes an annual aggregate limit or provides that claims investigation or legal defense costs are included in such annual aggregate limit, such annual aggregate limit shall be three times the applicable occurrence limits specified above.

(h) It shall be a requirement under this Agreement that any available insurance

proceeds broader than or in excess of the specified minimum insurance coverage requirement and/or limits shall be available to the additional insured. Furthermore, the requirement for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater. For all liability insurance required by this Agreement, Owner (and Owner's contractors, as applicable) shall obtain endorsements that name the Indemnitees as additional insured in the full amount of all applicable policies, notwithstanding any lesser minimum limits specified in this Agreement. This Agreement requires Owner (and Owner's contractors, as applicable) to obtain and provide for the benefit of the Indemnitees, additional insured coverage in the same amount of insurance carried by Owner (or Owner's contractors, as applicable), but in no event less than the minimum amounts specified in this Agreement. In the event that Owner (or Owner's contractors as applicable) obtains insurance policies that provide liability coverage in excess of the amounts specified in this Agreement, the actual limits provided by such policies shall be deemed to be the amounts required under this Agreement. Without limiting the foregoing, the limits of liability coverage specified in this Agreement are not intended, nor shall they operate, to limit City's ability to recover amounts in excess of the minimum amounts specified in this Agreement.

(i) The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

5. Acceptability of Insurers. Companies writing the insurance required hereunder shall be licensed to do business in the State of California. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII.

6. Verification of Coverage. Prior to the Effective Date of this Agreement, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraphs (a), (b), (c), and (e) of Section 1 above, duly executed endorsements evidencing the Indemnitees' status as additional insured, and all other endorsements and coverage required hereunder pertaining to such coverage. Prior to commencement of any construction work on the Property, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraphs (d) and (g) of Section 1 above. Prior to City's issuance of a final certificate of occupancy or equivalent for the Project, Owner shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required under paragraph (f) of Section 1 above. Owner shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf.

7. Insurance Certificates and Endorsements. Owner shall submit to the City all of the necessary insurance documents, including the applicable amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of required Owner policies listing all required policy endorsements to the City. Insurance Certificates and Endorsements are to be received and approved by the City within the time periods specified in Section 6 above. Should Owner cease

to have insurance as required at any time, all work by Owner pursuant to this Agreement shall cease until insurance acceptable to the City is provided. Upon City's request, Owner shall, within thirty (30) days of the request, provide or arrange for the insurer to provide to City, complete certified copies of all insurance policies required under this Agreement. City's failure to make such request shall not constitute a waiver of the right to require delivery of the policies in the future.

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*

PUBLICLY ACCESSIBLE OPEN SPACE EASEMENT AGREEMENT

THIS PUBLICLY ACCESSIBLE OPEN SPACE EASEMENT AGREEMENT (“**Agreement**”) is made and executed on this ____ day of _____, 2022 by and among the City of Menlo Park, a California municipal corporation (the “**City**”), Menlo Park Flats Venture LLC, a limited liability company (“**Flats Venture**”), and David E. Bohannon Nonexempt Martial Trust (“**Bohannon**”) (collectively, Flats Venture and Bohannon shall be referred to as the “**Owner**”). City and Owner are referred to herein individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, Bohannon is the fee owner of certain real property located at 165 Jefferson Drive in the City of Menlo Park, California, State of California, (the “**Property**”). Bohannon and Flats Venture have entered into a ground lease whereby Flats Venture is leasing the Property from Bohannon to develop the Property.

WHEREAS, on March 28, 2022, after a duly noticed public hearing, and on the recommendation of the City’s Housing Commission, the City’s Planning Commission approved Planning Commission Resolution No. _____, permitting Owner to develop approximately 158 multi-family residential units, approximately 13,400 square feet of office, and approximately 1,600 square of ground-floor commercial space within a mixed-use building (the “**Project**”), and on March 28, 2022, after a duly noticed public hearing.

WHEREAS, Condition of Approval (“**COA**”) 1 (ww.) of the Project approvals requires Owner to submit a plat and legal description and proposed form of irrevocable easement agreement for public utilization of publicly accessible paseo space, to the satisfaction of the Public Works Director and City Attorney.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, the parties do hereby agree as follows:

1. Easement. Owner hereby grants to City non-exclusive, perpetual easements on, over and across the publicly accessible open space areas designated for the Project, each of which shall be for the purposes of pedestrian ingress, egress and public use during reasonable hours of each day of the week, which may be determined by the Owner provided that the Publicly Accessible Open Space shall be open to the public at least between sunrise and thirty minutes past

sunset. The Public Open Space is more particularly described in the legal description attached hereto at Exhibit A, and more particularly depicted on the plat attached hereto at Exhibit A-1. The Public Open Space shall collectively be referred to herein as the “**Publicly Accessible Open Space**.” The location of the Publicly Accessible Open Space shall not be modified without the written consent of the City’s Community Development Director.

2. Maintenance Requirements. Owner is responsible for maintaining and repairing the Publicly Accessible Open Space, including all improvements contained therein, in good condition and repair for as long as the Project remains in operation. All maintenance and repair shall comply with City’s minimum standards for public open space contained at Menlo Park Municipal Code section 16.45.120(4) et seq., as such standards may be amended from time to time; provided, however, that Owners shall be under no obligation to expand the size, scope, or features of the Publicly Accessible Open Space. Owner shall further perform the following with respect to the Publicly Accessible Open Space:

- 2.1 Regularly maintain, repair and replace the improvements within the Publicly Accessible Open Space to ensure that all elements are reasonably clean and in good repair and working order, and in a way that presents a healthy, neat and orderly appearance; and
- 2.2 Maintain all landscaped, paved and hardscaped areas within the Publicly Accessible Open Space in clean and weed-free condition, and keep such areas reasonably clear of dirt, mud, trash, debris and other unsafe or unsightly materials to preserve the appearance, safety and operation of the Publicly Accessible Open Space.

City shall have the right to access and inspect the Publicly Accessible Open Space during the hours that it is open to the public under Section 1 of this Agreement. If City in good faith believes that Owner has failed in any material respect to adequately maintain the Publicly Accessible Open Space to City’s reasonable satisfaction, City may give 30 days' written notice to Owner that the Publicly Accessible Open Space is in need of maintenance or repair, specifying the nature of the needed repair or maintenance. If Owner fails to perform the repair or maintenance deemed necessary by the City within such 30 day period (or if repair or maintenance cannot reasonably be completed within 30 days, if Owner fails to begin and diligently prosecute to completion such repair or maintenance), City and its representatives and contractors shall have the right to enter upon the Publicly Accessible Open Space for the purpose of performing such work, and City may thereafter obtain reimbursement from Owner for the actual and reasonable cost thereof.

3. Representations and Warranties. Owner hereby warrants that (i) Owner has the authority to grant the rights herein given; (ii) no consent to or approval of this Agreement is required from any third party; and (iii) Owner has reasonable control over the Publicly Accessible Open Space and cause the Publicly Accessible Open Space to be maintained in good and safe condition as set forth in Section 2 of this Agreement at no cost or expense to the City.

4. Indemnification. Owner shall be solely liable for the operation, upkeep and maintenance of the Publicly Accessible Open Space. Owner agrees to indemnify, defend, and hold harmless the City, its officers, agents, and employees from any and all liabilities, claims, demands, damages, or costs resulting from growing out of, or in any way connected with or incident to the

Publicly Accessible Open Space, including without limitation any liabilities, claims, demands, damages, or costs resulting from Owner's acts or omissions related to the operation, upkeep and maintenance of the Publicly Accessible Open Space, except to the extent that any such liabilities are the result of the negligence or willful misconduct of City, its officers, agents, or employees. The duty of Owner to indemnify and save harmless City includes the duty to defend as set forth in Civil Code section 2778.

5. Term. This Agreement shall take effect on the date noted above, and shall remain in effect in perpetuity unless terminated pursuant to Section 10 of this Agreement.

6. Recordation. This Agreement shall be recorded against the fee interest held by Bohannon and the leasehold interest in the Property held by Flats Venture in the Official Records of the County of San Mateo following execution by the Parties.

7. Notice; Binding Upon Successive Owners. Owner hereby declares that this Agreement shall run with the land, and shall pass to and be binding upon any parties having any interest in the Property or the Publicly Accessible Open Space, including all successors in title to the Property or the Publicly Accessible Open Space. The provisions of this Agreement shall be deemed to be a covenant running with the title to the land pursuant to California Civil Code 1460 et seq. Each and every contract, deed, lease, and other instrument covering, conveying or otherwise transferring the Property or the Publicly Accessible Open Space or any interest therein, as the case may be, shall conclusively be held to have been executed, delivered and accepted to this Agreement regardless of whether the other party or parties to such contract have actual knowledge of this Agreement.

8. No Other Restrictions. This Agreement imposes no other obligations or restrictions on Owner, and neither its successors, nor any other person or entity shall be in any way restricted from using the Property or Publicly Accessible Open Space except as provided herein or as otherwise provided in the approvals for the Project and the City's Municipal Code.

9. Enforcement. This Agreement may be enforced solely by City by remedy of injunctive relief in addition to any other remedy in law or equity.

10. Amendments; Termination. This Agreement may not be amended, modified, and/or terminated unless otherwise approved and agreed upon by a written agreement between City and Owner (or Owner's successor-in-interest to the Property and the Publicly Accessible Open Space), and recorded with the County Recorder's Office.

11. Governing Law; Venue. This Agreement is made and entered into pursuant to Section 51070 of the California Government Code and is subject to all of the provisions thereof. This Agreement 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.

12. Severability. If any of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then such provision(s) shall be deemed severable from the remaining provision(s) contained in this Agreement, and this

Agreement shall be construed as if such invalid, illegal, or unenforceable item had never been contained herein.

IN WITNESS WHEREOF, the Parties execute this Agreement as of the date set forth above.

[Signature Pages to Follow]

OWNER:

Flats Venture

Menlo Park Flats Venture, LLC

By: _____

Name: _____

Its: _____

Bohannon:

David E. Bohannon Nonexempt Marital Trust

By: David E. Bohannon Nonexempt Marital Trust, Its Sole Member

By: David E. Bohannon Nonexempt Marital Trust, its Manager

By: _____

Name: _____

Its: _____

CITY:

CITY OF MENLO PARK, a California municipal corporation

By: _____
Mayor

Attest:

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney

Covenants and Deed Restrictions must have all signature(s) notarized by a Commissioned Notary Public

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.

ACKNOWLEDGMENT

State of California)
)
County of _____)

On _____ before me,

(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

EXHIBIT A

Public Open Space Legal Description

EXHIBIT A-1

Public Open Space Plat

Menlo Flats Project – Attachment B, Exhibit G – Conditions of Approval

<p>LOCATION: 165 Jefferson Drive</p>	<p>PROJECT NUMBER: PLN2020-00004</p>	<p>APPLICANT: Andrew Morcos</p>	<p>OWNER: David E. Bohannon Nonexempt Marital Trust, Menlo Park Flats Venture, LLC (ground lessee)</p>
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PROJECT CONDITIONS:

1. The architectural control permit and use permit shall be subject to the following **standard** conditions:

General Conditions

- a. Development of the project shall be substantially in conformance with the plans prepared by Heller Manus Architects, BKF, BDE Architecture, and PGAdesign Landscape Architects attached to the March 28, 2022 Planning Commission staff report as Attachment I, and consisting of 161 plan sheets, dated received on March 02, 2022 (hereinafter the "Plans"). The Plans are incorporated by reference herein. The Plans may only be modified by the conditions contained herein (conditions 1d. and 1e.), subject to review and approval of the Community Development Director or their designee.
- b. The Project shall be subject to the California Environmental Quality Act Environmental Impact Report prepared for and certified prior to approval of the Project and the associated Mitigation Monitoring and Reporting Program (MMRP), CEQA Clearinghouse No. 2020110243. The project shall comply with all mitigation measures of the MMRP, which is attached to Menlo Park Planning Commission Resolution No 2022-___ and incorporated herein by this reference.
- c. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of any building permit for the Project.
- d. Substantially consistent and minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be approved in writing by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved architectural control permit and will not have an adverse impact on the character and aesthetics of the site. Substantially consistent modifications are modifications to the development that do not increase the intensity or density of the project or the allowed uses. The Director may refer any request for revisions to the plans to the Planning Commission. If the Director refers the plans to the Planning Commission, the Director shall provide written documentation of the Director's determination that the modification is substantially consistent and a member of the Planning Commission may request to discuss these modifications on the next agenda within 72 hours of notification of the modifications by the Community Development Director. Further environmental review and analysis may be required if such changes necessitate further review and analysis pursuant to the California Environmental Quality Act.
- e. Major modifications to the development plan which involve material expansion or intensification of development, modifications to the permitted uses, or modifications to the architectural design, including materials and colors may be allowed subject to obtaining architectural control and use permit revisions from the Planning Commission.
- f. Prior to issuance of any foundation permit, the Applicant shall execute and record in the San Mateo County Recorder's office the below market rate (BMR) Housing

Menlo Flats Project – Attachment B, Exhibit G – Conditions of Approval

LOCATION: 165 Jefferson Drive	PROJECT NUMBER: PLN2020-00004	APPLICANT: Andrew Morcos	OWNER: David E. Bohannon Nonexempt Marital Trust, Menlo Park Flats Venture, LLC (ground lessee)
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PROJECT CONDITIONS:

Agreement. The BMR Housing Agreement is attached to Menlo Park City Planning Commission Resolution No. 2022-___ as Exhibit E and incorporated herein by this reference.

- g. Applicant shall keep the property in a clean and sanitary condition at all times, maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the City of Menlo Park Municipal Code.
- h. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of Menlo Park and all applicable local, State, and Federal laws and regulations.
- i. Prior to issuance of any building permit, the Applicant shall comply with all requirements of and conditions imposed by the Building Division, Planning Division, Engineering Division, and Transportation Division that are directly applicable to the project and the type of building permit issued.
- j. Prior to issuance of foundation permit, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- k. Prior to issuance of any foundation permit for the Project, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Director of Community Development regarding any inability to satisfy all conditions of approval.
- l. 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.

Building Division Conditions

- m. The Applicant shall be required to submit a complete building permit application for the project as delineated on Plans within one year from the date of approval (March 27, 2023) for the use permit to remain in effect as to the respective components of the project in accordance with Section 16.82.170 of the Menlo Park Municipal Code. The Community Development Director or their designee may extend the time to use the approval prior to its expiration upon written request of the Applicant for up to one year for any portion of the property for which a building permit application has not been submitted, if the Director or their designee finds

Menlo Flats Project – Attachment B, Exhibit G – Conditions of Approval

LOCATION: 165 Jefferson Drive	PROJECT NUMBER: PLN2020-00004	APPLICANT: Andrew Morcos	OWNER: David E. Bohannon Nonexempt Marital Trust, Menlo Park Flats Venture, LLC (ground lessee)
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PROJECT CONDITIONS:

that there is a good cause for the extension based upon unusual circumstances and/or conditions not of the making of the Applicant. Prior to the expiration of the use permit for any portion of the project for which a building permit application has not been submitted, the Applicant may (1) apply to the Community Development Director to obtain an extension of time upon a showing of good cause to the Director's reasonable satisfaction and/or (2) apply for a revised Use Permit and Architectural Control Approval to revise the project approvals to remove or modify unbuilt project elements. If (1) or (2) do not occur, it shall be deemed a violation of these Conditions of Approval, and the Use Permit and Architectural Control approval for any portion of the project for which a building permit has not been submitted shall expire. The Use Permit and Architectural Site Control Approval for the portion of the project for which a building permit has been submitted shall remain in full force and effect. Any project modifications shall be assessed for compliance with the Menlo Flats Final EIR, and subsequent environmental review may be required if necessary to comply with CEQA Guidelines Section 15162.

- n. No later than upon the submittal of a complete building permit application, the Applicant shall submit plans to the Building Division verifying that the project complies with all applicable Municipal Code Title 12 (Buildings and Construction) for review and approval.
- o. The project is subject to the 2019 California Building Code, the California Building Standards Code and any adopted Reach Codes and/or local building code ordinances in effect at the time of complete building permit application submittal.
- p. No later than upon the submittal of a complete building permit application, the Applicant shall submit information as reasonably required by the Community Development Director or their designee to demonstrate that the new nonresidential and high-rise residential building will be all-electric and produce a minimum of five kilowatt photovoltaic system of on-site solar.
- q. The project is subject to the California Green Building Standards Code (CalGreen) and any local amendments to the Code in effect at the time of submittal of the complete building permit application. Other forms of green building checklists will not be acceptable in-lieu of the CalGreen requirements.
- r. The complete building permit application shall include all unit plans to be fully drawn and detailed including mirrored plans. Further, all residential building plans are required to include drawings for mirrored units including structural, mechanical, electrical, and plumbing plan sheets.
- s. A list of all deferred submittals other than trusses shall be approved by the Building Official or their designee prior to submittal of the complete building permit application.
- t. Detached structures require their own permit, have an occupancy category and are required to meet all Building Code requirements associated with their occupancy and location on the site.

Menlo Flats Project – Attachment B, Exhibit G – Conditions of Approval

LOCATION: 165 Jefferson Drive	PROJECT NUMBER: PLN2020-00004	APPLICANT: Andrew Morcos	OWNER: David E. Bohannon Nonexempt Marital Trust, Menlo Park Flats Venture, LLC (ground lessee)
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PROJECT CONDITIONS:

- u. The complete building permit application shall include information on all imported fill. The imported fill must meet the City of Menlo Park's requirements. Documentation demonstrating that the fill meets the City's requirements must be submitted to and approved by the Building Official or their designee prior to fill being brought on site. Fill requirements are outlined in CBC appendix J section J107 as adopted in MPMC Section 12.06.020.
- v. No later than upon the submittal of a complete building permit application, prior to issuance of the foundation permit, approved soil management plans and work plans by the agency with jurisdiction over any remediation work is required to be submitted to the City for reference purposes. Any excavation related to soils remediation shall require issuance of a building permit from the City.
- w. All approved vapor mitigation systems are to be included in building plans and submitted to the City for reference purposes prior to issuance of the foundation permit.
- x. Each occupancy and unit set forth in the Plans shall have the required fire protection systems, allowable building height and separations per Table 508.4 of the 2019 California Building Code (CBC) or whichever CBC is in effect at the time of building permit submittal. No later than upon the submittal of a complete building permit application, the Applicant shall include documentation the Plans have been reviewed and approved by the Menlo Park Fire District.
- y. The complete building permit application shall include construction documents needed to identify the location of electric vehicle (EV) spaces as per 2016 Cal Green Code Chapter 5 and Menlo Park City Ordinance 12.18.0808-110. Construction documents need to show specific requirements outlined in 5.106.5.3.2. If an electric vehicle parking is supplied, then it will have to conform with the requirements of CBC 406.9, as well as accessibility (CBC 11B-228.3) of the CBC.
- z. Prior to issuance of the demolition permit, the building permit application shall include pedestrian protection along the public right-of-way with sidewalks, as required per Section 3306 of the 2019 CBC or the CBC in effect at the time of submittal of a complete building permit application.
- aa. All of the floors in the residential building will be considered ground floors and are subject to the requirements of Section 11B-201 of the 2016 CBC.
- bb. Prior the issuance of the demolition permit, the building permit application shall include details regarding protection of adjoining property, as required per Section 3307 of the 2019 CBC or the CBC in effect at the time of submittal of a complete building permit application.
- cc. The complete building permit application shall include details demonstrating that the building meets the sound transmission requirements of Section 1207 of the 2019 CBC or the CBC in effect at the time of submittal of a complete building permit application.

Menlo Flats Project – Attachment B, Exhibit G – Conditions of Approval

LOCATION: 165 Jefferson Drive	PROJECT NUMBER: PLN2020-00004	APPLICANT: Andrew Morcos	OWNER: David E. Bohannon Nonexempt Marital Trust, Menlo Park Flats Venture, LLC (ground lessee)
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PROJECT CONDITIONS:

- dd. No later than upon the submittal of a complete building permit application, the Applicant shall submit and get approval of a construction waste management plan per City’s ordinance 12.18.010. The construction waste management plan is subject to approval by the Building Official or their designee.
- ee. The complete building permit application shall include details demonstrating that all sanitary sewer lines have a slope of 2% unless otherwise approved by the Building Official or their designee. The complete building permit application shall also demonstrate that all sewer lines are gravity feed to the sewer mains in the public right-of-way unless otherwise approved by the Building Official or their designee.
- ff. The complete building permit application shall include details demonstrating that all slopes away from the building shall comply with the Section 1804.4 of the 2019 CBC or the current CBC in effect at the time of submittal of a complete building permit application.
- gg. As part of the complete building permit application the project shall show that accessible routes comply with the requirements of 11B-402.
- hh. As part of the complete building permit application, the project shall demonstrate compliance that all low-emitting, fuel efficient and/or carpool/van pool vehicle parking meet the Cal Green 5.106.5.2 requirements.
- ii. As part of the complete building permit application, the applicant shall include specific occupant loads and egress requirements for all courtyard and other outdoor use area.
- jj. The building is located in a flood zone and is required to meet all the applicable floor design criteria and final certification.
- kk. No later than upon the submittal of a complete building permit application, the Applicant shall submit plans for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review by the Engineering, Planning, and Building Divisions and the City’s Building Official or their designee shall approve the Plans subject to input by City staff. The safety fences, dust and air pollution control measures, erosion and sedimentation control measures, and tree protection measures shall be installed according to the approved plan prior to commencing construction and implemented throughout the duration of construction at the project site.
- ll. No later than upon the submittal of a complete building permit application, the Applicant shall submit plans that include proposed measures to prevent erosion and polluted runoff from all site conditions, subject to review and approval of the Building Division. During construction, if construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a

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PROJECT CONDITIONS:

winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of much onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. A site specific winterization plan implemented during construction would be subject to review by the Engineering, Building, and Planning Divisions and subject to approval by the Building Official or their designee with input from City staff. The winterization plan would be in addition to the erosion control plan required in condition 1.kk.

Engineering Division Conditions

- mm. No later than upon the submittal of a complete rough grading permit application and prior to issuance of the onsite grading and drainage building permit, the Applicant shall provide documentation indicating the amount of irrigated landscaping. If the project includes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44) and a detailed landscape plan shall be submitted simultaneously with the submittal of a complete building permit application, subject to review and approval by the Engineering Division.
- nn. No later than upon the submittal of a complete building permit application and prior to issuance of the onsite grading and drainage building permit, the Applicant shall submit a draft "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" to the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project.
- oo. Prior to building permit final inspection, the "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" shall be recorded with the San Mateo County Recorder's Office.
- pp. Simultaneous with the submittal of a complete building permit application and prior to issuance of the onsite grading and drainage building permit, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:
 - i. Existing Topography (NAVD 88')
 - ii. Demolition Plan
 - iii. Site Plan (including easement dedications)
 - iv. Grading and Drainage Plan
 - v. Utility Plan
 - vi. Erosion Control Plan / Tree Protection Plan
 - vii. Planting and Irrigation Plan
 - viii. Off-site Improvement Plan
 - ix. Construction Details (including references to City Standards)

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PROJECT CONDITIONS:

- qq. The onsite grading and drainage building permit shall be approved by the Engineering Division prior to issuance of the superstructure permit.
- rr. No later than upon the submittal of a complete building permit application, the applicant shall submit an Off-Site Improvement Plan for review and approval of the Engineering Division. The Off-Site Improvement Plans shall include all improvements within the public right-of-way including curb, gutter, sidewalks, street trees, streetlights, storm drain extension, undergrounding utilities, and water and sanitary sewer connections and all frontage improvements and utility improvements.
- ss. All potential utility conflicts shall be potholed and actual depths shall be recorded and submitted to the City no later than upon the issuance of permits for offsite improvements.
- tt. The Off-Site Improvement Plans shall include Green Infrastructure in the form of a stormwater treatment area along the project’s frontage to treat runoff from the public right-of-way. The treatment area shall be located within the landscape area between the curb and sidewalk. Sizing and design shall conform to San Mateo Countywide Water Pollution Prevention Program design templates and technical guidance and be approved by the Engineering Division.
- uu. If existing utilities are in conflict with required frontage improvements, the utilities must be relocated at the Applicant’s expense.
- vv. No later than upon the submittal of a complete building permit application and prior to issuance of the superstructure building permit, the Applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- ww. No later than upon the submittal of a complete building permit application and prior to issuance of the superstructure building permit, the Applicant shall submit a plat and legal description and proposed form of irrevocable easement agreement for public utilization of the Publicly Accessible Open Space, including the publicly accessible paseo, to the satisfaction of the Public Works Director and City Attorney. The form of irrevocable easement shall ensure, to the satisfaction of the City, that the Applicant has reasonable control over the Publicly Accessible Open Space and that the Publicly Accessible Open Space is accessible to the general public, in perpetuity during reasonable hours of each day of the week, which may be determined by the Applicant provided that the Publicly Accessible Open Space shall be open to the public at least between sunrise and thirty minutes past sunset.
 - i. The irrevocable easement agreement requires City Manager approval and shall be recorded with the County of San Mateo prior to granting of the first unit and/or building occupancy.

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PROJECT CONDITIONS:

- xx. Prior to issuance of any building permit, the Applicant shall comply with all Sanitary District, Menlo Park Municipal Water, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- yy. The Applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the existing water mains and service laterals meet the domestic and fire flow requirements of the project. If the existing water main and service laterals are not sufficient as determined by MPMW, Applicant may, as part of the project, be required to construct and install new water mains and service laterals sufficient to meet such requirements. Written communication in the form of a letter or email, from Menlo Park Municipal Water stating compliance shall be provided to the Engineering Department prior to issuance of the onsite grading and drainage building permit.
- zz. The Applicant shall coordinate with West Bay Sanitary District to confirm the existing sanitary sewer mains and service laterals have sufficient capacity for the project. If the existing sanitary sewer mains and service laterals are not sufficient as determined by West Bay Sanitary District, Applicant may, as part of the project, be required to construct and install new sanitary sewer mains and service laterals sufficient to meet such requirements. A letter from West Bay Sanitary District stating compliance shall be provided to the Engineering Department prior to issuance of the onsite grading and drainage building permit.
- aaa. No later than upon the submittal of a complete building permit application and prior to issuance of the onsite grading and drainage building permit, the Applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and prepare a hydrology report to the satisfaction of the City Engineer. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels.
- bbb. No later than upon the submittal of a complete building permit application and prior to issuance of the onsite grading and drainage building permit, the Applicant shall submit a Storm Water Management Report that meets the requirements of the San Mateo County's C.3 Stormwater Technical Guidance Manual.
- ccc. The Stormwater Management Plan shall be reviewed and approved by the Engineering Division prior to building permit issuance for onsite grading and drainage. The Stormwater Management Plan shall incorporate trash capture measures such as screens, filters or CDS/Vortex units to address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP).
- ddd. Prior to issuance of the foundation building permit, all applicable Public Works fees shall be paid. Refer to the most current City of Menlo Park Master Fee Schedule applicable to the project based on Government Code section 65589.5(o).

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PROJECT CONDITIONS:

- eee. Prior to issuance of the building permit for superstructure, the Off-Site Improvement Plans shall be reviewed and approved by the Engineering Division. The Off-Site Improvement Plans shall include removal and replacement of any damaged and significantly worn sections of frontage improvements. Prior to issuance of the building permit for superstructure, the Applicant shall enter into an Agreement for Completion of Development Improvements and provide a performance bond for the completion of the Off-Site improvements as shown on the approved Off-Site Improvement Plans.
 - fff. The Applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction prior to commencing any work within the right-of-way or public easements.
 - ggg. As part of the complete building permit application, the plan shall include details on all Stormwater Pollution Prevention Program Best Management Practices (BMPs). Prior to commencing any work on the project site, BMPs for construction shall be implemented to protect water quality, in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans.
 - hhh. Prior to granting of the first temporary occupancy within the building, all improvements identified in the Off-Site Improvement Plans shall be completed to the satisfaction of the Engineering Division.
 - iii. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division. "As-built" or "record" drawings shall be submitted to the Engineering Division prior to granting of occupancy.
2. The architectural control and use permit shall be subject to the following **project-specific** conditions:

Planning Division Conditions

- a. No later than upon the submittal of a complete building permit application, the Applicant shall enroll in EPA Energy Star Building Portfolio Manager. Prior to issuance of a final certificate of occupancy, the Applicant shall submit documentation showing compliance to the satisfaction of the Planning and Building Divisions.
- b. No later than upon the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP shall submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Gold certification for the apartment building shall be required before issuance of the superstructure building permit. Prior to final inspection of the building permit or as early as the project can be certified by Green Business

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PROJECT CONDITIONS:

Certification, Inc. on behalf of the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Gold certification. Occupancy and/or final inspection can be granted with an agreed upon timeline for final certification between the City and the Applicant.

- c. No later than upon the submittal of a complete building permit application and prior to issuance of the demolition permit, the Applicant shall submit a zero-waste management plan to the City, which will cover how the Applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations, including compliance with the requirements of Chapter 16.45.130(5)(A) of the Zoning Ordinance. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from occupancy phases of the building. Zero Waste plan elements shall include the property owner’s assessment of the types of waste to be generated during occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration. The plan shall be subject to the satisfaction of the Sustainability Manager or their designee and comply with requirements in place at the time the complete SB 330 preliminary application was submitted for the project.
- d. Prior to issuance of superstructure building permit, the Applicant shall submit plans and supporting documentation to the Building and Planning Divisions documenting that the project meets one hundred percent of its energy demand (electricity and natural gas), as required by Chapter 16.45.130(2) of the Zoning Ordinance, through the combination of the following measures and to the satisfaction of the Building and Planning Divisions:
 - i. On-site energy generation;
 - ii. Purchase of 100% renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
 - iii. Purchase and installation of local renewable energy generation within the City of Menlo Park in an amount equal to the annual energy demand of the project;
 - iv. Purchase of certified renewable energy credits and/or certified renewable energy off-sets annually in an amount equal to the annual energy demand of the project.

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

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

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PROJECT CONDITIONS:

- areas (excluding roof mounted HVAC equipment). 3. Maximum solar generation potential solely on the roof area.
- e. Following issuance of the certificate of occupancy, the Applicant shall submit an annual report on 1st January of every year demonstrating that tenants and occupants of the building on site purchased or used 100% renewable energy to the Community Development Director of their designee for their review. Should there be a case where not 100% tenants are using renewable energy, then the Applicant shall identify what non-renewable energy usage was offset with renewable energy in the community or with credits in the annual report.
 - f. No later than upon the submittal of a complete building permit application and prior to issuance of the superstructure building permit, the project design shall incorporate dual plumbing for internal use of future recycled water to the satisfaction of the Building Division.
 - g. No later than upon the submittal of a complete building permit application and issuance of the superstructure building permit, the Applicant shall submit updated water budgets and accompanying calculations following the methodology approved by the City and consistent with submitted building permit plans. The water budget and calculations shall be reviewed and approved by the City's Public Works Director prior to certification of occupancy. On January 1 of the year following the first full calendar year after the date of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's Public Works Director, shall be implemented. Twelve (12) months after City approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's Public Works Director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.
 - h. Prior to framing inspection for the building, the Applicant shall construct an in-field mock-up to demonstrate that the exterior stucco is smooth troweled, per the requirements of Chapter 16.45.120(6)(F) of the Zoning Ordinance, to the satisfaction of the Community Development Director or their designee.
 - i. During all phases of construction, potable water shall not be used for dust control.
 - j. Prior to final inspection, occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between ten (10) p.m. and sunrise, as required by Section 16.45.130(6)(C) of the Zoning Ordinance.
 - k. Prior to issuance of the certificate of occupancy, the Applicant shall construct the publicly accessible open space for the project to the satisfaction of the Building, Engineering, Planning, and Transportation Divisions.

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PROJECT CONDITIONS:

- i. During all phases of construction and after final inspection for the life of the project, rodenticides shall not be used on the property in accordance with Section 16.45.130(6)(G) of the Zoning Ordinance.
- m. The applicant shall diligently pursue the project’s construction through to completion, and, if at any point after building permits have been issued, the applicant abandons construction and the building permits expire, the applicant shall demolish the uncompleted portions of the project and restore the site to rough grade condition and shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.
- n. If the applicant leaves any work of construction in an unfinished state for more than seven (7) consecutive days, applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Building and Engineering Divisions.
- o. If the applicant leaves any work of construction in an unfinished state for more than one hundred and twenty (120) consecutive days, applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Planning Division.
- p. Utility equipment shall meet the requirements of Chapter 16.45.120(6)(B) of the Menlo Park Zoning Ordinance. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping, subject to review and approval of the Planning, Engineering, and Building Divisions.
- q. Any project up-lighting shall be programmed to automatically shut off at or before midnight daily and remain off until sunrise, consistent with the Avian Collision Risk Assessment prepared by H.T. Harvey & Associates, dated February 14, 2022.
- r. Exterior lighting fixture types L2 (in-grade tree uplight), L4 (surface mount outdoor adjustable light), L5 (stake-mounted tree up-light), and L11 (tree uplight) shall be programmed to automatically shut off at or before midnight daily, and shall remain off until sunrise, as identified in the Avian Collision Risk Assessment prepared for the project by H.T. Harvey & Associates, dated February 14, 2022.
- s. Heritage trees to remain in the vicinity of the construction project shall be protected during the entire construction phase, pursuant to the Heritage Tree Ordinance and the arborist report prepared by HortScience I Bartlett Consulting, dated August 27, 2021. Tree protection zone shall be established and perimeter fence shall be erected prior to commencement of any construction activity on site including but not limited to demolition, rough grading, etc.

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PROJECT CONDITIONS:

- t. Heritage tree replacements, required as part of the approval of heritage tree permit HTR2021-00163, shall be planted on the project site to the satisfaction of the City Arborist and Planning Division prior to final building permit inspection.
- u. Prior to issuance of the superstructure building permit, the applicant shall enter into a Payment In-Lieu of Taxes Agreement (“PILOT Agreement”) with the City of Menlo Park and shall record the executed PILOT Agreement in the San Mateo County Recorder’s office. The PILOT Agreement shall require that in the event Owner or any of its operators or lessees or its and their successors or assigns applies for and is granted a "welfare exemption" pursuant to Section 214 of the California Revenue and Taxation Code, or any successor provision, or any other exemption from the payment of real or personal property taxes of any nature, Owner shall pay annually to the City a payment in lieu of taxes in an amount equal to the portion of the real and personal property tax levy the City would have received but for the exemption as determined by the City and as increased annually by the amount permitted under the provisions of Article XIII A, Section 2, of the California Constitution. The PILOT Agreement shall run with the land.
- v. Prior to the issuance of the building permit for the superstructure, the Applicant shall pay a community amenities in-lieu fee in the amount of \$4,840,000.

Engineering Division Conditions:

- w. No later than upon the submittal of the first building permit application (foundation building permit), the Applicant shall submit an Emergency Vehicle Access Easement (EVAE) along the proposed fire routes shown on Sheet C2.0, subject to approval of the Menlo Park Fire Protection District. Said dedications shall be accepted by the City Council prior to issuance of temporary occupancy permit.
- x. The project is in Flood Zone AE and must be designed and constructed in compliance with current FEMA regulations, the City’s Flood Damage Prevention Ordinance, and the MPMC 16.45.130(4) (Hazard mitigation and sea level rise resiliency).
- y. No later than upon the submittal of a complete building permit application. Applicant shall submit a FEMA Condition Letter of Map Revision-Fill (CLOMR-F) application to the Public Works Department for review and approval. In accordance with the National Flood Insurance Program (NFIP), Section 65.5, the Applicant shall prepare supporting data, including relevant hydraulic and hydrologic analyses, delineation of floodplain boundaries and all other information required by FEMA to review and evaluate the request for a CLOMR-F. Upon receiving City approval, the Applicant shall submit the CLOMR-F application to FEMA.
 - i. Prior to issuance of the foundation building permit, the Applicant shall obtain a CLOMR-F from FEMA.
 - ii. The Applicant shall submit an elevation certificate to the Engineering Division prior to final signoff of the foundation inspection.

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PROJECT CONDITIONS:

- iii. When construction is complete, appropriate as-built data must be supplied to FEMA for a permanent LOMR-F to be issued.
- z. The project is required to construct frontage improvements along Jefferson Drive, to be designed and constructed to the satisfaction of the Engineering Division. The City will evaluate the condition of asphalt paving on Jefferson Drive upon completion of off-site construction work. If necessary, the City may require a grind and overlay of damaged pavement along the project frontage prior to issuance of the final certificate of occupancy. All existing striping, markings, and legends shall be replaced in kind, or as approved by the City.

Transportation Division Conditions

- aa. Prior to issuance of the first temporary occupancy permit within the building, all transportation-related improvements, including level-of-service (LOS) and other intersection improvements, shall be completed to the satisfaction of the Engineering Division and Transportation Division prior to the granting of occupancy. The Applicant shall notify the Transportation Division prior to commencing design for each intersection, to avoid duplicating efforts started by the City and/or other development projects.
- bb. Prior to issuance of the superstructure building permit, the Applicant shall pay the transportation impact fee (TIF) in effect at the time the complete SB 330 preliminary application was submitted for the project, subject to review and approval of the Transportation Division. Such fee includes:

The TIF is estimated to be \$688,185.22. This was calculated by multiplying the fee of \$5,566.90 per multi-family unit by 158 units, plus the fee of \$19.18/s.f. per office space by 13,400 s.f. of office space, plus the fee of \$11.18/s.f. per Café space by 1,600 s.f. of Café space, and subtracting a credit by multiplying \$19.18/s.f. per office space by 24,311 s.f. of existing office space. Fees are due prior to issuance of the superstructure building permit and subject to adjustment on July 1st of each year based on the ENR Construction Cost Index % for San Francisco.
- cc. For intersection improvements requiring Caltrans' approval, no later than upon the building permit submittal and prior to issuance of the superstructure building permit, the Applicant shall provide complete plans to install improvements, including all work in the Caltrans right-of-way. Complete plans shall include all necessary requirements to construct the improvements, including but not limited to, grading and drainage improvements, utility relocations, tree protection requirements, striping modifications, and a detailed cost estimate. The plans are subject to review by the City. After receiving approval for the improvements plans, the Applicant shall submit the improvement plans to Caltrans and request encroachment permit approvals.
- dd. Prior to issuance of the superstructure building permit, the Applicant shall submit complete plans for construction of improvements to the City and provide a bond for improvements prior to issuance of superstructure building permit. The Applicant

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PROJECT CONDITIONS:

shall construct all improvements prior to occupancy, upon obtaining final approval from the City and Caltrans.

- ee. In order to overcome shortfalls in level of service created by the Project, the Applicant shall perform, construct and complete, at the Applicant's own expense, certain transportation improvements, prior to issuance of a temporary certificate of occupancy for the Project. The Director of Public Works or designee shall determine the reasonable cost of said transportation improvements and the Applicant shall be entitled to credit and/or reimbursement for said transportation improvements pursuant to MPMC 13.26.80, should the final expenses for improvements included in the TIF program exceed the Project TIF payment. If the final expenses to the Applicant for the required intersection improvements included in the City's TIF program exceed the Project's TIF payment, the City and the Applicant shall enter into a reimbursement agreement, which will provide for the Applicant to be reimbursed by the City from available TIF revenues prior to issuance of the superstructure building permit.

- ff. The transportation improvements shall include all near term intersection improvements and cumulative intersection fair share contributions identified below. Applicant shall enter into an improvement agreement with the City memorializing the terms for performance, construction, and completion of the transportation improvements prior to issuance of the superstructure building permit:
 - i. Under the Near Term Scenario, the proposed intersection improvement at the intersection of Chrysler Drive and Independence Drive is to install stop signs and necessary striping and pavement markings on Chrysler Drive. This improvement is not included in the City's TIF program. Prior to issuance of a superstructure building permit, the Applicant shall submit complete plans for this improvement. Complete plans shall include all necessary requirements to construct the improvements, including but not limited to striping modifications and a detailed cost estimate. The plans are subject to review by the City. Upon obtaining approval from the Director of Public Works or designee, the Applicant shall construct the improvements prior to the granting of occupancy. Any project(s) approved within 10 years of the approval date of the Menlo Flats project and required to implement the same intersection improvement shall reimburse the Applicant for its proportional fair share of the improvement costs.

 - ii. Under the Cumulative scenario, the proposed intersection improvement at the intersection of Marsh Road and Bayfront Expressway/Haven Avenue is to restripe the through lane on Haven Avenue to a shared through/right lane resulting in having one shared left/through lane, one shared through/right lane, and one right-turn lane. This improvement was studied and is included in the City's TIF program. The TIF payment will fulfill this requirement.

 - iii. Under the Cumulative scenario, the proposed intersection improvements at the intersection of Chrysler Drive and Bayfront Expressway is to convert the existing right turn lane on Chrysler Drive to shared left/right-turn lane resulting in having two left-turn lanes and one shared left/right-turn lane in

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this direction. This improvement is not included in the City's TIF program and is also subject to approval by Caltrans. Prior to issuance of a superstructure permit, the Applicant shall submit conceptual plans and a cost estimate (including design and construction engineering) for these improvements to the City for approval and determination of the Applicant's fair share contribution. The fair share contribution for the intersection improvements, calculated as 0.4% of the cost estimate, shall be paid prior to the issuance of the superstructure building permit; construction of the improvement is not required. In the event that another development project submits conceptual plans and a construction cost estimate prior to submittal of a building permit application, payment of the project's fair share contribution shall be sufficient to satisfy this condition of approval. If these funds are not used within a 5-year period, they will be returned to the Applicant.

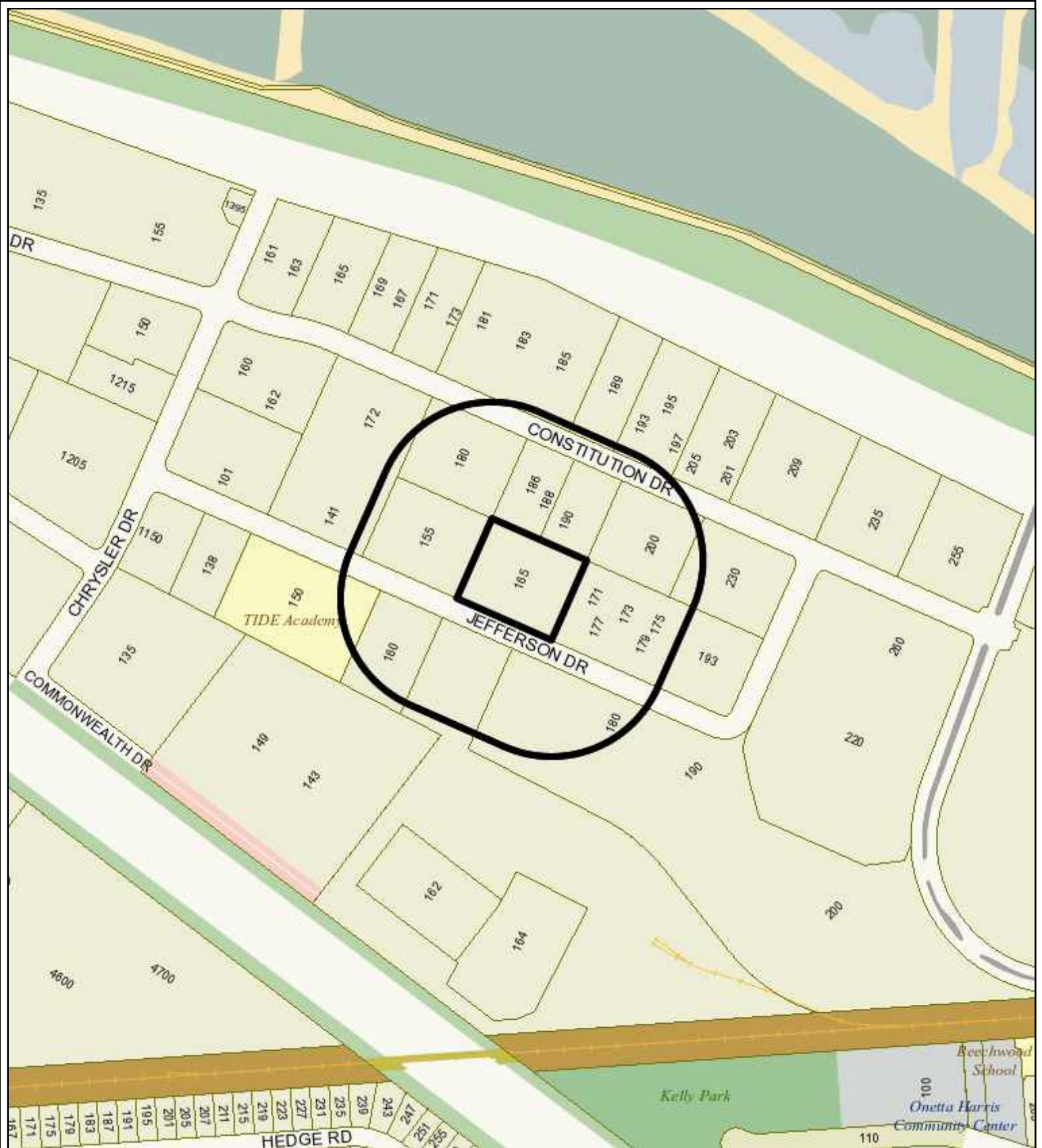
- iv. Under the Cumulative scenario, the proposed intersection improvements at the intersection of Chrysler Drive and Jefferson Drive are to install 1) a traffic signal and 2) convert the shared left/right lane to one left-turn lane and one right-turn lane on northbound Jefferson Drive. The installation of a traffic signal was studied and is included in the City's TIF program. The TIF payment will fulfill this requirement. Prior to issuance of a superstructure permit, the Applicant shall provide a conceptual plan and a cost estimate (including design engineering) for approval by the Transportation Division to determine the fair share contribution. The fair share contribution for the intersection improvement, calculated as 7.6% of the cost estimate, shall be paid prior to the issuance of a superstructure permit; the Applicant is not required to construct these improvement. If these funds are not used within a 5-year period, they will be returned to the Applicant.
- v. Under the Cumulative scenario, the proposed intersection improvement at the intersection of Chrysler Drive and Independence Drive is to install a traffic signal. The installation of a traffic signal was studied and is included in the City's TIF program. The TIF payment will fulfill this requirement.
- vi. Under the Cumulative scenario, the proposed intersection improvement at the intersection of Chilco Street and Bayfront Expressway is to modify the center left-turn lane to shared left-/right lane on Chilco Street and re-design the existing shared bike lane, resulting in having one left-turn lane, one shared left/right lane, and one right-turn lane. This improvement is not included in the City's TIF program and is also subject to approval by Caltrans. Prior to issuance of a superstructure building permit, the applicant shall provide a conceptual plan and a cost estimate (including design engineering) for approval by the Transportation Division to determine the fair share contribution. The fair share contribution for the intersection improvement, calculated as 0.9% of the cost estimate, shall be paid prior to the issuance of a superstructure building permit; the Applicant is not required to construct these improvements. If these funds are not used within a 5-year period, they will be returned to the Applicant.

Menlo Flats Project – Attachment B, Exhibit G – Conditions of Approval

LOCATION: 165 Jefferson Drive	PROJECT NUMBER: PLN2020-00004	APPLICANT: Andrew Morcos	OWNER: David E. Bohannon Nonexempt Marital Trust, Menlo Park Flats Venture, LLC (ground lessee)
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PROJECT CONDITIONS:

- vii. Under the Cumulative scenario, the proposed improvement at the intersection of Chilco Street and Constitution Drive is to install a left-turn lane and convert the shared left/through lane to through lane on southbound Constitution Drive resulting in having one left-turn lane, one through lane, and one right-turn lane. Prior to issuance of a superstructure building permit, the Applicant shall provide a conceptual plan of the following improvement and a cost estimate (including design engineering) for approval by the Transportation Division to determine the fair share contribution. This improvement is not included in the City's TIF program. The fair share contribution for the intersection improvement, calculated as 1.3% of the cost estimate, shall be paid prior to the issuance of a superstructure building permit; the Applicant is not required to construct these improvements. If these funds are not used within a 5-year period, they will be returned to the Applicant.
- gg. Prior to issuance of any project-related building permit and within each construction phase, the Applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the City. The Applicant shall secure adequate parking for any and all construction trades. The plan shall include construction phasing and anticipated method of traffic handling for each phase. The existing sidewalk and bike lanes or an acceptable pedestrian and bicycle pathways along project's frontage shall be provided during all construction phases except when the new sidewalk is being constructed.
- hh. No later than upon the submittal of a complete building permit application, the Applicant shall submit a Transportation Demand Management (TDM) plan consistent with the plan outlined in the Final Environmental Impact Report. Any changes to the plan are subject to review and approval by the City prior to temporary occupancy permit. On January 1 of the year following the first full calendar year after the date of occupancy, or as otherwise designated in the Zoning Ordinance, the Applicant shall submit an Annual Monitoring Report to determine that implementation of the TDM plan is effective in reaching the trip reduction requirements established in the Zoning Ordinance and incorporated into the approved TDM plan. The monitoring report shall be submitted annually to the City's Transportation Division. The annual monitoring is expected to include counts from the site during a defined period with input from the Director of Public Works or their designee. If the subject site is not in compliance with the anticipated trip reductions from the TDM program, the Applicant shall submit a detailed mitigation and monitoring plan identifying steps to be taken to bring the project site into compliance with the maximum Daily, AM and PM trips identified in the trip generation analysis and TDM program.



City of Menlo Park
 Location Map
 Menlo Flats



Scale: 1:4,000

Drawn By: KTP

Checked By: KTP

Date: 12/7/2020

Sheet: 1



REGULAR MEETING AGENDA EXCERPT MINUTES

Date: 11/15/2021

Time: 7:00 p.m.

Meeting Location: [Zoom.us/join](https://zoom.us/join) – ID# 831 6644 9012

F4 and G1 are associated items with a single staff report

- F4. Draft Environmental Impact Report (EIR) Public Hearing/Andrew Morcos for Greystar/165 Jefferson Drive (Menlo Flats):
- Public hearing to receive comments on the Draft EIR to redevelop the project site with approximately 158 multi-family dwelling units (inclusive of 20 additional bonus units for the incorporation of on-site below market rate units per the City's BMR Housing Program (Chapter 16.96.040)) and approximately 14,862 square feet of commercial space on a 1.38-acre parcel. The proposed mixed-use building would be eight stories in height, including three levels of above grade podium parking. The commercial space would be located on the ground floor and second floor. The project site is located in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The project site currently contains one single-story approximately 24,300 square foot office building that would be demolished. The proposed building would contain approximately 154,032 square feet of gross floor area of residential uses with a floor area ratio of 256.3 percent. The proposed commercial component would contain approximately 14,862 square feet of gross floor area with a floor area ratio of 24.7 percent. The proposal includes a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project would include a below market rate housing agreement that requires a minimum of 15 percent of units (or 21 units of the 138 maximum units allowed by the Zoning Ordinance before accounting for the 20 bonus units) be affordable. The applicant is proposing to incorporate 20 additional market-rate units (which are included in the total 158 units), per the density bonus provisions in the BMR Housing Program (Chapter 16.96.040), which allows density and FAR bonuses, and exceptions to the City's Zoning Ordinance requirements when BMR units are incorporated into the project. As part of the project, the applicant is requesting removal of two heritage trees. The Draft EIR was prepared to address potential physical environmental effects of the proposed project in the following areas: population and housing, transportation, air quality, greenhouse gas emissions, and noise (operation period traffic and stationary noise). The Draft EIR identified less than significant effects in the following topic areas: Population and Housing and Greenhouse Gas Emissions. The Draft EIR identified less than significant effects with mitigation for the Air Quality, Transportation, and Noise (operational traffic and stationary noise) topic areas. The City is requesting comments on the content of this focused Draft EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. The City previously prepared an initial study for the proposed project that determined the following topic areas would have no impact, less-than-significant impacts, or less-than-significant impacts with mitigation measures (including applicable mitigation measures from the ConnectMenlo EIR): Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise (construction-period, groundborne vibration, and aircraft-related noise), Public Services, Recreation, Utilities and Services Systems, Tribal Cultural Resources, and Wildfire. Written comments on the Draft EIR may be also submitted to the Community Development Department (701 Laurel Street, Menlo Park) no

later than 5:00 p.m. on December 9, 2021. (Staff Report #21-060-PC)

Item F4 was transcribed by a court reporter.

(Commissioner Tate seemed absent for the following items.)

G. Study Session

- G1. Study Session for Use Permit, Architectural Control, Below Market Rate (BMR) Housing Agreement, Heritage Tree Removal Permits, and Environmental Review/Andrew Morcos for Greystar/165 Jefferson Drive (Menlo Flats):

Request for a study session for a use permit, architectural control, below market rate housing agreement, heritage tree removal permits, and environmental review to redevelop the project site with approximately 158 multi-family dwelling units (inclusive of 20 additional bonus units for the incorporation of on-site below market rate units per the City's BMR Housing Program (Chapter 16.96.040)) and approximately 14,862 square feet of commercial space on a 1.38-acre parcel. The proposed mixed-use building would be eight stories in height, including three levels of above grade podium parking. The commercial space would be located on the ground floor and second floor. The project site is located in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The project site currently contains one single-story approximately 24,300 square foot office building that would be demolished. The proposed building would contain approximately 154,032 square feet of gross floor area of residential uses with a floor area ratio of 256.3 percent. The proposed commercial component would contain approximately 14,862 square feet of gross floor area with a floor area ratio of 24.7 percent. The proposal includes a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project would include a below market rate housing agreement that requires a minimum of 15 percent of units (or 21 units of the 138 maximum units allowed by the Zoning Ordinance before accounting for the 20 bonus units) be affordable. The applicant is proposing to incorporate 20 additional market-rate units (which are included in the total 158 units), per the density bonus provisions in the BMR Housing Program (Chapter 16.96.040), which allows density and FAR bonuses, and exceptions to the City's Zoning Ordinance requirements when BMR units are incorporated into the project. As part of the project, the applicant is requesting removal of two heritage trees. (Staff Report #21-060-PC)

Staff Comment: Planner Bhagat outlined the topics staff requested the Commission consider including site layout, the BMR proposal, the community amenities proposal, and roadway congestion (LOS) intersection improvements and additional bicycle parking.

Chair Doran opened public comment and closed public comment as there were no speakers.

Commission Comment: Commissioner Barnes commented on site layout, including proposed open space. He said he thought the revisions to the paseo design addressed the Planning Commission's concerns. He said he thought the parking garage screening for the building was acceptable. He said he did not have additional input on colors and materials and thought those proposed were fine. He said regarding the BMR proposal there were two proposed alternatives. He said he did not think more moderate-income housing was needed as much as deeper affordability levels were. He said his recommendation was to go with all low-income units or Scenario 1. He said regarding roadway congestion and levels of service that he supported looking at those and ideally solutions to pre-

project levels but not to do anything that would increase demand. He said he leaned towards keeping bicycle parking as proposed to meet standards. He said regarding the community amenities proposal that he did not like in-lieu fees as it let the developer off the hook rather than getting things done and done well. He said he supported using the ConnectMenlo list of community amenities and thought the argument against it that the people who were the source of that list were no longer there was false. He said that disenfranchised people's input particularly the Spanish-speaking community. He said the list could be augmented but it should be the basis for community amenity proposals.

Replying to Commissioner DeCardy, Planner Bhagat said she believed the ordinance had been updated to include the in-lieu option at 110% and said she did not know the status of updating the community amenities list. Planner Sandmeier said she thought that the in-lieu fee was now a public amenity. She said she could bring more information to the next meeting on the updating of the community amenities list.

Commissioner DeCardy said the revision to the paseo and the corner with seating solution was moving in the right direction. He asked regarding the diagrams the applicant showed as the grade was moving up what was happening with the property next to it. Mr. Morcos said a retaining wall was along the property line where the grade differed. He said they were required to raise this site approximately three feet so it would be about three feet tall. Commissioner DeCardy asked about a fence or other protection to prevent falls. Mr. Morcos said he believed there would be a fence. He said that their part of the paseo was 10 foot in width and when the property next door developed that would add another 10 feet in width. Ms. Krolewski said where it was less than a 30-inch drop only a six-inch curb was needed. Mr. Manus said where it raised to the northwest and backed up on the Uptown site, they were essentially level, so the sea level rise criteria enabled both of those sites to get level. He said it was the undeveloped site that was not part of the solution.

Commissioner DeCardy said the site layout in general was headed in the right direction. He said his only concern with the garage screening was that it be kept green over time and there was some provision to require that it was. He said regarding the BMR proposal he appreciated the Housing Commission's input. He said that they needed as much affordable housing as possible and obviously needed at the very low rates. He said he understood the economics regarding that but found the tradeoff of fewer BMRs tough. He said regarding the community amenities proposal that he was inclined to follow the City Council as they looked at the big picture. He said if they had made the opportunity for in-lieu fee then he would support the in-lieu fees. He said regarding LOS he had no comment other than that any improvements would not increase demand and use but only improve flow and safety. He asked for feedback on the emergency power backup moving from diesel to battery.

Mr. Morcos said with a generator they would be able to occupy the building for a period of time. He said with the battery inverter, they had approximately 90 minutes to get everyone safely out of the building. He said the garage could not be operated and the elevator had its own reserve battery backup. He said the inverters were really for lighting exits and minimal power to the building. He said the difference with this building and their other two projects was this one did not have an automated parking system or stackers, which operations really needed a generator to support moving cars.

Chair Doran said regarding the site layout he thought it was great and liked that the paseo was adjacent to open space and the potential for synergy there. He said the parking garage screening was acceptable and expressed hope vegetation would be maintained. He said he had nothing to say on the proposed colors and materials. He said on the BMR proposal he would prefer to see a spectrum of income levels represented. He said regarding the community amenities proposal he

generally agreed with Commissioner Barnes and would prefer to see actual bricks and mortar community amenities as those were something lasting whereas the funding in lieu seemed less permanent. He said one thing on the in-lieu fee list did get his attention and that was to fund Sequoia Union School District. He said he thought the effect of development on schools was overlooked and in particular on that school district. He said he would definitely support in-lieu if the funding went to that high school district. He said regarding roadway improvements he was in favor of maintaining LOS that did not result in increased demand on the roads. He said he had no further comments on the traffic or parking.

Commissioner Riggs said he agreed with Chair Doran about the BMR option and supported very low-income options. He said he would defer to the Housing Commission on this as it was their focus. He asked why the Fiscal Impact Analysis showed a negative income impact to the City. Mr. Phillips, Special Counsel, said the report concluded there was a net cost to the City's general fund due to financing services for new residents associated with the development.

Commissioner Riggs said traffic impacts were inevitable. He said housing projects were what they wanted as opposed to office projects. He said he appreciated the reduction in parking. He asked if there would be active uses along the glassed façade running along the paseo. Mr. Manus said as the pavilion turned the corner the glass would go back as it followed the paseo. He said the sketch showed the activated plaza, the opening for the retail space fronting the plaza. Commissioner Riggs asked if the retail space was for retail or restaurant. Mr. Morcos said it was designed to accommodate a café if the market supported that and was slated as nonresidential. Commissioner Riggs said if it were used for math tutoring that would not look active. Mr. Morcos acknowledged that might be so. Commissioner Riggs said he would hesitate to be prescriptive about uses but having transparent glass storefront and no activity visible was in conflict with the architectural goal of that guideline. He said he hoped the building edges would be active and activate the site. He suggested the applicants target something active and bring back a layout that would give the Commission a sense of that activity. He commented it was a handsome project that had responded to what Menlo Park needed.

Commissioner Kennedy said she did not have anything new to add to the discussion.

CITY OF MENLO PARK
Planning Commission

In re:

165 JEFFERSON DRIVE PROJECT

(MENLO FLATS)

_____ /

ENVIRONMENTAL IMPACT REPORT
SCOPING SESSION
REPORTER'S TRANSCRIPT OF PROCEEDINGS
MONDAY, NOVEMBER 15, 2021

Reported by AMBER ABREU-PEIXOTO
(Via ZOOM Videoconference)
Certified Shorthand Reporter No. 13546
State of California

Page 2	Page 3
<p>1 ATTENDEES</p> <p>2</p> <p>3 The Planning Commission:</p> <p>4 Michael C. Doran - Chairperson</p> <p>5 Henry Riggs</p> <p>6 Camille Kennedy</p> <p>7 Chris DeCardy - Vice Chairperson</p> <p>8 Andrew Barnes</p> <p>9</p> <p>10 SUPPORT STAFF:</p> <p>11 Matt Pruter, Associate Planner</p> <p>12 Payal Bhagat, Contract Principal Planner</p> <p>13</p> <p>14 PROJECT PRESENTERS:</p> <p>15 Andrew Morcos, Greystar</p> <p>16 Clark Manus, Heller Manus</p> <p>17 Karen Krolewski, PGA</p> <p>18</p> <p>19 CONSULTANTS:</p> <p>20 Matthew Wiswell, LSA</p> <p>21</p> <p>22 ---o0o---</p> <p>23</p> <p>24 BE IT REMEMBERED that, pursuant to Notice of the</p> <p>25 Meeting, and on November 15, 2021, 8:27 p.m., via ZOOM Videoconference, before me, AMBER ABREU-PEIXOTO, CSR 13546, State of California, there commenced a Planning Commission meeting under the provisions of the City of Menlo Park.</p> <p>---</p>	<p>1 MEETING AGENDA</p> <p>2 PAGE</p> <p>3 Presentation by Chair Doren 4</p> <p>4</p> <p>5</p> <p>6 Project Presenters:</p> <p>7 Mr. Andrew Morcos, Greystar 11</p> <p>8 Clark Manus, Heller Manus 15</p> <p>9 Karen Krolewski, PGA 19</p> <p>10</p> <p>11 Consultant Presentation</p> <p>12 Mr. Matthew Wiswell, LSA 21</p> <p>13</p> <p>14</p> <p>15 Commission Questions and Comments 33</p> <p>16</p> <p>17</p> <p>18 --o0o--</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 4	Page 5
<p>1 NOVEMBER 15, 2021 8:27 p.m.</p> <p>2</p> <p>3 PROCEEDINGS</p> <p>4</p> <p>5 CHAIR DORAN: Okay. So the next item on the</p> <p>6 agenda is the Environmental Impact Report. And I think we</p> <p>7 have a combined staff report, with a Study Session to</p> <p>8 follow.</p> <p>9 The Draft Environmental Impact Report, EIR, is a</p> <p>10 public hearing, with Andrew Morcos, from Greystar, 165</p> <p>11 Jefferson Drive, Menlo Flats.</p> <p>12 This is a public hearing to receive comments on</p> <p>13 the Draft EIR to redevelop a project site with</p> <p>14 approximately 158 multifamily dwelling units, inclusive of</p> <p>15 20 additional bonus units for the incorporation of on-site</p> <p>16 below market rate units per the City's BMR Housing Program</p> <p>17 (Chapter 16.96.040), and approximately 14,862 square feet</p> <p>18 of commercial space on a 1.38-acre parcel.</p> <p>19 The proposed mixed-use building would be eight</p> <p>20 stories in height, including three levels above-grade</p> <p>21 podium parking. The commercial space would be located on</p> <p>22 the ground floor and second floor. The project site is</p> <p>23 located in the R-MU-B (Residential Mixed Use-Bonus) zoning</p> <p>24 district.</p> <p>25 The project site currently contains one</p>	<p>1 single-story, approximately 24,300-square-foot office</p> <p>2 building that would be demolished. The proposed building</p> <p>3 would contain approximately 154,032 square feet of gross</p> <p>4 floor area of residential uses, with a floor area ratio of</p> <p>5 256.3 percent.</p> <p>6 The proposed commercial component would contain</p> <p>7 approximately 14,862 square feet of gross floor area, with</p> <p>8 a floor area ratio of 24.7 percent. The proposal includes</p> <p>9 a request for an increase in height, density, and floor</p> <p>10 area ratio (FAR), under the bonus level development</p> <p>11 allowance, in exchange for community amenities.</p> <p>12 The proposed project would include a below market</p> <p>13 rate housing agreement that requires a minimum of 15</p> <p>14 percent of units (or 21 units of the 138 maximum units</p> <p>15 allowed by the Zoning Ordinance before accounting for the</p> <p>16 20 bonus units) be affordable.</p> <p>17 The applicant is proposing to incorporate 20</p> <p>18 additional below market rate [verbatim] units (which are</p> <p>19 included in the total 158 units), per the density bonus</p> <p>20 provisions in the BMR Housing Program (Chapter 16.96.040),</p> <p>21 which allows density and FAR bonuses, and exceptions to</p> <p>22 the City's Zoning Ordinance requirements when BMR units</p> <p>23 are incorporated into the project.</p> <p>24 As part of the project, the applicant is</p> <p>25 requesting removal of two heritage trees. The Draft EIR</p>

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1 was prepared to address potential physical environmental
 2 effects of the proposed project in the following areas:
 3 Population and housing, transportation, air quality,
 4 greenhouse gas emissions, and noise (operation period
 5 traffic and stationary noise).
 6 The Draft EIR identified less than significant
 7 effects in the following topic areas: Population and
 8 Housing and Greenhouse Gas Emissions. The Draft EIR
 9 identified less than significant effects with mitigation
 10 for the Air Quality, Transportation, and Noise
 11 (operational traffic and stationary noise) topic areas.
 12 The City is requesting comments on the content of this
 13 focused Draft EIR. The project location does not contain
 14 a toxic site pursuant to Section 6596.2 of the Government
 15 Code. The City previously prepared an initial study for
 16 the proposed project that determined the following topic
 17 areas would have no impact, less-than-significant impacts,
 18 or less-than-significant impacts with mitigation measures
 19 (including applicable mitigation measures from the
 20 ConnectMenlo EIR): Aesthetics, Agriculture and Forestry
 21 Resources, Biological Resources, Cultural Resources,
 22 Energy, Geology and Soils, Hazards and Hazardous
 23 Materials, Hydrology and Water Quality, Land Use and
 24 Planning, Mineral Resources, Noise (construction-period,
 25 groundborne vibration, and aircraft-related noise), Public

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1 We also have the City's environmental consultant
 2 present, who would run through the CEQA process and the
 3 findings of the Draft EIR, after which we request that you
 4 open up the public hearing and seek the community's
 5 comments, and then provide comments on the Draft EIR and
 6 then close that portion of the public hearing, following
 7 which, we would open up the Study Session, where I can
 8 just introduce, real quickly, the questions that staff has
 9 for the Commission.
 10 And we can just kind of get into the public
 11 comments and then any comments that the Commission might
 12 have on the project after that.
 13 There will be no action tonight on this project.
 14 CHAIR DORAN: Okay. So there's also no action on
 15 the Draft Environmental Impact Report?
 16 MS. BHAGAT: That is correct.
 17 CHAIR DORAN: It doesn't require a recommendation
 18 or anything from us?
 19 MS. BHAGAT: It does not at this time. It will
 20 come back to you, after we prepare the Final Environmental
 21 Impact Report.
 22 CHAIR DORAN: Okay. Well, in that case, if you
 23 want to start off with your presentation, you're welcome.
 24 MS. BHAGAT: Thank you.
 25 COMMISSIONER TATE: Oh. I'm sorry. One thing,

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1 Services, Recreation, Utilities and Service Systems,
 2 Tribal Cultural Resources, and Wildfire.
 3 Written comments on the Draft EIR may also be
 4 submitted to the Community Development Department (701
 5 Laurel Street, Menlo Park) no later than 5:00 p.m., on
 6 December 9th, 2021.
 7 We have a staff report on this from Ms. Bhagat, I
 8 believe.
 9 Do we have any additions, corrections to the
 10 staff report at this time?
 11 MS. BHAGAT: I have a brief presentation that I
 12 would like to go through real quickly, but there's no
 13 corrections or changes to the staff report as currently
 14 presented.
 15 CHAIR DORAN: Okay. So just so I understand the
 16 order of the plan, you're going to make a presentation.
 17 Is there also a presentation from the applicant?
 18 Do we have a joint -- I think we have a joint staff report
 19 between this and the Study Session.
 20 So will it be a single presentation for the two
 21 as well?
 22 MS. BHAGAT: So I will go through a brief
 23 presentation, just introducing the project. Then, through
 24 you, we can invite the applicant to give an overview of
 25 the proposal.

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1 Chair Doran. I'm going to go ahead and leave now at 8:38,
 2 instead of 9 o'clock, since we're just starting this.
 3 CHAIR DORAN: Okay. Well, thank you very much.
 4 So if you want to proceed with your presentation
 5 now.
 6 MS. BHAGAT: Yeah. I'm just bringing up the
 7 slides. Just give me one second.
 8 If I can just confirm that everyone can see the
 9 slide?
 10 CHAIR DORAN: Yes, I can see it.
 11 MS. BHAGAT: Thank you.
 12 Good evening Chair, members of the Commission and
 13 members of the community. The project before you this
 14 evening is the redevelopment of an existing site at 165
 15 Jefferson Drive, with the Menlo Flats project.
 16 This 1.3, approximately, acre site is located
 17 east, off the Marsh Road, and south of Bayfront
 18 Expressway. Around the west and north side of the project
 19 site is surrounded by the Menlo Uptown project that was
 20 recently approved. This project site is -- look -- is
 21 shown in by the red box in -- on the screen.
 22 As the Chair mentioned, the applicant is
 23 proposing to demolish the existing building on-site and
 24 redevelop the site with an eight-story, mixed-use
 25 building, which would have approximately 1,500 square-foot

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1 ground floor office, and a little bit of commercial
 2 included in that, and 158 apartment units, which are made
 3 up of studios and four bedrooms.
 4 The project is proposed to be developed using the
 5 density bonus provision, after R-MU-B zoning district,
 6 which allows the increase in density and height in
 7 exchange for providing community amenities. The applicant
 8 will be providing 21 units as affordable or at below
 9 market rate.
 10 The applicant is proposing to provide community
 11 amenities as fees, as well as providing a physical amenity
 12 on-site.
 13 We are currently soliciting comments on the Draft
 14 EIR that was prepared for the project, and public comments
 15 are due 5:00 p.m., on December 9th.
 16 After soliciting the comments from commenting
 17 agencies and members of the public, staff will prepare the
 18 Final EIR, which will be presented to the Planning
 19 Commission for consideration at a later date.
 20 As I mentioned previously, we will quickly have
 21 two items, essentially, on the agenda: Review of the
 22 Draft EIR, and the Study Session.
 23 So at this time, I would just request that we
 24 review the Draft EIR and then close the public hearing for
 25 the Draft EIR and then move into the Study Session. Staff

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1 Some project highlights of Menlo Flats are that
 2 it consists of 158 homes and made up of studios and four
 3 bedrooms, four baths, and just under 15,000 square feet of
 4 non-residential space. It includes 21 BMR affordable
 5 homes located on-site and equitably distributed throughout
 6 the project.
 7 For our community amenity, we're recommending an
 8 in-lieu fee totaling 4.84 million, which I'll go into
 9 further detail on in the next few slides.
 10 From an environmental perspective, this project
 11 has ambitious environmental features, including LEED Gold
 12 design certification and 100 percent all electric, no gas,
 13 and ample EV charging opportunities for parking.
 14 From an open space perspective, this project
 15 provides 52 -- over 5,200 square feet of
 16 publicly-accessible open space, which exceeds the City's
 17 requirement by about 39 percent.
 18 And, finally, a focus on connectivity, including
 19 Paseo, to create a future connection between Constitution
 20 and Jefferson Drive, and ample bike parking altogether
 21 encourage walking and biking from this location.
 22 I'd like to dig into the community amenity a bit
 23 more, since it's an important feature of this project and
 24 development proposal. The appraised value, as determined
 25 by the City's consultant, totaled 4.4 million. We're

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1 will make a brief introduction before discussing the
 2 project further.
 3 And with that, I will turn the meeting over to
 4 the Chair, so that the applicant can make their
 5 presentation.
 6 Thank you.
 7 CHAIR DORAN: Thank you.
 8 So we have a presentation by the applicant now?
 9 MR. MORCOS: Good evening, Chair Doran, and
 10 Planning Commissioners.
 11 Just wait to get the presentation up. Okay. All
 12 right. Sorry about that.
 13 Good evening again. My name is Andrew Morcos,
 14 and I'm here representing Greystar. We're here to give
 15 you an update on Menlo Flats, our third multifamily
 16 project in -- following the ConnectMenlo General Plan
 17 amendment. I'll provide a brief update and overview of
 18 the project and explain how we've incorporated Planning
 19 Commission and the community's feedback to date.
 20 But first I want to give an overview of Greystar
 21 in Menlo Park to date. Between this project, Menlo Flats,
 22 our recently-approved projects, Menlo Uptown and Menlo
 23 Portal, and our completed project, Elan Menlo Park, we're
 24 working with the City to provide over 11,000 homes. Over
 25 140 of these homes will be affordable BMRs.

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1 including the administrative fee of 10 percent. That gets
 2 to 4.84 million.
 3 I also wanted to pass along some feedback I've
 4 received from community members, as we had community
 5 meetings on how this -- these funds could be spent. One
 6 was a pedestrian bridge or underpass connecting the
 7 Bayfront area to the Onetta Harris Community Center.
 8 Another was an expansion-related contribution to
 9 Sequoia Union High School District; housing subsidies to
 10 support and prevent further displacement in Belle Haven;
 11 public transportation improvements in Belle Haven and in
 12 the Bayfront area. There's been interest in a sound wall
 13 adjacent to Highway 101, along Belle Haven.
 14 And, finally, some of the ConnectMenlo community
 15 amenity list is still of interest and includes a grocery
 16 store, pharmacy, and undergrounding power lines in -- all
 17 in Belle Haven.
 18 To update you on the BMR proposal for this
 19 project, we've taken feedback from Menlo Portal and Uptown
 20 and provided two alternatives here. One provides 21, all
 21 low-income homes, and the other provides a mix of
 22 affordability at very low income, low income, and moderate
 23 income.
 24 Here we have a few of Planning Commission's
 25 comments from our previous meetings. First, there was a

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1 concern over the diesel generator that we had in our
 2 previous design. In this update, we've removed the diesel
 3 generator and will be using battery inverters for
 4 emergency backup power.

5 Second, there were some comments regarding
 6 parking. For this project, we're actually requesting a
 7 waiver to reduce parking below the minimum required for
 8 158 units and are providing a .87 parking ratio, which is
 9 below the parking ratio of similar multifamily properties
 10 in both Menlo Park and Redwood City.

11 Next, we're continuing to refine the
 12 publically-accessible open space and Paseo. And I'll go
 13 into more detail in the following slides.

14 And, lastly, we are slightly short on bike
 15 parking in this current plan set, but will provide the
 16 required amount. And we're working with our design team
 17 and City to show that in the plan set following this
 18 meeting.

19 Here I want to highlight the bottom right-hand
 20 corner. You'll see where our publically-accessible open
 21 space connects with the Paseo. This is the previous
 22 rendering. And if you look at that same area in the next
 23 rendering, which you'll see here, we've augmented the area
 24 by transitioning the open space through a stadium seating,
 25 to a -- what we hope is a cafe or a nonresidential portion

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1 you, as Andrew said, there were probably a handful of
 2 things that we needed to continue to refine. And I just
 3 want to focus on a couple of those, as we walk around the
 4 building.

5 All of the renderings that you'll see -- there's
 6 a handful of them -- we have updated in order to reflect
 7 the current design and some of the things that were part
 8 of what the staff wanted to resolve.

9 So the first is -- and Karen will talk a little
 10 bit more in detail about sort of the nature of the pocket
 11 park. As you all remember -- and I'll just sort of help
 12 remind you -- one of the things that I think you provided
 13 input on was the porosity ability of the retail space and
 14 the ability for people to be able to gather on that corner
 15 in that pocket park, which leads up to the Paseo, as it
 16 goes around the project. And I think that was one of the
 17 things that we feel very successful in the course of
 18 incorporating as a part of your suggestions. So that was
 19 one of the items on your list.

20 So next.

21 So coming around -- go back one more. Coming
 22 around to the entry side on the southwest, not a lot has
 23 changed here. One of the things that's probably worth
 24 noting is on the left-hand side -- and you'll see this on
 25 the north side, as well as on the Paseo side, we've looked

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1 of the project. And this also continues to connect with
 2 the Paseo on the right-hand side.

3 As far as community outreach, we initially
 4 presented Menlo Flats to Planning Commission in April of
 5 2020. In June of 2020, we distributed information fliers
 6 to over 6,000 addresses in the neighboring communities,
 7 including all of Belle Haven and had one-on-one
 8 conversations from those fliers. Just last month, we,
 9 again, distributed fliers to over 6,000 addresses in the
 10 same neighborhoods as previously, and hosted two virtual
 11 neighborhood meetings a couple weeks ago, from which I
 12 shared some of the feedback on the previous slides around
 13 community amenities.

14 Lastly, I don't need to go through a Draft EIR
 15 update. LSA and staff will do more than that, but I do
 16 just want to highlight that the Draft EIR found no
 17 significant and unavoidable impacts with mitigation.

18 And with that, I'd like to introduce our design
 19 team. Clark Manus, from Heller Manus; Karen Krolewski,
 20 from PGA, is our landscape architect.

21 And with that, Clark, take it away.

22 MR. MANUS: Terrific. Okay. Thank you, Andrew.

23 Karen and I just want to take you -- Chair and
 24 the Commission -- around the building, as we continue to
 25 adjust the design. I think the last time we were before

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1 to try and green the building up -- use of vines of
 2 various types. Karen can elaborate on the nature of those
 3 -- in an effort to soften the building. But we've been
 4 pretty comfortable and confident about the expression of
 5 that and the ability to sort of soften the character of
 6 the building.

7 Next.

8 And then coming around on the Paseo side, this
 9 view is actually looking back towards the street. Paseo
 10 is on the left-hand side; north side of the building is on
 11 the right. It actually fronts the Uptown project and the
 12 townhouses that were approved by this Commission
 13 previously. Again, we're using a system that will allow
 14 us to be able to green those walls that are adjacent to
 15 parking areas.

16 As Chair Doran described, in the course of the
 17 nature of the building, there's parking at the lower
 18 portions of the building. So in locations where there are
 19 solid walls, we've looked to use a green screen-like
 20 system that will allow us to use -- as Karen will describe
 21 -- aggressive vines that will allow it to create a nice,
 22 soft feel along that so that Paseo is really very nice and
 23 welcoming.

24 At the corner there, just to take note, there's a
 25 dog wash area, as well as access to bicycle parking for

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1 the residents.
 2 Next.
 3 And then, again, coming around on the right-hand
 4 side is where the access to the garage is beyond and EV
 5 lane. On the left-hand side and to your left would be the
 6 Uptown townhouses. And on the Uptown townhouse site,
 7 there's access to garages.
 8 But what we've endeavored to do here is to find a
 9 way that we can make sure that pedestrians feel
 10 comfortable and confident, in terms of the character of
 11 them being able to walk around and access is really only
 12 limited to those people who will be getting their cars
 13 from their garages that are at the lower levels of the
 14 townhouses.
 15 Next.
 16 And then lastly, this view -- I think,
 17 Commissioners, you probably didn't see this view before.
 18 We've incorporated this as a result of the development and
 19 refinement of the project.
 20 The right-hand side is the Uptown townhouses,
 21 which this Commission heard and acted on. All the way in
 22 the back there is the Flats project. On the lower levels,
 23 again, that's the green screen walls that we're using to
 24 conceal parking and also create a nice and sort of lively
 25 character to the facade for the first 30 feet of the

Page 20

1 The patio steps down, with tiered wooden seating, creating
 2 an inviting and activated corner. The seating also
 3 connects to the plaza, which anchors to the corner of the
 4 Paseo and provides a nice activated corner to lead a
 5 person down the Paseo.
 6 And at the end of that Paseo, there is also a
 7 connection to the townhomes' site at the back. And Clark
 8 mentioned, on the vine walls that we will be creating for
 9 the project, those will be using a green screen product
 10 which will allow for easy maintenance of the building
 11 facade, as well as allowing for pruning and caring for the
 12 vines.
 13 And we've -- are planning for a robust seasonal
 14 color pallet and -- so have picked out three vines for
 15 that green screen, including Bower vine, Carolina Jasmine,
 16 which will have yellow flowers, and also a -- mixed in
 17 there, a California grape, which will have a nice red fall
 18 color.
 19 And that wraps up my presentation. And I think
 20 we'd also like to, at this point, wrap up the presentation
 21 as a whole.
 22 Thank you to the Commissioners.
 23 MR. MORCOS: I actually just want to -- thank
 24 you, Karen. Sorry about that. I just want to add one
 25 thing -- or correct one thing.

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1 building.
 2 Next.
 3 And next, just to refresh your memory -- again, I
 4 would just sort of say, next to nothing has probably
 5 changed on these plans from when you saw it last. Same
 6 uses at the ground floor: Commercial uses; parking
 7 behind. And the plan on the right is a plan of the
 8 courtyard and a typical residential floor plan that goes
 9 up through the building.
 10 Next.
 11 And with that, I'd like to turn it over to Karen,
 12 who can take you into a little bit more detail on how the
 13 nature of the public plaza evolved. I think that was one
 14 of the things that I think we have heard you say
 15 consistently, in terms of the public ground.
 16 And I think with that, it's all yours, Karen.
 17 MS. KROLEWSKI: Thank you, Clark. Yeah. I'm
 18 going to focus on showing you some of the changes to the
 19 plaza at the front of the building.
 20 So this is the first slide, showing the overall
 21 relationship with the second story.
 22 Next slide.
 23 So the images on this slide show the design, as
 24 it's developed so far. So the design includes an exit
 25 from the neighborhood benefit space onto a raised patio.

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1 The space above the stadium seating is no longer
 2 a neighborhood benefit. Our community amenity will be
 3 paid through the in-lieu fee. So apologies for that
 4 error.
 5 With that, thank you, Commissioners, and looking
 6 forward to any questions or comments.
 7 MR. DORAN: Thank you.
 8 Commissioner Riggs, do you have a question? A
 9 clarifying question?
 10 No? Okay.
 11 I'd like to move on to the EIR consultant for
 12 their presentation.
 13 MR. WISWELL: Good evening. I believe we --
 14 there it is -- great.
 15 So good evening, Chair and Commissioners. My
 16 name is Matthew Wiswell. I'm with LSA. We are the City's
 17 consultant for environmental review of the Flats project.
 18 With me tonight are Theresa Wallace, LSA's principal in
 19 charge; and Dean Arizabal, LSA's transportation principal.
 20 I will try to keep this as brief as possible, because I
 21 know that you've heard a very similar presentation for our
 22 previous projects in the Bayfront area.
 23 Not sure if I can control the slide or not. But
 24 if someone can point me to the next slide, that will be
 25 great.

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1 While we wait for that, I'll just go to the
 2 purpose of tonight's meeting, which is to hear your
 3 comments on the Draft EIR that was published on October
 4 25th. The focus of your comments should be on the
 5 adequacy of the analysis provided in the Draft EIR.
 6 And while we're happy to answer questions or
 7 clarify material on the Draft EIR tonight, we would ask
 8 that any comments of a really technical or specific nature
 9 be provided again in writing, so that we can provide you
 10 with written responses.
 11 We want to be sure that we're providing you the
 12 most accurate responses that you may need. And, you know,
 13 we want to confer with our technical specialists, who
 14 aren't here tonight, to do that.
 15 I believe a court reporter is also recording the
 16 comments, and a transcript of all the comments received
 17 tonight will also be prepared. Each comment that we
 18 receive on the EIR will then be formally responded to in
 19 writing, and all comments must be received by December
 20 9th, which I believe Payal noted already.
 21 There we go. That's a little better. So this
 22 slide shows the overall schedule for the environmental
 23 review process. On November 16th, the City issued a
 24 Notice of Preparation, or an NOP, notifying interested
 25 parties and responsible agencies that an EIR would be

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1 I'm on Slide 4 here, if we want to skip forward
 2 to that one.
 3 Wonderful. Thank you.
 4 If any environmental impacts are identified, then
 5 the lead agency needs to identify ways to mitigate or
 6 avoid those impacts. And when an EIR is required,
 7 alternatives to the project must also be identified and
 8 evaluated.
 9 Next slide, please.
 10 The environmental analysis for the project tiers
 11 from the ConnectMenlo Final EIR. As you all know, the
 12 ConnectMenlo EIR provided a program-level analysis of the
 13 development potential envisioned for the entire city,
 14 including the increased development potential in the
 15 Bayfront area.
 16 This EIR, for ConnectMenlo, evaluated the impacts
 17 of approximately 2.3 million square feet of nonresidential
 18 space, 400 hotel rooms, and 4,500 residential units. This
 19 Menlo Flats project fits within those development
 20 assumptions of the ConnectMenlo EIR.
 21 A Settlement Agreement with the city of East Palo
 22 Alto also requires that certain projects that tier from
 23 the ConnectMenlo EIR, including those utilizing bonus
 24 level development, like the proposed project, to conduct a
 25 focused EIR with regard to housing and transportation

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1 prepared, and that an initial study was included for
 2 review. I see that we've lost our presentation now, but I
 3 can continue on.
 4 All public comments that we received should be
 5 provided during -- or all comments provided during the
 6 30-day period were considered during preparation of the
 7 EIR. After that the City and the LSA team prepared the
 8 Draft EIR, and we're currently in a 45-day review period.
 9 As Payal noted, after the close of the comment
 10 period on December 9th, we'll prepare the written
 11 responses to each substantive comment received on the
 12 adequacy of the EIR analysis, in what's referred to as a
 13 "Response to Comments" document.
 14 Together, the Draft EIR, which is what you're
 15 reviewing tonight, and that future Response to Comments
 16 document will constitute the Final EIR. And then -- so
 17 the Final EIR will be published and available for review
 18 for a minimum of 10 days before any hearing is held.
 19 Just to give you some background on CEQA, or the
 20 California Environmental Quality Act, it's the state law
 21 that requires the environmental evaluation of a project.
 22 Generally the purpose of CEQA is to inform the City's
 23 decision-makers, other agencies, and the general public
 24 about the potential environmental consequences of project
 25 approval.

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1 specifically. And this environmental review of the
 2 project complies with those terms of the Settlement
 3 Agreement.
 4 Next slide, please.
 5 So as I mentioned before, an initial study was
 6 circulated with the NOP, that an EIR would be prepared.
 7 Based on the conclusions of the initial study, the topics
 8 shown on this slide were not further evaluated because the
 9 project is not anticipated to result in significant
 10 effects related to those issues or because the initial
 11 study found that those topics were adequately addressed
 12 through the program level EIR for ConnectMenlo. The
 13 topics on the left, shown under "Potentially Significant
 14 Impact," were identified for further evaluation in the
 15 EIR.
 16 Next slide, please.
 17 So this slide gives an overview of the findings
 18 for each topic evaluated in the Draft EIR, which I will go
 19 over in the next couple of slides. The main takeaway is
 20 that no significant unavoidable impacts were identified,
 21 and that all impacts can be reduced to a
 22 less-than-significant level, with implementation of
 23 mitigation measures.
 24 Next slide, please.
 25 For the topic of population and housing, a

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1 Housing Needs Assessment, or HNA, was prepared in
 2 compliance with the terms of the Settlement Agreement and
 3 to provide background and context for this EIR section.
 4 Briefly, the project would fit within the growth
 5 projections identified in the ConnectMenlo EIR and would
 6 not induce any unplanned population growth. Initially the
 7 project would increase the availability of housing and
 8 would not increase displacement pressures on surrounding
 9 communities, including Belle Haven and East Palo Alto. No
 10 mitigation measures required for that one.

11 For the topic of transportation, a Transportation
 12 Impact Analysis -- or a TIA -- was prepared, consistent
 13 with the City's TIA guidelines. Under CEQA, as we -- I
 14 think -- all know at this point, roadway congestion or
 15 level of service is no longer the metric for evaluation of
 16 transportation impacts.

17 And compliance with SB 743, and the City's
 18 updated TIA guidelines, VMT, or Vehicle Miles Traveled, is
 19 the threshold of significance. The threshold considers
 20 VMT per person or per capita, which is a measurement of
 21 the amount of distance that a resident, employee, or a
 22 visitor drives.

23 For mixed-use projects, each land use is
 24 independently evaluated. The analysis for residential --
 25 the residential component of the project determined that

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1 ConnectMenlo EIR. And the project would also not exceed
 2 regional air quality emissions during operation.

3 The EIR also included an operational and
 4 construction Health Risk Assessment, or an HRA, consistent
 5 with the mitigation measures outlined in the ConnectMenlo
 6 EIR. The HRA determines whether or not sensitive
 7 receptors, including residential uses, schools, or other
 8 similar sensitive uses could be exposed to toxic air
 9 contaminants.

10 The analysis determined that mitigation measures
 11 would be required to ensure that construction equipment is
 12 equipped with specific emissions' controls to reduce
 13 exposure of offsite receptors to TACs during construction.
 14 This analysis determined that both on and offsite
 15 receptors would not be exposed to substantial increases in
 16 TACs with the project during operation.

17 For greenhouse gas emissions, all impacts would
 18 be less than significant and implementation of the basic
 19 control measures I just mentioned would further reduce the
 20 GHG emissions during construction.

21 The project would be well below the BAAQMD's
 22 thresholds for operational emissions. And the project
 23 would generally comply with all the applicable plans and
 24 policies and regulations adopted for the purpose of
 25 reducing greenhouse gas emissions, including the state's

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1 implementation of the Transportation Demand Management
 2 plan, proposed by the project, would reduce VMT below the
 3 established threshold, which is 15 percent below the
 4 regional average VMT.

5 For the office use, the additional TDM measures
 6 were identified as a mitigation measure to ensure that
 7 this use would also be below the threshold.

8 The EIR also determined that the project would
 9 generally comply with the applicable
 10 transportation-related plan and policies, would not create
 11 any design hazards, or result in inadequate emergency
 12 access.

13 And then, finally, consistent with the City's TIA
 14 guidelines, a level of service analysis was also conducted
 15 for local planning purposes. Two intersections were
 16 identified in the near terms, exceeding the City's
 17 thresholds, and five additional intersections were
 18 determined to exceed the threshold during cumulative
 19 conditions. Intersection improvements were recommended to
 20 be included as project conditions of approval.

21 For the topic of air quality, the analysis
 22 determined that implementation of BAAQMD's basic
 23 construction measures would be required to reduce
 24 construction period impacts to a less-than-significant
 25 level, which is consistent with the findings of the

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1 Scoping Plan, Plan Bay Area, and the City's Climate Action
 2 Plan.

3 And, finally, for noise, the analysis determined
 4 that transportation-related increases in noise would not
 5 exceed the City's standards because the project would
 6 locate residential uses in an area that is considered
 7 conditionally acceptable. Noise environment by the City
 8 mitigation measures would be required to reduce interior
 9 noise impacts. These include the installation of
 10 mechanical ventilation so that windows can remain closed,
 11 and the use of noise-reducing window materials. These are
 12 also consistent with the ConnectMenlo EIR mitigation
 13 measures.

14 So the -- as I mentioned previously, the EIR also
 15 evaluated a range of alternatives to the proposed project
 16 with the objective of avoiding or reducing potential
 17 impacts of the project. These alternatives were developed
 18 in consultation with City staff and consider the comments
 19 received during the NOP scoping period, as well as
 20 comments on the -- on previous projects in the area as
 21 well.

22 Under CEQA, alternatives to a project must
 23 generally meet most of the basic project objectives.
 24 While a number of project alternatives were considered,
 25 the EIR included full analysis of four alternatives,

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1 including the CEQA-required no-project-alternatives and
 2 three different development alternatives, which are
 3 summarized in this slide.

4 So there's the base-level alternative, which
 5 looked at development of the site under the maximum base
 6 residential density allowed in the zoning district without
 7 any community amenities and without any bonus-level
 8 development. This would include 111 fewer residential
 9 units than the proposed project and a decrease of about
 10 6,000 square feet of nonresidential space.

11 Also some the impacts would be slightly lessened
 12 due to the reduced size of the project. None of the
 13 impacts would be entirely avoided, and similar mitigation
 14 measures would still be required.

15 We looked at an all-residential alternative,
 16 which evaluated the development at the maximum level of
 17 residential use in the zoning district, which, in this
 18 case, is 159 units -- one less than -- or one more than
 19 the proposed project, but without any nonresidential
 20 space.

21 Instead of providing any community amenities
 22 on-site, the project sponsor would pay the community
 23 amenity fee. While some of the impacts would be slightly
 24 lessened, only the VMT impact would be entirely avoided
 25 under this alternative because there wouldn't be any

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1 providing on-site nonresidential space.
 2 Next slide, please.

3 So with that, that concludes my presentation and
 4 overview of the CEQA process and the EIR. As we noted,
 5 comments will be collected by the City and should be
 6 submitted to the e-mail address, or, if you prefer to
 7 write them in a letter, to the address listed there.

8 Even if you make verbal comments tonight, we
 9 would again encourage you to also submit your comments in
 10 writing, so that we can thoroughly respond to them.

11 And with that, I will take any questions.

12 CHAIR DORAN: Thank you. I do want to open it up
 13 to public comment, but if we have clarifying questions
 14 from the Commission, we can do that now.

15 Not seeing any. So I would like to open it up to
 16 public comment at this time.

17 Mr. Pruter, do we have any hands raised now?

18 MR. PRUTER: Thank you, Chair Doran.

19 We do not at this time, but as a reminder for
 20 folks interested in commenting, if you could press the
 21 hand icon on your interface, you can provide us with
 22 public comment. And if you're calling by phone, you can
 23 press *9 as well.

24 And I see none at this time. So we can wait a
 25 few moments, if you'd like.

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1 office space.

2 And, finally, the reduced parking alternative
 3 analyzed the reduction in nonresidential parking that
 4 would be required to achieve a maximum VMT reduction
 5 possible. The VMT reduction is estimated based on a
 6 formula from the California Air Pollution Control
 7 Officers, which compares the proposed parking to the
 8 demand rate from the Institute of -- the parking demand
 9 from the Institute of Transportation Engineers. Based on
 10 this formula, reducing the office parking supply by nine
 11 spaces provides the maximum VMT reduction.

12 It should also be noted that the reduced parking
 13 alternative would result in fewer parking spaces than the
 14 minimum required by the zoning ordinance and, therefore,
 15 would require the approval of a variance, which the
 16 proposed project, as is, doesn't require.

17 All that being said, even with the maximum VMT
 18 reduction possible, there would still be a VMT impact, and
 19 the same mitigation measures as the project would be
 20 required.

21 So, ultimately, it was determined that the -- in
 22 terms of environmental impacts, the all-residential
 23 alternative would be the environmentally superior
 24 alternative. However, this alternative would not fully
 25 achieve some of the basic project objectives related to

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1 CHAIR DORAN: Yeah. Let's give it a little
 2 while.

3 Still no hands raised?

4 MR. PRUTER: At this time, I still see no hands
 5 raised. So you can close it, if you feel you'd like to.
 6 Thank you.

7 CHAIR DORAN: Yeah. I'm going to close public
 8 comment now, bring it back to the Commission for questions
 9 and comments on the Draft EIR.

10 Commissioner DeCardy?

11 COMMISSIONER DECARDY: And, Mr. Wiswell, thank
 12 you for the presentation, the thorough presentation and
 13 all your hard work.

14 I want to start by really just commending you and
 15 the City for the fourth alternative, the reduced parking
 16 alternative. I think it's fabulous that that was
 17 included. I hope that this is the beginning of including
 18 such an alternative in every one of these EIRs in the
 19 future. I think having that information is just fantastic
 20 for the community to be able to understand, especially in
 21 this part of our community, where transportation, traffic,
 22 vehicle movement has been such an issue for such a long
 23 time.

24 So my first thing is just to really thank you and
 25 thank the City and hope this is a precedent that we'll use

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1 again and again.
 2 And then I do, on that specific thing, on -- have
 3 a clarifying question, which is -- so the reduction of
 4 nine spaces, which is from the office building or the
 5 commercial, is about a 25 percent reduction.
 6 So my first question is, the reduced parking was
 7 for the office, but not for the residential. And if you
 8 could explain why.
 9 MR. WISWELL: Sure. Yeah. So I mentioned that
 10 the reduced parking is based on the idea that reducing
 11 parking, reduces VMT in some cases. And the way that you
 12 determine that is by comparing the provided parking to the
 13 estimated parking demand. And in this case, the
 14 residential parking is already so low that any further
 15 reduction would not result in any VMT decrease, if that
 16 makes sense.
 17 So there's the -- the potential VMT reduction is
 18 capped at about 12 percent. And based on the formula
 19 provided by the Air Pollution Control Officers, they've
 20 already hit the max for residential. They can't -- any
 21 further reduction wouldn't provide any additional VMT
 22 decrease.
 23 COMMISSIONER DECARDY: So to a certain degree,
 24 you're beholden to having to use that input in your
 25 analysis.

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1 MR. WISWELL: Sure. So I will say, just --
 2 first, if I can make a clarification.
 3 It's the environmentally superior alternative;
 4 not necessarily preferred.
 5 COMMISSIONER DECARDY: Okay.
 6 MR. WISWELL: CEQA doesn't get into the business
 7 of recommending projects or not.
 8 COMMISSIONER DECARDY: Fair enough.
 9 MR. WISWELL: So as I kind of touched on in my
 10 presentation, even with the reduced parking alternative,
 11 it would still require a mitigation measure for VMT for
 12 the office use specifically. And so we had another
 13 alternative that's all residential. And since it doesn't
 14 have any office space, it doesn't require that
 15 transportation mitigation measure.
 16 So when we look at what the environmentally
 17 superior alternative is, it's generally the one that
 18 requires the fewest mitigation measures.
 19 COMMISSIONER DECARDY: I see. But it's still --
 20 right. So that's the superior one.
 21 But relative to the project, if you were just
 22 looking at the project to the no-parking alternative,
 23 everything is equal, except you get the benefit of the VMT
 24 reduction from the reduced 25 percent, and you have to do
 25 a variance. That's the way to look at that, if you're

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1 Is that the way to say that?
 2 MR. WISWELL: That's correct. Yes.
 3 COMMISSIONER DECARDY: Okay. That's helpful.
 4 And then not being an analytical expert in this,
 5 is -- so this 25 percent reduction, is it really just the
 6 nine spaces is the important thing? Like, if this
 7 happened to be a commercial project that had 100 spaces,
 8 is the same answer going to be nine? Or is the same
 9 answer 25 percent? Or is it actually neither one of
 10 those, if you extrapolated, would be the way to think
 11 about it?
 12 MR. WISWELL: Sure. The 25 percent is more
 13 correct.
 14 COMMISSIONER DECARDY: Okay. So -- and then I
 15 guess my question is, the preferred -- the stated
 16 preferred alternative now is the project. But what's the
 17 downside of having this additional VMT benefit?
 18 Presumably there's some environmental benefit to that
 19 amount of reduced VMT.
 20 And isn't the only hassle the need for a
 21 variance, which actually has nothing to do with the
 22 environment, other than, I suppose, us printing a whole
 23 bunch of paper to look at a variance or something.
 24 So walk through why that wasn't the preferred
 25 alternative to the project.

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1 just comparing across the EIR to those -- those two
 2 aspects of -- those two of the four that you put in there?
 3 MR. WISWELL: I might want to ask Eric Phillips
 4 to weigh in on this. I know that there may be an issue
 5 with the amount of parking that can be reduced from the
 6 legal side -- or maybe Payal can weigh in -- because it
 7 would be less than the zoning code requires.
 8 Payal, do you want to touch base more on that?
 9 MS. BHAGAT: Sure. I can try to take that.
 10 So, Vice Chair, the issue is if you compare the
 11 two projects out of the -- sort of the environmental scope
 12 of the environmentally superior project, the issue is that
 13 this is an SB 330 project, the current project that is
 14 being proposed. Therefore, legally speaking -- and Eric
 15 can speak to that some more -- staff cannot add a
 16 requirement that the applicant go through a discretionary
 17 review process, such as a variance, because SB 330 statute
 18 doesn't allow us to do that.
 19 So, in other words, we couldn't say, "Do the" --
 20 reduce the parking for the office by nine spaces;
 21 therefore, be not compliant with the zoning code, which
 22 requires you to do a variance so that we could reduce the
 23 VMT by 12 percent.
 24 MR. WISWELL: And I would just note there -- even
 25 if we do this, all it does is take a few -- a couple

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1 measures out of the transportation mitigation measure. It
 2 doesn't completely avoid it. And there still will be some
 3 additional measures needed. It just -- it change -- it
 4 would change how many additional measures would be needed.
 5 COMMISSIONER DECARDY: I appreciate that. Thank
 6 you.
 7 So mostly I'll just go back to the beginning on
 8 this, which is, I think it's fabulous that this is in the
 9 EIR. I think it's clear that this is information that is
 10 hugely helpful to a community that has been deeply
 11 impacted by traffic. And I think it gives us, as a city,
 12 a whole lot more information in the future to understand
 13 that building more parking and making roads bigger does
 14 not take care of our vehicle-miles-traveled problem. And
 15 this puts it -- that in really stark relief, in a really
 16 helpful way.
 17 So I'll just go back to the beginning and thank
 18 you for making that happen, and appreciate the
 19 clarifications.
 20 CHAIR DORAN: Do we have other Commissioners that
 21 would like to speak?
 22 Okay. Well, I'm not seeing anyone else that
 23 wants to speak on the Draft EIR.
 24 I want to ask Ms. Bhagat. Is there anything else
 25 you need from the Commission now, or can I close the

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1 public hearing portion?
 2 MS. BHAGAT: Chair, if there are no other
 3 comments from any of the Commissioners, then we can go
 4 ahead and close the public hearing on this portion and
 5 move on to the Study Session.
 6 CHAIR DORAN: Okay. I'm not seeing any other
 7 comments from the Commission. So I'm going to close the
 8 public hearing portion of the meeting.
 9 We will now move to the Study Session.
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 11 (WHEREUPON, Agenda Item F4 ended.)
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1 CERTIFICATE OF REPORTER
 2
 3 I, AMBER ABREU-PEIXOTO, hereby certify that the
 4 said proceedings were taken remotely in shorthand by me, a
 5 Certified Shorthand Reporter of the State of California,
 6 and was thereafter transcribed into typewriting, and that
 7 the foregoing transcript constitutes a full, true, and
 8 correct report of said proceedings which took place;
 9
 10 That I am a disinterested person to the said
 11 action.
 12
 13 IN WITNESS WHEREOF, I have hereunto set my hand
 14 this 10th day of January, 2022.
 15
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 17 _____
 18 AMBER ABREU-PEIXOTO, CSR No. 13546
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January 19, 2022

City of Menlo Park
Planning Division
701 Laurel Street
Menlo Park, CA 94025

**Incentive Request Letter – BMR Density Bonus
165 Jefferson Drive**

Dear Menlo Park Planning Division:

Section 16.96.040 of the Menlo Park Municipal Code grants housing developments and mixed-use developments that include housing that provide one (1) or more below market rate (BMR) units the right to pursue density and floor area ratio (FAR) bonuses. The density and FAR bonuses permit such developments to include one (1) additional market rate unit for each below market rate unit provided under the below market rate housing program as well as an increase in FAR for an amount that corresponds to the increase in allowable density.

In Section 16.96.040(b), the code further explains that through an “incentive” request, the developer may request exceptions from all development regulations of the applicable zoning district of a residential development project that includes below market rate units to accommodate the increase in allowable density and floor area ratio.

Greystar has allocated 21 of the project’s units as BMR units resulting in 20 additional market rate units. Thus, Greystar requests the following exceptions per Section 16.96.040:

- Exceptions for:
 - Average height requirement per MPMC Section 16.45.50 Development Regulations (Height)
 - Applicant is requesting approval to modify the height limit to an average height of 66.3’ as noted on sheet A-002.
 - Vehicle parking requirements per MPMC Section 16.45.080
 - Applicant is requesting approval to provide 138 parking spaces instead of 158 parking spaces.

Updated project drawings prepared for compliance review have included the requested incentive exceptions noted above.

Sincerely,

Andrew Morcos
Managing Director, Development
Greystar

Building Mass and Scale Design Standards Compliance			
Design Standard Category	Requirement	Project Compliance	Details
Base Height and Minimum Stepback	Above 55 feet in height (referred to as “base height”), building façade must step back a minimum horizontal distance of 10 feet along 75% of the building façade	Complies	The building fronts Jefferson Drive and meets the requirement by stepping back more than 75% of the building façade by 10 feet
Building Projections	Building projections, such as balconies or bay windows, are permitted to project up to six feet into required stepback	Complies	The building does not have any projects within the required stepbacks
Major Modulations	Minimum of one recess 15 feet wide by 10 feet deep every 200 feet of façade length from ground level to base height (55 feet)	Complies	The project provides minimum one major modulation every 200’ on the elevation fronting Jefferson Drive. The elevation along the public paseo is less than 200’ therefore no major modulation is required
Minor Modulations	Minimum recess five feet wide by five feet deep per every 50 feet of façade length from ground level to top of building	Complies	Along Jefferson Drive street frontage and public paseo, the building would have recesses five feet by five feet distributed across façade every 50 feet or less
Building Entrances	Minimum of one entrance every 100 feet of building length along a public street or paseo	Complies	The project provides three entrances fronting Jefferson Drive that allows access to the front lobby, commercial retail space, and office use on the ground floor. The project also provides three entrances from the public paseo into the building one of which can be used to access the office/commercial use and the remaining two can be used to access the residential units.
Ground Floor Transparency	Minimum of 30% of ground floor façade must provide transparency through windows, glass doors, etc.	Complies	The transparent glazing exceeds 30 percent for residential use and 50 percent for the commercial and office uses on the ground floor
Minimum Ground Floor Height	Minimum height of 10 feet from ground level finished floor to second-level finished floor along street frontage	Complies	The building is designed to have a ground floor height of 15’
Garage Entrances	Maximum 24-foot wide opening for a two-way garage entrance along street frontage	Complies	No garage entrance is provided along street frontage. Garage door opening is 24 foot wide.

General Plan Goals, Policies, and Program Compliance Summary			
General Plan Policy or Program	Requirements	Project Consistency	Details
Policy LU 1.2 Transportation Network Expansion	Integrate regional land use planning efforts with development of an expanded transportation network focusing on mass transit rather than freeways, and encourage development that supports multimodal transportation.	Consistent	<ul style="list-style-type: none"> Project is an infill site with a mixed-use building with 158 rental apartments, approximately 13,400 square foot office use, and 1,600 square foot commercial space in close proximity to existing job centers, potentially limiting reliance on vehicle for commutes
Policy LU 1.6 Infill Development Environmental Review	Streamline the environmental review process for eligible infill projects by focusing the topics subject to review where the effects of infill development have not been addressed in a planning level decision or by “uniformly applicable development policies or standards,” in accordance with CEQA Guidelines Section 15183.3.	Consistent	<ul style="list-style-type: none"> Initial study prepared to scope out previously analyzed topics; focused EIR prepared for project on topics required by settlement agreement with East Palo Alto and related topic areas
Policy LU 2.1 Neighborhood Compatibility	Ensure that new residential development possesses high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the city’s residential character.	Consistent	<ul style="list-style-type: none"> The project generally complies with the R-MU Zoning Ordinance design standards and regulations which were created to implement the General Plan Policy LU2.1
Policy LU 2.2 Open Space	Require accessible, attractive open space that is well maintained and uses sustainable practices and materials in all new multiple dwelling and mixed-use development.	Consistent	<ul style="list-style-type: none"> The project complies with the open space requirements The project provides a publicly accessible plaza along the eastern property line which provides a pedestrian and bicycle connection with neighboring projects
Policy LU 2.3 Mixed Use Design	Allow mixed-use projects with residential units if project design addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transport and use of potentially hazardous materials.	Consistent	<ul style="list-style-type: none"> The project compliance with all applicable development standards and regulations of the Zoning Ordinance Environmental review conducted and mitigations from ConnectMenlo Final EIR and project specific mitigations would limit impacts in all areas to less

			than significant.
Policy LU 2.5 Below-Market Rate Housing	Require residential developments of five or more units to comply with the provisions of the City's Below-Market Rate (BMR) Housing Program, including eligibility for increased density above the number of market rate dwellings otherwise permitted by the applicable zoning and other exceptions and incentives.	Consistent	<ul style="list-style-type: none"> Project includes a BMR proposal with a minimum of 15 percent of the total allowable rental units affordable to very low-, low-, and moderate-income households
Policy LU 2.6 Underground Utilities	Require all electric and communications lines serving new development to be placed underground.	Consistent	<ul style="list-style-type: none"> Project is conditioned to underground overhead lines along the project frontages
Policy LU 2.9 Compatible Uses	Promote residential uses in mixed-use arrangements and the clustering of compatible uses such as employment centers, shopping areas, open space and parks, within easy walking and bicycling distance of each other and transit stops.	Consistent	<ul style="list-style-type: none"> The project would redevelop an existing office building site with multi-family residential apartments, locally serving commercial space, and office space. The project provides a publicly accessible paseo along its eastern property line which provides bicycle and pedestrian access from the Jefferson Drive to the project site and other adjoining residential uses
Policy LU 3.1 Underutilized Properties	Encourage underutilized properties in and near existing shopping districts to redevelop with attractively designed commercial, residential, or mixed-use development that complements existing uses and supports pedestrian and bicycle access.	Consistent	<ul style="list-style-type: none"> The project proposes to redevelop an underutilized industrial/office site with development of a mixed-use building which includes residential, office, and commercial uses in a manner that is consistent with this policy
Policy LU 4.3 Mixed-Use and Nonresidential Development	Limit parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses, and promote high-quality architectural design and effective transportation options.	Consistent	<ul style="list-style-type: none"> The proposed project complies with the Zoning Ordinance parking requirements for the proposed uses The proposed project would be required to reduce trips associated with the project by 20 percent from standard trip

			generation rates, further limiting traffic impacts
<p>Policy LU 4.4 Community Amenities</p> <p>LU 4.C Community Amenity Requirements</p>	<p>Require mixed-use and nonresidential development of a certain minimum scale to support and contribute to programs that benefit the community and the City, including education, transit, transportation infrastructure, sustainability, neighborhood-serving amenities, child care, housing, job training, and meaningful employment for Menlo Park youth and adults.</p>	Consistent	<ul style="list-style-type: none"> The proposed project includes community amenities proposal in compliance with the minimum required community amenities value as accepted by the Community Development Director
<p>Policy LU 4.7 Fiscal Impacts</p> <p>Program LU 4.A Fiscal Impact Analysis</p>	<p>Evaluate proposed mixed-use and nonresidential development of a certain minimum scale for its potential fiscal impacts on the City and community.</p>	Consistent	<ul style="list-style-type: none"> The City prepared a fiscal impact analysis to disclose the fiscal impacts of the proposed project on the City and special districts
<p>Policy LU 6.2 Open Space in New Development</p>	<p>Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design</p>	Consistent	<ul style="list-style-type: none"> The project proposed to provide a publicly accessible paseo along the eastern property line that enhances bicycle and pedestrian connection through the site by connecting two streets. The paseo also connects this project to other adjoining residential development Project includes the required open space pursuant to the Zoning Ordinance
<p>Policy LU 6.3 Public Open Space Design</p> <p>Program LU 6.B Open Space Requirements and Standards</p>	<p>Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.</p>	Consistent	<ul style="list-style-type: none"> The project includes rooftop open space for the project for active uses and a plaza fronting Jefferson Drive and a publically accessible paseo along the eastern property line as active and passively designed open space
<p>Policy LU 6.9 Pedestrian and Bicycle Facilities</p>	<p>Provide well-designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.</p>	Consistent	<ul style="list-style-type: none"> The project proposes to install frontage improvements along each public ROW including bicycle and pedestrian facilities The project includes a paseo and plaza that is publically accessible, and while it is not a formal paseo connection in coordination with an already approved neighboring project

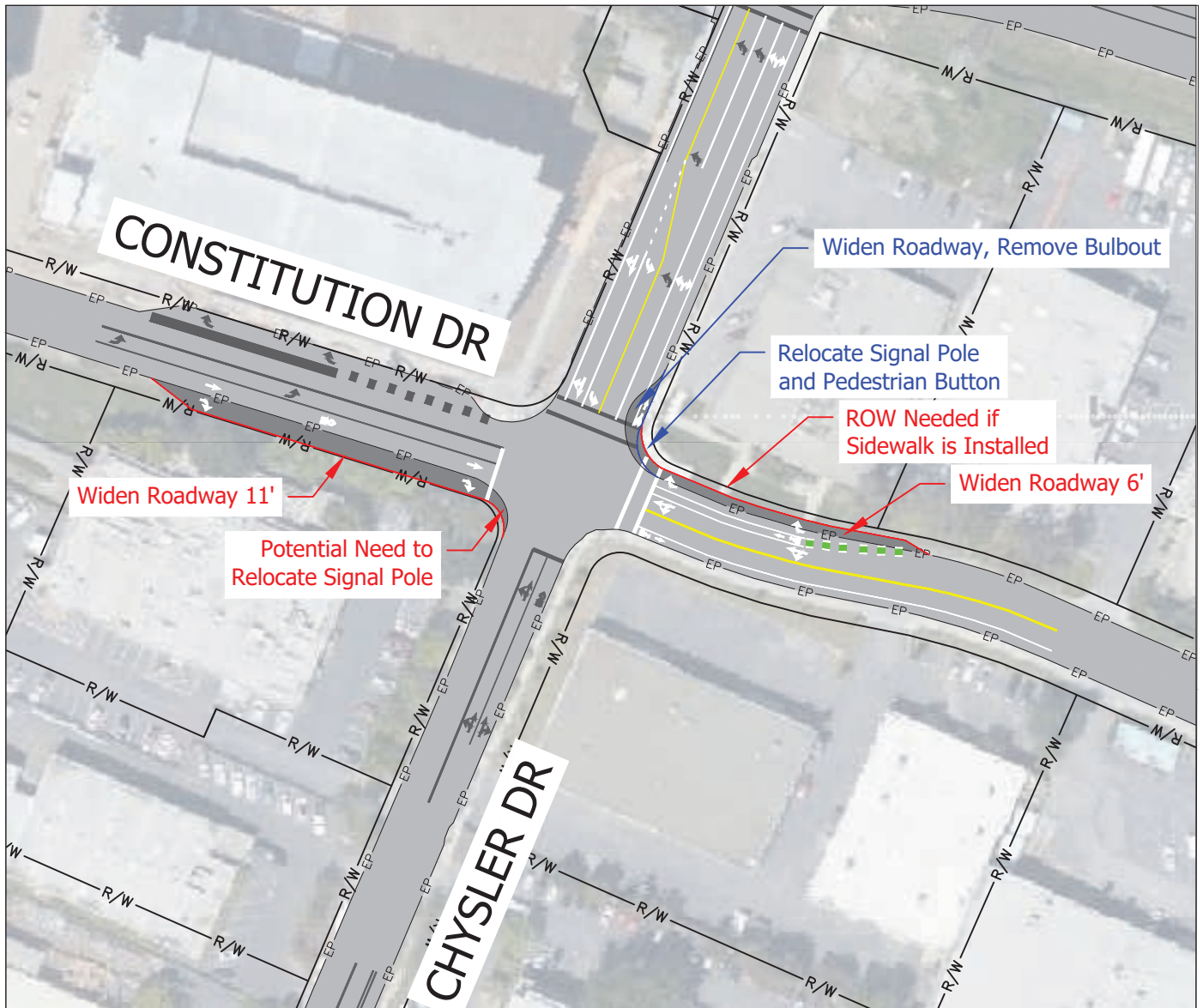
			landscape design, this project will be able to provide a pedestrian connection between two public ROWs
Policy LU 6.11 Baylands Preservation	Allow development near the Bay only in already developed areas.	Consistent	<ul style="list-style-type: none"> The project would redevelop existing office site with a new infill mixed use development
Program LU 6.D Design for Birds	Require new buildings to employ façade, window, and lighting design features that make them visible to birds as physical barriers and eliminate conditions that create confusing reflections to birds.	Consistent	<ul style="list-style-type: none"> The proposed project would comply with the Zoning Ordinance bird friendly design standards and requirements
Policy LU 7.1 Sustainability	Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.	Consistent	<ul style="list-style-type: none"> The proposed project would comply with the City's water efficient landscaping ordinance, CalGreen code requirements, Zoning Ordinance zero waste planning requirements, and be designed to applicable LEED standards
Policy LU 7.5 Reclaimed Water Use Program LU 7.D Performance Standards	Implement use of adequately treated "reclaimed" water (recycled/nonpotable water sources such as, graywater, blackwater, rainwater, stormwater, foundation drainage, etc.) through dual plumbing systems for outdoor and indoor uses, as feasible	Consistent	<ul style="list-style-type: none"> The proposed project would be dual plumbed for use of recycled water in approved non-potable applications. The project proposes to install a recycled water plant on site to comply with the Zoning Ordinance requirements to use recycled water in all City-approved non-potable applications.
Policy LU 7.9 Green Building	Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.	Consistent	<ul style="list-style-type: none"> The project would be designed to comply with the City's applicable LEED requirements; would comply with the City's Reach codes for energy, and would comply with the City's Green and Sustainable Building requirements in the Zoning Ordinance
Program LU 7.H Sea Level Rise	Establish requirements based on State Sea Level Rise Policy Guidance for development projects of a certain minimum scale potentially affected by sea	Consistent	<ul style="list-style-type: none"> The project would comply with the Zoning Ordinance requirement that the finished floor of the ground level of the building be a minimum of 24

	level rise to ensure protection from flooding and other potential effects		inches above the BFE
Policy CIRC-2.11 Design of New Development	Require new development to incorporate design that prioritizes safe pedestrian and bicycle travel and accommodates senior citizens, people with mobility challenges, and children	Consistent	<ul style="list-style-type: none"> The proposed project would provide a publicly accessible paseo that would be designed to comply with accessibility requirement and provide a mid-block connection between Jefferson Drive and Constitution Drive
Policy CIRC-2.14	Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per service population or other efficiency metric) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.	Consistent	<ul style="list-style-type: none"> The project would include a publicly accessible paseo which would provide pedestrian and bicycle access across two rights-of-way providing connectivity and improving pedestrian and bicycle infrastructure in the area. The project includes a transportation demand management (TDM) plan that would reduce project trips by 20 percent. The project would install frontage improvements to facilitate bike and pedestrian connections within the vicinity of the project site. The EIR evaluated the project's potential impact on VMT and determined that its impact would be less than significant when mitigation measures were incorporated as part of project implementation.
Policy CIRC-7.1 Parking and New Development	Ensure new development provides appropriate parking ratios, including application of appropriate minimum and/or maximum ratios, unbundling, shared parking, electric car charging, car sharing, and Green Trip Certified strategies to accommodate	Consistent	<ul style="list-style-type: none"> The proposed project is generally consistent with the City's parking requirements and provides sufficient onsite vehicular and bike parking to serve the new uses The proposed project provides sufficient EV

	residents, employees, customers and visitors.		<ul style="list-style-type: none"> charging facilities per City's EV Charging ordinance Parking would be unbundled from the apartments rent cost
Policy H4.2 Housing to Address Local Housing Needs	Strive to provide opportunities for new housing development to meet the City's share of its Regional Housing Needs Allocation (RHNA). In doing so, it is the City's intent to provide an adequate supply and variety of housing opportunities to meet the needs of Menlo Park's workforce and special needs populations, striving to match housing types, affordability and location, with household income, and addressing the housing needs of extremely low income persons, lower income families with children and lower income seniors	Consistent	<ul style="list-style-type: none"> Project would provide 21 Inclusionary housing rental units affordable to people at various income levels. Of the 21 BMR units, applicant's BMR proposal would provide 5 units to moderate-income households, which is the City's greatest area of need in terms of meeting current RHNA numbers. Project would provide four very low-income and 12 low-income BMR rental units that would help address a broader range of housing needs in the community.
Policy H4.4 Variety of Housing Choices	Strive to achieve a mix of housing types, densities, affordability levels and designs in response to the broad range of housing needs in Menlo Park	Consistent	<ul style="list-style-type: none"> The proposed project would include affordable rental units which include studio units and four bedroom units

CHYSLER DR & CONSTITUTION DR

Near Term & Cumulative Modifications










MODIFICATION:

Near Term: Install left-turn lane on westbound Chrysler Drive and convert the shared left/through/right lane to shared through/right lane.

Cumulative: Implement near term modifications and install a southbound right-turn lane on Constitution Drive and convert the shared through/right lane to through lane; install a northbound right-turn lane and convert the shared left/through/right lane to a shared left/through lane.

LEGEND:

-  Existing Edge of Pavement
-  Near Term
-  Cumulative
-  Existing Pavement
-  New Pavement
-  Existing Pavement Markings
-  New Pavement Markings

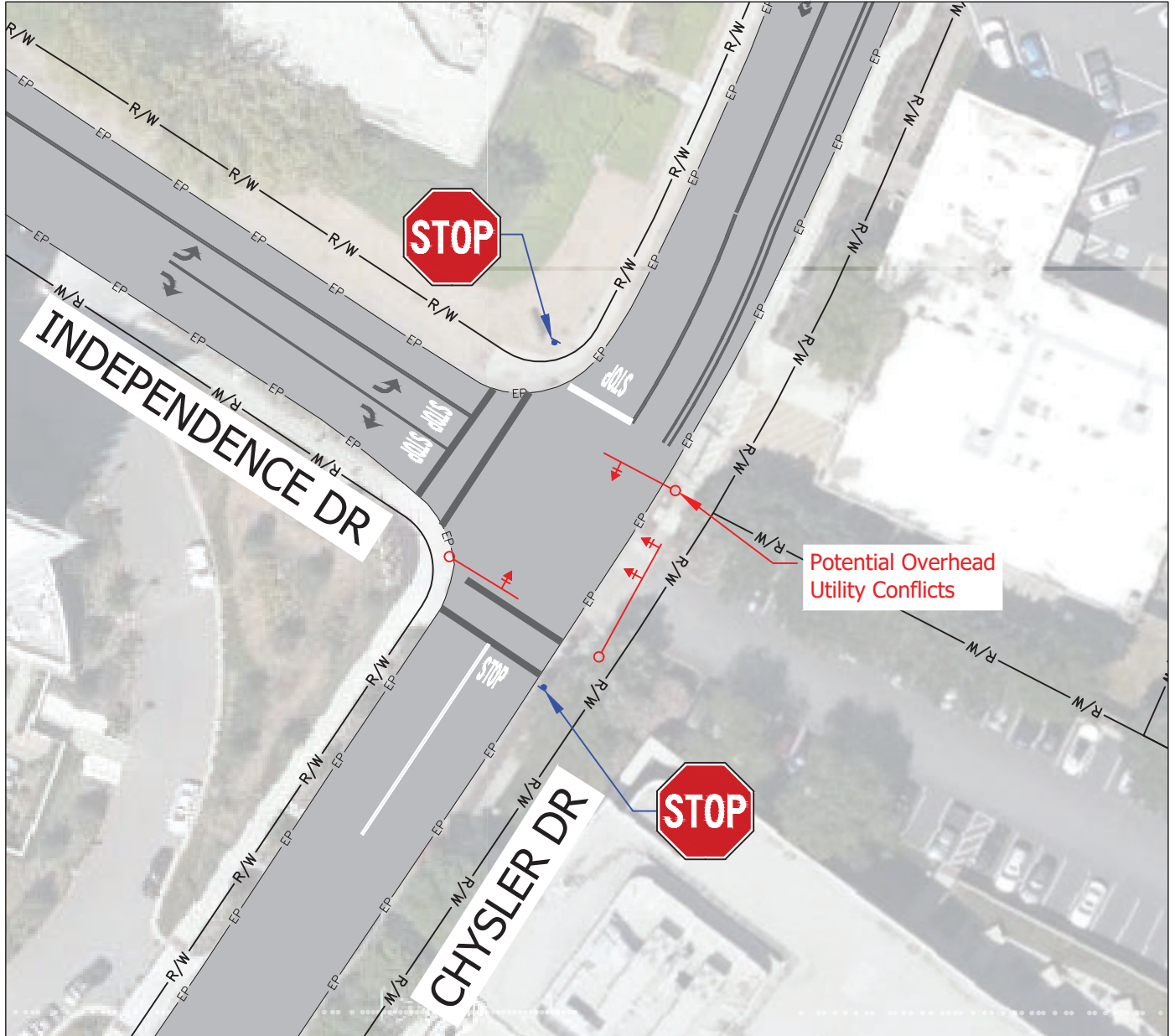
Apr 01, 2021 - 3:51pm - dsahdrin Layout Tab: Chrysler_Constitution

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CHYSLER DR & INDEPENDENCE DR

Near Term & Cumulative Modifications







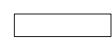


MODIFICATION:

Near Term: Install a stop control for both approaches of Chrysler Drive.

Cumulative: Install traffic signal.

LEGEND:

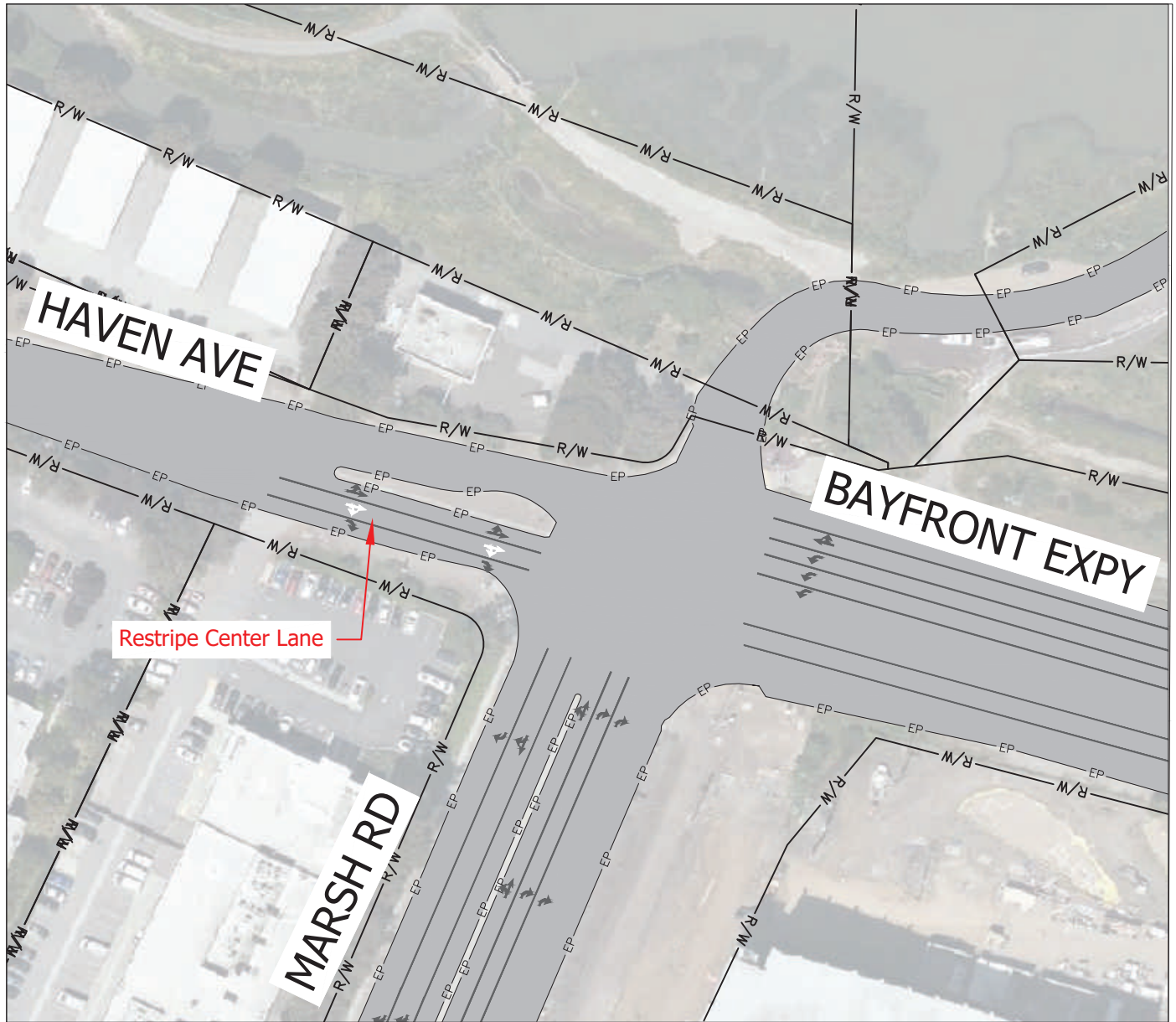
-  Existing Edge of Pavement
-  Near Term
-  Cumulative
-  Existing Pavement
-  New Pavement
-  Existing Pavement Markings
-  New Pavement Markings

Scale: 1" = 50'



HAVEN AVE, MARSH RD & BAYFRONT EXPY

Cumulative Modifications









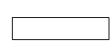
MODIFICATION:

Cumulative: Restripe the through lane on Haven Avenue to a shared through/right lane.

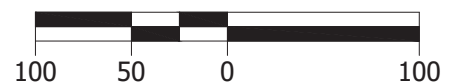
NOTES:

1. This is in Caltrans jurisdiction and modifications would require Caltrans approval.

LEGEND:

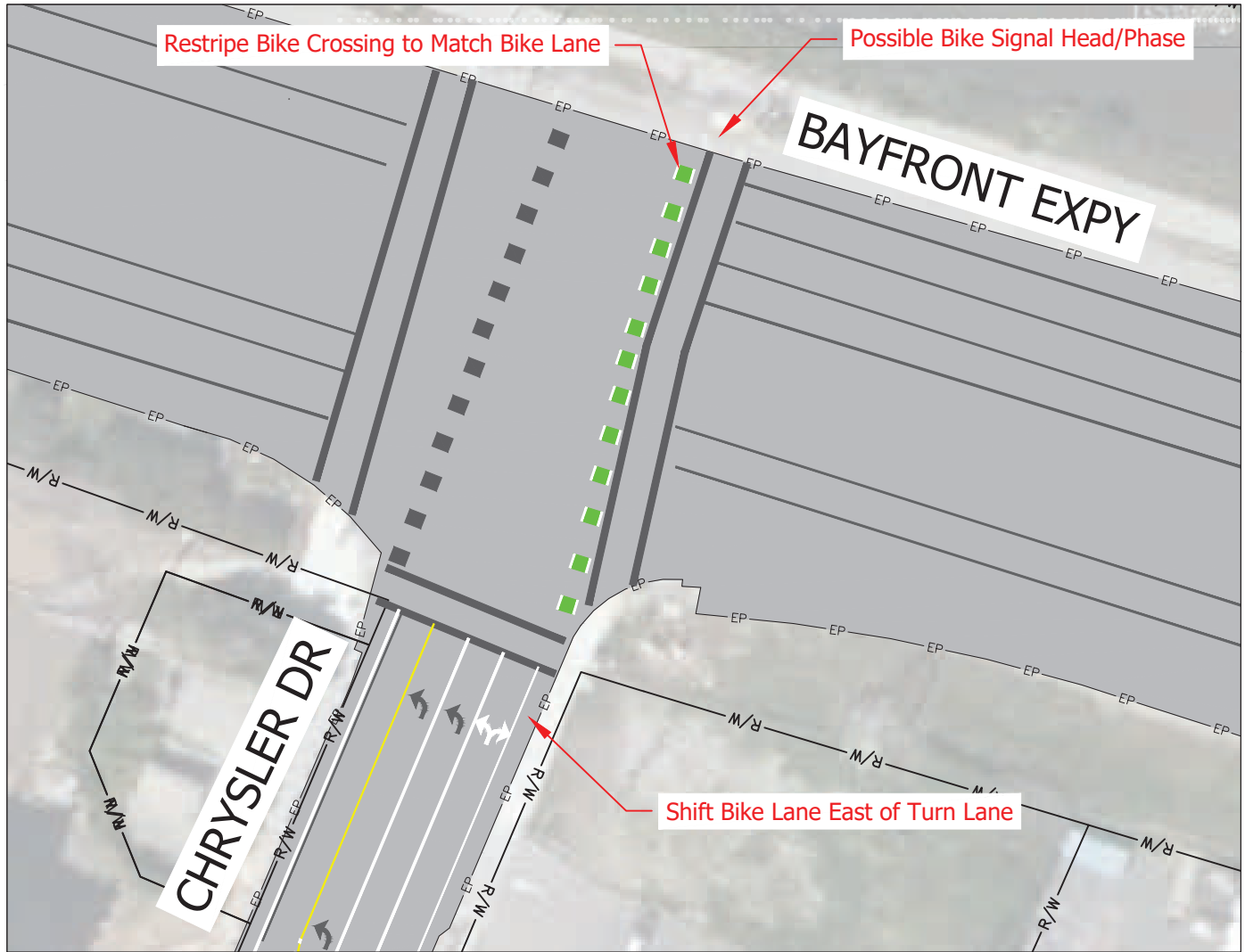
-  Existing Edge of Pavement
-  Near Term
-  Cumulative
-  Existing Pavement
-  New Pavement
-  Existing Pavement Markings
-  New Pavement Markings

Scale: 1" = 100'



CHYSLER DR & BAYFRONT EXPY








Cumulative Modifications



MODIFICATION:

Cumulative: Convert the right turn lane on Chrysler to a shared left/right turn lane.

LEGEND:

-  Existing Edge of Pavement
-  Near Term
-  Cumulative
-  Existing Pavement
-  New Pavement
-  Existing Pavement Markings
-  New Pavement Markings

NOTES:

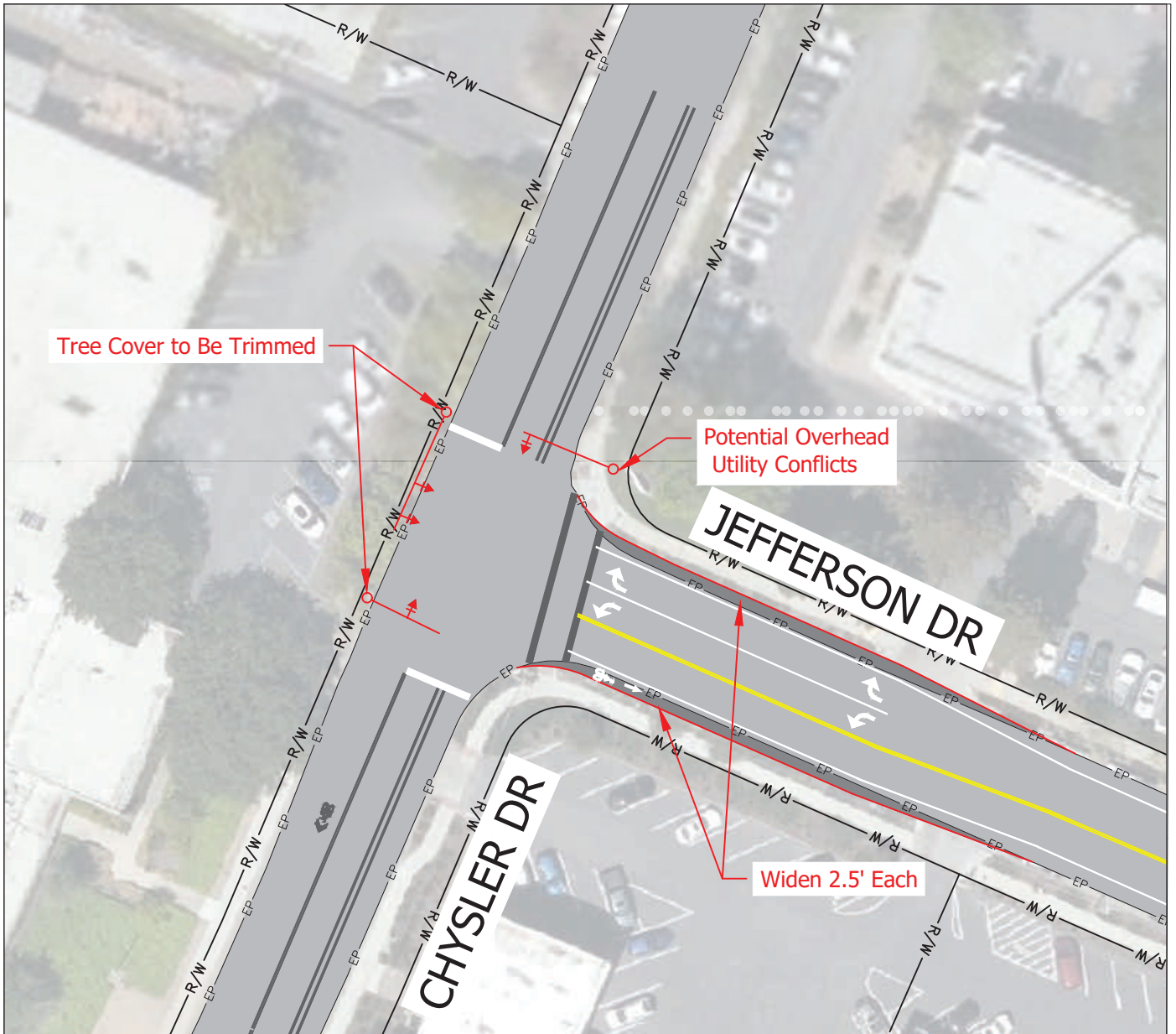
1. Restriping the vehicle travel lane would require modifications to the existing bike lane, which is currently located to the left of the right-turn only lane. This concept shows a curbside bike lane with a bicycle signal to separate right-turning vehicles from bicyclists continuing through or turning left onto Bayfront Expressway.
2. This intersection is in Caltrans jurisdiction and modifications would require Caltrans' approval.

Scale: 1" = 50'



CHYSLER DR & JEFFERSON DR








Cumulative Modifications



MODIFICATION:

Cumulative: Install a traffic signal and convert the northbound Jefferson Drive shared left/right lane to one left-turn lane and one right-turn lane.

LEGEND:

-  Existing Edge of Pavement
-  Near Term
-  Cumulative
-  Existing Pavement
-  New Pavement
-  Existing Pavement Markings
-  New Pavement Markings

Scale: 1" = 50'



February 14, 2022

Chad Zakskorn
Greystar
450 Sansome Street, Suite 500
San Francisco, CA 94111

Subject: Menlo Flats – Avian Collision Risk Assessment (HTH #4484-03)

Dear Chad Zakskorn:

Per your request, H. T. Harvey & Associates has performed an assessment of avian collision risk for the proposed Menlo Flats project in Menlo Park, California. It is our understanding that the project will demolish the existing building on the site and construct an eight-story multi-family apartment building with an at-grade, three level parking garage. We further understand that you are requesting our assistance to assess the potential for avian collisions to occur with the proposed buildings and the potential significance (e.g., under the California Environmental Quality Act [CEQA]) of such an impact.

In summary, avian collisions with the glass facades of the proposed building are expected to be infrequent due to the relatively low abundance of birds in the vicinity of the project site and the distinctive differences in habitat type and quality between the developed project site and the more natural habitats located north of Bayfront Expressway. Several features of the architecture of the proposed building would reduce the potential for avian collisions even further. The project would therefore not result in the loss of a substantial proportion of any species' Bay-area populations or any Bay-area bird community and, according to CEQA standards, we would consider such impacts to be less than significant.

Statement of Qualifications

This assessment was prepared by Steve Rottenborn and me. Briefly, our qualifications are as follows (résumés attached):

- I am a wildlife ecologist with a B.S. in Ecology from the University of California, San Diego and an M.S. in Fish and Wildlife Management from Montana State University, where my Master's thesis focused on factors affecting the nest survival of yellow warblers (*Setophaga petechia*), dusky flycatchers (*Empidonax oberholseri*), and warbling vireos (*Vireo gilvus*). Trained as an ornithologist, I specialize in the nesting ecology of passerine birds, with a broad range of avian field experience from across the United States. I am an avid

birder, and I volunteered as a bird bander for the San Francisco Bay Bird Observatory, where I banded, sexed, and aged resident and migrant passerine species from 2010–2020. I have spent hundreds of hours in the field conducting nesting bird surveys for H. T. Harvey & Associates' projects over the past 14 years, and have found hundreds of passerine nests as well as many nests of raptors.

- Steve Rottenborn has a Ph.D. in biological sciences from Stanford University, where his doctoral dissertation focused on the effects of urbanization on riparian bird communities in the South San Francisco Bay area. He has been an active birder for more than 35 years and has conducted or assisted with research on birds since 1990. He has served for 9 years as an elected member of the California Bird Records Committee (including 3 years as chair), for 15 years as a Regional Editor for the Northern California region of the journal *North American Birds*, and for 6 years as a member of the Board of Directors of the Western Field Ornithologists.

In addition, H. T. Harvey & Associates ecologist Jane Lien, B.S., conducted a reconnaissance-level survey of the project site on February 10, 2022 to characterize potential bird use of the site and immediately surrounding areas.

Although the subject of bird-friendly design is relatively new to the West Coast, we have performed avian collision risk assessments and identified measures to reduce collision risk for a number of projects in more than a dozen Bay Area municipalities.

Assessment of Bird Use

Existing Conditions

Habitat conditions and bird occurrence in the immediate vicinity of the project site (i.e., on the site and on immediately adjacent lands) are typical of much of the urbanized San Francisco Bay area. The approximately 1.4-acre project site consists of an existing commercial building surrounded by hardscape with narrow, interrupted areas of landscaping along the southern and eastern margins of the site (Photos 1 and 2). This landscaping consists of nonnative trees, herbaceous plants, and low shrubs. The site is surrounded by high-density urban commercial and residential development.



Photo 1. The project site consists of a commercial building surrounded by hardscape with narrow, interrupted areas of landscaping.



Photo 2. The project site consists of a commercial building surrounded by hardscape with narrow, interrupted areas of landscaping.

Habitat conditions on the site and in immediately surrounding areas are of low quality for most native birds found in the region due to the near absence of vegetation, the lack of any native vegetation, the absence of well-layered vegetation (e.g., with ground cover, shrub, and canopy tree layers in the same areas), the small size of the vegetated habitat patches, and the amount of human disturbance by vehicular traffic and occupants of buildings on and/or adjacent to the project site, which is developed as a commercial business district. Nonnative vegetation supports fewer of the resources required by native birds than native vegetation, and the structural simplicity of the vegetation further limits resources available to birds. Nevertheless, there is a suite of common, urban-adapted bird species that occur in such urban areas that are expected to occur on the site regularly. These include the native Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), Bewick's wren (*Thryomanes bewickii*), northern mockingbird (*Mimus polyglottos*), bushtit (*Psaltriparus minimus*), dark-eyed junco (*Junco hyemalis*), and house finch (*Haemorhous mexicanus*), as well as the non-native European starling (*Sturnus vulgaris*) and house sparrow (*Passer domesticus*). All of these birds are year-round residents that can potentially nest on or immediately adjacent to the project site. A number of other species, primarily migrants or winter visitors (i.e., nonbreeders), are expected to occur occasionally on the site as well, including the white-crowned sparrow (*Zonotrichia leucophrys*), golden-crowned sparrow (*Zonotrichia atricapilla*), and yellow-rumped warbler (*Setophaga coronata*). For example, low numbers of migrants are expected to forage in the ornamental vegetation on the site. However, no bird species are expected to occur on the site in large numbers, and all of the species expected to occur regularly are regionally abundant species. No special-status birds (i.e., species of conservation concern) are expected to nest or occur regularly on the site.

Jefferson Drive, immediately to the south of the site, supports little to no bird habitat, and the parcel directly to the north is currently under construction. Otherwise, the habitat conditions surrounding the project site are very similar to those on the project site itself. These areas are dominated by commercial/office uses and have

landscaping similar to that on the project site (Figure 1). As a result, bird use of these surrounding areas is as described above for the project site.



Figure 1. The project site (delineated in yellow) and surroundings are dominated by commercial/office uses and have narrow areas of landscaping, similar to that on the project site.

Approximately 900 feet to the north of the project site, the more natural habitats associated with the San Francisco Baylands support much higher bird diversity and abundance. The managed ponds and tidal marsh located between Bayfront Expressway and Bedwell Bayfront Park, and the tidal marsh west of the park, provide foraging habitat for a wide variety of waterfowl, herons, egrets, and shorebirds. Numbers of waterbirds using these habitats are highest in winter and during migration, but a number of breeding waterbirds are present in these areas as well. These birds are closely tied to wetlands and aquatic habitats, and the sharp physical division between these aquatic habitats and the adjacent developed areas (i.e., Bayfront Expressway and the commercial properties to the south) is very obvious. As a result, these waterbirds are not expected to use the project site, or to move south of Bayfront Expressway, despite the proximity of the site to these aquatic/wetlands habitats.

Bedwell Bayfront Park, approximately 1,600 feet north of the project site, provides habitat used by grassland-associated birds, and the scattered trees in the park provide nesting habitat for some birds and foraging and resting habitat for migrant songbirds. Due to the location of the park along the edge of the bay, nocturnal migrant landbirds flying over the bay at dawn may descend to forage at the park. As a result of higher habitat diversity, greater extent of vegetated area, and location adjacent to the bay, Bedwell Bayfront Park provides much higher-quality habitat than that present on the project site. The much more sparse vegetation on and surrounding the project site, coupled with the obvious physical separation (and complete lack of suitable

habitat) from the park resulting from the presence of commercial development and Bayfront Expressway, reduces the likelihood that songbirds using the park would move onto or toward the project site regularly or in large numbers.

Thus, due to the habitat conditions on the site and in immediately surrounding areas, as well as the site's landscape position (i.e., not in an area such as immediately along a shoreline where large numbers of migrating birds would be concentrated), we do not expect high numbers of birds, especially migratory birds, to be attracted to or move through/past the project site.

Proposed Conditions

Under proposed conditions, the numbers of birds that use the site are expected to increase somewhat due to the proposed expansion of landscape areas on the site. However, the project's planting plans include primarily nonnative trees, shrubs, and herbaceous plants, which offer fewer resources to native birds than native vegetation. Trees, shrubs and herbaceous plants planned for the site are predominantly nonnative, and include Brisbane box (*Lophostemon confertus*), pygmy date palm (*Phoenix roebelenii*), queen palm (*Syagrus Romanzoffiana*), village green zelkova (*Zelkova serrata*), little river wattle (*Acacia cognata*), agave (*Agave* sp.), New Zealand tea tree (*Leptospermum scoparium*), cone bush (*Leucadendron* sp.), Nandina (*Nandina domestica*), New Zealand flax (*Phormium* sp.), narrow-leaf chalksticks (*Senecio vitalis*), kangaroo paw (*Anigozanthos* sp.), mat rush (*Lomandra* sp.), Phorium (*Phorium* sp.), and others. This vegetation is likely to attract somewhat greater numbers of landbirds, perhaps including more migrant songbirds, than under existing conditions; however, none of the tree and other plant species proposed to be planted on the site are known to provide particularly valuable food, nesting, or cover resources for native birds. Thus, the relatively small numbers of these trees and plants, coupled with the lack of structural diversity, would not provide high-quality habitat for native birds, and any increase in bird abundance as a result of the proposed landscaping would be modest.

In nearby areas, bird use is likely to change somewhat in the areas to the north of the site in the future. The South Bay Salt Ponds Restoration Project (SBSPRP) is proposing to manage two small ponds northeast of the intersection of Chrysler Drive and Bayfront Expressway specifically for pond-associated shorebirds and waterfowl. These ponds are currently managed for waterbird use, but as other portions of the SBSPRP are converted from managed pond to tidal marsh, management of the two ponds north of the project site specifically for certain pond-associated birds will be intensified (e.g., through creation of nesting or roosting islands and more focused management of water levels). Even farther to the northeast, some managed ponds are proposed to be converted to tidal salt marsh by the SBSPRP; the extent of area that is ultimately converted to tidal marsh versus managed for waterbirds will be determined by the SBSPRP's adaptive management plan. Regardless of the SBSPRP's future activities, the waterbirds using those restored (or more intensively managed) habitats are expected to confine their activities to the baylands areas on the northeast side of Bayfront Expressway. As noted above, the habitat differs so much between the two sides of Bayfront Expressway, being completely unsuitable for waterbirds on the southwest side, that waterbirds are not expected to fly southward toward the Menlo Portal project site.

Assessment of Collision Risk

Because birds do not necessarily perceive glass as an obstacle¹, windows or other structures that reflect the sky, trees, or other habitat may not be perceived as obstacles, and birds may collide with these structures. Similarly, transparent windows can result in bird collisions when they allow birds to perceive an unobstructed flight route through the glass (such as at corners), and when the combination of transparent glass and interior vegetation (such as in planted atria) results in attempts by birds to fly through glass to reach vegetation. A number of factors play a role in determining the risk of bird collisions with buildings, including the amount and type of glass used, lighting, properties of the building (e.g., size, design, and orientation), type and location of vegetation around the building, and building location.

As noted above, relatively low numbers of native, resident birds and occasional migrants occur in the project vicinity, but even during migration, the number of native birds expected to occur in the project vicinity will be low. As a result, the glass façades of the proposed buildings on the Menlo Flats project site are expected to result in relatively few bird collisions, even in the absence of added bird-safe design. Further, several features of the proposed building's architecture would reduce the potential for avian collisions. Based on the project plans, the building's façades include opaque wall panels, overhangs, and window mullions; we expect these features to increase the visibility of the building to birds and reduce the potential for birds to collide with the building (Figure 2).



Figure 2. The proposed building incorporates opaque wall panels, overhangs, and window mullions. These features help the building appear as a solid structure to birds, and reduce the likelihood of collisions.

¹ Sheppard, C. and G. Phillips. 2015. *Bird-Friendly Building Design*, 2nd Edition. American Bird Conservancy. The Plains, VA, 60 pages.

There are some features evident in the project's plans where bird collisions are more likely to occur compared to other locations because they may not be as easily perceived by birds as physical obstructions. For example, transparent glass corners are present on Levels 1-2 along the building's south façade and at the southeast and southwest corners, and free-standing glass railings are present on vegetated rooftop terraces on Levels 3 and 6 (Figures 2 and 3). Where these features are located along potential flight paths that birds may use when traveling to and from landscape vegetation on the site, the risk of bird collisions is higher because birds may not perceive the intervening glass and attempt to fly to vegetation on the other side. In addition, Levels 1 and 2 of the building's south façade, including the southeast and southwest corners, are extensively glazed, and landscape vegetation will be planted adjacent to this glass (Figures 2 and 3). Birds using the site are expected to be attracted to this vegetation, increasing the possibility that they will see reflected vegetation in glass on adjacent facades and collide with those facades. As a result, bird collisions are expected to be higher with the extensive glazing on Levels 1-2 of the building, at transparent corners on Levels 1-2 at the southeast and southwest corners, and at free-standing glass railings surrounding the rooftop terraces. However, for reasons discussed in the summary below, we do not expect the number of collisions to be so high as to result in a significant impact under CEQA.



Figure 3. Southwest (left) and southeast (right) building perspectives. The facades of Levels 1 and 2 are predominantly glazed on the south façade and its adjacent corners. Freestanding glass railings are present on all rooftop terraces.

Assessment of Lighting Impacts

Visibility of Project Lights to Birds

Construction of the project will create new sources of lighting on the project site. Lighting would be the result of light fixtures illuminating buildings, building architectural lighting, pedestrian lighting, and artistic lighting. Depending on the location, direction, and intensity of exterior lighting, this lighting can potentially spill into adjacent areas, thereby resulting in an increase in lighting compared to existing conditions. The project is surrounded on all sides by commercially developed areas that do not support bird communities that might be substantially affected by illuminance from the project. However, birds inhabiting areas along the San Francisco Bay 900 feet to the north may be affected by an increase in lighting. The following is a summary of the anticipated visibility of proposed lighting to birds on the project site:

- Fixtures type L1 and L1A (pole-mounted area lights), and L5 and D1 (wall sconces) are Dark-Sky approved^{2,3} and effectively minimize the visibility of exterior lighting to birds inhabiting nearby areas.
- Fixtures type A2 (recessed downlight) and L10 (trellis mount adjustable downlight), are shielded and/or directed, which effectively minimizes the visibility of exterior lighting to birds inhabiting nearby areas.
- Fixtures type D3 and D4 (pendant lights), L6 (recessed step light), L7 (ground mount bollard), and L9 (pole mount area light), are shielded from above, but are not fully directed, and may spill light outward into adjacent areas.
- Fixtures type L2 (in-grade tree uplight), L3 (strip lights), L4 (surface mount outdoor adjustable light), L5 (stake-mounted tree up-light), L8 (cable mount catenary system), and L11 (tree uplight) are expected to cast light upwards and outwards into adjacent areas, and illuminance from these fixtures may be visible to birds inhabiting nearby areas and/or flying over the site.

In summary, we expect birds flying along the San Francisco Bay to the north to be able to perceive luminance from fixtures D3 and D4 (pendant lights), L6 (recessed step light), L7 (ground mount bollard), L9 (pole mount area light), L2 (in-grade tree uplight), L3 (strip lights), L4 (surface mount outdoor adjustable light), L5 (stake-mounted tree up-light), L8 (cable mounted catenary system), and L11 (tree uplight). Buildings located in between the project site and the San Francisco Bay will block all or nearly all of this luminance horizontally, but any birds flying either along the San Francisco Bay higher than the adjacent buildings or over the site will also be able to perceive luminance from the project site.

Project Measures to Minimize Lighting

The project will implement the following measures to minimize lighting on the project site:

- As discussed above, many of the proposed fixtures to be used on the project site are International Dark Sky-approved, and/or shielded and directed.
- All project up-lighting (i.e. fixture types L2, L4, L5, and L11) will be programmed to automatically shut off at or before midnight daily, and will remain off until sunrise.
- If individual shields are available for cable mounted catenary lights, these shields will be included in the installation to reduce the spilling of light upwards from these fixtures.

² Exterior lighting fixtures that meet the International Dark-Sky Association's standards for artificial lighting minimize glare while reducing light trespass and skyglow, and are required to be fully shielded and minimize the amount of blue light in the nighttime environment.

³ International Dark-Sky Association. 2020. Outdoor Lighting Basics. <http://darksky.org/lighting/lighting-basics/>. Accessed February 2022.

General Site Lighting Impacts

Many animals are sensitive to light cues, which influence their physiology and shape their behaviors, particularly during the breeding season^{4,5}. Artificial light has been used as a means of manipulating breeding behavior and productivity in captive birds for decades⁵, and has been shown to influence the territorial singing behavior of wild birds^{5,6,7}. While it is difficult to extrapolate results of experiments on captive birds to wild populations, it is known that photoperiod (the relative amount of light and dark in a 24-hour period) is an essential cue triggering physiological processes as diverse as growth, metabolism, development, breeding behavior, and molting⁵. This suggests that increases in ambient light may interfere with these processes across a wide range of species, resulting in impacts on wildlife populations.

Artificial lighting may indirectly impact birds by increasing the nocturnal activity of predators such as owls, hawks, and mammalian predators^{6,8,9,10}. The presence of artificial light may also influence habitat use by breeding birds^{5,11} by causing avoidance of well-lit areas, resulting in a net loss of habitat availability and quality.

Birds using the project site and nearby areas along the San Francisco Bay may be subject to increased predation, decreased habitat availability (for species that show aversions to increased lighting), and alterations of physiological processes if light fixtures on the project site produce appreciably greater illuminance within these areas compared to existing conditions. Based on the presence of buildings in between the project site and natural areas along the San Francisco Bay, the project's use of Dark Sky-approved light fixtures and shielded/directed fixtures for most lighting, as well as the limited numbers of resident birds expected to use the site over the long term, it is our opinion that general project site lighting will not result in substantial impacts on birds.

Because up-lighting can affect birds in different ways than general site lighting, the impacts of project up-lighting on birds is discussed separately in the section below.

⁴ Ringer, R. K. 1972. Effect of light and behavior on nutrition. *J. Anim. Sci.* 35: 642-647.

⁵ de Molenaar, J. G., M. E. Sanders and D. A. Jonkers. 2006. Road Lighting and Grassland Birds: Local Influence of Road Lighting on a Black-tailed Godwit Population in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 114-136.

⁶ Longcore, T. and C. Rich. 2004. Ecological Light Pollution. *Front. Ecol. Environ.* 2(4): 191-198.

⁷ Miller, M. W. 2006. Apparent Effects of Light Pollution on Singing Behavior of American Robins. *Condor* 108(1): 130-139.

⁸ Negro, J. J., J. Bustamante, C. Melguizo, J. L. Ruiz, and J. M. Grande. 2000. Nocturnal activity of lesser kestrels under artificial lighting conditions in Seville, Spain. *J. Raptor Res.* 34(4): 327-329.

⁹ DeCandido R. and D. Allen. 2006. Nocturnal hunting by peregrine falcons at the Empire State Building, New York City. *Wilson J. Ornithol.* 118(1): 53-58.

¹⁰ Beier, P. 2006. Effects of artificial night lighting on mammals in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 19-42.

¹¹ Rogers, D. I., T. Piersma, and C. J. Hassell. 2006. Roost availability may constrain shorebird distribution: Exploring the energetic costs of roosting and disturbance around a tropical bay. *Biol. Conserv.* 33(4): 225-235.

Up-Lighting

There are two primary ways in which the luminance of up-lights might impact the movements of birds. First, local birds using habitats on the site may become disoriented during flights among foraging areas and fly toward the lights, colliding with the lights or with nearby structures such as the proposed buildings. Second, nocturnally migrating birds far above the site may alter their flight direction or behavior upon seeing the lights; the birds may be drawn toward the lights or may become disoriented, potentially striking objects such as buildings, adjacent power lines, or even the lights themselves. Both local birds and migrating birds are much more likely to be impacted by up-lighting during foggy or rainy weather, when visibility is poor^{12,13}.

Local Birds. Seabirds may be especially vulnerable to artificial lights because many species are nocturnal foragers that have evolved to search out bioluminescent prey^{14,15,16}, and thus are strongly attracted to bright light sources. When seabirds approach an artificial light, they seem unwilling to leave it and may become “trapped” within the sphere of the light source for hours or even days, often flying themselves to exhaustion or death¹⁶. Seabirds using the Menlo Park area include primarily gulls and terns. Although none of these species are primarily nocturnal foragers, there is some possibility that gulls, which often fly at night, may fly in areas where they would be disoriented by the proposed up-lights under conditions dark enough that the lights would affect the birds. Shorebirds forage in the San Francisco Bay nocturnally as well as diurnally, and move frequently between foraging locations in response to tide levels and prey availability. Biologists and hunters have long used sudden bright light as a means of blinding and trapping shorebirds^{17,18}, so evidence that shorebirds are affected by bright light is well established. Though impacts of a consistent bright light are undocumented, it is possible that shorebirds, like other bird species, may be disoriented by a very bright light in their flight path. However, the number of shorebirds foraging or flying over the project site is expected to be relatively low, as shorebirds do not congregate in large numbers at or near the project site. Passerine species have been documented responding to increased illumination in their habitats with nocturnal foraging and territorial defense behaviors^{5,7,12}, but absent significant illumination, they typically do not forage at night, leaving them less susceptible to the attraction and disorientation caused by luminance when they are not migrating.

Migrating Birds. Hundreds of bird species migrate nocturnally in order to avoid diurnal predators and minimize energy expenditures. Bird migration over land typically occurs at altitudes of up to 5,000 feet, but is

¹² Longcore, T. and C. Rich. 2004. Ecological Light Pollution. *Front. Ecol. Environ.* 2(4): 191-198.

¹³ Gauthreaux, S. A. and C. G. Belser. 2006. Effects of Artificial Night Lighting on Migrating Birds in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 67-93.

¹⁴ Imber, M. J. 1975. Behavior of Petrels in Relation to the Moon and Artificial Lights. *Notornis* 22: 302-306.

¹⁵ Reed, J. R., J. L. Sincock, and J. P. Hailman. 1985. Light Attraction in Endangered Procellariiform Birds: Reduction by Shielding Upward Radiation. *Auk* 102(2): 377-383.

¹⁶ Montevecchi, W. A. 2006. Influences of Artificial Light on Marine Birds in Rich, C. and T. Longcore, eds. *Ecological Consequences of Artificial Night Lighting*. Covelo, CA: Island Press. Pp 95-113.

¹⁷ Gerstenberg, R. H. and S. W. Harris. 1976. Trapping and Marking of Shorebirds at Humboldt Bay, California. *Bird Banding* 47(1): 1-7.

¹⁸ Potts, W. K. and T. A. Sordahl. 1979. The Gong Method for Capturing Shorebirds and Other Ground-roosting Species. *North Amer. Bird Band.* 4(3): 106-107.

highly variable by species, region, and weather conditions^{19,20}. In general, night-migrating birds optimize their altitude based on local conditions, and most songbird and soaring bird migration over land occurs at altitudes below 2,000 feet while waterfowl and shorebirds typically migrate at higher altitudes^{19,20}. Birds flying at higher altitudes may not be affected as strongly by the proposed up-lighting. However, birds flying at lower altitudes over the project site to optimize flight conditions, to descend/ascend to and from stopover sites in the vicinity, or due to foggy or rainy weather would potentially encounter light from up-lights on the project site.

Evidence that migrating birds are attracted to artificial light sources is abundant in the literature as early as the late 1800s¹³. Although the mechanism causing migrating birds to be attracted to bright lights is unknown, the attraction is well documented^{12,13}. Migrating birds are frequently drawn from their migratory flight paths into the vicinity of an artificial light source, where they will reduce their flight speeds, increase vocalizations, and/or end up circling the lit area, effectively “captured” by the light^{13,21,22,23}. When birds are drawn to artificial lights during their migration, they may become disoriented and possibly blinded by the intensity of the light¹³. A study of bird responses to up-lighting from 250-watt (equivalent to 3,750-lumen) spotlights placed on the roof of a 533-foot tall building and directed upwards at a company logo documented behavioral changes in more than 90% of the birds that were visually observed flying over the building at night²⁴. The disorienting and blinding effects of artificial lights directly impact migratory birds by causing collisions with light structures, buildings, communication and power structures, or even the ground¹³. Indirect impacts on migrating birds might include orientation mistakes and increased length of migration due to light-driven detours.

It is unknown what light levels adversely affect migrating birds, and at what distances birds respond to lights²². In general, vertical beams are known to capture higher numbers of birds flying at lower altitudes. High-powered 7,000-watt (equivalent to 105,000-lumen) spotlights that reach altitudes of up to 4 miles (21,120 feet) in the sky have been shown to capture birds migrating at varying altitudes, with most effects occurring below 2,600 feet (where most migration occurs); however, effects were also documented at the upper limits of bird migration at approximately 13,200 feet²². One study of vertical lights projecting up to 3,280 feet found that higher numbers of birds were captured at altitudes below 650 feet, but this effect was influenced by wind direction and the birds’ flight speed²⁵. These studies have not analyzed the capacity for vertical lights to attract migrating birds flying beyond their altitudinal range, and the potential for the project up-lights to affect birds flying at various altitudes is unknown. Thus, birds that encounter beams from up-lights are likely to respond to the lights, and

¹⁹ Kerlinger, P. 1995. *How Birds Migrate*. Stackpoll Books, Mechanicsburg, PA. 228 pp.

²⁰ Newton, I. 2008. *The Migration Ecology of Birds*. Academic Press, London, UK. 976 pp.

²¹ Herbert, A. D. 1970. Spatial Disorientation in Birds. *Wilson Bull.* 82(4): 400-419.

²² Sheppard, C. and G. Phillips. *Bird-Friendly Building Design*, 2nd Ed. The Plains, VA: American Bird Conservancy, 2015.

²³ Van Doren, B.M., K.G. Horton, A.M. Dokter, H. Klinck, S.B. Elbin, and A. Farnsworth. 2017. High-intensity urban light installation dramatically alters nocturnal bird migration. *Proceedings of the National Academy of Sciences of the United States of America*: 114 (42): 11175-11180.

²⁴ Haupt, H. and U. Schillemeit, 2011. Skybeamer und Gebäudeanstrahlungen bringen Zugvögel vom Kurs ab: Neue Untersuchungen und eine rechtliche Bewertung dieser Lichtanlagen. *NuL* 43 (6), 2011, 165-170.

²⁵ Bolshakov, C.V., V.N. Bulyuk, A.Y. Sinelschikova, and M.V. Vorotkov. 2013. Influence of the vertical light beam on numbers and flight trajectories of night-migrating songbirds. *Avian Ecology and Behavior* 24: 35-49.

may become disoriented or attracted to the lights to the point that they collide with buildings or other nearby structures, but the range of the effect of the lights is unknown.

Up-Lighting Impacts. As stated above, it is unknown what light levels are safe for birds and at what distances birds respond to lights²². Observations of bird behavioral responses to up-lights indicate that their behaviors return to normal quickly once up-lights are completely switched off²³, but no studies are available that demonstrate bird behavioral responses to reduced or dimmed up-lights. In general, up-lights within very dark areas are more likely to “capture” and disorient migrating birds, whereas up-lights in brightly lit areas (e.g., highly urban areas, such as Menlo Park) are less likely to capture birds²⁶. Birds are also known to be more susceptible to capture by artificial light when they are descending from night migration flights in the early mornings compared to when they ascend in the evenings; as a result, switching off up-lights after midnight can minimize adverse effects on migrating birds²⁶. However, more powerful up-lights (e.g., 3,000 lumen spotlights) may create issues for migrating birds regardless of the time of night they are used²⁶.

Because the project will program all up-lighting (i.e. fixture types L2, L4, L5, and L11) to automatically shut off at or before midnight daily, and all up-lighting will remain off until sunrise, it is our opinion that project up-lighting will not result in substantial impacts on birds.

Summary

Because birds are present in the vicinity of the proposed buildings, and glazed facades of these buildings may not always be perceived by birds as physical impediments to flight, we expect some avian collisions with the proposed buildings to occur. Among the project components, we expect collision risk to be highest with the extensive glazing on Levels 1-2 of the south façade, at transparent glass corners on Levels 1-2, and at free-standing glass railings surrounding rooftop terraces with landscape vegetation.

However, we expect the frequency of bird collisions to be relatively low compared to circumstances in which buildings with more expansive, unbroken glass facades occur within more natural habitats or along regular flight paths between areas of high-quality habitat. We base this conclusion on (1) the relatively low numbers of birds expected to occur in the immediate vicinity of the proposed project buildings due to habitat conditions; (2) the low numbers of birds expected to approach the project site from more natural habitats to the north; (3) the absence of any features such as dense, native vegetation or water features on or immediately adjacent to the site, that might otherwise attract birds to the vicinity; and (4) the appearance of the facades, which in most areas are well broken-up by solid, opaque horizontal and vertical elements, thus making the façades more conspicuous.

Although building collisions by some migrant songbirds are likely to occur, we would expect that the majority of bird strikes would be by resident species, both because the low-quality habitat on the site is more conducive

²⁶ Sheppard, C. 2017. Telephone conversation with Robin Carle of H. T. Harvey & Associates regarding the potential for different types and intensities of up-lighting to affect migrating birds. October 26, 2017.

to use by urban-adapted resident birds than by migrants and because resident birds would spend far more time near the proposed buildings than birds that are migrating through the region. The resident species occurring on the project site are all common, urban-adapted species that are widespread in urban, suburban, and (for many species) natural land use types throughout the San Francisco Bay area. As a result, these species have high regional populations, and the number of individuals that might be impacted by collisions with project buildings would represent a very small proportion of regional populations. Therefore, the project would not result in the loss of a substantial proportion of any species' Bay-area populations or any Bay-area bird community, and according to CEQA standards, we would consider such impacts to be less than significant. As a result, it is our opinion that no mitigation measures are necessary to avoid a significant impact under CEQA.

Based on the presence of buildings in between the project site and natural areas along the San Francisco Bay and the project's use of Dark Sky-approved light fixtures and shielded/directed fixtures for most lighting, as well as the limited numbers of resident birds expected to use the site over the long term, it is our opinion that general project site lighting will not result in substantial impacts on birds. In addition, because the project will program all up-lighting (i.e., fixture types L2, L4, L5, and L11) to automatically shut off at or before midnight daily, and up-lighting will remain off until sunrise, it is our opinion that project up-lighting will not result in substantial impacts on birds.

Please feel free to contact me at (408) 677-8737 or rcarle@harveyecology.com if you have any questions regarding this assessment. Thank you very much for contacting H. T. Harvey & Associates about this project.

Sincerely,



Robin Carle, M.S.
Associate Wildlife Ecologist/Project Manager

Attachments: Résumés

Project Name: Menlo Flats
Site Address: 165 Jefferson Dr, Menlo Park, CA 94025

Photovoltaic System Information

To Whom it May Concern,

The proposed size of the photovoltaic (PV) system at Menlo Flats will be 16.20 kW DC / 14.80 kW AC-CEC. The PV system will be roof mounted and will contain the following PV equipment:

- 1) (36) Phono Solar PS450M4-24/TH 450W modules
- 2) (1) SolarEdge SE20KUS inverter
- 3) (18) SolarEdge Power Optimizers P960.

Title 24 requires 15.8 kW DC for the Menlo Flats projects, which the proposed PV system exceeds (16.20 kW DC). Please feel free to contact me if you have any questions regarding the PV system design.

Thank you,

Jared Morales

Project Engineer

jared.morales@calsolarinc.com

562-639-3048

From: [Curtin, Clay J](#)
To: [Bhagat, Payal](#)
Cc: [Malathong, Vanh](#)
Subject: FW: An email reply to Menlo Flats Final Environmental Impact Report released needs your review
Date: Thursday, March 17, 2022 3:52:51 PM
Attachments: [CMP Email Logo 100dpi 05d92d5b-e8e3-498f-93a6-d0da509bd602111111111.png](#)

Here is a comment that came in response to yesterday's FEIR email

An email comment has been received. It was posted in response to *"Menlo Flats Final Environmental Impact Report released"*.

From: jrmcoach@aol.com

To: replies45850@PublicInput.com

Subject: Re: Menlo Flats Final Environmental Impact Report released

What? 600 more or less additional residents off in the far corner of the city w/o any increase in services for residents, whether commercial--grocery, pharmacy, dry cleaner, barber, beautician---or recreational, let alone schooling? And public transportation?

Wonderful planning!!

James Madison

James R. Madison
1770 Holly Avenue
Menlo Park, CA 94025
650-704-4525

-----Original Message-----

From: City of Menlo Park <planningcommission@menlopark.org>

To: jrmcoach@aol.com

Sent: Wed, Mar 16, 2022 8:18 pm

Subject: Menlo Flats Final Environmental Impact Report released

Community Development Updates over image of Menlo Flats project rendering

Menlo Flats Final Environmental Impact Report released

On March 16, 2022, the City released the [Final Environmental Impact Report \(FEIR\)](#) for the proposed Menlo Flats development project located at 165 Jefferson Drive. The FEIR includes a response to all substantive comments received on the [Draft EIR](#) and any edits to the text of the Draft EIR. The notice of availability for the Final EIR is attached. This email is meant to notify you of the [notice of availability](#) of the Final EIR for the proposed Menlo Flats Project as you or your agency may be interested in reviewing and commenting on the environmental review for the proposed project. This email is not intended to confer responsible agency status to you or your agency.

Written comments on the Final EIR may be submitted by email to Contract Principal Planner Payal Bhagat at pbhagat@menlopark.org, or by letter to:

Payal Bhagat
Community Development
701 Laurel St.

Menlo Park, CA 94025

Due to the ongoing COVID-19 pandemic, email correspondence is preferred. If you'd like to submit comments, you are encouraged to do so before 5:30 p.m., Monday, March 28, 2022.

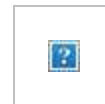
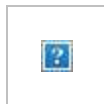
The proposed project would redevelop an existing site with approximately 158 multifamily residential units and approximately 15,000 square feet of commercial space, including approximately 13,400 square feet of office space, and approximately 1,600 square feet commercial space. Please visit the [Menlo Flats](#) project page for more details.

The Menlo Flats project is scheduled to be reviewed by the Planning Commission during a public hearing via Zoom, on Monday, March 28, 2022, at 7 p.m. or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon. Oral comments on the Final EIR can be provided at the meeting.

At the [March 28, 2022, Planning Commission meeting](#), the Planning Commission will review and determine whether to certify the project-level Final EIR. The Planning Commission will also review and act on the requested land use entitlements for the proposed project, which include a use permit, architectural control permit, and a below market rate housing agreement. The Planning Commission's decision on the land use entitlements and certification of the Final EIR are final, unless the Planning Commission's decision is appealed to the City Council.

Please contact [Contract Principal Planner Payal Bhagat](#) with any questions.

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Clay J. Curtin
Public Engagement Manager
City Hall - 2nd Floor
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STAFF REPORT

Planning Commission

Meeting Date:

3/28/2022

Staff Report Number:

22-018-PC

Study Session:

Study Session for a Master Plan to Redevelop the SRI Campus with a Residential, Office, Research and Development, and Retail Mixed-Use Project/Lane Partners, LLC/333 Ravenswood Avenue

Recommendation

Staff recommends that the Planning Commission receive a presentation from the applicant team (Lane Partners), solicit public comments, and request clarification information from staff, as needed, regarding Lane Partners, LLC/333 Ravenswood Avenue (the “Applicant’s”) request for a master plan development to comprehensively redevelop the SRI campus with a residential, office, research and development (R&D), and retail mixed-use project. The proposed project includes requests for a general plan amendment, zoning ordinance amendment, rezoning, conditional development permit (CDP), development agreement (DA), architectural control, and vesting tentative map. The project would be subject to the City’s below market rate (BMR) inclusionary requirements. Staff has determined the project would necessitate the preparation of an environmental impact report (EIR) in compliance with the California Environmental Quality Act (CEQA). As a study session item, the Planning Commission will not be taking any actions associated with the project at the meeting and will not be taking a position on the proposed project.

Policy Issues

The proposed project would require the Planning Commission and ultimately the City Council to consider the merits of the proposed project along with the appropriateness of the Applicant’s general plan and zoning ordinance amendments, and consistency with adopted policies and programs of the City. The City Council would be the decision-making body for the EIR, general plan amendment, zoning ordinance amendment, and rezoning to allow the proposed mix of uses and densities/intensities requested by the Applicant, and the CDP to enable comprehensive planning of the project. The City Council would also be the acting body on the development agreement, which would provide vested rights in exchange for community benefits, and the vesting tentative map to merge the existing lots and re-subdivide in a manner consistent with the proposed improvements. The Planning Commission would be the acting body for architectural control for all proposed new buildings and the recommending body on all other entitlements.

Background

SRI International (formerly known as the Stanford Research Institute) is an independent, nonprofit research institute located on an approximately 63-acre campus at 333 Ravenswood Avenue. The existing development on the SRI campus is regulated through a CDP, which was first approved in 1975. The most

recent amendment to the CDP took place in 2004 for the construction of Building T, at the southernmost portion of the campus. The CDP establishes standards for the use and development of the campus.

The site of SRI's campus has been reduced over time. In 1978, an amendment to the CDP was approved in order to remove approximately 10.3 acres from SRI's campus for the development of the McCandless office complex on Middlefield Road, and in 1997, the size of the campus was further reduced when part of the property was sold to Classic Communities for the development of 33 homes.

Lane Partners has been working with staff on this proposal and submitted a pre-application package in April 2021. On June 22, 2021, the Applicant gave an introductory presentation on the project to the City Council. Although the Council didn't provide specific feedback, public comment was received. In October 2021, the Applicant submitted a formal application package, with a resubmittal package submitted in January 2022.

Site location

For purposes of this staff report, Ravenswood Avenue is used in an east to west geographic orientation. The project site is located at 333 Ravenswood Avenue and generally bound by Laurel Street to the west, Ravenswood Avenue to the north, Middlefield Road to the east and the Burgess Drive ROW to the south. The site contains 38 existing buildings, totaling approximately 1.38 million gross square feet, which include a mix of office, research and development (R&D), and support uses. The surrounding zoning and land uses are provided in Table 1 below and a location map is included as Attachment A.

Item	Existing Land Uses	Zoning
North	Single-Family & Multi-Family Residential/Church	R-1-S/R-2/R-3/City of Atherton
South	City Corp. Yard/USGS/Multi-Family Residential	PF/R-3(A)
East	Menlo Atherton High School/Office (McCandless office complex)	City of Atherton/C-1-X
West	Civic Center/Burgess Park/Single-Family Residential (Classic Communities)	PF/R-3(X)

The project site is located between various land uses and neighborhoods, being bordered by residential, civic, and commercial uses. Most nearby buildings are one to three stories in height. Ravenswood Avenue and Middlefield Road are major city through streets. Civic uses and park space along Laurel Street form an edge on the western side of the property. The railroad tracks along Alma further define this edge although proximity to Menlo Park Station (Caltrain) and the developing Downtown/El Camino Real area is within walking and biking distance.

Analysis

Project description

The Applicant is proposing to comprehensively redevelop the SRI campus with a residential, office, research and development (R&D), and retail mixed-use project. The proposed project would be divided

into an approximately 53-acre office/R&D/life sciences campus covering most of the existing project site and a 10-acre residential area along the Laurel Street edge of the project site extending slightly down Ravenswood Avenue. Site circulation, open space, and landscape (other than retained trees) would be redesigned and rebuilt per a new comprehensive campus plan, including new bicycle and pedestrian connections. There would be no net increase of non-residential square footage. Primary program elements include:

- Approximately 284,000 square feet of existing office/R&D (retained in Buildings P, S, and T);
- Approximately 1.1 million square feet of new office/R&D in five main structures, three to five stories in height, along with a smaller amenity building;
- Three new parking structures for the non-residential uses;
- 400 residential rental units (19 townhomes at two stories) and (381 apartments at three to five stories) in approximately 500,000 square feet of floor area;
- 25 acres of landscaped, publicly-accessible open space, including a large central open space between office/R&D buildings;
- A sports field and one-story community building adjacent to the Ravenswood Avenue/Middlefield Road intersection; and
- Paths, landscaping, and other site improvements.

The applicant's project description letter is include as hyperlink Attachment B and the project plans are included as hyperlink Attachment C.

Office/R&D

The office/R&D district would be located in the middle of the site and extend to the eastern and southern property lines as well as to a portion of the northern property line. The Applicant proposes that the new office/R&D buildings would be designed for established and emerging businesses. The project would consist of approximately 1.1 million square feet of office/R&D/life sciences space in five new buildings, an office amenity building, and a new community building. The project site currently contains approximately 1.38 million square feet of R&D/office uses. Existing Buildings S and T, located to the west of the USGS site, and Building P, located to the east of the proposed new residential buildings along Laurel Street, total approximately 283,826 square feet and would be retained for SRI's continued operations. Table 2 below provides additional information on the buildings that would comprise the non-residential uses.

Table 2: Non-Residential Buildings	
Building	Square Footage
Bldg. 1 (3 stories)	165,000 sf
Bldg. 2 (5 stories)	244,000 sf
Bldg. 3 (5 stories)	244,000 sf
Bldg. 4 (4 stories)	198,000 sf
Bldg. 5 (4 stories)	198,000 sf
Office Amenity Bldg. (2 stories)	44,719 sf
Community Bldg. (1 story)	2,000 sf
Sub-Total (new)	1,095,719 sf
Bldg. P (existing to remain)	180,519 sf
Bldg. S (existing to remain)	21,241 sf
Bldg. T (existing to remain)	82,066 sf
Sub-total (existing to remain)	283,826 sf
TOTAL	1,379,545 sf

The Applicant proposes that the non-residential portion of the project would be accessible to vehicles from two entrances along Ravenswood Avenue and two entrances along Middlefield Road. The Applicant indicates the proposed R&D buildings would be arranged to form a central aggregated, publicly-accessible open space, and the proposed architectural character of the buildings would be modern, with building masses defined by main entrances, first floor articulations such as loggias, elevated exterior balconies, and the use of natural materials. Since the proposed project is in the early stages of review, the plans contain preliminary renderings of the proposed buildings. Detailed architectural plans have not been submitted at this time.

An approximately 44,719-square-foot, two-story office amenity building is proposed near the center of the site, south of Building P. The building would contain a full-service café and other amenities, including a possible fitness center, for SRI and the site’s commercial tenants.

The preliminary project plans identify that parking for the non-residential uses would be provided in three parking garages, three to four stories tall, and surface parking areas located throughout the site. Parking Garages 1 and 2 would be located along the eastern property line and Parking Garage 3 would be located more centrally near the southwest of the project site, just south of the office amenity building. Buildings 1 and 5 would each have some underground parking spaces as well. Overall, the parking for rate for the non-residential uses would be approximately two spaces per 1,000 square feet. According to City records, the current parking rate for the project site is approximately 2.3 spaces per 1,000 square feet. For comparison, the LS (Life Sciences) district in the Bayfront area requires a maximum of 2.5 parking spaces per 1,000 square feet and a minimum of 1.5 parking spaces per 1,000 square feet for R&D uses and the O

(Office) district requires a maximum of three spaces and a minimum of two spaces per 1,000 square feet of office space.

Community building

An approximately 2,000-square-foot, one-story, community-serving building is proposed to be located on the northeast corner of the site, across Middlefield Road from Menlo Atherton High School. The Applicant indicates this building would include community-serving retail uses, which may include a bicycle repair shop and juice bar, and publicly-accessible restrooms. As project review continues, the uses within this building would be further refined by the Applicant. This building is proposed to be adjacent to a publicly-accessible open space, which could provide community functions, such as a recreational field, public parking, and a children’s play area. The public parking would be available to users of the publically-accessible open space and community building, and the neighboring church would use some spaces, as they currently use some SRI parking spaces per parking agreements. The Applicant indicates specific programming functions for the community building and surrounding facilities would be determined in coordination with the City and community.

Residential units

The proposed 400 housing units would consist of approximately 381 apartments and 19 townhomes, with 15 percent of units proposed to be affordable units pursuant to the City’s BMR housing program. Table 3 below indicates the proposed unit types and totals. As currently proposed, the totals include BMR units but the specific numbers of BMR units for each unit type and income level have not been determined.

Unit Type	Unit Total
Studio	70
1 bedroom/1 bath	175
2 bedroom/2 bath	125
3 bedroom/ 2 bath	11
3 bedroom/2bath (townhouse)	19
Total	400

The residential district would extend from the Classics of Burgess neighborhood along Laurel Street north to Ravenswood Avenue and east, partially along Ravenswood Avenue. Approximately 19 rental townhouses would be located between the apartment buildings and the Classics of Burgess neighborhood to further diversify the housing mix and provide a scaled transition from the multi-family buildings to the single-family residences. The 381 apartments would be distributed between three buildings, three to five stories in height, and a total of approximately 500,000 square feet of gross floor area. All residential units are noted in the project description to have some type of exterior deck or patio.

Parking for the apartments is proposed to be above-grade, in one-story garages, creating a podium on the second floor for private open space for each apartment building. The majority of the garages would not be

visible as apartments would partially wrap the sides of the parking structures on the first level. There would also be some surface parking along the private street adjacent to apartment buildings for short-term and visitor parking. The townhome portion of the project would be organized around its vehicle access, with the parking spaces for the townhomes in attached garages.

The parking rate for the residential dwelling units would be approximately one space per apartment and two spaces per townhome. The Applicant indicates in their project description letter that shared parking would be available for residential visitors on evening and weekends at the office/R&D surface lots and parking structures. While parking rates vary throughout the zoning districts, the R-MU (Residential Mixed Use) zoning district, one of the newest districts with an emphasis on residential, requires a minimum of one parking space per unit. This district also limits permitted parking to a maximum of 1.5 spaces per unit.

The project description indicates the buildings would be Mission Style (i.e., Spanish derivative) with white stucco walls, heavy timber brackets and detailing, and clay tile roofs. Building massing is proposed to not exceed three stories in height along streets and feature peaked/sloped rooflines. Additionally, the Applicant indicates main building entrances would be highlighted along the street with landscaping, human-scaled plazas, lighting, and trellis structures. The project plans are preliminary and include typical renderings of the architectural style proposed for the residential units; as the project is further developed detailed elevations would be provided for review.

The proposed residential units would be rental units. The Applicant indicates that a ground lease for the residential units, and the rest of the project site, is anticipated and this would limit the ability to include for-sale units.

Vehicular access and site circulation

The proposal includes separate vehicular circulation for the residential and office/R&D uses although paths for pedestrian and bicycle access would provide connections between the two elements. A loop road, with access off of Ravenswood Avenue and Middlefield Road, would provide access to the office/R&D buildings and the community building. The apartment buildings are proposed to have their own access road with entry points at Laurel Street and Ravenswood Avenue. The townhomes are proposed to have a separate access directly from Laurel Street, which would not connect to the road between the apartment buildings or the loop road. As shown on page 27 of the project plans, there would also be Emergency Vehicle Access (EVA) lanes allowing access from the apartment buildings to the loop road and from the loop road to Laurel Street. There would also be emergency vehicle access to the loop road from Burgess Drive. The Applicant indicates a security gate for emergency access and limited service vehicles would likely be located where Burgess Drive intersects the loop road, however, the gate would not impede bicycle or pedestrian circulation.

The Applicant's proposal states the circulation design would achieve the following objectives:

- Establishment of private internal streets and roads;
- Separation of office/R&D from residential access and circulation;
- Creation of on-site roads to manage internal vehicular circulation and access to office/R&D and residential buildings;
- Minimization of additional vehicular circulation to and from Laurel Street;

- Three access points to the residential portion of the site (one along Ravenswood Avenue, toward the west side of the site, one along Laurel Street for the multi-family residential buildings, and a separate driveway entrance along Laurel Street for the townhouses);
- An internal road to the three main residential buildings and vehicular access to parking garages and loading areas;
- Four access points to the office/R&D portion of the site (two along Ravenswood Avenue and two along Middlefield Road, with one at Ringwood Avenue and one at Seminary Drive); and
- An internal loop road to provide access to all of the office/R&D buildings, office amenity building, community building, parking garages, surface parking areas, loading areas, as well as emergency vehicle access.

Pedestrian and bicycle circulation

The Applicant proposes a landscape zone featuring existing trees and new, winding, pedestrian and bike paths along the Ravenswood Avenue edge of the project site. Because of the existing church property, the paths would not continue to the Ravenswood Avenue/Middlefield Road intersection, instead turning into the project site near the parking lot for the proposed community building and sports field and then exiting to Middlefield Road at Ringwood Avenue. The Applicant indicates this design is intended to provide safe access to Menlo Atherton High School and connect to the existing bicycle path on Middlefield Road. Starting at Laurel Street, a bicycle and pedestrian path would also extend from Burgess Drive along the south side of the site, connecting to Middlefield Road at Seminary Drive.

The proposed bicycle and pedestrian connections through the site would link with a broader network of existing and planned infrastructure, as can be seen on the map included as Attachment D from the City's Transportation Master Plan. The proposed Middle Avenue undercrossing would connect bicycle/pedestrian infrastructure to the west of El Camino Real with the bicycle/pedestrian path along the southern edge of the project site. At Middlefield Road, bicyclists would be able to travel east along Ringwood Avenue to the US 101 bicycle and pedestrian bridge, through the Belle Haven neighborhood and access the Bay Trail through the recently opened bicycle/pedestrian bridge over Bayfront Expressway at the Meta West Campus. Connectivity to, and interactions with, the adjacent United States Geological Survey (USGS) campus should also be considered.

On the project site, the pedestrian and bicycle pathways are proposed to meander throughout the site in a parklike setting. Additionally, the loop road around the office/R&D campus would include class 2 and class 3 bicycle lanes, and bicycle and pedestrian access would be available to the loop road from Burgess Drive.

Trees, landscaping, and open space

The Applicant indicates their landscape concept is to create a network of publicly-accessible pedestrian and bicycle trails, parks, open spaces, and active/passive recreational areas, incorporating many existing and new trees. Additionally, the Applicant indicates open space would also be utilized to create welcoming edges along Ravenswood Avenue, Laurel Street and Middlefield Road. The five new office/R&D buildings and office amenity building would surround the main open space, with smaller open space areas located around these buildings and throughout the site. The main open space would not be directly visible from any public way as Office Building 1 closes off views from Ravenswood Avenue to the central open space

and the office amenity building partially cuts off views from Laurel Street and Burgess Park.

The second largest open space within the project site would be located next to the community building in the northeast corner of the site. As previously noted, this open space area could provide community functions, such as a recreational field and a children's play area. The City also intends to explore a possible partnership with Parkline to evaluate opportunities for emergency water supply and/or storage facilities on-site, such as an emergency water supply well or underground reservoir with open space/fields above.

The site currently contains 565 heritage trees, of which 351 would be retained and 214 would be removed. Including non-heritage trees, 692 trees would be retained on site and an additional 797 trees are proposed to be planted. The size/age of the trees to be planted has not yet been determined but as the plans develop, staff will work with the Applicant to determine appropriate tree sizes/ages. A complete tree survey and disposition plan is included as hyperlink Attachment E. The Applicant indicates their tree management and retention plan is based on the following:

- The preservation of healthy heritage trees that are of a desirable tree species;
- Special effort to preserve coastal live oaks, valley oaks, and coast redwoods based on their native habitat and ecological significance; and
- Incorporation of existing heritage trees into the overall design.

As the project review continues, the Planning Division and City Arborist team will review and evaluate the arborist report, the tree disposition and removal plans, and determine whether the requested heritage tree removals are supportable based on the information to be provided with heritage tree removal permit applications. If the City Arborist approves some or all of the removals, his or her decision is appealable to the Environmental Quality Commission. Further, as part of that review, the City will evaluate the potential impacts of the project on the heritage trees proposed to remain and work with the Applicant team to identify preservation measures. The heritage tree replacement plan would be subject to the City's valuation requirements for replacement trees. The replacement plan will be incorporated into subsequent reviews of the proposed project.

Sustainability

The Applicant indicates the project would incorporate the following sustainability measures:

- Minimum LEED Gold certification by the USGBC or equivalency verified through the City of Menlo Park's LEED Performance Program, and related certifications;
- Use of photovoltaic panels to generate power on-site for electric vehicle charging stations and to offset energy use by buildings;
- Minimization of construction and operational carbon emissions;
- Responsible management and reduction of potable water use including, where feasible, the option for greywater use and recycled water use for landscape irrigation;
- Use of native and drought tolerant plants and low-flow drip irrigation systems; and
- Use of bio-retention ponds and the possible use of larger, centralized treatment areas that may also serve as open space.

Requested entitlements

A masterplan project provides a vision and framework for growth and development of the site. The Applicant is requesting general plan and zoning ordinance amendments to enable the proposed masterplan development. The new general plan land use designation would allow for residential dwelling units, public and quasi-public uses, office, R&D, and supporting uses. As currently proposed, the designation would apply to the entire site and establish a maximum residential density at 40 dwelling units per acre and a maximum commercial floor area ratio (FAR) of 0.6, based on the amount of existing square footage on-site, to allow up to approximately 1.38 million square feet of non-residential uses. As previously noted, the non-residential square footage would not exceed the current square footage of all buildings on the project site.

The proposal would create both a new residential and a new non-residential zoning district although the proposed masterplan could also be encompassed by one zoning district. The Applicant has not yet confirmed whether they intend to propose a single, new zoning district or multiple adjacent zoning districts. The requested rezoning of the project site would apply the new district(s) and likely a conditional development "X" overlay. Pursuant to Chapter 16.56 of the Zoning Ordinance, the "X" Overlay/conditional development district, also referred to as combining district, is a zoning district specifically established for the purpose of combining special regulations or conditions with an existing zoning district, and requires approval of a CDP. Pursuant to Section 16.56.030 of the Zoning Ordinance, development regulations in the "X" district are as specified in the conditional development permit, but in no event shall the number of dwelling units, floor area ratio (FAR), or floor area limit (FAL), exceed the development regulations as set forth in the zoning district with which the X conditional development district is combined. The Applicant indicates they're requesting a CDP to address discrete construction, design, phasing and operation requirements. A CDP for the project could also specify general compliance with the project plan set, allowed uses and conditions of approval including mitigation measures from the EIR.

The Applicant is also requesting a development agreement (DA), which would provide vested rights in exchange for community benefits and allow for phased construction, as needed. Architectural control may also be required for design review of the proposed buildings (unless incorporated into the CDP) along with the other entitlements or in a phased approach, depending on buildout timing/phasing for the project.

In addition, the Applicant is requesting a vesting tentative map to merge the existing lots and re-subdivide in a manner consistent with the new improvements, as well as to provide flexibility for phased construction. The Applicant indicates multiple final maps may be prepared to match project phasing and that each new building would be located on its own parcel, with most of open space, private streets, and other common areas being located on a separate parcel (or parcels). The proposed mapping approach is under review by staff.

Project phasing

The Applicant indicates they anticipate the project would be constructed in one single phase, with site preparation occurring over the course of 12 to 15 months and buildout of site infrastructure and vertical improvements occurring afterwards over the course of 30 to 36 months. However, because phasing may change based on market conditions, it is also possible that the project would be constructed in phases with the initial phases as outlined in the Applicant's project description letter. City staff and the Applicant

team will continue to discuss the potential phasing for complete build out of the proposed project and will incorporate the phasing as appropriate into the environmental analysis for the proposed project. Staff will provide recommendations to the Planning Commission and City Council regarding tying certain public improvements and infrastructure to certain phases of development to ensure public improvements are constructed and finalized if the project is indeed constructed in multiple phases.

Next steps

The next steps will be for the City to select an environmental consultant to prepare an environmental impact report (EIR). As noted in the environmental review section below, the EIR process includes several additional public hearings. The project may also go to the City Council for a separate study session.

Planning Commission review

This study session is an early opportunity for the Planning Commission and members of the community to learn more about the proposed project and request clarifying information from staff and the Applicant team. As part of its review of the project proposal, staff developed the following topic areas for the Planning Commission to consider and ask clarifying questions on.

- Proposed land uses and site density and intensity;
- Site layout, including building orientations;
- Site access, including vehicular, pedestrian and bicycle;
- Conceptual architectural styles;
- Design and layout of open space;
- Parking locations and ratios; and
- Proposed sustainability measures.

Correspondence

The Applicant indicates they hosted a series of community meetings in July and August 2021 to obtain initial community feedback that was used to inform the proposed project description. The Applicant states in the project description letter that these meetings were attended by more than 130 community members and stakeholders, and as the project moves forward, they will schedule further outreach meetings with a variety of community stakeholders and members of the public. Staff has received two emails on the project (Attachment F). The first email is from a nearby resident who had concerns about increased traffic and safety, and the number of housing units. The email includes some incorrect information on the project, including the number of housing units and the number of stories of the proposed apartments, and staff has reached out via email. The second email is also from a resident and is in favor of increasing the proposed number of housing units on the project site, including BMR units.

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

An Environmental Impact Report (EIR) will be prepared for the project. The first step in the process will be the release of the Notice of Preparation (NOP) which will be followed by an EIR public scoping meeting to share information regarding the Project and the environmental review process and to provide information on how interested parties can provide written comments. The public scoping meeting will allow the public, the Planning Commission, and public agencies to ask questions about the NOP and environmental review of the project. A draft EIR will then be prepared by the City's CEQA consultant, after the City Council approves a contract for an environmental consultant to prepare the document. Following the release of the Draft EIR, a public hearing will be held by the Planning Commission to provide an opportunity for the Commission, agencies, organizations and members of the public to provide verbal comments on the Draft EIR. Written comments on the Draft EIR will also be solicited at that time. Comments will then be addressed as part of the Final EIR, which would be reviewed at a subsequent meeting. The City Council will ultimately be charged with considering whether to certify the Final EIR for the proposed project.

Public Notice

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

Attachments

- A. Location Map
- B. Hyperlink: Project Description Letter -
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/parkline/parkline-project-description-letter.pdf>
- C. Hyperlink: Project Plans –
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/parkline/20220107-parkline-poject-plans.pdf>
- D. Existing and Proposed Bike Paths from Transportation Master Plan
- E. Hyperlink: Tree Disposition Plan –
<https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/parkline/parkline-tree-disposition-plan.pdf>
- F. Correspondence

Disclaimer

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

Exhibits to Be Provided at Meeting

None

Report prepared by:
Corinna Sandmeier, Acting Principal Planner

Report reviewed by:
Kyle Perata, Acting Planning Manager
Deanna Chow, Assistant Community Development Director
Nira Doherty, City Attorney



CITY OF MENLO PARK

LOCATION MAP

333 RAVENSWOOD AVENUE - PARKLINE



CITY OF
MENLO PARK

Scale: 1:9,000

Drawn By: CDS

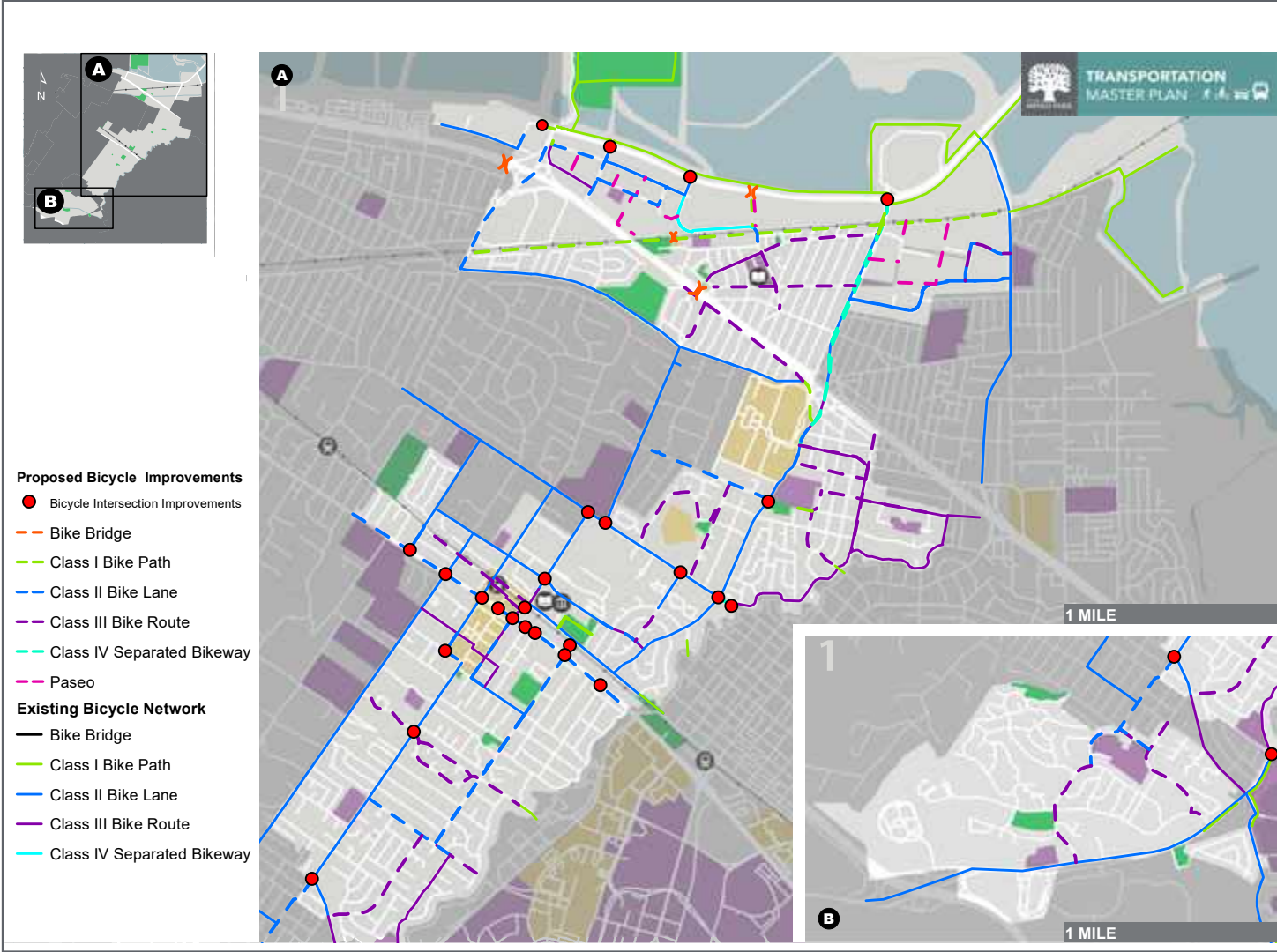
Checked By: CDS

Date: 3/28/2022



Recommended TMP Projects

EXISTING BIKE NETWORK AND RECOMMENDATIONS



Recommendations for people biking at various locations throughout Menlo Park will help improve safety and connections to the existing bicycle network.

From: [Alisha Swinteck](#)
To: [Sandmeier, Corinna D](#)
Subject: Disappointment in the Parkline Plans - Children Safety at Risk
Date: Tuesday, March 22, 2022 12:08:45 PM

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.

My name is Alisha Swinteck and we met a few times at the SRI Parkline Town Halls back in the Fall 2021, along with my husband, Brian, and my three children. We live in the Burgess Classics.

We've reviewed your [initial renderings](#) of the Parkline Plans and are **disappointed that some of the promises made were not honored.**

Specifically, the promise to keep traffic LOW on Laurel Street to keep our children safe is not reflected in these plans. You've put ALL 800 housing units - 7 stories high - on Laurel Street. That is 800 cars (at least) that will add to the traffic on Laurel Street. To mitigate this, you and I specifically discussed putting more of the green space on Laurel Street, yet you have it all on Middlefield road.

Also, the building proximity on Laurel property line to Burgess Classics is much **closer than initially proposed.** With two years (at least!) of construction, I can't begin to imagine the disruption this will cause to our children - the dust alone - building SO close to our property line.

As a solution, I recommend taking out Residential 3 and pushing the town homes to that location. Reduce the buildings from 7 stories to 3 stories so that you are meeting your required 400 housing units (as even pitched on the [website](#) still) - we, as a city, don't need 800.

Disappointed,
Alisha and Brian Swinteck
580 Laurel Street, Menlo Park (Burgess Classics)
414-803-0117

From: [Michal Bortnik](#)
To: [Planning Commission](#)
Subject: Making the most of the Parkline opportunity
Date: Wednesday, March 23, 2022 4:57:00 PM

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.

Dear Commissioners and Staff,

I'm writing in support of maximizing the benefit to our community presented by the Parkline opportunity. In particular, I urge you to make it possible for the Parkline developer to include more BMR units, so desperately needed in our community (and in our Housing Element).

Specifically, please consider:

- Requesting a designation of 1ac of land for a non-profit developer to build 100% affordable housing for people with disabilities (at a minimal cost to the non-profit developer)
- Requesting an increase in the % of BMR units from the currently proposed 15% to 20%

To make these requests economically viable for the developer, please consider:

- Reducing minimum parking requirements for this development. Given proximity to transportation and concerns about traffic, this accommodation could have other benefits as well.
- Relaxing height/density restrictions for this development to allow for 600 units. Note that the developer has thoughtfully designed the development to minimize the impact of increased height on the neighbors. Most of the housing structures face the City Hall police station and the Burgess Park parking lot.

Parkline is such a unique opportunity and we must make the most of it in order to meet the housing needs of our community, satisfy state requirements around the housing element and legally comply with affirmatively furthering fair housing. As you're already aware, the 6th Cycle Housing Element draft makes wildly optimistic assumptions about the likelihood of development on the proposed sites, without any validation from property owners and developers. We simply won't have many opportunities like Parkline. Furthermore, our HE draft plan is heavily dependent on non-profit developers building 100% affordable housing at an unprecedented scale. And that just cannot happen without helping non-

profit developers address the cost of land acquisition. The Parkline project could set a powerful precedent for how to make this work.

Given these circumstances, as well as the Parkline developer's openness and flexibility in meeting community needs, this is our best opportunity to create a model for meeting the housing needs of our community and fulfilling our obligations in the next Housing Element cycle. Please don't miss your chance to help make the most of it.

Respectfully,

Michal Bortnik
Resident of District 4

Additional Comments Received after Staff Report Publication

From: [Brittani Baxter](#)
To: [Planning Commission](#)
Subject: Making the most of the Parkline opportunity
Date: Monday, March 28, 2022 12:10:50 AM

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.

Dear Planning Commission and Staff,

Thank you for your work in reviewing the Parkline project at 333 Ravenswood!

I live nearby (within easy walking distance) to the site and I wanted to share my enthusiasm for having this fantastic project in our neighborhood. I understand that the site will contain a solid number of homes, with 15% set aside currently as affordable units. This is a great start, but I believe there's room to do a bit more to make the most of this rare opportunity.

SRI has a fascinating history of innovation at this site, and I think it would be fantastic to do that legacy justice with an innovative redevelopment, designed for the decades ahead. I see two main opportunities for innovation within the proposal:

1. Use valuable space for homes, not cars:

Our neighborhood is wonderfully walkable: downtown amenities, Caltrain and transit, and local schools are just a block or two in any direction. This eliminates the need to use a car for daily living in our area – I see tons of people, of all ages and situations (groups of friends, neighbors young and old, parents with strollers, etc) walking to and from places just as I do. I think it's a big part of our area's appeal. Neighborhood residents, including future Parkline residents, are highly unlikely to sit in school dropoff lines in a vehicle, or drive downtown. We can walk to the library and Burgess Park, and soon to the new, delicious amenities at Springline, too! This project is really wonderfully-located for residents to enjoy a car-free lifestyle already within our existing infrastructure -- and I suspect things will only get even better in the years ahead as the city continues to work through transportation and circulation upgrades.

Sites this large are a very rare, once-in-a-generation opportunity to create a key “place” within our community – a place that will endure for decades. And as I look to the next several decades and what's needed to address our climate crisis, I see walkable neighborhoods and less solo driving playing a big role in the solution -- in addition to simply being a more desirable lifestyle for many people. I was also interested to learn recently that the rate at which young people are getting drivers licenses is steadily declining, due to many factors but also a simple lack of interest in driving among the next generation. It would be really disappointing if acres of parking were built at this site, locked in for decades (both physically and in terms of added cost), but are ultimately underutilized by residents who have decided they have better things to do with their time and health than sit in traffic, and better uses for their money than a car payment, insurance, gas, and maintenance.

Please consider relaxing or even eliminating parking minimums at this uniquely-positioned site so that the available space can be used for much-needed homes – for residents who will

likely choose this location precisely for its walkability – rather than being used for car storage. Enjoyable and safe places are filled with friends, neighbors, and community, not cars.

2. Let more, and more types of, community members call this neighborhood home

Because of the scale of this site, I believe there may be an opportunity to increase the BMR requirement for this site to 20% from 15%, especially with increased height and density and reduced space for parking. This would open up the opportunity to live at this site to more people, including community members who work for a variety of employers in the City. Allowing more room for units could also lead to more room for family-sized units.

We all know by now that employers large and small struggle to hire in Menlo Park, even at rates traditionally seen as a solid wage, because of the extreme cost of living here. An option to walk a few blocks home after a day's work could make working in Menlo Park a very desirable option for many community members. When great people choose to work here, across all levels of income, the whole community benefits!

Workers who are currently commuting long distances to work here could, in a future life at Parkline, be able to enjoy more dinners or sports games with their kids right after work, or simply stick around after work with friends to add vibrancy to our downtown.

Lastly but most importantly, I believe that there's a really wonderful opportunity for an acre of this site to be donated to a nonprofit developer who can create affordable homes for community members with specific needs, such as developmental disabilities. I can't overstate the importance of capturing this opportunity to create this type of housing. This housing is not only difficult to create when housing prices skyrocket year after year, it's also more essential than ever to create with each passing year due to these same skyrocketing costs. Families and friends could be close to adult loved ones who are on fixed incomes, and vice versa. Residents would be able to stay in the community they know and love, with easy access to resources without having to worry about transportation to what they need.

Thank you again for your time, and for your consideration of how to create a really innovative and complete place to call home that can be enjoyed by all for decades to come!

Warmly,
Brittani Baxter
District 3 resident

From: [Buck Bard](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]Re: Menlo Park Planning Commission SRI Parkline Study Session - Menlo Together Public Comment
Date: Sunday, March 27, 2022 4:10:53 PM

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March 27, 2022

Planning Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

Re: Menlo Park Planning Commission SRI Parkline Study Session - Menlo Together Public Comment

Dear Members of the Menlo Park Planning Commission,

My name is David Bard and I'm a resident of Suburban Park, Menlo Park.

I want to see my city become more integrated and diverse, multi-generational, and environmentally sustainable. To reach that goal, we have to build homes across all levels of affordability, especially near transit and downtown services.

The 400 proposed mixed-income homes in the Parkline proposal are a great start, but we can do more. To make sure that we meet the needs of all our residents, including those with extremely low income and/or special needs, I would like to see an acre of land within the development donated to a non-profit housing developer and developed to meet our most pressing needs - deeply affordable housing for our city's families and people of all abilities.

I also support increasing our inclusionary BMR requirement from 15% to 20%.

These additional affordable units can be feasible if the project is allowed to increase the number of market rate units (by allowing greater height and density) and by reducing or eliminating minimum parking requirements. The site is very close to a public transit hub, and could be designed to attract our residents who prefer not to own or drive their own car. This would help reduce local traffic, and our city's climate impact. In particular, the deeply affordable housing should have flexibility with regard to number of parking spots in the development, because according to [a study by Housing Leadership Council and Transform](#), the lower the income of a household, the more likely they are to take public transit instead of driving, so the need for parking spots is less than for many market rate developments.

No matter where you begin, success in life starts at home for all ages and all people. When we have safe, secure places to live, parents earn more, kids learn better, health and well-being improve, and our community is strengthened because it now has the building blocks needed to thrive.

We can make this happen by taking full advantage of the Parkline project to build a strong community of people and families of all incomes and abilities who thrive.

Thank you.

Sincerely,

David Bard
Suburban Park, Menlo Park.

From: [Jill](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]Comment re 3/28 SRI Parkline Study Session (FOR Menlo Together)
Date: Sunday, March 27, 2022 7:48:13 PM

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March 28, 2022

Planning Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

Re: Menlo Park Planning Commission SRI Parkline Study Session - Menlo Together Public Comment

Dear Members of the Menlo Park Planning Commission,

My name is Jill Baxter and I'm from Suburban Park (Dunsmuir Way) in Menlo Park.

I want to see my city become more integrated and diverse, multi-generational, and environmentally sustainable. To reach that goal, we have to build homes across all levels of affordability, especially near transit and downtown services.

The 400 proposed mixed-income homes in the Parkline proposal are a great start, but we can do more. To make sure that we meet the needs of all our residents, including those with extremely low income and/or special needs, I would like to see an acre of land within the development donated to a non-profit housing developer and developed to meet our most pressing needs - deeply affordable housing for our city's families and people of all abilities.

I also support increasing our inclusionary BMR requirement from 15% to 20%.

These additional affordable units can be feasible if the project is allowed to increase the number of market rate units (by allowing greater height and density) and by reducing or eliminating minimum parking requirements. The site is very close to a public transit hub, and could be designed to attract our residents who prefer not to own or drive their own car. This would help reduce local traffic, and our city's climate impact. In particular, the deeply affordable housing should have flexibility with regard to number of parking spots in the development, because according to [a study by Housing Leadership Council and Transform](#), the lower the income of a household, the more likely they are to take public transit instead of driving, so the need for parking spots is less than for many market rate developments.

No matter where you begin, success in life starts at home for all ages and all people. When we have safe, secure places to live, parents earn more, kids learn better, health and well-being improve, and our community is strengthened because it now has the building blocks needed to thrive.

We can make this happen by taking full advantage of the Parkline project to build a strong community of people and families of all incomes and abilities who thrive.

Thank you.

Sincerely,

**Jill Baxter on Dunsmuir Way
Suburban Park, Menlo Park**

From: [Peter C](#)
To: [Sandmeier, Corinna D](#); [_Planning Commission](#)
Subject: SRI project Comments
Date: Monday, March 28, 2022 2:46:20 PM

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.

Dear Planning Commission,

We at Burgess Classic community continue to express our concerns about the SRI project. This entails hree main concerns among many other issues.

- 1) Egress through the Burgess street path to Middlefield presents a safety issue for the community. We want to keep eyes on the path and allowing the public egress presents a hazard. This continues to fall on deaf ears, despite ongoing homeless people venturing back there already. Homeless people already use the Burgess Park, and now this will pave the path for more people to enter. Also, we don't want underage kids roaming back there.
- 2) Please do not program any usage behind the backyard of the Burgess Classics. We don't want any direct activity behind our yards (Eg. dog park, bbq, or open space for usage). This invites noise and can invite homeless people to encamp back there. There should be ample trees to shield us from the parking structure, adequate ongoing maintenance.
- 3) The parking structure and office amenity should be for office users only. We need badge access so that we don't have interlopers back there.

Thanks and I appreciate the planning commission taking these concerns seriously,

Peter C,
Resident of Burgess Classics

From: [Angie Evans](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]Support for more homes at SRI!
Date: Sunday, March 27, 2022 12:18:27 PM

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

Hi Planning Commissioners,

I will be brief. I'd like to submit my support for more affordable housing on the SRI site. The RHNA goals are not the ceiling for what housing should look like in Menlo Park, they are the floor. In order to make Menlo Park a place where everyone can thrive, we need to explore and support new creative solutions to deeper affordability and density in great locations like this one.

Thanks so much,
Angie Evans

From: [Patti Fry](#)
To: [PlanningDept](#); [_Planning Commission](#)
Subject: [Sent to Planning]Parkline Study Session
Date: Monday, March 28, 2022 10:54:02 AM

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.

Dear Commissioners and City Staff,

Thank you for the opportunity to provide input to your study session this evening. I know that SRI has considered for many years a major upgrade of its facilities and I am pleased to see that the proposed project may help address the housing shortage.

My questions and concerns regard the following topics:

1. What is the expected number of workers, and what is the current number?

The answer to this question would help reveal the potential impact on traffic, water, demand for housing, playing fields, schools, etc. This project may actually WORSEN the housing shortage if the number of workers would increase.

The project description conflates office and R&D space. This could be misleading because these types of work spaces typically have very different ratios of square footage allocated per worker, with offices typically more intensely staffed than R&D. Similarly startup spaces tend to be much more densely staffed than "normal" office space; in recent years, startups may have just 50 SF/worker whereas tech offices have been 150 SF/worker, and formally the city used rules of thumb of 300 SF/office worker and even more space for R&D spaces. So this project could house six times or greater the number of workers than currently occupy the same square footage.

Parkline should commit to not increase the number of workers in the non-residential buildings.

2. What plans does Parkline have to promote use of public transit and walking/biking?

The parking ratios described in the project appear to be high for a development so close to a transit corridor, and with a potentially enhanced bike/pedestrian corridor. The ratios do not appear to have been updated to reflect more current thinking about how to minimize vehicular traffic.

Parkline should commit to fewer parking spaces.

3. How can open space be optimized to serve residents?

There is a shortage of playing fields and park space in Menlo Park. This project could add to the supply rather than exacerbate demand for both. The addition of 400 new homes will add to the demand for recreational space. To what extent would the project improve the balance?

The placement and potential uses of open space should be designed for the enjoyment, health, and safety of residents.

Thank you in advance for probing these areas.

Respectfully submitted,

Patti Fry, former Menlo Park Planning Commissioner
District 4 resident

From: [Karen Grove](#)
To: [Planning Commission](#)
Subject: Parkline Study Session - support for more affordable, and more housing
Date: Saturday, March 26, 2022 4:39:12 PM
Attachments: [Menlo Park Housing Element Comments for Developmental Disabilities.pdf](#)

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.

Dear Planning Commissioners and Staff,

I'm on the Menlo Park housing commission but am writing as myself. I write to both support the Parkline development and to ask for some changes that will make it an even greater contribution to our city.

I love that the decades old buildings will be modernized, made more energy efficient, and sustainably built (hopefully without the use of fossil fuels, as I believe is required of new buildings in Menlo Park).

I love the dedication of tens of acres to park-like, publicly accessible open space! That will be a huge and beautiful contribution to all Menlo Park residents and those who work here.

I very much appreciate the proposal to build 400 new homes near transit, near downtown, and in our award-winning school district.

There are also some important improvements we can make to this once in a lifetime redevelopment opportunity.

While I appreciate that 15% of the new homes will comply with our Below Market Rate program and will be affordable to mid to low-income professionals, I am painfully aware that almost all of our inclusionary BMR housing is unaffordable to low-wage earner households with children, seniors on fixed income, and people with disabilities who live on social security income of barely \$1,000/month.

My number one priority ask is that Lane Partners donate land (an acre perhaps?) to a non-profit affordable housing developer who can combine multiple sources of financing to build *deeply* affordable housing for households of all sizes and individuals of all abilities.

As you know, our cycle 6 Housing Element relies heavily on 100% affordable housing south of 101. The Parkline development project is an ideal opportunity to include 100% affordable housing and help us achieve Housing Element compliance.

In addition to the important objective of housing element compliance, we have a huge humanitarian need for deeply affordable housing, especially for large families and people with disabilities. I'm attaching a memo from Housing Choices that outlines the need for people with developmental disabilities who currently live in Menlo Park. Many are adults living with aging parents who risk having nowhere to go when their parents can no longer support them. This is a golden opportunity to meet this need.

My second priority ask is to increase the percent of inclusionary BMR housing from 15% to 20%. This can be made feasible by increasing the number of market rate units by allowing greater height and density and reducing or eliminating the city's minimum parking requirements. Housing near transit means fewer people are required to drive or own cars. Transportation management programs, car share services and other alternatives can further reduce the need for car ownership and parking.

I'm excited about this project and look forward to us shaping it into a model of best practice for partnership between for-profit developers, non-profit developers, and our city; sustainable development and planning; housing that meets market rate demand; and housing that meets the needs of those most impacted by income and wealth inequality and the lack of affordable housing in our area. If we do this right, we will attract more projects like it and be on a great path towards meeting our cycle 6 housing element goals.

Thanks for your consideration,

Karen Grove
Housing commissioner, writing as myself

From: [Pamela Jones](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]G1. SRI Parkline
Date: Monday, March 28, 2022 3:55:58 PM

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.

Dear Chair Doran, Vice Chair DeCardy, Commissioners Burners, Harris, Kennedy, Riggs and Tate, and Staff,

The 400 proposed mixed-income homes in the SRI Parkline proposal are a good start, but we need to do more. We need to work with developers to find creative ways and solutions to increase affordable housing, particularly within walking and biking to services in the downtown area.

The Parkline project can serve as an example of how developers and the City of Menlo Park are willing to support reducing the housing-jobs imbalance and meeting the RHNA number particularly for very, very low, very low-, low- and moderate-income categories. We can begin with increasing the affordable (BMR) units to 20% by increasing density and height.

Since the roles and responsibilities of the Planning Commission are established according to state law and include making decisions in “many areas of land use process and recommendations to the City council,” the process of change begins here. The Planning Commissions also “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.” It is important that residents know and understand the full extent of the roles and responsibilities of the Planning Commission and what is within your purview.

Again, I appreciate your commitment to the residents of Menlo Park.

Respectfully,

Pam D Jones, resident

From: bobhome@pacbell.net
To: [PlanningDept](#)
Subject: [Sent to Planning]Comment re 3/28 SRI Parkline Study Session (FOR Menlo Together)
Date: Sunday, March 27, 2022 7:48:13 PM

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.

March 27, 2022

Planning Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

Re: Menlo Park Planning Commission SRI Parkline Study Session - Menlo Together Public Comment

Dear Members of the Menlo Park Planning Commission,

My name is Bob Leichner and live on Dunsmuir Way in Suburban Park, Menlo Park. I have lived here for about 40 years.

I want to see my city become more integrated and diverse, multi-generational, and environmentally sustainable. To reach that goal, we have to build homes across all levels of affordability, especially near transit and downtown services.

The 400 proposed mixed-income homes in the Parkline proposal are a great start, but we can do more. To make sure that we meet the needs of all our residents, including those with extremely low income and/or special needs, I would like to see an acre of land within the development donated to a non-profit housing developer and developed to meet our most pressing needs - deeply affordable housing for our city's families and people of all abilities.

These additional affordable units can be feasible if the project is allowed to increase the number of market rate units (by allowing greater height and density) and by reducing or eliminating minimum parking requirements. The site is very close to a public transit hub, and could be designed to attract our residents who prefer not to own or drive their own car. This would help reduce local traffic, and our city's climate impact. In particular, the deeply affordable housing should have flexibility with regard to number of parking spots in the development, because according to [a study by Housing Leadership Council and Transform](#), the lower the income of a household, the more likely they are to take public transit instead of driving, so the need for parking spots is less than for many market

rate developments.

No matter where you begin, success in life starts at home for all ages and all people. When we have safe, secure places to live, parents earn more, kids learn better, health and well-being improve, and our community is strengthened because it now has the building blocks needed to thrive.

We can make this happen by taking full advantage of the Parkline project to build a strong community of people and families of all incomes and abilities who thrive.

Thank you.

Sincerely,

Bob Lechner on Dunsmuir Way
Suburban Park, Menlo Park

From: [Bob Macdonald](#)
To: [Sandmeier, Corinna D](#)
Cc: [Pete Schwartz](#); [Pam Fernandez](#); [Jeff Carlton](#); [Bill Cottle](#); [Susan Norris](#); [Robert Ostenberg](#)
Subject: Message from Menlo Park Christian Science Church to be attached to the Agenda for the Parkline Study Session Tonight, March 28th
Date: Monday, March 28, 2022 1:33:06 PM

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TO: Corinna D. Sandmeier, Acting Principal Planner on behalf of the City of Menlo Park Planning Department and the City of Menlo Park Planning Commission

FM: Bob Macdonald, Chair, Ad Hoc Church Committee for the Parkline Project on behalf of the Church membership of The First Church of Christ, Scientist Menlo Park

RE: Moving the Playing Field in the Parkline Proposal

DT: Monday, March 28th 2022

Our Church has been a neighbor and partner with SRI for over 60 years.

Our Church at 201 Ravenswood is surrounded on three sides by SRI. In the late 1950s, our Church did a land swap with SRI that led to the location of our current Church property. At that time, a perpetual parking agreement was put in place between our Church and SRI that provides parking for services, meetings, and events at our Church on SRI property, and for mutual traffic flow easements that ensure traffic flow and emergency vehicle access around the perimeter of our property, as well as the ability to exit onto Middlefield.

We are in support of the efforts of SRI and the Parkline team to improve the use of SRI's 63 acres in the heart of Menlo Park.

However, we have identified a significant issue for our Church in the proposed plan. We have made the Parkline team aware that our Church membership would like the proposed playing field moved so it would not be adjacent to our property.

Relocating the playing field is the most "bullet-proof" way to ensure the sanctity and serenity of all religious services, meetings, and events on our property, now and into the future. We are comfortable with continuing to have parking lots, parking structures and/or office buildings adjacent to our property as part of the Parkline project. That will create a buffer similar to what we have enjoyed for over 60 years.

In addition to our position regarding the playing field location, our Church would also like to make it known that regardless of the mix of parking, parking structures, and/or office buildings that might be adjacent to our property, two of the three existing mutual traffic flow easements, "Ravenswood #1" and "Ravenswood #2", need to remain in place to ensure that emergency vehicles can get to any location around the periphery of our property. The Church would also like to reach a mutually acceptable agreement regarding the "Middlefield Connection" traffic flow easement.

Thank you for giving our Church membership this opportunity to bring these issues to your attention as public hearings regarding the Parkline proposal begin.

Sincerely,

Bob Macdonald

Chair, Ad Hoc Church Committee for the Parkline Project for The First Church of Christ, Scientist Menlo Park

Bob Macdonald
mailbobmac@gmail.com
mobile: 650-575-2512

From: [Menlo Together](#)
To: [Planning Commission](#); [Sandmeier, Corinna D](#)
Subject: Fwd: SRI Parkline study session Menlo Together comments
Date: Monday, March 28, 2022 3:00:13 PM
Attachments: [M2G SRI Letter to Planning Commission.2.pdf](#)

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.

Dear Planning Commissioners and Staff,

Please find, attached and below, an updated letter from Menlo Together, with an additional signature that came in today.

Thanks!
The Menlo Together Team

March 28, 2022

Planning Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

Re: Menlo Park Planning Commission SRI Parkline Study Session - Menlo Together Public Comment

Dear Members of the Menlo Park Planning Commission and Staff,

Menlo Together is made up of Peninsula residents from all walks of life who envision a city that is integrated and diverse, multi-generational, walkable, bikeable, and environmentally sustainable.

We, and the residents listed below, believe that our city can achieve these goals by building more homes across all levels of affordability, especially near transit and downtown services. The 400 proposed mixed-income homes in the Parkline proposal are a great start, but we believe we can do more. To ensure that we meet the needs of all our residents, including those with extremely low income and/or special needs, Menlo Together would like to see an acre of land within the development donated to a non-profit housing developer and developed to meet our most pressing needs - deeply affordable housing for families and people of all abilities.

We also support increasing our inclusionary BMR requirement from 15% to 20%.

These additional affordable units can be feasible if the project is allowed to increase the number of market rate units (by allowing greater height and density) and by reducing or eliminating minimum parking requirements. As stated before, the site is very close to a public transit hub, and could be designed to attract residents who prefer not to own or drive their own car. This would help reduce local traffic, and our city's climate impact. In particular, the deeply affordable housing should have flexibility with regard to number of parking spots in the development, because according to a study by Housing Leadership Council and Transform, the lower the income of a household, the more likely they are to take public transit instead of driving.

No matter where you begin, success in life starts at home for all ages and all people. When we have safe, secure places to live, parents earn more, kids learn better, health and well-being improve, and our community is strengthened because it now has the building blocks needed to thrive.

Let's take full advantage of the Parkline project to build a strong community of people and families of all incomes and abilities who thrive.

Thank you.

Sincerely,

The Menlo Together Team (menlotogether.org)

Katy Basile, Menlo Park

Lydia Lee, Menlo Park

Barbara Gale, Menlo Park

Julie Shanson, Menlo Park

Kristen Leep, Menlo Park

Rick Andrew, Menlo Park

Elsa Schafer, Menlo Park

Alison Elliott, Menlo Park

Lesley Feldman, Menlo Park

Mary Ratner, Menlo Park

Jeremy Allan, Menlo Park

Tara Moran, Menlo Park

Katherine Dumont, Menlo Park

Dennis Irwin, Menlo Park

Sarah Ordaz, Menlo Park

Martha Foster, Menlo Park

Olya Danilchenko, Menlo Park

Lynn Huidekoper, Menlo Park
Rebecca Maynes, Menlo Park
Colte Roosendaal, Menlo Park
Susan Rowan, Menlo Park
Antonio Delgado Gonzalez, Menlo Park
Holly A. Deremo, Menlo Park
Britt Ellis, Menlo Park
Alba D. Hernandez, Menlo Park
Joshua Visser, Menlo Park
Diane Reinhard, Menlo Park
Joyce Woo, Menlo Park
Eric Schneider, Menlo Park
Jonathoan Gleit, Menlo Park
Alysua Lee, Menlo Park
Shannon Dennis, Menlo Park
Aaron Dennis, Menlo Park
Juan Jose Jaramillo, Menlo Park
Thomas Fleury Curado, Menlo Park
Katherine Ramirez, Menlo Park
Monika Mazurkiewicz, Menlo Park
Evan F. Jiminez, Menlo Park
Victoria H. Garcia, Menlo Park
Bikram Chatterjee, Menlo Park
Yue Li, Menlo Park
Jessica Clark, Menlo Park
Todd Rose, Menlo Park
Jackie Macdonald, Menlo Park
Peggy and Larry McGill, Menlo Park
Sally and Ron Mancini, Menlo Park
Curtis and Linda Evans, Menlo Park
Ron Matsui, Menlo Park
Elidia V. Tafoya, Menlo Park

----- Forwarded message -----

From: **Menlo Together** <menlotogether@gmail.com>

Date: Mon, Mar 28, 2022 at 8:57 AM

Subject: SRI Parkline study session Menlo Together comments

To: <planning.commission@menlopark.org>

March 28, 2022

Planning Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

Re: Menlo Park Planning Commission SRI Parkline Study Session - Menlo Together Public Comment

Dear Members of the Menlo Park Planning Commission and Staff,

Menlo Together is made up of Peninsula residents from all walks of life who envision a city that is integrated and diverse, multi-generational, walkable, bikeable, and environmentally sustainable.

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We also support increasing our inclusionary BMR requirement from 15% to 20%.

These additional affordable units can be feasible if the project is allowed to increase the number of market rate units (by allowing greater height and density) and by reducing or eliminating minimum parking requirements. As stated before, the site is very close to a public transit hub, and could be designed to attract residents who prefer not to own or drive their own car. This would help reduce local traffic, and our city's climate impact. In particular, the deeply affordable housing should have flexibility with regard to number of parking spots in the development, because according to a study by Housing Leadership Council and Transform, the lower the income of a household, the more likely they are to take public transit instead of driving.

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Let's take full advantage of the Parkline project to build a strong community of people and families of all incomes and abilities who thrive.

Thank you.

Sincerely,

The Menlo Together Team (menlotgether.org)

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Alysua Lee, Menlo Park
Shannon Dennis, Menlo Park
Aaron Dennis, Menlo Park
Juan Jose Jaramillo, Menlo Park
Thomas Fleury Curado, Menlo Park

Katherine Ramirez, Menlo Park
Monika Mazurkiewicz, Menlo Park
Evan F. Jiminez, Menlo Park
Victoria H. Garcia, Menlo Park
Bikram Chatterjee, Menlo Park
Yue Li, 156 Hedge Road, Menlo Park
Jessica Clark, Menlo Park
Todd Rose, Menlo Park
Jackie Macdonald, Menlo Park
Peggy and Larry McGill, Menlo Park
Sally and Ron Mancini, Menlo Park
Curtis and Linda Evans, Menlo Park
Ron Matsui, Menlo Park

From: [Timi Most](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]
Date: Sunday, March 27, 2022 3:50:49 PM

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.

Dear Planning Department,

I am a 40+ year Menlo Park resident and a business owner in downtown Menlo Park. I want Menlo Park to become a more integrated and diverse, multi-generational, and environmentally sustainable community. To reach that goal, we have to build homes across all levels of affordability, especially near transit and downtown services.

The 400 proposed mixed-income homes in the Parkline proposal are a great start, but we can do more. To make sure that we meet the needs of all our residents, including those with extremely low income and/or special needs, we support donating an acre of land within the development to a non-profit housing developer to create deeply affordable housing for our city's families and people of all abilities. We also support increasing the inclusionary below market rate requirement from 15% to 20%.

These additional affordable units can be feasible if the project is allowed to increase the number of market rate units (by allowing greater height and density) and by reducing minimum parking requirements. The site is very close to a public transit hub, and could be designed to attract residents who prefer not to own or drive their own car. This would help reduce local traffic, and our city's climate impact.

We can make this happen by taking full advantage of the Parkline project to build a strong community of people and families of all incomes and abilities who thrive.

Kind regards,

Timi B. Most

From: [Carolyn Ordonez](#)
To: [Planning Commission](#)
Subject: 400 new homes
Date: Sunday, March 27, 2022 2:06:35 PM

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.

Dear Commissioners,

I noticed on the site plan for the site where SRI is now a small playing field. Could this field be a regulation size soccer or lacrosse field?

There is a battle raging over the location of a proposed sports field at Flood Park that would remove the trees in the heart of the woodland area.

If a playing field could be located in another location Flood Park could keep the trees and not have so much happening, meaning spectators and players, in one place at one time. Parking is limited.

The location at the SRI site would be across from MA high school where plenty of parking exists.

Please give serious thought and discussion about adding a full size sports field to this project in order to limit the removal of trees at Flood Park.

Sincerely,

Carolyn Ordonez

From: rob@robsilano.com
To: [PlanningDept](#)
Subject: [Sent to Planning]Low income Housing at SRI Location
Date: Sunday, March 27, 2022 1:20:25 PM

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.

As a resident of Menlo Park since 1988, I'm aware of our community and why low income housing is so important to the mix of Menlo Park.

This is a perfect location for such a mission. Close to downtown, transportation, and entry and exit points that will have a small or limited affect on our current traffic conditions.

Please consider my "in favor" of such a project in an excellent location at the SRI Property. I'm a Suburban Park Resident.

Robert J. Silano
140 Hedge Rd
Menlo Park, CA.
94025

Cellular: 650-576-3481

From: [Stuart Soffer](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]Subject: Parkline Study Session
Date: Monday, March 28, 2022 1:02:51 PM

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.

To: <PlanningDept@menlopark.org>, <planning.commission@menlopark.org>

I write as a former Menlo Park planning commissioner and finance committee member, but more importantly, as a long time resident of Menlo Park.

I agree with Patty Fry's message to you.

I live in Linfield Oaks which is a neighbor of SRI. As such, we would be negatively impacted by this project in terms of traffic and increased demand on schools.

Dear Commissioners and City Staff,

Thank you for the opportunity to provide input to your study session this evening. I know that SRI has considered for many years a major upgrade of its facilities and I am pleased to see that the proposed project may help address the housing shortage.

My questions and concerns regard the following topics:

1. What is the expected number of workers, and what is the current number?

The answer to this question would help reveal the potential impact on traffic, water, demand for housing, playing fields, schools, etc. This project may actually WORSEN the housing shortage if the number of workers would increase.

The project description conflates office and R&D space. This could be misleading because these types of work spaces typically have very different ratios of square footage allocated per worker, with offices typically more intensely staffed than R&D. Similarly startup spaces tend to be much more densely staffed than "normal" office space; in recent years, startups may have just 50 SF/worker whereas tech offices have been 150 SF/worker, and formally the city used rules of thumb of 300 SF/office worker and even more space for R&D spaces. So this project could house six times or greater the number of workers than currently occupy the same square footage.

Parkline should commit to not increase the number of workers in the non-residential buildings.

2. What plans does Parkline have to promote use of public transit and walking/biking?

The parking ratios described in the project appear to be high for a development so close to a transit corridor, and with a potentially enhanced bike/pedestrian corridor. The ratios do not

appear to have been updated to reflect more current thinking about how to minimize vehicular traffic.

Parkline should commit to fewer parking spaces.

3. How can open space be optimized to serve residents?

There is a shortage of playing fields and park space in Menlo Park. This project could add to the supply rather than exacerbate demand for both. The addition of 400 new homes will add to the demand for recreational space. To what extent would the project improve the balance?

The placement and potential uses of open space should be designed for the enjoyment, health, and safety of residents.

Thank you in advance for probing these areas.

--

Stuart Soffer

280 Linfield Drive

Menlo Park

<http://www.ipriori.com> <http://priorartreporter.com>

This message and any attachments are intended for the individual or entity named above.

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March 28, 2022

Planning Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

Re: Menlo Park Planning Commission SRI Parkline Study Session - Menlo Together Public Comment

Dear Members of the Menlo Park Planning Commission,

My name is Wendy Valencia and I'm from The Belle Haven Neighborhood, Menlo Park.

I want to see my city become more integrated and diverse, multi-generational, and environmentally sustainable. To reach that goal, we have to build homes across all levels of affordability, especially near transit and downtown services.

The 400 proposed mixed-income homes in the Parkline proposal are a great start, but we can do more. To make sure that we meet the needs of all our residents, including those with extremely low income and/or special needs, I would like to see an acre of land within the development donated to a non-profit housing developer and developed to meet our most pressing needs - deeply affordable housing for our city's families and people of all abilities.

I also support increasing our inclusionary BMR requirement from 15% to 20%.

These additional affordable units can be feasible if the project is allowed to increase the number of market rate units (by allowing greater height and density) and by reducing or eliminating minimum parking requirements. The site is very close to a public transit hub, and could be designed to attract our residents who prefer not to own or drive their own car. This would help reduce local traffic, and our city's climate impact. In particular, the deeply affordable housing should have flexibility with regard to number of parking spots in the development, because according to [a study by Housing Leadership Council and Transform](#), the lower the income of a household, the more likely they are to take public transit instead of driving, so the need for parking spots is less than for many market rate developments.

No matter where you begin, success in life starts at home for all ages and all people. When we have safe, secure places to live, parents earn more, kids learn better, health and well-being improve, and our community is strengthened because it now has the building blocks needed to thrive.

We can make this happen by taking full advantage of the Parkline project to build a strong community of people and families of all incomes and abilities who thrive.

Thank you.

Sincerely,
Wendy Valencia
Belle Haven, Menlo Park

From: [Johnnie Walton](#)
To: [PlanningDept](#)
Cc: [Johnnie Walton](#)
Subject: [Sent to Planning]SRI Parkline Project
Date: Monday, March 28, 2022 9:29:48 AM

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Hello Planning Dept.

My name is Johnnie Walton and I am a Menlo Park resident (1109 Windermere) . I am in support of the SRI Parkline Project because it includes 400 mixed income homes.

Thanks,
Johnnie Walton
ejohnnie@stanford.edu
3/28/2022

From: [Tom Wong](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]Low income Housing at SRI Location
Date: Sunday, March 27, 2022 7:47:57 PM

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As a residents of Menlo Park since 1962, we aware of our community and why low income housing is so important to the mix of Menlo Park.

SRI is a perfect location for such a mission. Close to downtown, transportation, and entry and exit points that will have a small or limited effect on our current traffic conditions.

Please consider us “ in favor” of such a project in an excellent location at the SRI Property. We are Suburban Park Residents.

Thomas and Patricia Wong
275 Hedge Rd
Menlo Park, CA.
94025

Cellular: 650-421-1747

From: [Nina](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]SRI Parkline - FOR
Date: Sunday, March 27, 2022 5:04:20 PM

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Hi, Commissioners

Menlo Park needs housing but not any more in or even near Belle Haven. SRI is a perfect opportunity. It should have as much BMR housing as possible because the housing market is more unaffordable every day and will probably be much worse by the time it is built.

Sincerely

Nina Wouk
Belle Haven resident since 1986