Recommendation

Staff recommends that the City Council complete actions related to the adoption of the General Plan and M-2 Area Zoning Update by waiving the full reading of, and adopting the following ordinances:

1. Ordinance of the City Council of the City of Menlo Park Adding the O (Office) Zoning District to Title 16 of The Municipal Code (Attachment A);

2. Ordinance of the City Council of the City of Menlo Park Adding the LS (Life Sciences) Zoning District to Title 16 of the Municipal Code (Attachment B);

3. Ordinance of the City Council of the City of Menlo Park Adding the R-MU (Residential Mixed Use) Zoning District to Title 16 of the Municipal Code (Attachment C);

4. Ordinance of the City Council of the City of Menlo Park Amending Chapter 16.40, C-2-B (Neighborhood Commercial District, Restrictive) and Chapter 16.72 (Off Street Parking) of Title 16 of the Menlo Park Municipal Code (Attachment D);

5. Ordinance of the City Council of the City of Menlo Park, Amending Chapter 16.02 (General Provisions), Chapter 16.68 (Buildings), Chapter 16.80 (Nonconforming Uses and Buildings), and Chapter 16.82 (Permits) of Title 16 of the Menlo Park Municipal Code (Attachment E); and

6. Ordinance of the City Council of the City of Menlo Park Rezoning Certain Properties Within the M-2 Area (Attachment F).

Policy Issues

The recommended action is consistent with the City Council's actions and approvals at its meeting on November 29, 2016 and would serve to implement programs in the General Plan Land Use and Circulation Element to create a live/work/play environment in the Bayfront Area (M-2 Area).

Background

On November 15 and 29, 2016, the City Council conducted public hearings to consider and take action on the General Plan Land Use and Circulation Elements and associated zoning in the Bayfront Area. After considering the Planning Commission’s review, written correspondence, public comment, and deliberating on the items, the Council voted 4-1, to take the following actions related to the General Plan and M-2 Area...
Zoning Update.

1. Adopt the CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, and Certifying the Final EIR for the General Plan and M-2 Area Zoning Update.

2. Adopt the resolution approving the General Plan Land Use and Circulation Elements.

3. Introduce the ordinance adding the Office (O) Zoning District to Title 16 of the Municipal Code.

4. Introduce the ordinance adding the Life Sciences (LS) District to Title 16 of the Municipal Code.

5. Introduce the ordinance adding the Residential Mixed Use (R-MU) District to Title 16 of the Municipal Code.

6. Introduce the ordinance amending Chapter 16.40, C-2-B (Neighborhood Commercial District, Restrictive) and Chapter 16.72 (Off Street Parking) of Title 16 of the Municipal Code.

7. Introduce the ordinance of the City Council Amending Chapter 16.02 (General Provisions), Chapter 16.68 (Buildings), Chapter 16.80 (Nonconforming Uses and Buildings), and Chapter 16.82 (Permits) of Title 16 of the Municipal Code.

8. Introduce the ordinance rezoning certain properties within the M-2 Area.

9. Adopt the resolution approving the community amenities list.

The resolutions (items numbered 1, 2, and 9) became effective immediately with the Council’s action. The ordinances related to items numbered 3, 4, 5, 6, 7 and 8 were introduced, with modifications, and require a second reading. The proposed modifications to the ordinances are noted in the Analysis section below. No changes have been made to the zoning language in items 6, 7, and 8.

Analysis

The proposed zoning ordinances create three new zoning districts in the M-2 Area for consistency with the proposed General Plan Land Use Element. The proposed zoning districts include Office (O), Life Science (LS) and Residential-Mixed Use (R-MU). In addition, the proposed ordinances modify the C-2-B (Neighborhood Commercial District, Restrictive) zoning district to allow residential use, streamline the hazardous materials review process as an administrative permit, and other minor modifications to the nonconforming uses and buildings regulations.

At the November 29, 2016 meeting, the Council introduced the ordinances with several specific revisions. The edits are shown below in strikeout and underline format. Attachments A through F include the final version of the ordinances which incorporate the revised language and “clean up” items such as errors in spelling, punctuation, and numbering.

Height

In response to interest from property owners in the LS district, the City Council directed that the regulations for height be amended to add flexibility that would allow height to be calculated amongst multiple properties in the same zoning district. The proposed changes have been applied to the LS zoning district.
Development Regulations in LS District (Chapter 16.44.050)

Height

Height is defined as average height of all buildings on one site, where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.

- Height: 35 feet
- Maximum Height: 35 feet
- Height: 67.5 feet
- Maximum Height: 110 feet

Properties may calculate height amongst multiple properties in the same zoning district, subject to a deed restriction and approval by the Planning Commission or City Council.

A parapet used to screen mechanical equipment is not included in the maximum height. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet.

Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase in height and maximum height.

Community Amenities

Affordable housing has been a common theme throughout the ConnectMenlo process. To help respond to the desire for more affordable housing, the Council asked that additional affordable housing, up to 20 percent of the bonus level development, be the second community amenity provided in the R-MU district.

In addition, Council supported the clarifying language as recommended by staff that if a payment of a fee becomes an option, the payment of the fee shall not be less than the bonus value as calculated through the appraisal process.

In the O and LS Districts (Chapter 16.43.070 and Chapter 16.44.070)

Form of Amenity. A community amenity shall be provided utilizing any one of the following mechanisms:

(A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall be from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other...
applicants. Prior to approval of final inspection for the building permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.

(B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value as calculated pursuant to subsection (3) above.

(C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.

In the R-MU District (Chapter 16.45.070)

(4) Form of Amenity. A community amenity shall be provided utilizing any one of the following mechanisms:

(A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall first be the provision of a minimum of fifteen percent (15%) of total units on-site for affordable housing units (or with approval of the Planning Commission in another location) for low, very low, and extremely low income households, with a preference for current or recently displaced Belle Haven residents, and shall second be the provision of additional affordable housing units up to twenty percent (20%) of the bonus level development, or third the provision of another amenity from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of the Final Occupancy Permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.

(B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus less the affordable housing amenity value as calculated pursuant to subsection (3) above.

(C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.
Green Buildings

In response to comments expressed by a major property owner in the LS District regarding concerns about the cost of ID+C improvements to small tenants with lab space, the Council asked that lab space be exempt from such improvements for additions and/or alterations between 10,000 and 25,000 square feet. The revised tables are shown in Attachment H.

The LS property owner also expressed concern regarding the requirement to establish the first floor elevation of all new buildings 24 inches above the base flood elevation, particularly on smaller parcels where the increased first floor would create challenges in meeting other requirements such as disability access. The Council agreed that flexibility is appropriate for smaller properties in all of the new districts and not just LS.

Sea Level Rise

Flood Plain/Sea Level Rise in the O, LS and R-MU Districts (Chapter 16.43.140, Chapter 16.44.130, and Chapter 16.45.130)

(4) Hazard mitigation and sea level rise resiliency.

(A) The first floor elevation of all new buildings shall be twenty-four (24) inches above the Federal Emergency Management Agency base flood elevation (BFE) to account for sea level rise. Where no BFE exists, the first floor (bottom of floor beams) elevation shall be twenty-four (24) inches above the existing grade. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade where no BFE exists. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.

Bird Friendly Design

Council Members acknowledged that the area could contain potential sensitive habitat and asked that the use of rodent pesticides be prohibited.

Ban on Rat Poison in the O, LS and R-MU Districts (Chapter 16.43.140, Chapter 16.44.130, and Chapter 16.45.130)

(6) Bird-friendly design.

(A) No more than ten percent (10%) of façade surface area shall have non-bird–friendly glazing.

(B) Bird- friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.

(C) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.

(D) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.

(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
(F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

(G) Use of rodenticides shall not be allowed.

(G)(H) A project may receive a waiver from one or more of the items in (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

In addition, Council also directed one change in the Land Use Element to conduct a General Plan review every two years and also sought changes to prohibit rodenticides, which impacts the Statement of Overriding Considerations and the Mitigation Monitoring Reporting Program. The resolutions adopting the Land Use Element and certifying the EIR and adopting the Statement of Overriding Considerations and Mitigation Monitoring Reporting Program were adopted on November 29, 2016 with the noted modifications. For reference, the revised documents are included as Attachments G and H. No action is needed on these items.

Land Use Element – Review of General Plan

Program LU-1.C Land Use Element Review. Conduct an in-depth review of the General Plan Land Use Element three two (2) years after its adoption and thereafter as directed by the City Council.

Ban on Rat Poison in the Mitigation Monitoring Reporting Program and Statement of Overriding Considerations

(3) Bird-friendly design.
   a. No more than ten percent (10%) of façade surface area shall have non-bird-friendly glazing.
   b. Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.
   c. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.
   d. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.
   e. Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
   f. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.
   g. Use of rodenticides shall not be allowed.

Impact on City Resources
The General Plan Update scope of services and budget ($1.5 million) was approved by the City Council on June 7, 2014, and amended in April 2015 to use contingency funds ($150,000) to accommodate additional
outreach. On October 11, 2016, the Council approved a scope of work and budget augmentation for $87,000. The total consultant approved budget approved to date for the project is $1,737,000. The amount does not include staff’s time that has been spent on the project.

**Environmental Review**
On November 29, 2016, the City Council adopted a resolution that certified the EIR, made the CEQA findings, adopted the Statement of Overriding Considerations, and adopted the Mitigation Monitoring and Reporting Program.

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

**Attachments**

- Ordinance of the City Council of the City Of Menlo Park Adding the O (Office) Zoning District to Title 16 of The Municipal Code
- Ordinance of the City Council of the City Of Menlo Park Adding The LS (Life Sciences) Zoning District to Title 16 of the Municipal Code
- Ordinance of the City Council of the City Of Menlo Park Adding the R-MU (Residential Mixed Use) Zoning District to Title 16 of the Municipal Code
- Ordinance of the City Council of the City Of Menlo Park Amending Chapter 16.40, C-2-B (Neighborhood Commercial District, Restrictive) and Chapter 16.72 (Off Street Parking) of Title 16 of the Menlo Park Municipal Code
- Ordinance of the City Council of the City Of Menlo Park, Amending Chapter 16.02 (General Provisions), Chapter 16.68 (Buildings), Chapter 16.80 (Nonconforming Uses and Buildings), and Chapter 16.82 (Permits) of Title 16 of the Menlo Park Municipal Code
- Ordinance of the City Council of the City Of Menlo Park Rezoning Certain Properties Within the M-2 Area
- Land Use Element
- Resolution Adopting the CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, and Certifying the Final EIR for the General Plan and M-2 Area Zoning Update
- Redlined Green Building Requirement Table

Report prepared by:
Deanna Chow, Principal Planner

Report reviewed by:
Arlinda Heineck, Community Development Director
ORDINANCE NO. ___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADDITION THE O (OFFICE) ZONING DISTRICT TO TITLE 16 OF THE
MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.

B. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

C. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

D. After consideration of all the evidence in the record, including public testimony, the City Council certified the Final Environmental Impact Report and adopted resolutions approving the updates to the Land Use and Circulation Elements of the General Plan.

E. The City desires to add Chapter 16.43 (Office) to Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs including LU-1.A Zoning Ordinance Consistency, LU-4.3 Mixed Use and Nonresidential Development, LU-4.4 Community Amenities, LU-4.6 Employment Center Walkability, LU-6.D Design for Birds, LU-7.1 Sustainability, LU-7.D Performance Standards, LU-7.A Green Building Operation and Maintenance, LU-7.H Sea Level Rise, and CIRC-2.G Zoning Requirements for Bicycle Storage, which limit impacts of development on adjacent uses, encourage development that benefits the community and the City through a mix of uses and scales, promote neighborhood serving uses to increase walkability, include bird friendly and sustainable design measures, identify performance standards for environmentally friendly technology and design, require bicycle parking for developments, and protect occupants and residents against sea level rise.
After due consideration of the proposed addition of Chapter 16.43 (Office) to Title 16, public comments, the Planning Commission’s recommendation, and the staff report, the City Council finds that the proposed addition is consistent with the updated General Plan and is appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November 29, 2016, in accordance with the provisions of the California Environmental Quality Act (“CEQA”) and CEQA Guidelines. The Environmental Impact Report considered the addition of Chapter 16.43 (Offices) to Title 16 of the Menlo Park Municipal Code. Findings and a statement of overriding considerations were adopted by the City Council on November 29, 2016 by Resolution No._____.

SECTION 3. Chapter 16.43, Office, of the Menlo Park is hereby added to Title 16, Zoning, of the Municipal Code:

Chapter 16.43
O – OFFICE DISTRICT

Sections:
16.43.010 Purpose.
16.43.015 Definitions.
16.43.020 Permitted uses.
16.43.030 Administratively permitted uses.
16.43.040 Conditional uses.
16.43.050 Development regulations.
16.43.055 Master planned projects.
16.43.060 Bonus level development.
16.43.070 Community amenities required for bonus development.
16.43.080 Corporate housing
16.43.090 Parking standards.
16.43.100 Transportation demand management.
16.43.110 New connections.
16.43.120 Required street improvements.
16.43.130 Design standards.
16.43.140 Green and sustainable building.

16.43.010 Purpose.

The purpose and intent of the Office district is to:

(1) Accommodate large-scale administrative and professional office development;
(2) Allow retail and service uses at administrative and professional office sites and nearby;
(3) Provide opportunities for quality employment and development of emerging technology, entrepreneurship, and innovation;
(4) Facilitate the creation of a “live/work/play” environment with goods and services that support adjacent neighborhoods and the employment base;

(5) Accommodate light industrial and research and development uses that do not pose hazards to or disrupt adjacent businesses or neighborhoods.

16.43.015 Definitions.

Terms are as defined in Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

16.43.020 Permitted uses.

Permitted uses in the Office district are as follows:

(1) Administrative and professional offices and accessory uses, two hundred fifty thousand (250,000) or less square feet of gross floor area;

(2) Light industrial and research and development uses, two hundred fifty thousand (250,000) or less square feet of gross floor area, except when requiring hazardous material review;

(3) Hotel, in a location identified as O-H on the adopted City of Menlo Park Zoning Map;

(4) Banks and other financial institutions. For purposes of this chapter, “financial institutions” include only those institutions providing retail banking services engaged in the on-site circulation of money, including credit unions;

(5) Retail sales establishments, excluding the sale of beer, wine and alcohol;

(6) Eating establishments, excluding the sale of beer, wine and alcohol, live entertainment, and/or establishments that are portable. For purposes of this chapter, an eating establishment is primarily engaged in serving prepared food for consumption on or off the premises;

(7) Personal services, excluding tattooing, piercing, palm-reading, or similar services;

(8) Recreational facilities privately operated, twenty thousand (20,000) or less square feet of gross floor area;

(9) Community education/training center that provides free or low-cost educational and vocational programs to help prepare local youth and adults for entry into college and/or the local job market.

16.43.030 Administratively permitted uses.

Uses allowed in the Office district, subject to obtaining an administrative permit per Municipal Code Chapter 16.82, are as follows:

(1) Any outside storage of material, equipment or vehicles associated with the main use;

(2) Child care center;

(3) Eating establishments, including beer and wine only, and/or that have live entertainment;

(4) Outdoor seating;
(5) Research and development and light industrial uses, requiring hazardous material review;
(6) Diesel generators.

16.43.040 Conditional uses.

Conditional uses allowed in the Office district, subject to obtaining a use permit per Municipal Code Chapter 16.82, are as follows:

(1) Administrative and professional offices and accessory uses, greater than two hundred fifty thousand (250,000) square feet of gross floor area;
(2) Hotel, in a location not specifically shown on the adopted City of Menlo Park Zoning Map;
(3) Eating establishments, including alcohol, and/or establishments that are portable;
(4) Drinking establishments, including beer, wine and alcohol. For purposes of this chapter, a drinking establishment is a business serving beverages for consumption on the premise as a primary use;
(5) Retail sales establishments, including the sale of beer, wine and alcohol;
(6) Movie theater;
(7) Automobile dealership, provided that all vehicles for sale or being serviced are contained entirely in enclosed buildings;
(8) Recreational facilities, privately operated, greater than twenty thousand (20,000) square feet of gross floor area;
(9) Special uses, in accordance with Chapter 16.78 of this title;
(10) Uses identified in Sections 16.43.020, 16.43.030, and 16.43.040 proposing bonus level development, in accordance with Section 16.43.060 of this Chapter;
(11) Corporate housing, in a location identified as O-CH on the adopted City of Menlo Park Zoning Map, in accordance with Section 16.43.080 of this Chapter;
(12) Public utilities, in accordance with Chapter 16.76 of this title.

16.43.050 Development regulations.

Development regulations in the Office district are as follows:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>Minimum area of building site (includes public access easements).</td>
<td>25,000 square feet</td>
<td>25,000 square feet</td>
<td></td>
</tr>
<tr>
<td>Minimum lot dimensions</td>
<td>Minimum size of a lot calculated using lot lines.</td>
<td>100 feet width</td>
<td>100 feet width</td>
<td>Setbacks shall be measured from the property line. In instances where there will be a public access easement, measure the setback from the back of the easement.</td>
</tr>
<tr>
<td>Minimum setback at street</td>
<td>Minimum linear feet building can be sited from property line</td>
<td>5 feet</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>Regulation</td>
<td>Definition</td>
<td>Base level</td>
<td>Bonus level</td>
<td>Notes/Additional Requirements</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>------------</td>
<td>-------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Maximum setback at street</td>
<td>Maximum linear feet building can be sited from property line adjacent to street.</td>
<td>25 feet</td>
<td>25 feet</td>
<td>See build-to area requirements in Section 16.43.130 (1). Maximum setback requirement does not apply to additions of less than 10,000 square feet.</td>
</tr>
<tr>
<td>Minimum interior side and rear setbacks</td>
<td>Minimum linear feet building can be sited from interior and rear property lines.</td>
<td>10 feet</td>
<td>10 feet</td>
<td>See Section 16.43.130 (5) when property is required to have a paseo. Interior side setback may be reduced to zero feet for the entire building mass where there is retail frontage.</td>
</tr>
<tr>
<td>Maximum floor area ratio (FAR)</td>
<td>Maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.</td>
<td>45% (plus 10% commercial); 175% hotel, if allowed</td>
<td>100% (plus 25% commercial)</td>
<td>For purposes of this chapter, “Commercial” is defined as uses enumerated in this chapter, except office, light industrial, and research and development uses.</td>
</tr>
<tr>
<td>Height</td>
<td>Height is defined as average height of all buildings on one site where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.</td>
<td>Height: 35 feet, except hotels</td>
<td>Height: 67.5 feet, except hotels</td>
<td>A parapet used to screen mechanical equipment is not included in the height or maximum height. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase in height and maximum height.</td>
</tr>
<tr>
<td>Minimum open space requirement</td>
<td>Minimum portion of the building site open and unobstructed by fully enclosed buildings.</td>
<td>30%</td>
<td>30%</td>
<td>See Section 16.43.120 (4) for open space requirements.</td>
</tr>
</tbody>
</table>

16.43.055 Master planned projects.

The purpose of a master planned project is to provide flexibility for creative design, more orderly development, and optimal use of open space, while maintaining and achieving the General Plan vision for the Bayfront Area. Master planned projects for sites with the same zoning designation (O, LS or R-MU) in close proximity or for contiguous sites that have a mix of zoning designations (O or R-MU) that exceed 15 acres in size and that are held in common ownership (or held by wholly owned affiliated entities) and are proposed for development as a single project or single phased development project are permitted as a conditional use, provided that sites with mixed zoning are required to obtain a conditional development permit and enter into a development agreement. For master planned projects meeting these criteria, residential density, FAR and open space requirements and residential density, FAR and open space requirements at the bonus level, if applicable, may be calculated in the aggregate.
across the site provided the overall development proposed does not exceed what would be permitted if the site were developed in accordance with the zoning designation applicable to each portion of the site and the proposed project complies with all other design standards identified for the applicable zoning districts.

### 16.43.060 Bonus level development.

A development in a location identified as Office-Bonus (O-B) on the adopted City of Menlo Park Zoning Map may seek an increase in floor area ratio and/or height per Section 16.43.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.43.070.

### 16.43.070 Community amenities required for bonus development.

Bonus level development allows a project to develop at a greater level of intensity with an increased floor area ratio and/or increased height. There is a reasonable relationship between the increased intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. To be eligible for bonus level development, an applicant shall provide one or more community amenities. Construction of the amenity is preferable to the payment of a fee.

1. **Amenities.** Community needs were initially identified through the robust community engagement process generally referred to as ConnectMenlo. The City Council of the City of Menlo Park adopted by resolution those identified community needs as community amenities to be provided in exchange for bonus level development. The identified community amenities may be updated from time to time by City Council resolution. All community amenities, except for affordable housing, shall be provided within the area between U.S. Highway 101 and the San Francisco Bay in the City of Menlo Park. Affordable housing may be located anywhere housing is allowed in the City of Menlo Park.

2. **Application.** An application for bonus level development is voluntary. In exchange for the voluntary provision of community amenities, an applicant is receiving a benefit in the form of an increased floor area ratio and/or increased height. An applicant requesting bonus level development shall provide the City with a written proposal, which includes but is not limited to the specific amount of bonus development sought, the value of the amenity as calculated pursuant to section (3) below, and adequate information identifying the value of the proposed community amenities. An applicant's proposal for community amenities shall be subject to review by the Planning Commission in conjunction with a use permit or conditional development permit. Consideration by the Planning Commission shall include differentiation between amenities proposed to be provided on-site and amenities proposed to be provided off-site, which may require a separate discretionary review and environmental review per the California Environmental Quality Act.

3. **Value of Amenity.** The value of the community amenities to be provided shall equal fifty percent (50%) of the fair market value of the additional gross floor area of the bonus level development. The value shall be calculated as follows: The applicant shall provide, at their expense, an appraisal performed within ninety (90) days of the application date by a licensed appraisal firm that sets a fair market value in cash of the gross floor area of the bonus level of development ("bonus value"). The form and content of the appraisal, including any appraisal instructions, must be approved by the Community Development Director. The appraisal shall determine the total bonus value without consideration of the community amenities requirement established under Section
16.43.070. Fifty percent (50%) of the total bonus value is the value of the community amenity to be provided.

(4) **Form of Amenity.** A community amenity shall be provided utilizing any one of the following mechanisms:

(A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall be from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of final inspection for the building permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.

(B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value as calculated pursuant to subsection (3) above.

(C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.

16.43.080 Corporate housing.

A development in a location identified as O-CH district on the adopted City of Menlo Park Zoning Map may include corporate housing, subject to obtaining a use permit per Chapter 16.82 and the requirements of this section. Any use permit issued for corporate housing shall include a requirement to record a deed restriction to the satisfaction of the City Attorney prior to occupancy that limits the occupants of the corporate housing units to individuals who work on the project site. Unless otherwise stated in this section, corporate housing is subject to the Office district standards.

(1) Setbacks.

(A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.

(B) Minimum of twenty-five (25) feet from property lines.

(2) Build-to Area Requirement. Corporate housing is not required to meet this requirement.

(3) Floor Area Ratio. Maximum sixty percent (60%) ratio of residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.

(4) Density. Maximum 30 dwelling units per acre, in no case to exceed 1,500 units in the district.

(5) Height. Maximum height of forty (40) feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.
(6) Modulation.
   (A) A minimum of one recess of fifteen (15) feet wide by ten (10) feet deep per two hundred (200) feet of façade length is required on a building’s facade from the ground level to the top of the building to provide visual variety, reduce large building volumes, and provide spaces for entryways and publicly accessible spaces.
   (B) In addition, a minimum recess of five (5) feet wide by five (5) feet deep is required every fifty (50) feet of façade length, or building projections spaced no more than fifty (50) feet apart with a minimum of 3-foot depth and 5-foot width may satisfy this requirement.
   (C) Parking is not allowed in these recesses.

(7) Open Space. Corporate housing must provide a minimum amount of open space equal to twenty-five (25) percent of the total lot area and shall have common and private open spaces.
   (A) Sixty (60) square feet of open space per unit shall be created as common open space or a minimum of thirty-six (36) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet;
   (B) Depending on the number of dwelling units, common open space shall be provided to meet the following criteria:
      (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum);
      (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum);
      (iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Connections. Entrances to corporate housing must connect to onsite pedestrian/bicycle pathways and to the public right-of-way to provide safe and easy non-vehicular means of travel.

(9) Parking. Residential units may not include any additional parking.

(10) Bicycle Parking. Minimum of 1.5 long-term bicycle parking spaces per unit and 10% additional short-term bicycle parking spaces for guests.

(11) Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.
   (A) Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.
   (B) Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.
   (C) Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.
### 16.43.090 Parking standards.

Development in the Office district shall meet the following parking requirements.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Spaces (Per 1,000 Sq. Ft.)</th>
<th>Maximum Spaces (Per 1,000 Sq. Ft.)</th>
<th>Minimum Bicycle Parking¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>2</td>
<td>3</td>
<td>1 per 5,000 sq. ft. of gross floor area; Minimum two spaces</td>
</tr>
<tr>
<td>Light Industrial, Research and Development</td>
<td>1.5</td>
<td>2.5</td>
<td>For Office and Research Development: 80% for long-term² and 20% for short-term²</td>
</tr>
<tr>
<td>Retail</td>
<td>2.5</td>
<td>3.3</td>
<td>For all other commercial uses: 20% for long-term² and 80% for short-term²</td>
</tr>
<tr>
<td>Banks and financial institutions</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Eating and drinking establishments</td>
<td>2.5</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Personal services</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Private recreation</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Child care center</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>0.75 spaces per guest room</td>
<td>1.1 spaces per guest room</td>
<td>One space per 20 vehicle spaces</td>
</tr>
</tbody>
</table>

Public parking lot or structure

<table>
<thead>
<tr>
<th>Other</th>
<th>At Transportation Manager’s discretion</th>
<th>At Transportation Manager’s discretion</th>
<th>At Transportation Manager’s discretion</th>
</tr>
</thead>
</table>

¹ See Section 16.43.130 (7) and the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

² Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use for several minutes to up to a couple of hours.

Parking facilities may be shared at the discretion of the City’s Transportation Manager if multiple uses cooperatively establish and operate the facilities, if these uses generate parking demands primarily during different hours than the remaining uses, and if a sufficient number of spaces are provided to meet the maximum cumulative parking demand of the participating uses at any time. An individual development proposal may incorporate a shared parking study to account for the mixture of uses, either on-site or within a reasonable distance. The shared parking supply would be subject to review and approval based on the proposed uses, specific design and site conditions. Project applicants may also be allowed to meet the minimum parking requirements through the use of nearby off-site facilities at the discretion of the Transportation Manager.

### 16.43.100 Transportation demand management.

New construction and additions to an existing building involving ten thousand (10,000) or more square feet of gross floor area, or a change of use of ten thousand (10,000) or more square feet of gross floor area shall develop a Transportation Demand Management (TDM) plan necessary to reduce associated vehicle trips to at least twenty percent (20%) below standard generation rates for uses on the project.
site. Each individual applicant will prepare its own TDM plan and provide an analysis to the satisfaction of the City's Transportation Manager of the impact of that TDM program.

(1) Eligible TDM measures may include but are not limited to:

(A) Participation in a local Transportation Management Association (TMA) that provides documented, ongoing support for alternative commute programs;

(B) Appropriately located transit shelter(s);

(C) Preferred parking for carpools or vanpools;

(D) Designated parking for car-share vehicles;

(E) Requiring drivers to pay directly for using parking facilities;

(F) Public and/or private bike share program;

(G) Provision or subsidy of carpool, vanpool, shuttle, or bus service, including transit passes for site occupants;

(H) Required alternative work schedules and/or telecommuting;

(I) Passenger loading zones for carpools and vanpools at main building entrance;

(J) Safe, well-lit, accessible, and direct route to the nearest transit or shuttle stop or dedicated, fully accessible bicycle and pedestrian trail;

(K) Car share membership for employees or residents;

(L) Emergency Ride Home programs;

(M) Green Trip Certification.

(2) Measures receiving TDM credit shall be:

(A) Documented in a TDM plan developed specifically for each project and noted on project site plans, if and as appropriate;

(B) Guaranteed to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided to the satisfaction of the City's Transportation Manager;

(C) Required to be replaced by appropriate substitute measures if unable to achieve intended trip reduction in any reporting year;

(D) Administered by a representative whose updated contact information is provided to the Transportation Manager.

16.43.110 New connections.

Proposed development will be required to provide new pedestrian, bicycle, and/or vehicle connections to support connectivity and circulation as denoted in the adopted City of Menlo Park Zoning Map. These connections may be in the form of either a public street or a paseo as denoted in the adopted City of Menlo Park Zoning Map and are pursuant to the standards in Section 16.43.120. Streets shall meet the requirements of the adopted City of Menlo Park street classification map in the General Plan Circulation Element.

(1) If the location of a new connection is split between parcel/ownership, the first applicant must set aside the required right-of-way through dedication or a public access easement and bond for the
completion of the new connection, or reach agreement with the other property owner(s) to allow the first applicant to complete the entire new connection;

(2) If the location of a new connection is located on multiple properties with the same owner, applicant may move the connection up to 50 feet in either direction from what is shown on the City Zoning Map for enhanced connectivity, and/or other considerations, subject to the review and approval of the City’s Public Works Director;

(3) For phased implementation of a development project, applicant must show an implementation plan for the new connection and the City may require a bond or right of way dedication or public access easement prior to the completion of the first phase;

(4) The land area dedicated for new connections in the form of public streets (right-of-way) will be subtracted from the total lot area to determine the site’s Floor Area Ratio;

(5) The land area dedicated for new connections in the form of paseos will require a public access easement (PAE). The area of the PAE is included in the total lot area to determine the site’s Floor Area Ratio.

16.43.120 Required street improvements.

For new construction and/or building additions of ten thousand (10,000) or more square feet of gross floor area or for tenant improvements on a site where the cumulative construction value exceeds $500,000 over a five year period, the Public Works Director shall require the project to provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type. When these are required by the Public Works Director, the improvements do not count as community amenities pursuant to Section 16.43.070. The threshold for the value of improvements shall be adjusted annually on the first of July, based on the ENR Construction Cost Index.

(1) Improvements shall include curb, gutter, sidewalk, street trees, and street lights;

(2) Overhead electric distribution lines of less than sixty (60) kilovolts and communication lines shall be placed underground along the property frontage;

(3) The Public Works Director may allow a Deferred Frontage Improvement Agreement, including a bond to cover the full cost of the improvements and installation to accomplish needed improvements in coordination with other street improvements at a later date.

16.43.130 Design standards.

All new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For building additions, the applicable design standards apply only to the new construction. The existing building and new addition shall have an integrated design. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Relationship to the street. The following standards regulate the siting and placement of buildings, parking areas, and other features in relation to the street. The dimensions between building facades and the street and types of features allowed in these spaces are critical to the quality of the pedestrian experience.
<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Build-to Area Requirement</strong></td>
<td>The minimum building frontage at the ground floor or podium level, as a percentage of the street frontage length, that must be located within the area of the lot between the minimum and maximum setback lines parallel to the street.</td>
<td>Minimum 40% of street frontage</td>
<td>Minimum 40% of street frontage</td>
<td>Minimum 60% of street frontage</td>
</tr>
<tr>
<td><strong>Figure 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Frontage Landscaping</strong></td>
<td>The percentage of the setback area devoted to ground cover and vegetation. Trees may or may not be within the landscaped area. For this requirement, the setback area is the area between the property line and the face of the building.</td>
<td>Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff).</td>
<td>Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff).</td>
<td>Setback areas adjacent to active ground-floor uses, including lobbies, retail sales, and eating and drinking establishments are excepted.</td>
</tr>
<tr>
<td><strong>Frontage Uses</strong></td>
<td>Allowable frontage uses in order to support a positive integration of new buildings into the streetscape character.</td>
<td>No restrictions</td>
<td>No restrictions</td>
<td></td>
</tr>
<tr>
<td><strong>Surface Parking Along Street Frontage</strong></td>
<td>Surface parking may be located along the street if set back appropriately. The maximum percentage of linear frontage of property adjacent to the street allowed to be off-street surface parking.</td>
<td>Maximum of 35%</td>
<td>Maximum of 35%</td>
<td>Maximum of 25%</td>
</tr>
<tr>
<td><strong>Figure 2, label A</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum surface parking setback</strong></td>
<td>The minimum dimension from property line adjacent to the street that surface parking must be set back.</td>
<td>Minimum 20 feet</td>
<td>Minimum 20 feet</td>
<td>Minimum 20 feet</td>
</tr>
<tr>
<td><strong>Figure 2, label B</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See the General Plan Circulation Element Street Classification Map for street types.

**Figure 1. Build-to Area**
Figure 2. Surface Parking
Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Local street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Height</strong></td>
<td>The maximum height of a building at the minimum setback at street or before the building steps back the minimum horizontal distance required.</td>
<td>35 feet;</td>
<td>45 feet</td>
<td>Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.</td>
</tr>
<tr>
<td><strong>Figure 3, label A</strong></td>
<td></td>
<td>except hotels</td>
<td>45 feet</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Stepback</strong></td>
<td>The horizontal distance a building's upper story(ies) must be set back above the base height.</td>
<td>N/A</td>
<td>10' for a minimum of 75% of the building face along public street(s)</td>
<td>A maximum of 25% of the building face along public streets may be excepted from this standard in order to provide architectural variation. Exception: hotels shall step back a minimum of 15 feet above 60 feet and an additional 10 feet for buildings 75 feet.</td>
</tr>
<tr>
<td><strong>Figure 3, label B</strong></td>
<td></td>
<td>N/A</td>
<td>10' for a minimum of 75% of the building face along public street(s)</td>
<td></td>
</tr>
<tr>
<td><strong>Building Projections</strong></td>
<td>The maximum depth of allowable building projections, such as balconies or bay windows, from the required stepback for portions of the building above the ground floor.</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos).</td>
</tr>
<tr>
<td><strong>Building Modulations</strong></td>
<td>A building modulation is a break in the building plane from the ground level to the top of the buildings’ base height that provides visual variety, reduces large building volumes and provides spaces for entryways and publicly accessible spaces.</td>
<td>One every 200 feet, with a minimum of one per façade</td>
<td>One every 200 feet, with a minimum of one per façade</td>
<td>Parking is not allowed in the modulation recess.</td>
</tr>
<tr>
<td><strong>Figure 3, label C</strong></td>
<td></td>
<td>One every 200 feet, with a minimum of one per façade</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See the General Plan Circulation Element Street Classification Map for street types.
Figure 3. Building Mass and Scale

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(3) Ground-floor exterior. The following standards regulate the ground-floor façade of buildings in order to enhance pedestrian experience, as well as visual continuity along the street.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Local street*</th>
<th>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Entrances</strong></td>
<td>The minimum ratio of entrances to building length along a public street or paseo.</td>
<td>One entrance per public street frontage</td>
<td>One entrance per public street frontage</td>
<td>One entrance per public street frontage</td>
<td>Entrances at a building corner may be used to satisfy this requirement for both frontages. Stairs must be located in locations convenient to building users.</td>
</tr>
<tr>
<td><strong>Ground-floor Transparency</strong></td>
<td>The minimum percentage of the ground-floor façade (finished floor to ceiling) that must provide visual transparency, such as clear-glass windows, doors, etc.</td>
<td>30%; 50% for commercial uses</td>
<td>50%</td>
<td>50%</td>
<td>Windows shall not be opaque or mirrored. For the purpose of this chapter, “Commercial” is defined as uses enumerated in this chapter, except office, light industrial, and research and development.</td>
</tr>
<tr>
<td><strong>Minimum Ground Floor Height Along Street Frontage</strong></td>
<td>The minimum height between the ground-level finished floor to the second level finished floor along the street.</td>
<td>n/a</td>
<td>15 feet</td>
<td>15 feet</td>
<td>Garage entrances must be separated by a minimum of 100 feet to ensure all entrances/exits are not grouped together or resulting in an entire stretch of sidewalk unsafe and undesirable for pedestrians.</td>
</tr>
<tr>
<td><strong>Awnings, Signs, and Canopies</strong></td>
<td>The maximum depth of awnings, signs, and canopies that project horizontally from the face of the building.</td>
<td>7 feet</td>
<td>7 feet</td>
<td>7 feet</td>
<td>A minimum vertical clearance of 8 feet from finished grade to the bottom of the projection is required.</td>
</tr>
</tbody>
</table>

*See the General Plan Circulation Element Street Classification Map for street types.
(4) Open space. All development in the Office district shall provide a minimum amount of open space equal to thirty percent (30%) of the total lot area, with a minimum amount of publicly accessible open space equal to fifty percent (50%) of the total required open space area.

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

(i) Contain site furnishings, art, or landscaping;

(ii) Be on the ground floor or podium level;

(iii) Be at least partially visible from a public right-of-way such as a street or paseo;

(iv) Have a direct, accessible pedestrian connection to a public right-of-way or easement.

(B) Quasi-public and private open spaces, which may or may not be accessible to the public, include patios, balconies, roof terraces, and courtyards.

(C) All open spaces shall:

(i) Interface with adjacent buildings via direct connections through doors, windows, and entryways;

(ii) Be integrated as part of building modulation and articulation to enhance building façade and should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses;

(iii) Incorporate landscaping design that includes:

(a) Sustainable stormwater features;

(b) A minimum landscaping bed no less than three (3) feet in length or width and five (5) feet in depth for infiltration planting;

(c) Native species able to grow to their maximum size without shearing.

(D) All exterior landscaping counts towards open space requirements.
Paseos. A paseo is defined as a pedestrian and bicycle path, as shown on the adopted City of Menlo Park Zoning Map, that provides a member of the public access through one or more parcels and to public streets and/or other paseos. Paseos must meet the following standards:

(A) Paseos must be publicly accessible established through a public access easement, but they remain private property;
(B) Paseos count as publicly accessible open space.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base and Bonus levels</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paseo Width</td>
<td>The minimum dimension in overall width of the paseo, including landscaping and hardscape components.</td>
<td>20 feet</td>
<td>The paseo pathway shall be connected to building entrances with hardscaped pathways. Pathways may be used for emergency vehicle access use and allowed a maximum paved width exemption to accommodate standards of the Menlo Park Fire Protection District with prior approval by Transportation Manager.</td>
</tr>
<tr>
<td>Pathway Width</td>
<td>The minimum and maximum width of the paved, hardscape portion of the paseo.</td>
<td>10 feet minimum; 14 feet maximum</td>
<td></td>
</tr>
<tr>
<td>Furnishing Zones</td>
<td>Requirements for pockets of hardscape areas dedicated to seating, adjacent to the main pedestrian pathway area.</td>
<td>Minimum dimension of 5 feet wide by 20 feet long, provided at a minimum interval of 100 feet.</td>
<td>Furnishing zones must include benches or other type of seating and pedestrian-scaled lighting.</td>
</tr>
<tr>
<td>Paseo Frontage Setback</td>
<td>The minimum setback for adjacent buildings from the edge of the paseo property line.</td>
<td>10 feet</td>
<td>A minimum of 50% of the setback area between the building and paseo shall be landscaped (50% of which should provide on-site infiltration of stormwater runoff.) Plants should be climate-adapted species up to 3 feet in height.</td>
</tr>
<tr>
<td>Trees</td>
<td>The size and spacing of trees that are required along the paseo.</td>
<td>Small canopy trees with a maximum mature height of 40 feet and canopy diameter of 25 feet, planted at maximum intervals of 40 feet.</td>
<td>Trees must be planted within the paseo width, with the tree canopy allowed to overhang into the setback.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>The minimum percentage of the paseo that is dedicated to vegetation.</td>
<td>20%</td>
<td>On-site infiltration of stormwater runoff is required.</td>
</tr>
<tr>
<td>Lighting</td>
<td>Pedestrian-oriented street lamps.</td>
<td>One light fixture every 40 feet.</td>
<td>Use energy efficient lighting per Title 24. Lights shall be located a minimum of 20 feet from trees.</td>
</tr>
</tbody>
</table>

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Figure 5. Paseos

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(6) Building design.

(A) Main building entrances shall face the street or a publicly accessible courtyard. Building and/or frontage landscaping shall bring the human scale to the edges of the street. Retail building frontage shall be parallel to the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the Public Works Director.

(C) Projects shall include dedicated, screened, and easily accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and attractively screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match or be compatible with the primary building.

(F) Building materials shall be durable and high-quality to ensure adaptability and re-use over time. Glass paneling and windows shall be used to invite outdoor views and introduce natural light into interior spaces. Stucco shall not be used on more than fifty percent (50%) of the building facade. When stucco is used, it must be smooth troweled.

(G) Roof lines and eaves adjacent to street-facing facades shall vary across a building, including a four-foot minimum height modulation to break visual monotony and create a visually interesting skyline as seen from public streets (see Figure 6). The variation of the roofline’s horizontal distance should match the required modulations and step backs.

(H) Rooftop elements, including stair and elevator towers, shall be concealed in a manner that incorporates building color and architectural and structural design.

(I) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

Figure 6. Roof Lines
(7) Access and parking.

(A) Shared entrances to retail and office uses shall be used where possible.

(B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings, and shall not be located along a publicly accessible open space.

(C) Above-ground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(D) Garage and surface parking access shall be screened or set behind buildings located along a publicly accessible open space or paseo.

(E) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway or landscaped area (see Figure 7, label A).

(F) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation, including a twenty (20) foot deep landscaped area along sidewalks, as measured from the property line or public access easement adjacent to the street or paseos (see Figure 7, label B). The portion of this area not devoted to driveways shall be landscaped. Trees shall be planted at a ratio of 1 per 400 square feet of required setback area for surface parking.

(G) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces (see Figure 7, label C). Required plantings may be grouped where carports with solar panels are provided.

(H) Surface parking can be located along a paseo for a maximum of forty percent (40%) of a paseo's length (see Figure 7, label D).

(I) Short-term bicycle parking shall be located within fifty (50) feet of lobby or main entrance. Long-term bicycle parking facilities shall protect against theft and inclement weather, and consist of a fully enclosed, weather-resistant locker with key locking mechanism or an interior locked room or enclosure. Long-term parking shall be provided in locations that are convenient and functional for cyclists. Bicycle parking shall be (see Figure 8):

   (i) Consistent with the latest edition of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guide;
   (ii) Designed to accommodate standard six (6) foot bicycles;
   (iii) Paved or hardscaped;
   (iv) Accessed by an aisle in the front or rear of parked bicycles of at least five (5) feet;
   (v) At least five (5) feet from vehicle parking spaces;
   (vi) At least thirty (30) inches of clearance in all directions from any obstruction, including but not limited to other racks, walls, and landscaping;
   (vii) Lit with no less than one (1) foot candle of illumination at ground level;
   (viii) Space-efficient bicycle parking such as double-decker lift-assist and vertical bicycle racks are also permitted.

(J) Pedestrian access shall be provided, with a minimum hardscape width of six (6) feet, from sidewalks to all building entries, parking areas, and publicly accessible open spaces, and shall be clearly marked with signage directing pedestrians to common destinations.

(K) Entries to parking areas and other important destinations shall be clearly identified for all travel modes with such wayfinding features as marked crossings, lighting, and clear signage.
Figure 7. Surface Parking Access
16.43.140 Green and sustainable building.

In addition to meeting all applicable regulations specified in Municipal Code Title 12 (Buildings and Construction), the following provisions shall apply to projects. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green building.
   (A) Any new construction, addition or alteration of a building shall be required to comply with tables 16.43.140(1)(B).

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

   (B) Alterations and/or additions of 10,000 square feet or larger where the building owner elects to update the core and shell through the option presented in tables 16.43.140(1)(B):
      (i) The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures i to iv listed in 16.43.140(2)(A).

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<table>
<thead>
<tr>
<th>Green Building Requirement</th>
<th>NEW CONSTRUCTION</th>
<th>ADDITIONS AND/OR ALTERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10,000 sq. ft. – 25,000 sq. ft.</td>
<td>1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size</td>
</tr>
<tr>
<td></td>
<td>25,001 sq. ft. – 100,000 sq. ft.</td>
<td>10,000 sq. ft. – 25,000 sq. ft. of conditioned area, volume or size</td>
</tr>
<tr>
<td></td>
<td>100,001 sq. ft. and above</td>
<td>25,001 sq. ft. and above of conditioned area, volume or size</td>
</tr>
<tr>
<td>Designed to meet LEED Silver BD+C¹</td>
<td>Designed to meet LEED Silver BD+C¹</td>
<td>Designed to meet LEED Silver ID+C¹ or update core and shell of entire building to current California Energy Code⁴ and meet section 16.43.140(2)(B)</td>
</tr>
<tr>
<td>Designed to meet LEED Gold BD+C¹</td>
<td>CALGreen Mandatory</td>
<td>Designed to meet LEED Gold ID+C¹ or update core and shell of entire building to current California Energy Code⁴ and meet section 16.43.140(2)(B)</td>
</tr>
<tr>
<td>Pre-Wire²</td>
<td>Pre-Wire²</td>
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</tr>
<tr>
<td>• Minimum of 5% of total required number of parking stalls. AND Install EV Chargers³</td>
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</tr>
<tr>
<td>• Minimum of 2 in the pre-wire locations.</td>
<td>• Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</td>
<td>• Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.</td>
</tr>
<tr>
<td>Pre-Wire²</td>
<td>N/A (Voluntary)</td>
<td>N/A (Voluntary)</td>
</tr>
<tr>
<td>• Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Install EV Chargers³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.</td>
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</tr>
</tbody>
</table>

¹ Designed to meet LEED standards is defined as follows: a) Applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and b) Applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification or for verification by a third party approved by the City for which the applicant will pay for review and/or certification.

² Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

³ Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

⁴ Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings’ core and shell to the current California Energy Code standards and follow the City’s requirements listed in section 16.43.140(2)(B). If the building owner chooses to upgrade the entire building’s core and shell to current California Energy Code standards and follow the City’s requirements listed in section 16.43.140(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and

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**TABLE 16.43.140(1)(B): NON-RESIDENTIAL GREEN BUILDING REQUIREMENTS**

<table>
<thead>
<tr>
<th>Electric Vehicle (EV) Chargers</th>
<th>NEW CONSTRUCTION</th>
<th>ADDITIONS AND/OR ALTERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Install EV Chargers³</td>
<td>N/A (Voluntary)</td>
<td>N/A (Voluntary)</td>
</tr>
<tr>
<td>Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.</td>
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</tr>
</tbody>
</table>

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**Energy Reporting**

<table>
<thead>
<tr>
<th>NEW CONSTRUCTION</th>
<th>ADDITIONS AND/OR ALTERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>
shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by
the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community
Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on
any construction on the subject property, fines, and legal action.

5 If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above
(i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

6 For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.
(3) Water use efficiency and recycled water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the City. For all new buildings two hundred and fifty (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all City approved non-potable applications. The water budget and calculations shall be reviewed and approved by the City’s Public Works Director prior to certification of occupancy. Twelve (12) months after the date of the certification 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 of the Municipal Code until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred and fifty (250,000) square feet or more in gross floor area shall use an alternate water source for all City approved non-potable applications. An alternative water source may include, but is not limited to, treated non-potable water such as graywater. An Alternate Water Source Assessment shall be submitted that describes the alternative water source and proposed non-potable application. Approval of the Alternate Water Source Assessment, the alternative water source and its proposed uses shall be approved by the City’s Public Works Director and Community Development Director. If the Menlo Park Municipal Water District has not designated a Recycled Water Purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the City Council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of City approved non-potable applications, but in no case shall the reduction be less than 30 percent compared to the water budget in Section C. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Hazard mitigation and sea level rise resiliency.

(A) The first floor elevation of all new buildings shall be twenty-four (24) inches above the Federal Emergency Management Agency base flood elevation (BFE) to account for sea level rise. Where no BFE exists, the first floor (bottom of floor beams) elevation shall be twenty-four (24) inches above the existing grade. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade
where no BFE exists. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.

(B) Prior to building permit issuance, all new buildings shall pay any required fee or proportionate fair share for the funding of sea level rise projects, if applicable.

(5) Waste management.

(A) Applicants 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. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this ordinance, Zero Waste is defined as ninety percent (90%) overall diversion of non-hazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero Waste plan elements shall include the property owner’s assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(6) Bird-friendly design.

(A) No more than ten percent (10%) of façade surface area shall have non-bird-friendly glazing.

(B) Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.

(C) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.

(D) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.

(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

(F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one or more of the items in (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

SECTION 4. This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

SECTION 5. Projects that receive discretionary approvals and/or submitted a building permit prior to the effective date of this ordinance shall be exempt from the provisions contained herein.
INTRODUCED on the 29th day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the __ day of December, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

______________________
Richard Cline
Mayor, City of Menlo Park

ATTEST:

______________________
Pamela Aguilar
City Clerk
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ORDINANCE NO. ___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING THE LS (LIFE SCIENCES) ZONING DISTRICT TO TITLE 16 OF THE MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.

B. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

C. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

D. After consideration of all the evidence in the record, including public testimony, the City Council certified the Final Environmental Impact Report and adopted resolutions approving the updates to the Land Use and Circulation Elements of the General Plan.

E. The City desires to add Chapter 16.44 (Life Sciences) to Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs including LU-4.4 Community Amenities, LU-4.C Community Amenity Requirements, LU-6.D Design for Birds, LU-7.1 Sustainability, LU-7.A Green Building Operation and Maintenance, LU-7.D Performance Standards, LU-7.H Sea Level Rise, and CIRC 2.G Zoning Requirements for Bicycle Storage, which encourage development that benefits the community and the City through a mix of uses and scales, include bird friendly and sustainable design measures, identify performance standards for environmentally friendly technology and design, require bicycle parking for developments, and protect occupants and residents against sea level rise.

F. After due consideration of the proposed addition of Chapter 16.44 (Life Sciences) to Title 16, public comments, the Planning Commission's recommendation, and the staff report, the City Council finds that the proposed addition is consistent with the updated General Plan and is appropriate.
SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November 29, 2016, in accordance with the provisions of the California Environmental Quality Act (“CEQA”) and CEQA Guidelines. The Environmental Impact Report considered the addition of Chapter 16.44 (Life Sciences) to Title 16 of the Menlo Park Municipal Code. Findings and a statement of overriding considerations were adopted by the City Council on November 29, 2016 by Resolution No._____.

SECTION 3. Chapter 16.44, Life Sciences, of the Menlo Park is hereby added to Title 16, Zoning, of the Municipal Code:

**Chapter 16.44**  
**LS – LIFE SCIENCES DISTRICT**

**Sections:**

16.44.010 Purpose.
16.44.015 Definitions.
16.44.020 Permitted uses.
16.44.030 Administratively permitted uses.
16.44.040 Conditional uses.
16.44.050 Development regulations.
16.44.055 Master planned development.
16.44.060 Bonus level development.
16.44.070 Community amenities required for bonus development.
16.44.080 Parking standards.
16.44.090 Transportation demand management
16.44.100 New connections.
16.44.110 Required street improvements.
16.44.120 Design standards.
16.44.130 Green and sustainable building.

**16.44.010. Purpose.**

The purpose and intent of the Life Sciences district is to:

1. Attract research and development and light industrial and uses particularly those that support bioscience and biomedical product development, and manufacturing and/or are potentially revenue generating businesses;
2. Allow administrative and professional office uses and other services that support light industrial and research and development sites and nearby;
3. Provide opportunities for quality employment and development of emerging technology, entrepreneurship, and innovation;
4. Facilitate the creation of a thriving business environment with goods and services that support adjacent neighborhoods as well as the employment base.
16.44.015. Definitions.

Terms are as defined in the Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

16.44.020. Permitted uses.

Permitted uses in the Life Sciences district are as follows:

(1) Light industrial and research and development and accessory uses, except when requiring hazardous material review;
(2) Administrative and professional offices in buildings, twenty thousand (20,000) or less square feet of gross floor area;
(3) Retail sales establishments, excluding the sale of beer, wine and alcohol;
(4) Eating establishments, excluding the sale of beer, wine, and alcohol or live entertainment, and/or establishments that are portable. For the purpose of this chapter, an eating establishment is primarily engaged in serving prepared food for consumption on or off the premises;
(5) Personal services, excluding tattooing, piercing, palm-reading, or similar services;
(6) Recreational facilities privately operated, twenty thousand (20,000) or less square feet of gross floor area;
(7) Community education/training center that provides free or low-cost educational and vocational programs to help prepare local youth and adults for entry into college and/or the local job market.

16.44.030. Administratively permitted uses.

Uses allowed in the Life Sciences district, subject to obtaining an administrative permit, are as follows:

(1) Any outside storage of material, equipment or vehicles associated with the main use;
(2) Eating establishments, including the sale of beer and wine only, and/or that have live entertainment;
(3) Outdoor seating;
(4) Research and development and light industrial uses, requiring hazardous material review;
(5) Diesel generators.

16.44.040. Conditional uses.

Conditional uses allowed in the Life Sciences district, subject to obtaining a use permit per Municipal Code Chapter 16.82, are as follows:

(1) Administrative and professional offices and accessory uses, greater than twenty thousand (20,000) square feet of gross floor area;
(2) Eating establishments, including alcohol, and/or establishments that are portable;
(3) Drinking establishments, including beer, wine and alcohol. For purposes of this chapter, a drinking establishment is a business serving beverages for consumption on the premise as a primary use;
(4) Retail sales establishments, including the sale of beer, wine and alcohol;
(5) Recreational facilities, privately operated, greater than twenty thousand (20,000) square feet of gross floor area;
(6) Special uses, in accordance with Chapter 16.78 of this title;
(7) Uses identified in Sections 16.44.020, 16.44.030, and 16.44.040 proposing bonus level development, in accordance with Section 16.44.060;
(8) Public utilities, in accordance with Chapter 16.76 of this title.

16.44.050. Development regulations.

Development regulations in the Life Sciences district are as follows:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>Minimum area of building site (includes public access easements).</td>
<td>25,000 square feet</td>
<td>25,000 square feet</td>
<td></td>
</tr>
<tr>
<td>Minimum lot dimensions</td>
<td>Minimum size of a lot calculated using lot lines.</td>
<td>100 feet width</td>
<td>100 feet width</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>100 feet depth</td>
<td>100 feet depth</td>
<td></td>
</tr>
<tr>
<td>Minimum setback at street</td>
<td>Minimum linear feet building can be sited from property line adjacent to street.</td>
<td>5 feet</td>
<td>5 feet</td>
<td>Setbacks shall be measured from the property line. In instances where there will be a public access easement, measure the setback from the back of the easement. See build-to area requirements in Section 16.44.120 (1).</td>
</tr>
<tr>
<td>Minimum interior side and rear setbacks</td>
<td>Minimum linear feet building can be sited from interior and rear property lines.</td>
<td>10 feet</td>
<td>10 feet</td>
<td>See Section 16.44.120 (5) when property is required to have a paseo. Interior side setback may be reduced to zero feet for the entire building mass where there is retail frontage.</td>
</tr>
<tr>
<td>Maximum floor area ratio</td>
<td>Maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.</td>
<td>55% plus 10% commercial</td>
<td>125% plus 10% commercial</td>
<td>For purposes of this chapter, &quot;Commercial&quot; is defined as uses enumerated in this chapter, except office, light industrial, and research and development.</td>
</tr>
<tr>
<td>Height</td>
<td>Height is defined as average height of all buildings on one site, where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.</td>
<td>Height: 35 feet</td>
<td>Height: 67.5 feet</td>
<td>Properties may calculate height amongst multiple properties in the same zoning district, subject to a deed restriction and approval by the Planning Commission or City Council.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum Height: 35 feet</td>
<td>Maximum height: 110 feet</td>
<td>A parapet used to screen mechanical equipment is not included in the maximum height. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase in height and maximum</td>
</tr>
</tbody>
</table>
### 16.44.055. Master planned projects.

The purpose of a master planned project is to provide flexibility for creative design, more orderly development, and optimal use of open space, while maintaining and achieving the General Plan vision for the Bayfront Area. Master planned projects for sites with the same zoning designation (O, LS or R-MU) in close proximity or for contiguous sites that have a mix of zoning designations (O or R-MU) that exceed 15 acres in size and that are held in common ownership (or held by wholly owned affiliated entities) and are proposed for development as a single project or single phased development project are permitted as a conditional use, provided that sites with mixed zoning are required to obtain a conditional development permit and enter into a development agreement. For master planned projects meeting these criteria, residential density, FAR and open space requirements and residential density, FAR and open space requirements at the bonus level, if applicable, may be calculated in the aggregate across the site provided the overall development proposed does not exceed what would be permitted if the site were developed in accordance with the zoning designation applicable to each portion of the site and the proposed project complies with all other design standards identified for the applicable zoning districts.

### 16.44.060. Bonus level development.

A development in a location identified as Life Sciences-Bonus (LS-B) on the adopted City of Menlo Park Zoning Map may seek an increase in floor area ratio and/or height per Section 16.44.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.44.070.

### 16.44.070. Community amenities required for bonus development.

Bonus level development allows a project to develop at a greater level of intensity with an increased floor area ratio and/or increased height. There is a reasonable relationship between the increased intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. To be eligible for bonus level development, an applicant shall provide one or more community amenities. Construction of the amenity is preferable to the payment of a fee.

(1) **Amenities.** Community needs were initially identified through the robust community engagement process generally referred to as ConnectMenlo. The City Council of the City of Menlo Park adopted by resolution those identified community needs as community amenities to be provided in exchange for bonus level development. The identified community amenities may be updated from time to time by City Council resolution. All community amenities, except for affordable housing, shall be provided within the area between U.S. Highway 101 and the San Francisco Bay in the
City of Menlo Park. Affordable housing may be located anywhere housing is allowed in the City of Menlo Park.

(2) **Application.** An application for bonus level development is voluntary. In exchange for the voluntary provision of community amenities, an applicant is receiving a benefit in the form of an increased floor area ratio and/or increased height. An applicant requesting bonus level development shall provide the City with a written proposal, which includes but is not limited to the specific amount of bonus development sought, the value of the amenity as calculated pursuant to section (3) below, and adequate information identifying the value of the proposed community amenities. An applicant’s proposal for community amenities shall be subject to review by the Planning Commission in conjunction with a Use Permit or Conditional Development Permit. Consideration by the Planning Commission shall include differentiation between amenities proposed to be provided on-site and amenities proposed to be provided off-site, which may require a separate discretionary review and environmental review per the California Environmental Quality Act.

(3) **Value of Amenity.** The value of the community amenities to be provided shall equal fifty percent (50%) of the fair market value of the additional gross floor area of the bonus level development. The value shall be calculated as follows: The applicant shall provide, at their expense, an appraisal performed within ninety (90) days of the application date by a licensed appraisal firm that sets a fair market value in cash of the gross floor area of the bonus level of development ("bonus value"). The form and content of the appraisal must be approved by the Community Development Director. The appraisal shall determine the total bonus value without consideration of the community amenities requirement established under Section 16.44.070. Fifty percent (50%) of the total bonus value is the value of the community amenity to be provided.

(4) **Form of Amenity.** A community amenity shall be provided utilizing any one of the following mechanisms:

(A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall be from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of final inspection for the building permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.

(B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value as calculated pursuant to subsection (3) above.

(C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.
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16.44.080. Parking standards.

Development in the Life Sciences district shall meet the following parking requirements.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Spaces (Per 1,000 Sq. Ft.)</th>
<th>Maximum Spaces (Per 1,000 Sq. Ft.)</th>
<th>Minimum Bicycle Parking¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>2</td>
<td>3</td>
<td>1 per 5,000 sq. ft. of gross floor area; Minimum 2 spaces</td>
</tr>
<tr>
<td>Light Industrial, Research and Development</td>
<td>1.5</td>
<td>2.5</td>
<td>For Office and Research Development: 80% for long-term² and 20% for short-term²</td>
</tr>
<tr>
<td>Retail</td>
<td>2.5</td>
<td>3.3</td>
<td>For all other commercial uses: 20% for long-term² and 80% for short-term²</td>
</tr>
<tr>
<td>Banks and financial institutions</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Eating and drinking establishments</td>
<td>2.5</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Personal services</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Private recreation</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Child care center</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Public parking lot or structure</td>
<td>At Transportation Manager’s discretion</td>
<td>At Transportation Manager’s discretion</td>
<td>1 space per 20 vehicle spaces</td>
</tr>
<tr>
<td>Other</td>
<td>At Transportation Manager’s discretion</td>
<td>At Transportation Manager’s discretion</td>
<td>At Transportation Manager’s discretion</td>
</tr>
</tbody>
</table>

1 See Section 16.44.120 (7) and the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

² Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

Parking facilities may be shared at the discretion of the City’s Transportation Manager if multiple uses cooperatively establish and operate the facilities, if these uses generate parking demands primarily during different hours than the remaining uses, and if a sufficient number of spaces are provided to meet the maximum cumulative parking demand of the participating uses at any time. An individual development proposal may incorporate a shared parking study to account for the mixture of uses, either on-site or within a reasonable distance. The shared parking supply would be subject to review and approval based on the proposed uses, specific design and site conditions. Project applicants may also be allowed to meet the minimum parking requirements through the use of nearby off-site facilities at the discretion of the Transportation Manager.

16.44.090. Transportation demand management.

All new construction, regardless of size, and building additions of ten thousand (10,000) or more square feet of gross floor area, or a change of use of ten thousand (10,000) or more square feet of gross floor area shall develop a Transportation Demand Management (TDM) plan necessary to reduce associated vehicle trips to at least twenty percent (20%) below standard generation rates for uses on the project site.

(1) Eligible TDM measures may include but are not limited to:

   (A) Participation in a local Transportation Management Association (TMA) that provides documented, ongoing support for alternative commute programs;

   (B) Appropriately located transit shelter(s);
(C) Preferred parking for carpools or vanpools;
(D) Designated parking for car-share vehicles;
(E) Requiring drivers to pay directly for using parking facilities;
(F) Public and/or private bike share program; Provision or subsidy of carpool, vanpool, shuttle, or bus service, including transit passes for site occupants;
(G) Required alternative work schedules and/or telecommuting;
(H) Passenger loading zones for carpools and vanpools at main building entrance;
(I) Safe, well-lit, accessible, and direct route to the nearest transit or shuttle stop or dedicated, fully accessible bicycle and pedestrian trail;
(J) Car share membership for employees or residents;
(K) Emergency Ride Home programs;
(L) Green Trip Certification.

(2) Measures receiving TDM credit shall be:

(A) Documented in a TDM plan developed specifically for each project and noted on project site plans, if and as appropriate;
(B) Guaranteed to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided to the satisfaction of the City’s Transportation Manager;
(C) Required to be replaced by appropriate substitute measures if unable to achieve intended trip reduction in any reporting year, failure to do so will result in revocation of permit;
(D) Administered by a representative whose updated contact information is provided to the Transportation Manager.

16.44.100. New connections.

Proposed development will be required to provide new pedestrian, bicycle, and/or vehicle connections to support connectivity and circulation as denoted in the City Zoning Map. These connections may be in the form of either a public street or a paseo as denoted in the City Zoning Map and are pursuant to the standards in Section 16.44.120. Streets shall meet the requirements of the adopted City of Menlo Park street classification map in the General Plan Circulation Element.

(1) If the location of a new connection is split between parcel/ownership, the first applicant must set aside the required right-of-way through dedication or a public access easement and bond for the completion of the new connection, or reach agreement with the other property owner(s) to allow the first applicant to complete the entire new connection;

(2) If the location of a new connection is located on multiple properties with the same owner, applicant may move the connection up to 50 feet in either direction from what is shown on the City Zoning Map for enhanced connectivity, and/or other considerations, subject to the review and approval of the City’s Public Works Director;

(3) For phased implementation of a development project, applicant must show an implementation plan for the new connection and the City may require a bond or right of way dedication or public access easement prior to the completion of the first phase;
(4) The land area dedicated for new connections in the form of public streets (right-of-way) will be subtracted from the total lot area to determine the site’s Floor Area Ratio;

(5) The land area dedicated for new connections in the form of paseos will require a public access easement (PAE). The area of the PAE is included in the total lot area to determine the site’s Floor Area Ratio.

16.44.110. Required street improvements.

For new construction and/or building additions of ten thousand (10,000) or more square feet of gross floor area or for tenant improvements on a site where the cumulative construction value exceeds $500,000 over a five year period, the Public Works Director shall require the project to provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type. When these are required by the Public Works Director, the improvements do not count as community amenities pursuant to Section 16.44.070. The threshold for the value of improvements shall be adjusted annually on the first of July, based on the ENR Construction Cost Index.

(1) Improvements shall include curb, gutter, sidewalk, street trees, and street lights;

(2) Overhead electric distribution lines of less than sixty (60) kilovolts and communication lines shall be placed underground along the property frontage;

(A) The Public Works Director may allow a Deferred Frontage Improvement Agreement, including a bond to cover the full cost of the improvements and installation to accomplish needed improvements in coordination with other street improvements at a later date.

16.44.120. Design standards.

All new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For building, the applicable design standards apply only to the new construction. The existing building and new addition shall have an integrated design. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

a. Relationship to the street. The following standards regulate the siting and placement of buildings, parking areas, and other features in relation to the street. The dimensions between building facades and the street and types of features allowed in these spaces are critical to the quality of the pedestrian experience.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Local street</th>
<th>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage Landscaping</td>
<td>The percentage of the setback area devoted to groundcover and vegetation. Trees may or may not be within the landscaped area. For this requirement, the setback area is Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff).</td>
<td>Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff).</td>
<td>Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff).</td>
<td>Setback areas adjacent to active ground-floor uses, including lobbies, retail sales, and eating and drinking establishments are excepted.</td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>Definition</td>
<td>Base level</td>
<td>Notes/Additional Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Frontage Uses</strong></td>
<td>Allowable frontage uses in order to support a positive integration of new buildings into the streetscape character.</td>
<td>No restrictions</td>
<td>Setback areas parallel to street not used for frontage landscaping must provide pedestrian circulation (e.g., entryways, stairways, accessible ramps), other publicly accessible open spaces (e.g., plazas, gathering areas, outdoor seating areas), access to parking, bicycle parking, or other uses that the Planning Commission deems appropriate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Surface Parking Along Street Frontage</strong></td>
<td>Surface parking may be located along the street if set back appropriately. The maximum percentage of linear frontage of property adjacent to the street allowed to be off-street surface parking.</td>
<td>Maximum of 35%</td>
<td>Commercial uses shall be a minimum of 50 feet in depth. Publicly accessible open space is further defined and regulated in Section 16.44.120 (4).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum surface parking setback</strong></td>
<td>The minimum dimension from property line adjacent to the street that surface parking must be set back.</td>
<td>Minimum 20 feet</td>
<td>Maximum of 25%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See the General Plan Circulation Element Street Classification Map for street types.

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Figure 1. Surface Parking

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(2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

<table>
<thead>
<tr>
<th>Standard and Figure</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Local street*</th>
<th>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Height</strong></td>
<td>The maximum height of a building at the minimum setback at street or before the building steps back the minimum horizontal distance required.</td>
<td>35 feet</td>
<td>45 feet</td>
<td>45 feet</td>
<td>Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.</td>
</tr>
<tr>
<td><strong>Figure 2, label A</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Projections</strong></td>
<td>The maximum depth of allowable building projections, such as balconies or bay windows, from the required stepback for portions of the building above the ground floor.</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 2, label B</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Modulations</strong></td>
<td>A building modulation is a break in the building plane from the ground level to the top of the buildings’ base height that provides visual variety, reduces large building volumes, and provides spaces for entryways and publicly accessible spaces.</td>
<td>Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length</td>
<td>Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length</td>
<td>Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length</td>
<td>Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos). Parking is not allowed in the modulation recess. When more than 50% of façade of an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.</td>
</tr>
<tr>
<td><strong>Figure 2, label C</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See the General Plan Circulation Element Street Classification Map for street types.
Figure 2. Building Mass and Scale

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(3) Ground-floor exterior. The following standards regulate the ground-floor façade of buildings in order to enhance pedestrian experience, as well as visual continuity along the street.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Local or Interior Access street*</th>
<th>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
</table>
| Building Entrances Figure 3, label A | The minimum ratio of entrances to building length along a public street or paseo. | One entrance per public street frontage | One entrance per public street frontage | One entrance per public street frontage | Entrances at a building corner may be used to satisfy this requirement for both frontages.  
Stairs must be located in locations convenient to building users. |
| Ground-floor Transparency Figure 3, label B | The minimum percentage of the ground-floor façade (finished floor to ceiling) that must provide visual transparency, such as clear glass windows, doors, etc. | 25%; 50% for commercial uses | 25%; 50% for commercial uses | 40%; 50% for commercial uses | Windows shall not be opaque or mirrored. For the purpose of this chapter, “Commercial” is defined as uses enumerated in this chapter, except office, light industrial, and research and development. |
| Minimum Ground Floor Height Along Street Frontage Figure 3, label C | The minimum height between the ground-level finished floor to the second level finished floor along the street. | N/A | 15 feet | 15 feet | Garage entrances must be separated by a minimum of 100 feet to ensure all entrances/exits are not grouped together or resulting in an entire stretch of sidewalk unsafe and undesirable for pedestrians. |
| Awnings, Signs, and Canopies Figure 3, label D | The maximum depth of awnings, signs, and canopies that project horizontally from the face of the building. | 7 feet | 7 feet | 7 feet | Horizontal projections shall not extend into the public right-of-way.  
A minimum vertical clearance of 8 feet from finished grade to the bottom of the projection is required. |

*See the General Plan Circulation Element Street Classification Map for street types.
Figure 3. Ground-Floor Exterior

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(4) Open space. All development in the Life Sciences district shall provide a minimum amount of open space equal to twenty percent (20%) of the total lot area, with a minimum amount of publicly accessible open space equal to fifty percent (50%) of the total required open space area.

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

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

(B) Quasi-public and private open spaces, which may or may not be accessible to the public, include patios, balconies, roof terraces, and courtyards.

(C) All open space shall:

(i) Interface with adjacent buildings via direct connections through doors, windows, and entryways;
(ii) Be integrated as part of building modulation and articulation to enhance building façade and should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses;
(iii) Incorporate landscaping design that includes:

(a) Sustainable stormwater features;
(b) A minimum landscaping bed no less than three (3) feet in length or width and five (5) feet in depth for infiltration planting;
(c) Native species able to grow to their maximum size without shearing.

(D) All exterior landscaping counts towards open space requirements.
(5) Paseos. A paseo is defined as a pedestrian and bicycle path, as shown on the adopted of City of Menlo Park Zoning Map, that provides a member of the public access through one or more parcels and to public streets and/or other paseos. Paseos must meet the following standards:

(A) Paseos must be publicly accessible established through a public access easement, but they remain private property;

(B) Paseos count as publicly accessible open space.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base and Bonus levels</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paseo Width</td>
<td>The minimum dimension in overall width of the paseo, including landscaping and hardscape components.</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Figure 4, label A</td>
<td></td>
<td></td>
<td>The paseo pathway shall be connected to building entrances with hardscaped pathways. Pathways may be used for emergency vehicle access use and allowed a maximum paved width exemption to accommodate standards of the Menlo Park Fire Protection District with prior approval by Transportation Manager.</td>
</tr>
<tr>
<td>Pathway Width</td>
<td>The minimum and maximum width of the paved, hardscape portion of the paseo.</td>
<td>10 feet minimum; 14 feet maximum</td>
<td></td>
</tr>
<tr>
<td>Figure 4, label B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furnishing Zones</td>
<td>Requirements for pockets of hardscape areas dedicated to seating, adjacent to the main pedestrian pathway area.</td>
<td>Minimum dimension of 5 feet wide by 20 feet long, provided at a minimum interval of 100 feet.</td>
<td>Furnishing zones must include benches or other type of seating and pedestrian-scaled lighting.</td>
</tr>
<tr>
<td>Figure 4, label C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paseo Frontage Setback</td>
<td>The minimum setback for adjacent buildings from the edge of the paseo property line.</td>
<td>10 feet</td>
<td>A minimum of 50% of the setback area between the building and paseo shall be landscaped (50% of which should provide on-site infiltration of stormwater runoff.) Plants should be climate-adapted species up to 3 feet in height.</td>
</tr>
<tr>
<td>Figure 4, label D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees</td>
<td>The size and spacing of trees that are required along the paseo.</td>
<td>Small canopy trees with a maximum mature height of 40 feet and canopy diameter of 25 feet, planted at maximum intervals of 40 feet.</td>
<td>Trees must be planted within the paseo width, with the tree canopy allowed to overhang into the setback.</td>
</tr>
<tr>
<td>Figure 4, label E</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping</td>
<td>The minimum percentage of the paseo that is dedicated to vegetation.</td>
<td>20%</td>
<td>On-site infiltration of stormwater runoff is required.</td>
</tr>
<tr>
<td>Lighting</td>
<td>Pedestrian-oriented street lamps.</td>
<td>One light fixture every 40 feet.</td>
<td>Use energy efficient lighting per Title 24. Lights shall be located a minimum of 20 feet from trees.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Figure 4. Paseos

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(6) Building design.

(A) Main building entrances shall face the street or a publicly accessible courtyard. Building and/or frontage landscaping shall bring the human scale to the edges of the street. Retail building frontage shall be parallel to the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the Public Works Director.

(C) Projects shall include dedicated, screened, and easily accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and attractively screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match or be compatible with the primary building.

(F) Building materials shall be durable and high-quality to ensure adaptability and re-use over time. Glass paneling and windows shall be used to invite outdoor views and introduce natural light into interior spaces. Stucco shall not be used on more than fifty percent (50%) of the building facade. When stucco is used, it must be smooth troweled.

(G) Roof lines and eaves adjacent to street-facing facades shall vary across a building, including a four-foot minimum height modulation to break visual monotony and create a visually interesting skyline as seen from public streets (see Figure 5). The variation of the roofline’s horizontal distance should match the required modulations and step backs.

(H) Rooftop elements, including stair and elevator towers, shall be concealed in a manner that incorporates building color and architectural and structural design.

(I) Roof-mounted equipment shall meet the requirements of Section 16.08.095.
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(7) Access and parking.

(A) Shared entrances to retail and office uses shall be used where possible.

(B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings, and shall not be located along a publicly accessible open space.

(C) Above-ground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(D) Garage and surface parking access shall be screened or set behind buildings located along a publicly accessible open space or paseo.

(E) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway or landscaped area (see Figure 6, label A).

(F) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation, including a twenty (20) foot deep landscaped area along sidewalks, as measured from the property line or public access easement adjacent to the street or paseos (see Figure 6, label B). The portion of this area not devoted to driveways shall be landscaped. Trees shall be planted at a ratio of 1 per 400 square feet of required setback area for surface parking.

(G) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces (see Figure 6, label C). Required plantings may be grouped where carports with solar panels are provided.

(H) Surface parking can be located along a paseo for a maximum of forty percent (40%) of a paseo's length (see Figure 6, label D).

(I) Short-term bicycle parking shall be located within fifty (50) feet of lobby or main entrances. Long-term bicycle parking facilities shall protect against theft and inclement weather, and consist of a fully enclosed, weather-resistant locker with key locking mechanism or an interior locked room or enclosure. Long-term parking shall be provided in locations that are convenient and functional for cyclists. Bicycle parking shall be (See Figure 7):

   (i) Consistent with the latest edition of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guide;

   (ii) Designed to accommodate standard six (6) foot bicycles;

   (iii) Paved or hardscaped;

   (iv) Accessed by an aisle in the front or rear of parked bicycles of at least five (5) feet;

   (v) At least five (5) feet from vehicle parking spaces;

   (vi) At least thirty (30) inches of clearance in all directions from any obstruction, including but not limited to other racks, walls, and landscaping;

   (vii) Lit with no less than one (1) foot candle of illumination at ground level;

   (viii) Space-efficient bicycle parking such as double-decker lift-assist and vertical bicycle racks are also permitted.

(J) Pedestrian connections shall be provided, with a minimum hardscape width of six (6) feet, from sidewalks to all building entries, parking areas, and publicly accessible open spaces, and shall be clearly marked with signage directing pedestrians to common destinations.

(K) Entries to parking areas and other important destinations shall be clearly identified for all travel modes with such wayfinding features as marked crossings, lighting, and clear signage.
Figure 6. Surface Parking Access
Figure 7. Bicycle Parking

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6.44.130. Green and sustainable building.

In addition to meeting all applicable regulations specified in Municipal Code Title 12 (Buildings and Construction), the following provisions shall apply to projects. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green building.
   (A) Any new construction, addition or alteration of a building shall be required to comply with tables 16.44.130(1)(B).

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

   (B) Alterations and/or additions of 10,000 square feet or larger where the building owner elects to update the core and shell through the option presented in tables 16.44.130(1)(B):
      (i) The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures i to iv listed in 16.44.130(2)(A).

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<table>
<thead>
<tr>
<th>Green Building Requirement</th>
<th>NEW CONSTRUCTION</th>
<th>ADDITIONS AND/OR ALTERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 sq. ft. – 25,000 sq. ft.</td>
<td>Designed to meet LEED Silver BD+C (^1)</td>
<td>Designed to meet LEED Silver ID+C (^1) or update core and shell of entire building to current California Energy Code(^4) and meet section 16.44.130(2)(B)</td>
</tr>
<tr>
<td>25,001 sq. ft. – 100,000 sq. ft.</td>
<td>Designed to meet LEED Gold BD+C (^1)</td>
<td>Designed to meet LEED Gold ID+C (^1) or update core and shell of entire building to current California Energy Code(^4) and meet section 16.44.130(2)(B)</td>
</tr>
<tr>
<td>100,001 sq. ft. and above</td>
<td>CALGreen Mandatory</td>
<td>Designed to meet LEED Silver ID+C (^1) or update core and shell of entire building to current California Energy Code(^4) and meet section 16.44.130(2)(B)</td>
</tr>
</tbody>
</table>

### Electric Vehicle (EV) Chargers

- **Pre-Wire**\(^2\)
  - Minimum of 5% of total required number of parking stalls.
  - Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.

- **Install EV Chargers**\(^3\)
  - Minimum of 2 chargers in the pre-wire locations.
  - Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.

### Energy Reporting

- Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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\(^1\) Designed to meet LEED standards is defined as follows: a) Applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and b) Applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the City for which the applicant will pay for review and/or certification.

\(^2\) Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

\(^3\) Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

\(^4\) Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.44.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.44.130(2)(B), additions and alterations of that building will be exempt from the...
LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action.

5 If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

6 For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.
(3) Water use efficiency and recycled water.
   (A) Single pass cooling systems shall be prohibited in all new buildings.
   (B) All new buildings shall be built and maintained without the use of well water.
   (C) Applicants for a new building more than one hundred thousand (100,000) square feet of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the City. For all new buildings two hundred and fifty (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all City approved non-potable applications. The water budget and calculations shall be reviewed and approved by the City’s Public Works Director prior to certification of occupancy. Twelve (12) months after the date of the certification 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 of the Municipal Code until compliance with the water budget is achieved.
   (D) All new buildings shall be dual plumbed for the internal use of recycled water.
   (E) All new buildings two hundred and fifty (250,000) square feet or more in gross floor area shall use an alternate water source for all City approved non-potable applications. An alternative water source may include, but is not limited to, treated non-potable water such as graywater. An Alternate Water Source Assessment shall be submitted that describes the alternative water source and proposed non-potable application. Approval of the Alternate Water Source Assessment, the alternative water source and its proposed uses shall be approved by the City’s Public Works Director and Community Development Director. If the Menlo Park Municipal Water District has not designated a Recycled Water Purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the City Council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of City approved non-potable applications, but in no case shall the reduction be less than 30 percent compared to the water budget in Section C. The conservation measures may include on-site measures, off-site measures or a combination thereof.
   (F) Potable water shall not be used for dust control on construction projects.
   (G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Hazard mitigation and sea level rise resiliency.
   (A) The first floor elevation of all new buildings shall be twenty-four (24) inches above the Federal Emergency Management Agency base flood elevation (BFE) to account for sea level rise. Where no BFE exists, the first floor (bottom of floor beams) elevation shall be twenty-four (24) inches above the existing grade. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade
where no BFE exists. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.

(B) Prior to building permit issuance, all new buildings shall pay any required fee or proportionate fair share for the funding of sea level rise projects, if applicable.

(5) Waste management.

(A) Applicants 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. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this ordinance, Zero Waste is defined as ninety percent (90%) overall diversion of non-hazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero Waste plan elements shall include the property owner’s assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(6) Bird-friendly design.

(A) No more than ten percent (10%) of façade surface area shall have non-bird–friendly glazing.

(B) Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.

(C) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.

(D) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.

(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

(F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one or more of the items in (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

SECTION 4. This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

SECTION 5. Projects that receive discretionary approvals and/or submitted a building permit prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

INTRODUCED on the 29th day of November, 2016.
PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the _____ day of December, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

______________________
Richard Cline
Mayor, City of Menlo Park

ATTEST:

______________________
Pamela Aguilar
City Clerk
ORDINANCE NO. ___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING THE R-MU (RESIDENTIAL MIXED USE) ZONING DISTRICT TO TITLE 16 OF THE MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.

B. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

C. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

D. After consideration of all the evidence in the record, including public testimony, the City Council certified the Final Environmental Impact Report and adopted resolutions approving the updates to the Land Use and Circulation Elements of the General Plan.

E. The City desires to add Chapter 16.45 (Residential Mixed Use) to Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs including LU-2.9 Compatible Uses, LU-4.4 Community Amenities, LU-4.6 Employment Center Walkability, LU-4.C Community Amenity Requirements, LU-6.D Design for Birds, LU-7.1 Sustainability, LU-7.A Green Building Operation and Maintenance, LU-7.D Performance Standards, LU-7.H Sea Level Rise and CIRC 2.G Zoning Requirements for Bicycle Storage, which promote mixed-use development that includes residential and a mix of compatible uses encourage development that benefits the community and the City through a mix of uses and scales, promote neighborhood serving uses to increase walkability, include bird friendly and sustainable design measures, identify performance standards for environmentally friendly technology and design, require bicycle parking for developments, and protect occupants and residents against sea level rise.

F. After due consideration of the proposed addition of Chapter 16.45 (Residential, Mixed Use) to Title 16, public comments, the Planning Commission’s recommendation, and the staff report, the...
City Council finds that the proposed addition is consistent with the updated General Plan and is appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November 29, 2016, in accordance with the provisions of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The Environmental Impact Report considered the addition of Chapter 16.45 (Residential Mixed Use) to Title 16 of the Menlo Park Municipal Code. Findings and a statement of overriding considerations were adopted by the City Council on November 29, 2016 by Resolution No._____.

SECTION 3. Chapter 16.45, Residential Mixed Use, of the Menlo Park is hereby added to Title 16, Zoning, of the Municipal Code:

Chapter 16.45
R-MU – RESIDENTIAL MIXED USE DISTRICT

Sections:

16.45.010 Purpose.
16.45.015 Definitions.
16.45.020 Permitted uses.
16.45.030 Administratively permitted uses.
16.45.040 Conditional uses.
16.45.050 Development regulations.
16.45.055 Master planned projects.
16.45.060 Bonus level development.
16.45.070 Community amenities required for bonus development.
16.45.080 Parking standards.
16.45.090 Transportation demand management.
16.45.100 New connections.
16.45.110 Required street improvements.
16.45.120 Design standards.
16.45.130 Green and sustainable building.

16.45.010 Purpose.

The purpose and intent of the Residential Mixed Use district is to:

(1) Provide high density housing to complement nearby employment;

(2) Encourage mixed-use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public, and promote a live/work/play environment with pedestrian activity;

(3) Blend with and complement existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses.
16.45.015 Definitions.

Terms are as defined in the Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

16.45.020 Permitted uses.

Permitted uses in the Residential-Mixed Use district are as follows:

1. Multiple dwellings, which is a required component of any development in the R-MU district;
2. Administrative and professional offices and accessory uses, twenty thousand (20,000) or less square feet of gross floor area;
3. Banks and other financial institutions. For purposes of this chapter, “financial institutions” include only those institutions providing retail banking services engaged in the on-site circulation of money, including credit unions);
4. Retail sales establishments, twenty thousand (20,000) or less square feet of gross floor area and excluding the sale of beer, wine and alcohol;
5. Eating establishments, excluding the sale of beer, wine and alcohol, live entertainment, and/or establishments that are portable. For purposes of this chapter, an eating establishment is primarily engaged in serving prepared food for consumption on or off the premises;
6. Personal services, excluding tattooing, piercing, palm-reading, or similar services;
7. Recreational facilities privately operated, twenty thousand (20,000) or less square feet of gross floor area;
8. Community education/training center that provides free or low-cost educational and vocational programs to help prepare local youth and adults for entry into college and/or the local job market.

16.45.030 Administratively permitted uses.

Uses allowed in the Residential-Mixed Use district, subject to obtaining an administrative permit per Municipal Code Chapter 16.82, or in the case of home occupations, a home occupation permit, are as follows:

1. Eating establishments, including beer and wine only, and/or that have live entertainment;
2. Child care center;
3. Outdoor seating;
4. Diesel generators.
**16.45.040 Conditional uses.**

Conditional uses allowed in the Residential-Mixed Use district, subject to obtaining a use permit per Municipal Code Chapter 16.82, are as follows:

1. Home occupations in accordance with Section 16.04.340;
2. Administrative and professional offices and accessory uses, greater than twenty thousand (20,000) square feet of gross floor area;
3. Research and development uses, excluding uses involving hazardous materials;
4. Eating and drinking establishments, including alcohol, or establishments that are portable;
5. Retail sales establishments, including the sale of beer, wine and alcohol, greater than twenty thousand (20,000) square feet of gross floor area;
6. Personal services, including tattooing, piercing, palm-reading, or similar services;
7. Movie theater;
8. Recreational facilities, privately operated, greater than twenty thousand (20,000) square feet of gross floor area;
9. Special uses, in accordance with Chapter 16.78 of this title;
10. Uses identified in Sections 16.45.020, 16.45.030, and 16.45.040 proposing bonus level development, in accordance with Section 16.45.060;
11. Public utilities, in accordance with Chapter 16.76 of this title.

**16.45.050 Development regulations.**

Development regulations in the Residential-Mixed Use district are as follows:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>Minimum area of building site (includes public access easements).</td>
<td>20,000</td>
<td>25,000</td>
<td></td>
</tr>
<tr>
<td>Minimum lot dimensions</td>
<td>Minimum size of a lot calculated using lot lines</td>
<td>100 feet</td>
<td>100 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum setback at street</td>
<td>Minimum linear feet building can be sited from property line adjacent to street.</td>
<td>0 feet</td>
<td>0 feet</td>
<td>Setbacks shall be measured from the property line. In instances where there will be a public access easement, measure the setback from the back of the easement. See build-to area requirements in Section 16.45.120 (1).</td>
</tr>
<tr>
<td>Regulation</td>
<td>Definition</td>
<td>Base level</td>
<td>Bonus level</td>
<td>Notes/Additional Requirements</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>------------</td>
<td>-------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Maximum setback at street</strong></td>
<td>Maximum linear feet building can be sited from property line adjacent to street.</td>
<td>25 feet</td>
<td>25 feet</td>
<td>See build-to area requirements in Section 16.45.120 (1). Maximum setback may be 50 feet along Willow Road for surface parking where ground floor commercial uses are provided. Maximum setback requirement does not apply to additions of less than 10,000 square feet.</td>
</tr>
<tr>
<td><strong>Minimum interior side and rear setbacks</strong></td>
<td>Minimum linear feet building can be sited from interior and rear property lines.</td>
<td>10 feet</td>
<td>10 feet</td>
<td>See Section 16.45.120 (5) when property is required to have a paseo. Interior side setback may be reduced to zero feet for the entire building mass where there is retail frontage.</td>
</tr>
<tr>
<td><strong>Maximum residential floor area ratio (FAR)</strong></td>
<td>Maximum permitted ratio of residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.</td>
<td>60% to 90%</td>
<td>&gt;90% to 225%</td>
<td>Floor area ratio shall increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac. Floor area ratio shall increase on an even gradient from &gt;90% for &gt;30 du/ac to 225% for 100 du/ac.</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>The number of dwelling units in an acre.</td>
<td>20 du/acre to 30 du/acre</td>
<td>&gt;30 du/acre to 100 du/acre</td>
<td>A percentage of total dwelling units built in bonus level shall be affordable per Section 16.45.060.</td>
</tr>
<tr>
<td><strong>Maximum non-residential floor area ratio</strong></td>
<td>Maximum permitted ratio of non-residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.</td>
<td>15%</td>
<td>25%</td>
<td>Non-residential uses permitted subject to residential development. FAR may be calculated across contiguous properties of the same zoning district designation and owned by the same entity or wholly owned affiliated entities.</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>Height is defined as average height of all buildings on one site, where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.</td>
<td>Height: 35 feet</td>
<td>Height 52.5 feet</td>
<td>A parapet used to screen mechanical equipment is not included in the height or maximum height. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase in height and maximum height. Bonus level development on Jefferson Drive, Constitution Drive or Independence Drive is allowed to be a maximum height of 85 feet.</td>
</tr>
<tr>
<td><strong>Minimum open space requirement</strong></td>
<td>Minimum portion of the building site open</td>
<td>25%</td>
<td>25%</td>
<td>See Section 16.45.120 (4) for open space requirements.</td>
</tr>
</tbody>
</table>
16.45.055 Master planned projects.

The purpose of a master planned project is to provide flexibility for creative design, more orderly development, and optimal use of open space, while maintaining and achieving the General Plan vision for the Bayfront Area. Master planned projects for sites with the same zoning designation (O, LS, or R-MU) in close proximity or for contiguous sites that have a mix of zoning designations (O or R-MU) that exceed 15 acres in size and that are held in common ownership (or held by wholly owned affiliated entities) and are proposed for development as a single project or single phased development project are permitted as a conditional use, provided that sites with mixed zoning are required to obtain a conditional development permit and enter into a development agreement. For master planned projects meeting these criteria, residential density, FAR and open space requirements and residential density, FAR, and open space requirements at the bonus level, if applicable, may be calculated in the aggregate across the site provided the overall development proposed does not exceed what would be permitted if the site were developed in accordance with the zoning designation applicable to each portion of the site and the proposed project complies with all other design standards identified for the applicable zoning districts.

16.45.060 Bonus level development.

A development in a location identified as Residential Mixed Use-Bonus (R-MU-B) on the adopted City of Menlo Park Zoning Map may seek an increase in the density, floor area ratio and/or height per Section 16.45.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.45.070. As described in Section 16.45.070, the community amenity provided in the Residential Mixed Use-Bonus (R-MU-B) zoning district must include the provision of a minimum of fifteen (15) percent of the total units on-site for affordable housing units for moderate, low, and very low income households, with a preference for current or recently displaced Belle Haven residents, and commensurate to the City's Regional Housing Need Allocation distribution amongst the income categories at the time of a development application. Units for extremely low, very low, and low income may be substituted for any higher income categories requirement. This affordable unit requirement is in addition to the City’s below market rate requirements per Section 16.96.

16.45.070 Community amenities required for bonus level development.

Bonus level development allows a project to develop at a greater level of intensity with an increase in density, floor area ratio and/or height. There is a reasonable relationship between the increased intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. To be eligible for bonus level development, an applicant shall provide one or more community amenities. Construction of the amenity is preferable to the payment of a fee.
(1) **Amenities.** Community needs, specifically including affordable housing, were initially identified through the robust community engagement process generally referred to as ConnectMenlo. The City Council of the City of Menlo Park adopted by resolution those identified community needs as community amenities to be provided in exchange for bonus level development. The identified community amenities may be updated from time to time by City Council resolution. All community amenities, except for affordable housing, shall be provided within the area between U.S. Highway 101 and the San Francisco Bay in the City of Menlo Park. Affordable housing may be located anywhere housing is allowed in the City of Menlo Park.

(2) **Application.** An application for bonus level development is voluntary. In exchange for the voluntary provision of community amenities, an applicant is receiving a benefit in the form of an increased floor area ratio, density, and/or increased height. An applicant requesting bonus level development shall provide the City with a written proposal, which includes but is not limited to the specific amount of bonus development sought, the value of the amenity as calculated pursuant to section (3) below, and adequate information identifying the value of the proposed community amenities. An applicant’s proposal for community amenities shall be subject to review by the Planning Commission in conjunction with a use permit or conditional development permit. Consideration by the Planning Commission shall include differentiation between amenities proposed to be provided on-site and amenities proposed to be provided off-site, which may require a separate discretionary review and environmental review per the California Environmental Quality Act.

(3) **Value of Amenity.** The value of the community amenities to be provided shall equal fifty percent (50%) of the fair market value of the additional gross floor area of the bonus level development. The value shall be calculated as follows: The applicant shall provide, at their expense, an appraisal performed within ninety (90) days of the application date by a licensed appraisal firm that sets a fair market value in cash of the gross floor area of the bonus level of development (“total bonus”). The form and content of the appraisal, including any appraisal instructions, must be approved by the Community Development Director. The appraisal shall (i) first determine the total bonus without consideration of the community amenities requirement established under Section 16.45.070, and (ii) second determine the change in total bonus with consideration of the fifteen percent (15%) affordable housing community amenity requirement (“affordable housing amenity value”). If the affordable housing amenity value is less than fifty percent (50%) of the total bonus value, the value of the community amenities to be provided in addition to the fifteen percent (15%) affordable housing is the difference between those to numbers.

(4) **Form of Amenity.** A community amenity shall be provided utilizing any one of the following mechanisms:

(A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall first be the provision of a minimum of fifteen percent (15%) of total units on-site for affordable housing units (or with approval of the Planning Commission in another location) for low, very low, and extremely low income households, with a preference for current or recently displaced Belle Haven residents, and shall second be the provision of additional affordable housing units up to twenty percent (20%) of the bonus level development, or third the provision of another amenity from the list of community amenities adopted by City Council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of final inspection for the building permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide...
documentation sufficient for the City Manager or his/her designee to certify compliance with this section.

(B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value less the affordable housing amenity value as calculated pursuant to subsection (3) above.

(C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.

16.45.080 Parking standards.

Development in the R-MU district shall meet the following parking requirements.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Spaces (Per Unit or 1,000 Sq. Ft.)</th>
<th>Maximum Spaces (Per Unit or 1,000 Sq. Ft.)</th>
<th>Minimum Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Units</td>
<td>1 per unit</td>
<td>1.5 per unit</td>
<td>1.5 long-term(^2) per unit; 10% additional short-term(^2) for guests</td>
</tr>
<tr>
<td>Office</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td>1.5</td>
<td>2.5</td>
<td>1 per 5,000 sq.ft. of gross floor area Minimum two spaces For Office and Research Development: 80% for long-term(^2) and 20% for short-term(^2) For all other commercial uses: 20% for long-term(^2) and 80% for short-term(^2)</td>
</tr>
<tr>
<td>Retail</td>
<td>2.5</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Banks and financial institutions</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Eating and drinking establishments</td>
<td>2.5</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Personal services</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Private recreation</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Child care center</td>
<td>2</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Public parking lot or structure</td>
<td>At Transportation Manager’s discretion</td>
<td>At Transportation Manager’s discretion</td>
<td>One space per 20 vehicle spaces</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 See Section 16.45.120 (7) and the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

2 Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

(1) Parking spaces shall be unbundled from the price of residential units such that parking is sold or rented separately, except in cases where parking is physically connected to only one unit.

However, the Planning Commission may grant an exception from this requirement for projects
which include financing for affordable housing that requires that costs for parking and housing be bundled together.

(2) Parking facilities may be shared at the discretion of the City’s Transportation Manager if multiple uses cooperatively establish and operate the facilities, if these uses generate parking demands primarily during different hours than the remaining uses, and if a sufficient number of spaces are provided to meet the maximum cumulative parking demand of the participating uses at any time. An individual development proposal may incorporate a shared parking study to account for the mixture of uses, either on-site or within a reasonable distance. The shared parking supply would be subject to review and approval based on the proposed uses, specific design and site conditions. Project applicants may also be allowed to meet the minimum parking requirements through the use of nearby off-site facilities at the discretion of the Transportation Manager.

16.45.090 Transportation demand management.

All new construction, regardless of size, and building additions of ten thousand (10,000) or more square feet of gross floor area, or a change of use of ten thousand (10,000) or more square feet of gross floor area shall develop a Transportation Demand Management (TDM) plan necessary to reduce associated vehicle trips to at least twenty percent (20%) below standard generation rates for uses on the project site. Each individual applicant will prepare its own TDM plan and provide an analysis to the satisfaction of the City’s Transportation Manager of the impact of that TDM program.

(1) Eligible TDM measures may include but are not limited to:
   (A) Participation in a local Transportation Management Association (TMA) that provides documented, ongoing support for alternative commute programs;
   (B) Appropriately located transit shelter(s);
   (C) Preferred parking for carpools or vanpools;
   (D) Designated parking for car-share vehicles;
   (E) Requiring drivers to pay directly for using parking facilities;
   (F) Public and/or private bike share program;
   (G) Provision or subsidy of carpool, vanpool, shuttle, or bus service, including transit passes for site occupants;
   (H) Required alternative work schedules and/or telecommuting for non-residential uses;
   (I) Passenger loading zones for carpools and vanpools at main building entrance;
   (J) Safe, well-lit, accessible, and direct route to the nearest transit or shuttle stop or dedicated, fully accessible bicycle and pedestrian trail;
   (K) Car share membership for employees or residents;
   (L) Emergency Ride Home programs;
   (M) Green Trip Certification.

(2) Measures receiving TDM credit shall be:
   (A) Documented in a TDM plan developed specifically for each project and noted on project site plans, if and as appropriate;
   (B) Guaranteed to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided to the satisfaction of City’s Transportation Manager;
(C) Required to be replaced by appropriate substitute measures if unable to achieve intended trip reduction in any reporting year;

(D) Administered by a representative whose updated contact information is provided to the Transportation Manager.

16.45.100 New connections.

Proposed development will be required to provide new pedestrian, bicycle, and/or vehicle connections to support connectivity and circulation as denoted in the City Zoning Map. These connections may be in the form of either a public street or a paseo as denoted in the City Zoning Map and are pursuant to the standards in Section 16.45.120. Streets shall meet the requirements of the adopted City of Menlo Park street classification map in the General Plan Circulation Element.

1. If the location of a new connection is split between parcel/ownership, the first applicant must set aside the required right-of-way through dedication or a public access easement and bond for the completion of the new connection, or reach agreement with the other property owner(s) to allow the first applicant to complete the entire new connection;

2. If the location of a new connection is located on multiple properties with the same owner, applicant may move the connection up to 50 feet in either direction from what is shown on the City Zoning Map for enhanced connectivity, and/or other considerations, subject to the review and approval of the City's Public Works Director;

3. For phased implementation of a development project, applicant must show an implementation plan for the new connection and the City may require a bond or right of way dedication or public access easement prior to the completion of the first phase;

4. The land area dedicated for new connections in the form of public streets (right-of-way) will be subtracted from the total lot area to determine the site’s Floor Area Ratio;

5. The land area dedicated for new connections in the form of paseos will require a public access easement (PAE). The area of the PAE is included in the total lot area to determine the site’s Floor Area Ratio.

16.45.110 Required street improvements.

For new construction and/or building additions of ten thousand (10,000) or more square feet of gross floor area or for tenant improvements on a site where the cumulative construction value exceeds $500,000 over a five year period, the Public Works Director shall require the project to provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type. When these are required by the Public Works Director, the improvements do not count as community amenities pursuant to Section 16.45.070. The threshold for the value of improvements shall be adjusted annually on the first of July, based on the ENR Construction Cost Index.

1. Improvements shall include curb, gutter, sidewalk, street trees, and street lights;

2. Overhead electric distribution lines of less than sixty (60) kilovolts and communication lines shall be placed underground along the property frontage;

3. The Public Works Director may allow a Deferred Frontage Improvement Agreement, including a bond to cover the full cost of the improvements and installation to accomplish needed improvements in coordination with other street improvements at a later date.
**16.45.120  Design standards.**

All new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area adhere to the following design standards, subject to architectural control established in Section 16.68.020. For building additions, the applicable design standards apply only to the new construction. The existing building and new addition shall have an integrated design. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Relationship to the street. The following standards regulate the siting and placement of buildings, parking areas, and other features in relation to the street. The dimensions between building facades and the street and types of features allowed in these spaces are critical to the quality of the pedestrian experience.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Local street*</th>
<th>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Build-to Area Requirement</strong></td>
<td>The minimum building frontage at the ground floor or podium level, as a percentage of the street frontage length, that must be located within the area of the lot between the minimum and maximum setback lines parallel to the street.</td>
<td>Minimum 40% of street frontage</td>
<td>Minimum 40% of street frontage</td>
<td>Minimum 60% of street frontage</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **Frontage Landscaping** | The percentage of the setback area devoted to ground cover and vegetation. Trees may or may not be within the landscaped area. For this requirement, the setback area is the area between the property line and the face of the building. | Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff.) | Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff.) | Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff.) | Setback areas adjacent to active ground-floor uses, including lobbies, retail, and eating and drinking establishments are excepted.
<table>
<thead>
<tr>
<th><strong>Standard</strong></th>
<th><strong>Definition</strong></th>
<th><strong>Base level</strong></th>
<th><strong>Bonus level fronting a Local street</strong>*</th>
<th><strong>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street</strong>*</th>
<th><strong>Notes/Additional Requirements</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Frontage Uses</strong></td>
<td>Allowable frontage uses in order to support a positive integration of new buildings into the streetscape character.</td>
<td>No restrictions</td>
<td>No restrictions</td>
<td>Setback areas parallel to street not used for frontage landscaping must provide pedestrian circulation (e.g., entryways, stairways, accessible ramps), other publicly accessible open spaces (e.g., plazas, gathering areas, outdoor seating areas), access to parking, bicycle parking, or other uses that the Planning Commission deems appropriate.</td>
<td>Non-residential uses shall be a minimum of 50 feet in depth. Publicly accessible open space is further defined and regulated in Section 16.45.120 (4).</td>
</tr>
<tr>
<td><strong>Surface Parking</strong></td>
<td>Surface parking may be located along the street if set back appropriately. The maximum percentage of linear frontage of property adjacent to the street allowed to be off-street surface parking.</td>
<td>Maximum of 35%</td>
<td>Maximum of 35%</td>
<td>Maximum of 25%</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum surface parking setback</strong></td>
<td>The minimum dimension from property line adjacent to the street that surface parking must be set back.</td>
<td>Minimum 20 feet</td>
<td>Minimum 20 feet</td>
<td>Minimum 20 feet</td>
<td></td>
</tr>
</tbody>
</table>

*See the General Plan Circulation Element Street Classification Map for street types.

**Intentionally left blank**
Figure 1. Build-to Area

Figure 2. Surface Parking
(2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level facing a Local street*</th>
<th>Bonus level facing a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Height</td>
<td>The maximum height of a building at the minimum setback at street or before the building steps back the minimum horizontal distance required.</td>
<td>40 feet</td>
<td>45 feet</td>
<td>45 feet</td>
<td>Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.</td>
</tr>
<tr>
<td>Minimum Stepback</td>
<td>The horizontal distance a building's upper story(ies) must be set back above the base height.</td>
<td>N/A</td>
<td>10’ for a minimum of 75% of the building face along public street(s)</td>
<td>10’ for a minimum of 75% of the building face along public street(s)</td>
<td>A maximum of 25% of the building face along public street(s) may be excepted from this standard in order to provide architectural variation.</td>
</tr>
<tr>
<td>Building Projections</td>
<td>The maximum depth of allowable building projections, such as balconies or bay windows, from the required stepback for portions of the building above the ground floor.</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos).</td>
</tr>
<tr>
<td>Major Building Modulations</td>
<td>A major modulation is a break in the building plane from the ground level to the top of the buildings' base height that provides visual variety, reduces large building volumes, and provides spaces for entryways and publicly accessible spaces</td>
<td>Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length</td>
<td></td>
<td>Parking is not allowed in the modulation recess.</td>
<td></td>
</tr>
</tbody>
</table>
|                        |                                                                            |                                                                 |                                                                                | When more than 50% of an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements. | 14

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<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Local street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Building Modulations</td>
<td>Figure 3, label D</td>
<td>Minimum recess of 5 feet wide by 5 feet deep per 50 feet of façade length</td>
<td>Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos).</td>
<td>Parking is not allowed in the modulation recess. When more than 50% of an existing building façade that faces a publicly accessible space is altered, it must comply with these modulation requirements. Building projections spaced no more than 50 feet apart with a minimum of 3-foot depth and 5-foot width may satisfy this requirement in-lieu of a recess.</td>
</tr>
</tbody>
</table>

*See the General Plan Circulation Element Street Classification Map for street types.

*Intentionally left blank
Figure 3. Building Mass and Scale

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(3) Ground-floor exterior. The following standards regulate the ground-floor façade of buildings in order to enhance pedestrian experience, as well as visual continuity along the street.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base level</th>
<th>Bonus level fronting a Local street*</th>
<th>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Entrances</td>
<td>The minimum ratio of entrances to building length along a public street or paseo.</td>
<td>One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.</td>
<td>One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.</td>
<td>One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.</td>
<td>Entrances at a building corner may be used to satisfy this requirement for both frontages. Stairs must be located in locations convenient to building users.</td>
</tr>
<tr>
<td>Ground-floor Transparency</td>
<td>The minimum percentage of the ground-floor façade (finished floor to ceiling) that must provide visual transparency, such as clear-glass windows, doors, etc.</td>
<td>30% for residential uses; 50% for commercial uses</td>
<td>30% for residential uses; 50% for commercial uses</td>
<td>30% for residential uses; 50% for commercial uses</td>
<td>Windows shall not be opaque or mirrored. For the purpose of this chapter, “Commercial” is defined as uses enumerated in this chapter, except office and research and development.</td>
</tr>
<tr>
<td>Minimum Ground Floor Height Along Street Frontage</td>
<td>The minimum height between the ground-level finished floor to the second level finished floor along the street.</td>
<td>N/A</td>
<td>10 feet for residential uses; 15 feet for commercial uses</td>
<td>10 feet for residential uses; 15 feet for commercial uses</td>
<td>Where individual residential units' entries face a street, finish floor shall be elevated 24 inches minimum above sidewalk level.</td>
</tr>
<tr>
<td>Garage Entrances</td>
<td>Width of garage entry/door along street frontage</td>
<td>Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.</td>
<td>Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.</td>
<td>Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.</td>
<td>Garage entrances must be separated by a minimum of 100 feet to ensure all entrances/exits are not grouped together or resulting in an entire stretch of sidewalk unsafe and undesirable for pedestrians.</td>
</tr>
<tr>
<td>Awnings, Signs, and Canopies</td>
<td>The maximum depth of awnings, signs, and canopies that project horizontally from the face of the building.</td>
<td>7 feet</td>
<td>7 feet</td>
<td>7 feet</td>
<td>Horizontal projections shall not extend into the public right-of-way. A minimum vertical clearance of 8 feet from finished grade to the bottom of the projection is required.</td>
</tr>
</tbody>
</table>

*See the General Plan Circulation Element Street Classification Map for street types.
Open space. All development in the Residential-Mixed Use district shall provide a minimum amount of open space equal to twenty-five percent (25%) of the total lot area, with a minimum amount of publicly accessible open space equal to twenty-five percent (25%) of the total required open space area.

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

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

(B) Quasi-public and private open spaces, which may or may not be accessible to the public, include patios, balconies, roof terraces, and courtyards.

(C) Residential developments shall have a minimum of common open space and private open space. These requirements are counted towards the minimum amount of open space equal to twenty-five (25) percent of the total lot area.

(i) One hundred (100) square feet of open space per unit shall be created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet;
(ii) In the case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.
(iii) Depending on the number of dwelling units, common open space shall be provided to meet the following criteria:

(a) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum);
(b) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum);
(c) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(D) All open spaces shall:

(i) Interface with adjacent buildings via direct connections through doors, windows, and entryways;
(ii) Be integrated as part of building modulation and articulation to enhance building façade and should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses;
(iii) Incorporate landscaping design that includes:

(a) Sustainable stormwater features;
(b) A minimum landscaping bed no less than three (3) feet in length or width and five (5) feet in depth for infiltration planting;

(c) Native species able to grow to their maximum size without shearing.

(E) All exterior landscaping counts towards open space requirements.

(5) Paseos. A paseo is defined as a pedestrian and bicycle path, as shown on the adopted City of Menlo Park Zoning Map, that provides a member of the public access through one or more parcels and to public streets and/or other paseos. Paseos must meet the following standards:

(A) Paseos must be publicly accessible established through a public access easement, but they remain private property;

(B) Paseos count as publicly accessible open space.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Definition</th>
<th>Base and Bonus levels</th>
<th>Notes/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Paseo Width</strong></td>
<td>The minimum dimension in overall width of the paseo, including landscaping and hardscape components.</td>
<td>20 feet</td>
<td>The paseo pathway shall be connected to building entrances with hardscaped pathways. Pathways may be used for emergency vehicle access use and allowed a maximum paved width exemption to accommodate standards of the Menlo Park Fire Protection District with prior approval by Transportation Manager.</td>
</tr>
<tr>
<td><strong>Pathway Width</strong></td>
<td>The minimum and maximum width of the hardscape portion of the paseo.</td>
<td>10 feet minimum; 14 feet maximum</td>
<td></td>
</tr>
<tr>
<td><strong>Furnishing Zones</strong></td>
<td>Requirements for pockets of hardscape areas dedicated to seating, adjacent to the main pedestrian pathway area.</td>
<td>Minimum dimension of 5 feet wide by 20 feet long, provided at a minimum interval of 100 feet.</td>
<td>Furnishing zones must include benches or other type of seating and pedestrian-scaled lighting.</td>
</tr>
<tr>
<td><strong>Paseo Frontage Setback</strong></td>
<td>The minimum setback for adjacent buildings from the edge of the paseo property line.</td>
<td>5 feet</td>
<td>A minimum of 50% of the setback area between the building and paseo shall be landscaped (50% of which should provide on-site infiltration of stormwater runoff.) Plants should be climate-adapted species, up to 3 feet in height.</td>
</tr>
<tr>
<td><strong>Trees</strong></td>
<td>The size and spacing of trees that are required along the paseo.</td>
<td>Small canopy trees with a maximum mature height of 40 feet and canopy diameter of 25 feet, planted at maximum intervals of 40 feet.</td>
<td>Trees must be planted within the paseo width, with the tree canopy allowed to overhang into the setback.</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>The minimum percentage of the paseo that is dedicated to vegetation.</td>
<td>20%</td>
<td>On-site infiltration of stormwater runoff is required.</td>
</tr>
<tr>
<td><strong>Lighting</strong></td>
<td>Pedestrian-oriented street lamps.</td>
<td>One light fixture every 40 feet.</td>
<td>Use energy efficient lighting per Title 24. Lights shall be located a minimum of 20 feet from trees.</td>
</tr>
</tbody>
</table>
Figure 5. Paseos

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(6) Building design.

(A) Main building entrances shall face the street or a publicly accessible courtyard. Building and/or frontage landscaping shall bring the human scale to the edges of the street. Retail building frontage shall be parallel to the street.

(B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the Public Works Director.

(C) Projects shall include dedicated, screened, and easily accessible space for recycling, compost, and solid waste storage and collection.

(D) Trash and storage shall be enclosed and attractively screened from public view.

(E) Materials and colors of utility, trash, and storage enclosures shall match or be compatible with the primary building.

(F) Building materials shall be durable and high-quality to ensure adaptability and re-use over time. Glass paneling and windows shall be used to invite outdoor views and introduce natural light into interior spaces. Stucco shall not be used on more than fifty percent (50%) of the building facade. When stucco is used, it must be smooth troweled.

(G) Roof lines and eaves adjacent to street-facing facades shall vary across a building, including a four-foot minimum height modulation to break visual monotony and create a visually interesting skyline as seen from public streets (see Figure 6). The variation of the roofline’s horizontal distance should match the required modulations and step backs.

(H) Rooftop elements, including stair and elevator towers, shall be concealed in a manner that incorporates building color and architectural and structural design.

(I) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

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Figure 6. Roof Lines

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(7) Access and parking.

(A) Shared entrances to parking for non-residential and residential uses shall be used where possible.

(B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings, and shall not be located along a publicly accessible open space.

(C) Above-ground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.

(D) Garage and surface parking access shall be screened or set behind buildings located along a publicly accessible open space and paseos.

(E) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway or landscaped area (see Figure 7, label A).

(F) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation, including a twenty (20) foot deep landscaped area along sidewalks, as measured from the property line or public access easement adjacent to the street or paseos (see Figure 7, label B). The portion of this area not devoted to driveways shall be landscaped. Trees shall be planted at a ratio of 1 per 400 square feet of required setback area for surface parking.

(G) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces (see Figure 7, label C). Required plantings may be grouped where carports with solar panels are provided.

(H) Surface parking can be located along a paseo for a maximum of forty percent (40%) of a paseo’s length (see Figure 7, label D).

(I) Short-term bicycle parking shall be located within fifty (50) feet of lobby or main entrance. Long-term bicycle parking facilities shall protect against theft and inclement weather, and consist of a fully enclosed, weather-resistant locker with key locking mechanism or an interior locked room or enclosure. Long-term parking shall be provided in locations that are convenient and functional for cyclists. Bicycle parking shall be (see Figure 8):

(i) Consistent with the latest edition of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guide;

(ii) Designed to accommodate standard six (6) foot bicycles;

(iii) Paved or hardscaped;

(iv) Accessed by an aisle in the front or rear of parked bicycles of at least five (5) feet;

(v) At least five (5) feet from vehicle parking spaces;

(vi) At least thirty (30) inches of clearance in all directions from any obstruction, including but not limited to other racks, walls, and landscaping;

(vii) Lit with no less than one (1) foot candle of illumination at ground level;

(viii) Space-efficient bicycle parking such as double-decker lift-assist and vertical bicycle racks are also permitted.

(J) Pedestrian access shall be provided, with a minimum hardscape width of six (6) feet, from sidewalks to all building entries, parking areas, and publicly accessible open spaces, and shall be clearly marked with signage directing pedestrians to common destinations.
(K) Entries to parking areas and other important destinations shall be clearly identified for all travel modes with such wayfinding features as marked crossings, lighting, and clear signage.

Figure 7. Surface Parking Access
Figure 8. Bicycle Parking

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16.45.130  Green and sustainable building.

In addition to meeting all applicable regulations specified in Municipal Code Title 12 (Buildings and Construction), the following provisions shall apply to projects. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green building.

(A) Any new construction, addition or alteration of a building shall be required to comply with tables 16.45.130(1)(B) and 16.45.130(1)(C).

(2) Energy.

(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

(i) On-site energy generation;
(ii) Purchase of one hundred percent (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 areas (excluding roof mounted HVAC equipment). 3. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of 10,000 square feet or larger where the building owner elects to update the core and shell through the option presented in tables 16.45.130(1)(B) and 16.45.130(1)(C):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures i to iv listed in 16.45.130(2)(A).

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TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

<table>
<thead>
<tr>
<th>NEW CONSTRUCTION</th>
<th>ADDITIONS AND/OR ALTERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Green Building Requirement</strong></td>
<td><strong>1 sq. ft. to 9,999 sq. ft. of conditioned area, volume or size</strong></td>
</tr>
<tr>
<td>10,000 sq. ft. – 25,000 sq. ft.</td>
<td>Designed to meet LEED Silver BD+C(^1)</td>
</tr>
<tr>
<td>25,001 sq. ft. – 100,000 sq. ft.</td>
<td>Designed to meet LEED Silver BD+C(^1)</td>
</tr>
<tr>
<td>100,001 sq. ft. and above</td>
<td>Designed to meet LEED Silver BD+C(^1)</td>
</tr>
</tbody>
</table>

**Electric Vehicles (EV) Chargers**

- Pre-Wire\(^2\)
  - Minimum of 5% of total required number of parking stalls.
  - AND Install EV Chargers\(^3\)
  - Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.

- Pre-Wire\(^2\)
  - Minimum of 5% of total required number of parking stalls.
  - AND Install EV Chargers\(^3\)
  - Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.

- N/A (Voluntary)

**Energy Reporting**

- Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

**ADDENDUM:**

1. Designed to meet LEED standards is defined as follows: a) Applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and b) Applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the City for which the applicant will pay for review and/or certification.

2. Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

3. Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

4. Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be
granted by the City’s Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action. If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table. At minimum, a 40 amp, 240 volt receptacle shall be installed at each structural column of residential carports for electrical vehicle charging. This requirement is in addition to pre-wire and installation of EV charger regulations.

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TABLE 16.45.130(1)(C): NON-RESIDENTIAL GREEN BUILDING REQUIREMENTS

<table>
<thead>
<tr>
<th>Green Building Requirement</th>
<th>NEW CONSTRUCTION</th>
<th>ADDITIONS AND/OR ALTERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size</td>
<td>Designed to meet LEED Silver ID+C or update core and shell of entire building to current California Energy Code and meet section 16.45.130(2)(B)</td>
</tr>
<tr>
<td></td>
<td>10,000 sq. ft. – 25,000 sq. ft.</td>
<td>Designed to meet LEED Silver ID+C or update core and shell of entire building to current California Energy Code and meet section 16.45.130(2)(B)</td>
</tr>
<tr>
<td></td>
<td>25,001 sq. ft. – 100,000 sq. ft.</td>
<td>Designed to meet LEED Gold BD+C or update core and shell of entire building to current California Energy Code and meet section 16.45.130(2)(B)</td>
</tr>
<tr>
<td></td>
<td>100,001 sq. ft. and above</td>
<td>CALGreen Mandatory</td>
</tr>
</tbody>
</table>

**Green Building**
- Designed to meet LEED Silver BD+C
- Designed to meet LEED Silver BD+C
- Designed to meet LEED Gold BD+C
- CALGreen Mandatory

**Electric Vehicles (EV) Chargers**
- Pre-Wire
  - Minimum of 5% of total required number of parking stalls.
  - Install EV Chargers
  - Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.

**Energy Reporting**
- Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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1 Designed to meet LEED standards is defined as follows: a) Applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and b) Applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification or for verification by a third party approved by the City for which the applicant will pay for review and/or certification.

2 Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

3 Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

4 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the building owner, it can be used by all electric vehicles.

5 Applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification or for verification by a third party approved by the City for which the applicant will pay for review and/or certification.
applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action.

If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.
(3) Water use efficiency and recycled water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the City. For all new buildings two hundred and fifty (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all City approved non-potable applications. The water budget and calculations shall be reviewed and approved by the City’s Public Works Director prior to certification of occupancy. Twelve (12) months after the date of the certification 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 of the Municipal Code until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred and fifty (250,000) square feet or more in gross floor area shall use an alternate water source for all City approved non-potable applications. An alternate water source may include, but is not limited to, treated non-potable water such as graywater. An Alternate Water Source Assessment shall be submitted that describes the alternative water source and proposed non-potable application. Approval of the Alternate Water Source Assessment, the alternative water source and its proposed uses shall be approved by the City’s Public Works Director and Community Development Director. If the Menlo Park Municipal Water District has not designated a Recycled Water Purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the City Council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of City approved non-potable applications, but in no case shall the reduction be less than 30 percent compared to the water budget in Section C. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Hazard mitigation and sea level rise resiliency.

(A) The first floor elevation of all new buildings shall be twenty four (24) inches above the Federal Emergency Management Agency base flood elevation (BFE) to account for sea level rise. Where no BFE exists, the first floor (bottom of floor beams) elevation shall be 24 inches above the existing grade. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade where no BFE
exists. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.

(B) Prior to building permit issuance, all new buildings shall pay any required fee or proportionate fair share for the funding of sea level rise projects, if applicable.

(5) Waste management.

(A) Applicants 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. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this ordinance, Zero Waste is defined as ninety (90) percent overall diversion of non-hazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero Waste plan elements shall include the property owner’s assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(6) Bird-friendly design.

(A) No more than ten (10) percent of façade surface area shall have non-bird-friendly glazing.

(B) Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.

(C) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.

(D) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.

(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

(F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one or more of the items in (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

SECTION 4. This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

SECTION 5. Projects that receive discretionary approvals and/or submitted a building permit prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

INTRODUCED on the 29th day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ___ day of December, 2016, by the following vote:
AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Richard Cline
Mayor, City of Menlo Park

ATTEST:

Pamela Aguilar
City Clerk
ORDINANCE NO. ___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING CHAPTER 16.40, C-2-B (NEIGHBORHOOD COMMERCIAL
DISTRICT, RESTRICTIVE) AND CHAPTER 16.72 (OFF STREET
PARKING) OF TITLE 16 OF THE MENLO PARK MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.

B. The Planning Commission held duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the proposed amendments to Chapter 16.40 and Chapter 16.72 of Title 16 of the Menlo Park Municipal Code, whereat all interested persons had the opportunity to appear and comment.

C. The amendments to Chapter 16.40, C-2-B, would update the title of the chapter from Neighborhood Commercial District, Restrictive to Neighborhood Mixed Use District, Restrictive and allow for residential uses in the C-2-B zoning district and set the parking standards based on various land uses; and the amendments to Chapter 16.72 (Off Street Parking) would remove the C-2-B district from Chapter 16.72 and be replaced by the land use-based parking standards as incorporated into Chapter 16.40.

D. The City desires to amend Chapter 16.40 C-2-B (Neighborhood Commercial District, Restrictive) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such as LU-3.A Commercial Zoning Provisions, which promotes an appropriate and attractive mix of uses.

E. The City desires to amend Chapter 16.72 (Off Street Parking) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and
programs such as LU-2.3 Mixed Used Design, LU-3.2 Neighborhood Shopping Impacts, LU-4.3 Mixed-use and Nonresidential Development, which address compatibility issues and limit impacts from neighborhood shopping areas.

F. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the proposed amendment to Chapter 16.40 and Chapter 16.72 of Title 16 of the Menlo Park Municipal Code, whereat all interested persons had the opportunity to appear and comment.

G. After due consideration of the proposed amendment to Title 16, public comments, the Planning Commission recommendation, and the staff report, the City Council finds that the proposed amendment to Title 16 is consistent with the ConnectMenlo General Plan and M-2 Area Zoning Update and is appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November 29, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. The Environmental Impact Report considered the amendments to Chapter 16.40 C-2-B (neighborhood Commercial District, Restrictive) and Chapter 16.72 (Off Street Parking). Findings and a statement of overriding considerations were adopted by the City Council on November 29, 2016 by Resolution No.______; and

SECTION 3. The following section of Title 16, Zoning, Chapter 16.40, Neighborhood Commercial District, Restrictive, of the Menlo Park Municipal Code is hereby amended to modify the name of the district, to allow mixed use developments, include multiple family residential uses as permitted uses, and set the parking standards based on land uses to read as follows:

Chapter 16.40

C-2-B NEIGHBORHOOD MIXED USE DISTRICT, RESTRICTIVE

Sections:
16.40.010 Permitted uses.
16.40.015 Administratively permitted uses.
16.40.020 Conditional uses.
16.40.030 Development regulations.

16.40.010 Permitted uses. Permitted uses in the C-2-B district, all within a building and intended to serve the neighborhood and limited to the hours between eight a.m. and eight p.m., including loading and unloading of any kind, are as follows:
(1) Retail services;
(2) Personal services;
(3) Cafes and restaurants, excluding (a) fast food restaurants, (b) drive-in restaurants, (c) restaurants serving beer, wine or alcoholic beverages, and (d) restaurants providing live music or entertainment;
Multiple dwellings.

16.40.015 Administratively permitted uses. Uses allowed in the C-2-B district, subject to obtaining an administrative permit, are as follows:
1. Financial services;
2. Professional offices;
3. All of the specified uses in this Chapter between the hours of eight p.m. and eight a.m., or when not intended to serve the neighborhood.

16.40.020 Conditional uses. Conditional uses allowed in the C-2-B district, subject to obtaining a use permit, are as follows:
1. Service stations;
2. Automotive repair with service station;
3. Mortuaries;
4. Convalescent homes;
5. Mini-warehouse storage;
6. Cafes and restaurants serving beer, wine, or alcoholic beverages and/or provides live music or entertainment;
7. Public utilities in accordance with Chapter 16.76;
8. Special uses in accordance with Chapter 16.78.

16.40.030 Development regulations. Development regulations in the C-2-B district are as follows:
1. Minimum district size: twenty-five thousand square feet;
2. Minimum lot area: none, except that the cumulative lot area of all property within the C-2-B district shall be no less than twenty-five thousand square feet;
3. Minimum lot dimensions: none;
4. Required minimum yards: front, ten feet; side, none; corner side, 10 feet, rear, none; except when abutting a residential district where twenty-foot yard shall be provided;
5. Land covered by all structures shall not exceed sixty percent of building site;
6. Not less than ten percent of building site shall be occupied by appropriate landscaping;
7. Height of structures shall not exceed thirty feet. For a mixed residential and commercial development, the maximum building height shall not exceed 40 feet;
8. In the case of conditional uses, additional regulations may be required by the planning commission;
9. The floor area ratio for non-residential uses shall not exceed forty percent (40%), except that fifty percent (50%) may be allowed with use permit approval and a minimum lot size of 20,000 square feet;
10. The maximum dwelling units per acre (du/ac) is 30 du/ac;
11. The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for 30 du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than 30 du/ac;
(12) In a mixed residential and commercial development, the combined maximum floor area ratio shall not exceed one hundred percent (100%). The maximum non-residential and residential floor area ratios for each component shall not exceed the maximum allowed per items (9) and (11) above;

(13) Development in the C-2-B district shall meet the following parking requirements. (a) Parking shall not be located in any required yard adjacent to a street.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Spaces (Per Unit or 1,000 Sq. Ft.)</th>
<th>Maximum Spaces (Per Unit or 1,000 Sq. Ft.)</th>
<th>Minimum Bicycle Parking ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Units</td>
<td>1 per unit</td>
<td>1.5 per unit</td>
<td>1.5 long-term² per unit;</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>10% additional short-term² for guests</td>
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<tr>
<td>Office</td>
<td>2</td>
<td>3</td>
<td>1 per 5,000 sq.ft. of gross floor area</td>
</tr>
<tr>
<td>Research and Development</td>
<td>1.5</td>
<td>2.5</td>
<td>Minimum two spaces</td>
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<td></td>
<td></td>
<td>For Office and Research Development:</td>
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<td>80% for long-term² and 20% for short-term²</td>
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<tr>
<td>Retail</td>
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<td>3.3</td>
<td>For all other commercial uses:</td>
</tr>
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<td></td>
<td></td>
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<td>20% for long-term² and 80% for short-term²)</td>
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<td>3.3</td>
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<tr>
<td>Private recreation</td>
<td>2</td>
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<tr>
<td>Child care center</td>
<td>2</td>
<td>3.3</td>
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</table>

² Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

(b) Electrical vehicle parking spaces shall be pre-wired for 5% of the total number of required parking stalls. A minimum of two (2) electrical vehicle spaces plus 1% of the total required parking stalls in the pre-wire locations shall be installed.

SECTION 4. The following section of Title 16, Zoning, Chapter 16.72, Off Street Parking, of the Menlo Park Municipal Code is hereby amended to remove the C-2-B Zoning District to read as follows:
Sections:

16.72.010 Requirements generally.
16.72.020 R district uses.
16.72.030 Professional district uses.
16.72.040 C-2, C-2-A, and C-4 district uses.
16.72.050 M-2 and M-3 district uses.
16.72.060 Public utility facilities.
16.72.080 Other uses.

16.72.040 C-2, C-2-A, and C-4 district uses. C-2, C-2-A, and C-4 district uses are as follows: six (6) spaces per one thousand (1,000) square feet of gross floor area, not in any required yard or loading area.

SECTION 5. Projects that receive discretionary approvals and/or submitted a complete building permit application prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

INTRODUCED on the 29th day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the __ day of ______, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

__________________________
Richard Cline
Mayor, City of Menlo Park

ATTEST:

__________________________
Pamela Aguilar, CMC
City Clerk
ORDINANCE NO. ___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK,
AMENDING CHAPTER 16.02 (GENERAL PROVISIONS), CHAPTER
16.68 (BUILDINGS), CHAPTER 16.80 (NONCONFORMING USES AND
BUILDINGS), AND CHAPTER 16.82 (PERMITS) OF TITLE 16 OF THE
MENLO PARK MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as
follows:

A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning
Update public outreach and participation process known as ConnectMenlo began
in August 2014 and has included over 60 organized events including workshops
and open houses, mobile tours of the City of Menlo Park and nearby communities,
informational symposia, stakeholder interviews, focus groups, recommendations
by a General Plan Advisory Committee composed of City commissioners, elected
officials, and community members, and consideration by the Planning Commission
and City Council at public meetings.

B. The Planning Commission held a duly noticed public hearing on October 19, 2016
and October 24, 2016 to review and consider the ConnectMenlo General Plan and
M-2 Area Zoning Update, including amendments to Title 16 of the Menlo Park
Municipal Code to implement the General Plan vision for the M-2 Area, and the
Final Environmental Impact Report, whereat all interested persons had the
opportunity to appear and comment.

C. The amendments to Chapter 16.02 (General Provisions) would ensure compliance
with the Mitigation Monitoring and Reporting Program (MMRP) associated with the
ConnectMenlo General Plan and M-2 Area Zoning Update; Chapter 16.68
(Buildings) would apply the administrative architectural control review by the
Community Development Director to the LS (Life Sciences) and O (Office) zoning
districts; the amendments to Chapter 16.80 (Nonconforming Uses and Structures)
allow for existing uses at the rezoned properties to remain without being
considered nonconforming; and the amendments to Chapter 16.82 (Permits) would
implement the goals, policies, and programs of the General Plan Update, while still
ensuring that the use and storage of hazardous materials is reviewed and
approved by the necessary reviewing departments and agencies.
D. The City desires to amend Chapter 16.02 (General Provisions) of Title 16 of the Menlo Park Municipal Code to ensure compliance with the MMRP associated with the ConnectMenlo General Plan and M-2 Area Zoning Update.

E. The City desires to amend Chapter 16.68 (Buildings) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such as LU-1.A, Zoning Ordinance Consistency, which identifies the need to update the Zoning Ordinance for consistency with the General Plan as applicable.

F. The City desires to amend Chapter 16.80 (Nonconforming Uses and Structures) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such as LU-1.A, Zoning Ordinance Consistency, which identifies the need to update the Zoning Ordinance for consistency with the General Plan as applicable.

G. The City desires to amend Chapter 16.82 (Permits) of Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs such as LU-4.1, Priority Commercial Development, which encourages emerging technology and entrepreneurship.

H. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including amendments to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

I. After due consideration of the proposed amendments to Title 16, public comments, the Planning Commission recommendation, and the staff report, the City Council finds that the proposed amendments to Title 16 are consistent with the ConnectMenlo General Plan and M-2 Area Zoning Update and are appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November 29, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. The Environmental Impact Report considered the amendments to Chapter 16.68 (Buildings), Chapter 16.80 (Nonconforming Uses and Structures), and Chapter 16.82 (Permits). Findings and a statement of overriding considerations were adopted by the City Council on November 29, 2016 by Resolution No._____; and

SECTION 3. The following section of Title 16, Zoning, Chapter 16.02, General Provisions, of the Menlo Park Municipal Code is hereby added to reference compliance with the requirements in the MMRP, as applicable:
16.02.070 Mitigation Monitoring. All development, as applicable, shall comply with the Mitigation Monitoring and Report Program (MMRP) established through Resolution No. _____, associated with the Environmental Impact Report prepared for the ConnectMenlo General Plan and M-2 Area Zoning Update, adopted on the 29th day of November, 2016.

SECTION 4. The following section of Title 16, Zoning, Chapter 16.68, Buildings, of the Menlo Park Municipal Code is hereby amended to provide for administrative architectural control approve by the Community Development Director in the O (Office) and LS (Life Sciences) districts to read as follows:

16.68.020 Architectural control. When an application is made for a building permit for the construction, alteration or remodeling of any building other than a single-family dwelling, duplex and accessory building, or for any structure, dwelling or duplex on land designated as a historic landmark site, it shall be accompanied by architectural drawings showing elevations of the proposed building or structure, proposed landscaping or other treatment of the grounds around such building or structure, and proposed design of, and access to, required parking facilities. Such drawings shall be considered by the planning commission, architectural committee, or community development director which shall approve said application if the following findings are made:

(1) That the general appearance of the structures is in keeping with character of the neighborhood;

(2) That the development 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;

(4) That the development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking;

(5) That the development is consistent with any applicable specific plan.

The community development director shall be limited to approving minor modifications to buildings located in the M-2 (General Industrial) district, the O (Office) district, and the LS (Life Sciences) district. For purposes of this section, a minor modification is considered one in which there is no increase in gross floor area.

SECTION 5. The following section of Title 16, Zoning, Chapter 16.80, Nonconforming Uses and Buildings, of the Menlo Park Municipal Code is hereby amended to provide
for exemptions for approved projects from the requirements of the O (Office), LS (Life Sciences), and R-MU (Residential Mixed Use) to read as follows:

**16.80.130 Exemption from the O (Office), LS (Life Sciences), and R-MU (Residential Mixed Use) districts.**

(A) All buildings in existence or approved within the O (Office), LS (Life Sciences), and R-MU (Residential Mixed Use) districts as of the date of adoption of the ConnectMenlo General Plan and M-2 Area Zoning Update and the subsequent rezoning of properties in the M-2 Area, effective on January 5, 2017, shall be exempt from the development standards of the zoning districts identified in this section.

(B) No building exempt under subsection (a) of this section shall be subject to amortization by reason of a building that is nonconforming due to the development standards of the O (Office), LS (Life Science), and R-MU (Residential Mixed Use) districts, as specified in subsection (a) of this section.

(C) Any building exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building or office use is destroyed by fire, explosion, or other catastrophe, but such restoration shall comply with:

   a. The building codes in effect at the time of restoration; and

   b. The requirements of Section 16.80.040 with respect to nonconformities other than a nonconformity created as a result of the development standards of the O (Office), LS (Life Science), and R-MU (Residential Mixed Use) districts specified in subsection (a) of this section.

(D) Properties within the O (Office), LS (Life Sciences), or R-MU (Residential Mixed Use) districts that are regulated by a use permit or conditional development permit (CDP) as of the date of adoption of the ConnectMenlo General Plan Update and subsequent rezoning of properties in the M-2 Area, effective on January 5, 2017, shall continue to be regulated by said permit(s). Such permit(s) shall lapse upon comprehensive redevelopment of the property, or property owners may apply to modify or cancel said permit(s) in accordance with the requirements of this title.

**SECTION 5.** The following section of Title 16, Zoning, Chapter 16.80, *Permits*, of the Menlo Park Municipal Code is hereby amended to incorporate the use of hazardous materials into the administrative permit process to read as follows:

**16.82.440 Granting.** In considering an application, the community development director or designee shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question and surrounding areas, and the impact of the application thereon.
The community development director or designee shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the community development director or designee finds that the aforementioned conditions, plus the following findings as applicable, will not result from the particular use applied for, he/she may grant the administrative permit and provide notice of the decision in writing to the planning commission and interested parties, as defined for the purposes of this section as people who ask to be informed of the decision via email, fax or United States Postal Service mail:

(1) Alcohol sales:
   (A) That a public convenience or necessity would be served by the issuance of license to sell alcohol.

(2) Outdoor seating:
   (A) That the outdoor seating would maintain unimpeded pedestrian access on the public right-of-way.

(3) Outside storage:
   (A) That the outside storage of vehicles and/or equipment would not be visible from surrounding properties or the public right-of-way and the screening would be consistent with existing site features;
   (B) That the outside storage does not displace required parking without making provisions for replacing the lost parking;
   (C) That the outside storage complies with the provisions of the Noise Ordinance (Chapter 8.06 of the Municipal Code).

(4) Hazardous materials:
   (A) The review and approval or conditional approval from the Menlo Park Building Division and outside reviewing agencies, such as but not limited to the San Mateo County Environmental Health Division, the Menlo Park Fire Protection District, and the applicable sanitary district;
   (B) The compatibility of the proposed use and storage of hazardous materials with the neighboring land uses, such as residential uses, schools, or other sensitive receptors;
(C) That the quantities and types are permissible by the current California Fire Code and the building is designed appropriately for said types and quantities, per the current California Building Code, as determined by the Fire Marshall and Community Development Director or his/her designee;

(D) For outside storage of hazardous materials, the following criteria shall be met by the project proposal:

   i. That the outside storage of hazardous materials would not be visible from surrounding properties or the public right-of-way and the screening would be consistent with existing site features and/or building materials;

   ii. That the outside storage of hazardous materials does not displace required parking without making provisions for replacing the lost parking, or an accompanying application for administrative review of a parking reduction request;

   iii. That the outside storage of hazardous materials complies with the provisions of the Noise Ordinance (Chapter 8.06 of the Municipal Code);

   iv. For emergency generators, the routine testing shall be conducted between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and shall comply with the noise limitations for daytime hours (Chapter 8.06 of the Municipal Code);

   v. No operations, including manufacturing, assembling, or research and development, involving the use of hazardous materials shall take place outside a building. Only the storage of hazardous materials, with the exception of emergency generators, is permitted outside the building.

(E) Any comments received on the application.

INTRODUCED on the 29th day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the __ day of ______, 2016, by the following vote:
AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

________________________________________________________________
Richard Cline
Mayor, City of Menlo Park

ATTEST:

________________________________________________________________
Pamela Aguilar, CMC
City Clerk
ORDINANCE NO. ___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
REZONING CERTAIN PROPERTIES WITHIN THE M-2 AREA

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

A. Certain properties as identified in Exhibit A are currently zoned R-2 (Residential Low Density Apartment), M-2 (General Industrial), M-2(X) (General Industrial, Conditional Development), FP (Flood Plain), C-4 (General Commercial), and C-4(X) (General Commercial, Conditional Development).

B. The City completed a multi-year process with extensive public outreach, community meetings, and public hearings to update the City's General Plan Land Use and Circulation Elements, known as ConnectMenlo, and that the rezoning of certain properties is necessary for implementation of the adopted General Plan Update.

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

D. The rezoning of properties identified in Exhibit A provides the opportunity to develop a live, work and play neighborhood in the M-2 Area with mixed-use development, office uses, life science uses, and public facilities, while preserving the natural open space within the area, consistent with the ConnectMenlo General Plan update.

E. The rezoning of properties identified in Exhibit A is consistent with the General Plan land use designations of Office, Life Sciences, and Mixed Use Residential.

SECTION 2. An Environmental Impact Report was prepared for the project, including the rezoning of the properties identified in Exhibit A, and certified by the City Council on November 29, 2016, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines. Findings and a statement of overriding considerations were adopted by the City Council on November 29, 2016 by Resolution No._____.
SECTION 3. Certain properties as identified in Exhibit A are to be rezoned. Specifically, the parcels identified in Exhibit B are rezoned to O (Office), O-H (Office, Hotel), O-CH (Office, Corporate Housing), or O-B (Office, Bonus) as shown; the parcels identified in Exhibit C are rezoned to LS (Life Sciences) or LS-B (Life Sciences, Bonus) as shown; the parcels identified in Exhibit D are rezoned to R-MU-B (Residential Mixed Use, Bonus) as shown; the parcels identified in Exhibit E are rezoned to P-F (Public Facilities) as shown; and the parcels identified in Exhibit F are rezoned to FP (Flood Plain) as shown.

SECTION 4. To implement the Land Use and Circulation Elements of the General Plan, the zoning map for the parcels within the M-2 Area includes publicly accessible paseos and public street connections that are required to be constructed and/or dedicated through the redevelopment of certain properties as shown on Exhibit G and incorporated by reference herein.

SECTION 5. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, the amendments to Title 16 of the Menlo Park Municipal Code and subsequent rezoning, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.

SECTION 6. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the proposed rezoning of those certain properties as described herein, whereat all interested persons had the opportunity to appear and comment.

SECTION 7. After due consideration of the proposed rezoning of certain properties, public comments, the Planning Commission’s recommendation, and the staff report, the City Council finds that the proposed rezoning of properties as identified herein is consistent with the updated General Plan and is appropriate.

SECTION 8. The zoning map of the City of Menlo Park is hereby amended such that certain real properties within the M-2 Area of the ConnectMenlo General Plan and M-2 Area Zoning Update and more particularly shown on Exhibits B through G are rezoned to the zoning districts enumerated in Section 3 and the paseos and street connections referenced in Section 4 are incorporated herein.

SECTION 9. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the 29th day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ___ day of December, 2016, by the following vote:
AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

____________________
Richard Cline
Mayor, City of Menlo Park

ATTEST:

____________________
Pamela Aguilar
City Clerk
REZONING:
M-2 (General Industrial), M-2-X (General Industrial, Conditional Development Permit), C-4 (General Commercial) and C-4-X (General Commercial, Conditional Development Permit) to O (Office), O-B (Office, Bonus), O-H (Office, Hotel), O-CH (Office, Corporate Housing)

GENERAL PLAN AMENDMENT:
Limited Industry and Retail/Commercial to Office

Legend:
- O (Office)
- O-B (Office Bonus Available)
- O-H (Office, Hotel)
- O-CH (Office, Corporate Housing)
- City Limits
- M-2 Area Parcels
- Other Parcels
Proposed "LS" Zoned Properties

REZONING:
M-2 (General Industrial), M-2-X (General Industrial, Conditional Development Permit), C-4 (General Commercial) and R-2 (Low Density Apartment) to LS (Life Sciences) and LS-B (Life Sciences, Bonus)

GENERAL PLAN AMENDMENT:
Limited Industry, Retail/Commercial, and Medium Density Residential to Life Sciences
 Proposed "R-MU-B" Zoned Properties

**REZONING:**
M-2 (General Industrial) to R-MU-B (Residential Mixed Use, Bonus)

**GENERAL PLAN AMENDMENT:**
General Industry to Mixed Use Residential

**Legend**
- City Limits
- R-MU-B
- M-2 Area Parcels
- Other Parcels
REZONING:
M-2 (General Industrial) to P-F (Public Facilities)

GENERAL PLAN AMENDMENT:
Limited Industry to Public Facilities

Legend
- City Limits
- P-F
- M-2 Area Parcels
- Other Parcels
REZONING:
M-2 (General Industrial) to FP (Flood Plain)

GENERAL PLAN AMENDMENT:
Limited Industry to Baylands

Legend
FP (Flood Plain)
City Limits
M-2 Area Parcels
Other Parcels
## LAND USE ELEMENT
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OVERVIEW

Menlo Park is a unique and wonderful place, but of course not without challenges related to land use, most prominent among them a lack of housing options (at all income levels) and traffic that at times seems unbelievable. Not surprisingly, these issues are inextricably linked: job growth in Menlo Park and the surrounding region steadily increases traffic, especially when not enough housing supply exists to accommodate people working locally. The goals of this Land Use Element are aspirational, as they essentially call for resolving the combined issue of traffic and jobs/housing balance. The policies and programs to support those goals offer a variety of feasible actions that in combination may transform those aspirations into reality in the coming years.

Land use policy guides the physical development of a community. The Land Use Element reflects the existing pattern of land use in Menlo Park, which is highly valued by the community, and embodies the community’s vision for change over the coming decades, as expressed over more than two years and 65 public meetings during the ConnectMenlo general plan update. The Land Use Element includes goals, policies, and programs supporting the character and quality of life enjoyed in existing residential and commercial neighborhoods, as well as embracing opportunities for creating a new live/work/play environment in the area bounded by the San Francisco Bay and Highway 101. The Land Use Element also seeks to encourage commercial uses that serve existing neighborhoods, retain and attract businesses citywide, and make Menlo Park a leader in sustainable development through conservation of resources and alternative energy use.

Menlo Park’s unique identity is expressed not only by its mosaic of distinctive and diverse neighborhoods, but also by the community’s central role in the dynamic culture and economy of the San Francisco Bay Area. The city’s long-established residential neighborhoods create
the strong sense of community found in Menlo Park. Preserving and building on this foundation while also creating new opportunities for a range of housing types is an important focus of the City’s land use policies.

Also of key importance is the health of the commercial and business centers providing services to the residential neighborhoods and revenue for a variety of City services. Situated in the heart of the “Mid-Peninsula,” halfway between San Francisco and San Jose (see Figure 1), Menlo Park is also a hub of investment and scientific innovation, economic engine of Silicon Valley.

Menlo Park has also forged its own character through its contributions to the economic and intellectual landscape, both regionally and globally by hosting renowned institutions. SRI International has been a world leader in science and technology for more than 50 years and Sand Hill Road, hosting many influential investment firms, is known as the venture capital corridor. The city is also home to an emerging life sciences district as well as the expansion of major companies, drawing international attention and even corporate tourism to the Bayfront Area. The new live/work/play environment will place residential and commercial uses in close proximity to one another, thereby fostering economic growth and increased tangible benefits to nearby neighborhoods.

**PLANNING BOUNDARIES**

Menlo Park shares the City’s borders with unincorporated San Mateo County, the municipalities of Atherton, Palo Alto, East Palo Alto, and Redwood City, and Stanford University. San Francisco Bay and adjacent wetlands comprise about 12 square miles or two-thirds of Menlo Park’s total area. In some places, the city limit coincides with important natural features, such as the Atherton Channel and San Francisquito Creek, while in others it follows street alignments where jurisdiction may not be clear to most people, such as near Menlo-Atherton High School or Alameda de las Pulgas, neither of which are within Menlo Park.

The Menlo Park city limit encompasses the physical area under the jurisdiction of the City and to which its land use designations, zoning restrictions, municipal code, and other regulations are applicable. However, Menlo Park also has a variety of political, administrative, and
service area boundaries that go beyond the city limit and have implications for land use planning (see Figure 2). Planning for orderly development that benefits the community in all of these areas is important to preserving quality of life in Menlo Park, and is therefore an overarching objective of this Land Use Element.

The City’s “Planning Area” extends beyond the city boundary to include areas that could impact or be impacted by land use activities either within the city or neighboring jurisdictions. The Planning Area for Menlo Park includes portions of Palo Alto, East Palo Alto, Atherton, and unincorporated San Mateo County, as well as portions of the San Francisquito Creek and Atherton Channel watersheds. Although City General Plan policies and zoning regulations do not apply in these locations, General Plan policies do take into account activity in these areas and their relationship to the incorporated areas of Menlo Park.

The “Sphere of Influence” is an area outside the city limits and within the Planning Area where potential annexations into the City are most likely to occur. Established through the San Mateo County Local Agency Formation Commission, the Sphere of Influence includes Menlo Oaks, Alameda de las Pulgas, and SLAC National Accelerator Laboratory. The primary purpose of the Sphere of Influence is to aid thoughtful and comprehensive regional planning, in part by giving the City of Menlo Park elevated status in discussions regarding future land uses in these areas currently outside City jurisdiction.

In addition to the mapped areas relevant to the General Plan, Menlo Park is subject to a number of boundaries relating to utilities and community services. These boundaries are generally not aligned with Menlo Park’s other administrative boundaries and include such entities as the Menlo Park Fire Protection District, sanitary service providers, and water service providers. Five separate school districts serve portions of the city, including the Menlo Park City, Las Lomitas Elementary, Ravenswood City, Redwood City, and Sequoia Union High School Districts.

**REGIONAL PLANS**

Land use planning efforts in Menlo Park also are influenced by a number of regional programs, perhaps foremost of which is Plan Bay Area, overseen by the four primary regional planning agencies: the Association
of Bay Area Governments, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. Plan Bay Area is the “Sustainable Communities Strategy” required for the nine-county Bay Area region pursuant to Senate Bill 375 (effective 2008), which directs the California Air Resources Board to set targets for reducing greenhouse gas emissions from cars and light trucks.

Plan Bay Area ties funding for local transportation projects to meeting regional emission reduction targets. One way to reduce emissions is to locate travel origins and destinations together, such as in live/work/play environments, and another way is to protect open space areas. The Menlo Park General Plan strives to achieve both of these objectives. The El Camino Real/Downtown Specific Plan Area falls within a “Priority Development Area” recognized under Plan Bay Area as appropriately concentrating both trip origins and destinations.

Another regional plan that affects Menlo Park is the Water Quality Control Plan for the San Francisco Bay Basin administered by the San Francisco Bay Regional Water Quality Control Board. The Basin Plan establishes watershed management programs to protect water quality that include examining inputs into drainages and downstream water bodies. Compliance with the Basin Plan involves adherence to stormwater control requirements for land use activities in Menlo Park.

The San Mateo County General Plan governs land use in several areas within the City’s Planning Area and Sphere of Influence (see Figure 2). Land use activities in these unincorporated areas, especially around Alameda de Las Pulgas, influence conditions in Menlo Park. The County also oversees a Congestion Management Program applicable to all the jurisdictions in the County and aimed at reducing traffic congestion and improving air quality. The program promotes infill development along major transit corridors, as well as alternative forms of transportation, and encourages the integration of land use and transportation planning efforts, all themes that are echoed and in this Land Use Element.
CITY COMPOSITION

Menlo Park is known for its diverse urban, suburban, and natural features, including high quality residential neighborhoods, attractive downtown, beautiful parks and open spaces, established business centers, and an emerging epicenter for innovation and technology (see Figure 3). The General Plan land use designations, goals, policies, and programs seek both to preserve the cherished qualities of the city and to accommodate change benefitting the community through increased revenue supporting services and amenities that enhance quality of life.

NEIGHBORHOODS

Menlo Park’s many residential neighborhoods are distinguished by a wide array of characteristics expressed through architectural styles, streetscapes, topography, street trees, lot sizes, building forms, landscaping, public art, and open spaces. In fact, as Figure 3 shows, more than half of the developable land in Menlo Park is in residential use. Preserving the unique qualities of the city’s neighborhoods is an important objective of this Land Use Element.

COMMERCIAL CENTERS

Menlo Park’s varied commercial centers include retail, service, and business uses creating hubs of community activity. An important function of commercial uses in Menlo Park is providing goods and services supporting surrounding neighborhoods. Neighborhood-serving retail areas include the intersection of Menalto and Gilbert Avenues, as well as a number of small retail clusters along Willow Road, such as at Middlefield Road, Ivy Drive, Newbridge Street, Hamilton Avenue, and between O’Keefe Street and US 101.

Downtown and the El Camino Real corridor represent a key concentration of commercial uses in Menlo Park, serving both nearby neighborhoods and regional customers. In addition to being an important thoroughfare in downtown, Santa Cruz Avenue serves as Menlo Park’s primary shopping and dining destination. El Camino Real hosts a number of commercial uses and also serves as a major thoroughfare connecting Menlo Park to Atherton, Redwood City, Palo Alto, and other Peninsula and South Bay cities. Together, Santa Cruz Avenue and El Camino Real feature a variety of uses, including
FIGURE 3: COMMUNITY FEATURES
restaurants, shops, offices, hotels, residences, places of worship, and mixed-use sites, making the area a bustling and diverse focal point of the City.

Although considerably smaller and less heavily trafficked than downtown, the Sharon Heights Shopping Center is the only major shopping center in Menlo Park outside of downtown and off of El Camino Real. Located along Sand Hill Road, the Sharon Heights Shopping Center contains primarily neighborhood-serving retail, including a grocery store, gas station, pharmacy, and restaurants.

Although the commercial and mixed uses along Alameda de Las Pulgas are not within Menlo Park, the area is bounded on three sides by city neighborhoods. The corridor features a variety of restaurants, shops, and other services. Stanford Shopping Center is another center outside of Menlo Park that provides important retail and other services for the Menlo Park community. Located at El Camino Real and Sand Hill Road, Stanford Shopping Center is a large, open-air mall with a wide variety of restaurants and retail stores serving as a regional draw.

**EMPLOYMENT CENTERS**

Businesses are an essential component of the local economy. They have the potential to employ local residents and generate a significant portion of the revenue the City of Menlo Park depends on to provide quality services. Menlo Park is home to a number of large employers, which are generally concentrated in several clusters: the area fronting the Bay, the Veterans Administration Medical Center, central/downtown Menlo Park, and the venture capital corridor along Sand Hill Road. Major employers can generate demand for services and housing, but also provide needed community amenities through land use incentives.

**OPEN SPACE**

Preservation of scenic, habitat, and recreational resources in Menlo Park is key to retaining the city’s special sense of place. Among its many natural features, Menlo Park is known for its high-quality active and passive recreation areas, including Bedwell Bayfront Park, which is a regional draw. Menlo Park highly values ongoing restoration and conservation efforts in the Baylands, which provide habitat for a wide variety of plants and animals in the Don Edwards National Wildlife Refuge.
Menlo Park’s land use designation percentages are compared below in Figure 4. Residential uses make up the majority of the city’s land area, while the remaining 45 percent is split among the other allowed uses.

![Figure 4: Comparison of Land Uses](image)

**LAND USE DESIGNATIONS**

The physical components of the city can be grouped into broad land use categories, such as residential and commercial. Distinct types of land uses are grouped into categories called “designations” under the General Plan. Each designation establishes the general types of uses and a range of development intensities. Residential development is usually described in terms of “density,” measured in dwelling units per acre, while nonresidential uses are typically characterized by “intensity” expressed in floor area ratio (FAR), which determines the amount of building square footage relative to lot area.
In Menlo Park, zoning districts and General Plan land use designations are closely aligned. The City’s General Plan Land Use Diagram is integrated with the City’s Zoning Map, which shows the parcel-specific delineation of the zoning districts throughout the city and depicts the land use pattern for future development in Menlo Park. Table 1 shows the correspondence between General Plan land use designations and zoning districts.

Zoning is a means to implement the General Plan by refining the specific uses and development standards within a designation. Zoning districts specify regulatory standards such as allowed uses, FAR, minimum setbacks, parking requirements, height restrictions, and other aspects of development. For example, a one-story building that covers half a parcel would have an FAR of 50 percent, while a three-story building that covers 25 percent of a lot would have an FAR of 75 percent. A development can take different shapes and forms, even with the same FAR, given other development regulations that also must be considered.

At the time of the ConnectMenlo update of the General Plan Land Use and Circulation Elements in 2016, there were approximately 13,000 housing units and 14.5 million square feet of non-residential development in Menlo Park. The following land use designations, as updated through ConnectMenlo, carry forward the added development potential from the prior general plan of approximately 1,000 additional dwelling units and 1.8 million nonresidential square feet citywide, along with a new, additional potential capped at 4,500 more housing units, 400 hotel rooms, and 2.3 million nonresidential square feet – all in the Bayfront area between Highway 101 and the Bay. Any future proposals that would exceed those levels would require additional review under the California Environmental Quality Act.

The General Plan land use designations and standards of density and building intensity are described below. Figure 5 shows the general locations of land use designations but is not intended to portray zoning districts on a parcel-by-parcel basis. Land uses in the El Camino Real and downtown area are governed by the El Camino Real/Downtown Specific Plan.
TABLE 1  LAND USE DESIGNATIONS AND ZONING DistrictS

<table>
<thead>
<tr>
<th>General Plan Land Use Designation</th>
<th>Applicable Zoning Districts</th>
<th>Acreage</th>
<th>Percentage of Non-Baylands Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Residential Estate (R-E)</td>
<td>1,930</td>
<td>54.9%</td>
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<tr>
<td></td>
<td>Residential Estate Suburban (R-E-S)</td>
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<tr>
<td>Very Low Density Residential</td>
<td>Single Family Suburban Residential (R-1-S)</td>
<td>168</td>
<td>4.8%</td>
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<tr>
<td></td>
<td>Single Family Suburban Residential (Felton Gables) (R-1-S (FG))</td>
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<td></td>
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<tr>
<td></td>
<td>Single Family Urban Residential (R-1-U)</td>
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<td></td>
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<tr>
<td></td>
<td>Single Family Urban Residential (Lorelei Manor) (R-1-U (LM))</td>
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<td></td>
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<tr>
<td>Low Density Residential</td>
<td>Low Density Apartment (R-2)</td>
<td>1,372</td>
<td>39.0%</td>
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<tr>
<td></td>
<td>Apartment (R-3)</td>
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<tr>
<td></td>
<td>Garden Apartment Residential (R-3-A)</td>
<td>355</td>
<td>10.1%</td>
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<tr>
<td>Medium Density Residential</td>
<td>High-Density Residential (R-4)</td>
<td>35</td>
<td>1.0%</td>
</tr>
<tr>
<td></td>
<td>High-Density Residential, Special (R-4-S)</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>High-Density Residential, Special, Affordable Housing Overlay (R-4-S (AHO))</td>
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<tr>
<td></td>
<td>Retirement Living Units (R-1-U)</td>
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<tr>
<td>High Density Residential</td>
<td>Office</td>
<td>254</td>
<td>7.2%</td>
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<tr>
<td>Commercial</td>
<td>Neighborhood Shopping (C-2)</td>
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<td>Neighborhood Shopping, Restrictive (C-2-A)</td>
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<td></td>
<td>Neighborhood Mixed Use, Restrictive (C-2-B)</td>
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<td></td>
<td>Neighborhood Commercial, Special (C-2-S)</td>
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<tr>
<td></td>
<td>General Commercial (C-4)</td>
<td>42</td>
<td>1.2%</td>
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<td></td>
<td>Parking (P)</td>
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<tr>
<td>Professional and Administrative</td>
<td>Administrative and Professional, Restrictive (C-1)</td>
<td>212</td>
<td>6%</td>
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<tr>
<td>Offices</td>
<td>Administrative and Professional (C-1-A)</td>
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<td>Administrative, Professional and Research, Restrictive (C-1-C)</td>
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<td></td>
<td>Apartment Office (R-3-C)**</td>
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<tr>
<td>Bayfront Area</td>
<td>Office</td>
<td>511</td>
<td>14.5%</td>
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<tr>
<td></td>
<td>Office (O) – Base/Bonus/Commercial/Hotel/Corp. Housing</td>
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<td>Life Sciences (LS) – Base/Bonus/Commercial</td>
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<td>Mixed Use Residential – Mixed Use (R-MU) – Base/Bonus/Nonres.</td>
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<tr>
<td></td>
<td>General Industry (M-2)</td>
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<td></td>
<td>Commercial Business Park (M-3)</td>
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<tr>
<td>Specific Plan Area</td>
<td>El Camino Real/Downtown Specific Plan (SP-ECR/D)</td>
<td>122</td>
<td>3.5%</td>
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<td>Parks and Recreation*</td>
<td>Open Space and Conservation (OSC)</td>
<td>349</td>
<td>9.9%</td>
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<tr>
<td></td>
<td>Flood Plain (FP)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public / Quasi-Public</td>
<td>Public Facilities (P-F)</td>
<td>231</td>
<td>6.6%</td>
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<td></td>
<td>Allied Arts Guild Preservation (AAGP)</td>
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<tr>
<td>No Designation</td>
<td>Unclassified Utilities and Rail Rights-of-Way (U)</td>
<td>121</td>
<td>3.4%</td>
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<tr>
<td>Total Non-Baylands Area</td>
<td></td>
<td>3,517</td>
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<tr>
<td>Baylands</td>
<td>Flood Plain (FP)</td>
<td>2,194</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Area within SF Bay</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td>4,965</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>10,676</td>
<td></td>
</tr>
</tbody>
</table>

*Includes Bedwell Bayfront Park and the Stanford Golf Course area between Junipero Serra Boulevard and Sand Hill Road.

**The R-3-C Zoning District may have residential uses, but at densities covered by the Professional and Administrative Offices Land Use Designation.
RESIDENTIAL

Residential land uses are those where people live, such as single-family homes, duplexes, or apartment/condominium buildings. Single-family neighborhoods comprise more than two-thirds of residential land in Menlo Park. Residential land use designations in the city are discussed below. Maximum residential densities may be increased with application of the City’s Below Market Rate Program or Affordable Housing Overlay or the State Density Bonus law, if applicable.

Very Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 2.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 8.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

Medium Density Residential. This designation provides for single family detached and attached homes, duplexes, multi-family apartments condominiums, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 18.5 units per acre as identified in the applicable zoning district, and up to 30 units per acre in designated areas around the El Camino Real/Downtown Specific Plan boundary. FAR shall be in the range of 40 to 75 percent, as identified in the applicable zoning district.

High Density Residential. This designation provides for multi-family apartments, condominiums, senior rental housing, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 40 units per acre as identified in the applicable zoning district, and may be up to 97 units per net acre for senior rental housing. The maximum FAR shall be 150 percent.
COMMERCIAL

Commercial designations accommodate a range of business types, from neighborhood-serving retail and services, to shopping centers, to a variety of office uses. Commercial uses may occur independently or in mixed-use configurations, including alongside or in the same buildings as residential dwellings. Commercial designations in Menlo Park are:

Retail/Commercial. This designation provides for retail services, personal services, professional offices, banks, savings and loans, restaurants, cafes, theaters, residences, public and quasi-public uses, and similar and compatible uses. Residential density shall not exceed 30 units per acre, as identified in the applicable zoning district. The maximum FAR for non-residential uses shall be 50 percent, 90 percent for residential uses, and 100 percent for mixed uses, as identified in the applicable zoning district.

Professional and Administrative Office. This designation provides for professional, executive, general, and administrative offices, banks, savings and loans, R&D facilities, convalescent homes, residential uses, public and quasi-public uses, and similar and compatible uses. Residential density shall not exceed 18.5 units per acre. The maximum FAR for non-residential uses shall be a maximum of 40 percent, as identified in the applicable zoning district.

BAYFRONT AREA

The purpose of the Bayfront Area designation is to create live/work/play environments. This designation encourages office, research and development, residential, commercial uses, and hotels, all in close proximity or integrated with one another. These designations are intended to foster innovation and emerging technologies; promote the creation of an employment district with travel patterns that are oriented toward pedestrian, transit, and bicycle use; and provide amenities to surrounding neighborhoods and fiscal support to the City leveraged through development intensity bonuses. The Office and Life Sciences designations allow increased development intensities with the provision of community amenities. Master planned projects on parcels that are in the same designation that are in close proximity or large contiguous parcels with different zoning designations and that are owned by the same entity may calculate residential density, FAR and open space based on aggregate lot area provided that the underlying development
regulations are satisfied and the vision for the Bayfront Area identified in the General Plan is maintained and the maximum overall residential density and/or FAR of the combined parcels is not exceeded.

**Office.** This designation provides for office and R&D uses, business-oriented community education and training facilities, supportive sales and personal services, corporate housing, and hotel uses. The designation also accommodates existing and new light-industrial uses that are not in conflict with existing or planned commercial or residential uses in the vicinity. Hotels are allowed as options in several locations. Corporate housing density shall not exceed 30 units per acre. The maximum base FAR shall be 45 percent and the maximum bonus FAR with community amenities shall be 100 percent. Maximum FAR for corporate housing shall be 60 percent, for retail and service uses shall be 25 percent, and for hotels shall be 175 percent.

**Life Sciences.** This designation provides for new life sciences and R&D uses, along with high-tech office and supportive sales and personal services. The designation also accommodates existing light-industrial uses and new light-industrial uses that are not in conflict with existing or planned commercial or residential uses in the vicinity. The maximum base FAR shall be 55 percent and the maximum bonus FAR with community amenities shall be 125 percent. Maximum FAR for retail and service uses shall be 10 percent.

**Mixed Use Residential.** This designation provides for higher density housing to meet the needs of all income levels. It also allows mixed use developments with integrated or stand-alone supportive sales and service uses, and uses that are consistent with the Office Designation. Sales uses can range from small-scale businesses that serve nearby employment to a large-format grocery to serve adjacent neighborhoods. This designation is intended to promote live/work/play environments oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs. The maximum base residential density shall not exceed 30 units per acre, and the maximum bonus FAR is 100 units per acre. Maximum base FAR for residential uses shall be 90 percent, and a maximum of 225 percent for bonus FAR. Non-residential uses shall have a maximum base FAR of 15 percent and bonus FAR of 25 percent.

**Light Industrial.** This designation provides for light manufacturing and assembly, distribution of manufactured products, R&D facilities,
industrial supply, incidental warehousing, offices, supportive sales and personal services, public and quasi-public uses, and similar and compatible uses. The maximum FAR shall be in the range of 45 percent to 55 percent.

**Commercial Business Park.** This designation provides for light manufacturing and assembly, distribution of manufactured products, R&D facilities, industrial supply, incidental warehousing, offices, supportive sales and personal services, hotels, public and quasi-public uses, and similar and compatible uses. The maximum FAR shall be 45 percent, except through a negotiated Development Agreement, which could allow a maximum FAR of 137.5 percent, with office uses limited to 100 percent.

**Specific Plan Area**

**El Camino Real/Downtown Specific Plan.** This designation provides for a variety of retail, office, residential, personal services, and public and semipublic uses, as specified in the El Camino Real/Downtown Specific Plan. Residential density shall be in the range of between 18.5 to 50 units per acre (base-level maximum) or 25 to 60 units per acre (public benefit bonus-level maximum). The maximum FAR shall be in the range of 85 percent to 200 percent (base-level maximum) or 100 percent to 225 percent (public benefit bonus-level maximum). Office (inclusive of medical and dental offices) FAR is limited to one-half of the appropriate total FAR, and medical and dental office FAR is limited to one-third of the appropriate total FAR.

**Parks and Recreation**

This designation provides for open space and conservation areas, public and private golf courses, and passive and active recreation uses. The maximum FAR shall be 2.5 percent.

**Public /Quasi-Public**

This category accommodates facilities such as schools, libraries, government offices, and community facilities as follows:

**Public Facilities.** This designation provides for public and quasi-public uses such as government offices, fire stations, schools, churches,
hospitals, public utility facilities, sewage treatment facilities, reservoirs, and similar and compatible uses. The maximum FAR shall not exceed 30 percent. The City recognizes that it does not have the authority to regulate development by federal, State, or other certain governmental agencies, but the City will work cooperatively with these agencies in an effort to ensure their development is consistent with City goals and plans.

**Allied Arts Guild.** This designation applies to the Guild for artisans and craftsmen comprised of retail shops, workshops, restaurant, gardens and public grounds at 75 Arbor Road. The Guild was constructed in 1929 and has historic significance for both its relationship to the American Arts and Crafts Movement and the architecturally important buildings and gardens. Allowed uses shall be as established in the Allied Arts Guild Preservation Permit. The maximum FAR for the property shall be 15 percent.

**Baylands**

This designation provides for the preservation and protection of wildlife habitat and ecological values associated with the marshlands and former salt ponds bordering San Francisco Bay and similar and compatible uses. The maximum amount of development allowed under this designation shall be 5,000 square feet of building floor area per parcel.

**GOALS, POLICIES, AND PROGRAMS**

**ORDERLY DEVELOPMENT**

**GOAL LU-1** Promote the orderly development of Menlo Park and its surrounding area.

**POLICIES**

**Policy LU-1.1** Land Use Patterns. Cooperate with the appropriate agencies to help assure a coordinated land use pattern in Menlo Park and the surrounding area.

**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.

Policy LU-1.3 Land Annexation. Work with interested neighborhood groups to establish steps and conditions under which unincorporated lands within the City's sphere of influence may be annexed.

Policy LU-1.4 Unincorporated Land Development. Request that San Mateo County consider Menlo Park's General Plan policies and land use regulations in reviewing and approving new developments in unincorporated areas in Menlo Park's sphere of influence.

Policy LU-1.5 Adjacent Jurisdictions. Work with adjacent jurisdictions to ensure that decisions regarding potential land use activities near Menlo Park include consideration of City and Menlo Park community objectives.

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.

Policy LU-1.7 School Facilities. Encourage excellence in public education citywide, as well as use of school facilities for recreation by youth to promote healthy living.

PROGRAMS

Program LU-1.A Zoning Ordinance Consistency. Update the Zoning Ordinance as needed to maintain consistency with the General Plan.

Program LU-1.B Capital Improvement Program. Annually review progress implementing General Plan policies, and update the Capital Improvement Program to reflect the latest City and community priorities embodied in the General Plan, including for physical projects related to transportation, water supply, drainage, and other community-serving facilities and infrastructure.
Program LU-1.C  **Land Use Element Review.** Conduct an in-depth review of the General Plan Land Use Element two (2) years after its adoption and thereafter as directed by the City Council.

Program LU-1.D  **Infill Development Streamlined Review.** Establish Zoning Ordinance provisions to streamline review of infill development through “uniformly applicable development policies or standards” (per CEQA Guidelines Section 15183.3) that reduce potential adverse environmental effects, such as: regulations governing grading, construction activities, storm water runoff treatment and containment, hazardous materials, and greenhouse gas emissions; and impact fees for public improvements, including safety and law enforcement services, parks and open space, and transit, bicycle, and pedestrian infrastructure.

Program LU-1.E  **School District Partnership.** Meet regularly with the school districts to aid in identifying opportunities for partnership with the City in promoting excellence in education and recreation at all schools serving Menlo Park residents.

Program LU-1.F  **Assessment Districts and Impact Fees.** Pursue the creation of assessment districts and/or the adoption of development impact fees to address infrastructure and service needs in the community.

**NEIGHBORHOOD PRESERVATION**

**GOAL LU-2**  Maintain and enhance the character, variety and stability of Menlo Park’s residential neighborhoods.

**POLICIES**

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.

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.
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.

Policy LU-2.4  **Second Units.** Encourage development of second residential units on single family lots consistent with adopted City standards.

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.

Policy LU-2.6  **Underground Utilities.** Require all electric and communications lines serving new development to be placed underground.

Policy LU-2.7  **Conversion of Residential Units.** Limit the loss in the number of residential units or conversion of existing residential units to nonresidential uses, unless there is a clear public benefit or equivalent housing can be provided to ensure the protection and conservation of the City’s housing stock to the extent permitted by law.

Policy LU-2.8  **Property Maintenance.** Require property owners to maintain buildings, yards, and parking lots in a clean and attractive condition.

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.

**PROGRAMS**

Program LU-2.A  **Property Maintenance Compliance.** Work with property owners to understand City codes and to ensure that buildings, yards, landscaping, and trees are well maintained, and that property is free of litter, in prompt compliance with City codes.
Program LU-2.B  **Single-Family Residential Development.** Update the Zoning Ordinance requirements for single-family residential developments to create a more predictable and expeditious process while providing a method for encouraging high-quality design in new and expanded residences.

Program LU-2.C  **Address Residential Displacement.** Identify, understand and implement best practices, including but not limited to funding mechanisms, affordable housing policies and strategies, anti-displacement policies, and local housing implementation strategies within a regional setting, to address residential displacement from non-residential development.

**NEIGHBORHOOD-SERVING USES**

**GOAL LU-3** Retain and enhance existing and encourage new neighborhood-serving commercial uses, particularly retail services, to create vibrant commercial corridors.

**POLICIES**

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.

Policy LU-3.2  **Neighborhood Shopping Impacts.** Limit the impacts from neighborhood shopping areas, including traffic, parking, noise, light spillover, and odors, on adjacent uses.

Policy LU-3.3  **Neighborhood Retail.** Preserve existing neighborhood-serving retail, especially small businesses, and encourage the formation of new neighborhood retail clusters in appropriate areas while enhancing and preserving the character of the neighborhood.

**PROGRAMS**

Program LU-3.A  **Commercial Zoning Provisions.** Review, and update as necessary, Zoning Ordinance provisions related to neighborhood-serving commercial uses, in part to ensure...
that an appropriate and attractive mix of uses can be provided.

**BUSINESS DEVELOPMENT AND RETENTION**

**GOAL LU-4** Promote and encourage existing and new business to be successful and attract entrepreneurship and emerging technologies for providing goods, services amenities, local job opportunities and tax revenue for the community while avoiding or minimizing potential environmental and traffic impacts.

**POLICIES**

**Policy LU-4.1** Priority Commercial Development. Encourage emerging technology and entrepreneurship, and prioritize commercial development that provides fiscal benefit to the City, local job opportunities, and/or goods or services needed by the community.

**Policy LU-4.2** Hotel Location. Allow hotel uses at suitable locations in mixed-use and nonresidential zoning districts.

**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.

**Policy LU-4.4** Community Amenities. 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.

**Policy LU-4.5** Business Uses and Environmental Impacts. Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.

**Policy LU-4.6** Employment Center Walkability. Promote local-serving retail and personal service uses in employment centers and transit areas that support walkability and reduce auto trips.
Policy LU-4.7  **Fiscal Impacts.** Evaluate proposed mixed-use and nonresidential development of a certain minimum scale for its potential fiscal impacts on the City and community.

**PROGRAMS**

Program LU-4.A  **Fiscal Impact Analysis.** Establish Zoning Ordinance requirements for mixed-use, commercial, and industrial development proposals of a certain minimum scale to include analysis of potential fiscal impact on the City, school districts, and special districts, and establish guidelines for preparation of fiscal analyses.

Program LU-4.B  **Economic Development Plan.** Update the strategic policies in the City’s Economic Development plan periodically as needed to reflect changing economic conditions or objectives in Menlo Park and/or to promote land use activities desired by the community, including small businesses and neighborhood-serving retail.

Program LU-4.C  **Community Amenity Requirements.** Establish Zoning Ordinance requirements for new mixed-use, commercial, and industrial development to support and contribute to programs that benefit the community and City, including public or private education, transit, transportation infrastructure, public safety facilities, sustainability, neighborhood-serving amenities, child care, housing for all income levels, job training, parks and meaningful employment for Menlo Park youth and adults (e.g., first source hiring). The list of specific benefits may be modified over time to reflect changes in community priorities and desired amenities.

Program LU-4.D  **Sign Requirements.** Update the Municipal Code requirements and design guidelines for off-site and on-site signage in compliance with Federal and State laws while providing a method for encouraging high-quality design in advertising for Menlo Park businesses.
DOWNTOWN/EL CAMINO REAL

GOAL LU-5 Strengthen Downtown and the El Camino Real Corridor as a vital, competitive shopping area and center for community gathering, while encouraging preservation and enhancement of Downtown's atmosphere and character as well as creativity in development along El Camino Real.

POLICIES

Policy LU-5.1 El Camino Real/Downtown Specific Plan. Implement the El Camino Real/Downtown Specific Plan to ensure a complementary mix of uses with appropriate siting, design, parking, and circulation access for all travel modes.

Policy LU-5.2 El Camino Real/Downtown Housing. Encourage development of a range of housing types in the El Camino Real/Downtown Specific Plan area, consistent with the Specific Plan's standards and guidelines, and the areas near/around the Specific Plan area.

OPEN SPACE

GOAL LU-6 Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.

POLICIES

Policy LU-6.1 Parks and Recreation System. Develop and maintain a parks and recreation system that provides areas, play fields, and facilities conveniently located and properly designed to serve the recreation needs of all Menlo Park residents.

Policy LU-6.2 Open Space in New Development. 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.
Policy LU-6.3 **Public Open Space Design.** Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.

Policy LU-6.4 **Park and Recreational Land Dedication.** Require new residential development to dedicate land, or pay fees in lieu thereof, for park and recreation purposes.

Policy LU-6.5 **Open Space Retention.** Maximize the retention of open space on larger tracts (e.g., portions of the St. Patrick's Seminary site) through means such as rezoning consistent with existing uses, clustered development, acquisition of a permanent open space easement, and/or transfer of development rights.

Policy LU-6.6 **Public Bay Access.** Protect and support public access to the Bay for the scenic enjoyment of open water, sloughs, and marshes, including restoration efforts, and completion of the Bay Trail.

Policy LU-6.7 **Habitat Preservation.** Collaborate with neighboring jurisdictions to preserve and enhance the Bay, shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas to the maximum extent possible.

Policy LU-6.8 **Landscaping in Development.** Encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.

Policy LU-6.9 **Pedestrian and Bicycle Facilities.** 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.

Policy LU-6.10 **Stanford Open Space Maintenance.** Encourage the maintenance of open space on Stanford lands within Menlo Park’s unincorporated sphere of influence.

Policy LU-6.11 **Baylands Preservation.** Allow development near the Bay only in already developed areas.
PROGRAMS

Program LU-6.A  San Francisquito Creek Setbacks. Establish Municipal Code requirements for minimum setbacks for new structures or impervious surfaces within a specified distance of the top of the San Francisquito Creek bank.

Program LU-6.B  Open Space Requirements and Standards. Review, and update as necessary, Zoning Ordinance requirements for provision of open space in all multiple dwelling, mixed-use and nonresidential development of a certain minimum scale that encourages active and passive uses and human presence during daytime and appropriate nighttime hours.

Program LU-6.C  Space for Food Production. Establish Zoning Ordinance requirements for new residential developments over a certain minimum scale to include space that can be used to grow food, and to establish a process through which a neighborhood can propose a site as a community garden.

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.

Program LU-6.E  Don Edwards National Wildlife Refuge. Consider the most appropriate zoning designation for the Don Edwards San Francisco National Wildlife Refuge to achieve the preservation and protection of wildlife habitat and ecological values associated with the marshlands and former salt ponds bordering the San Francisco Bay.

SUSTAINABLE SERVICES

GOAL LU-7  Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park’s residents, businesses, workers, and visitors.

POLICIES

Policy LU-7.1  Sustainability. Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.
Policy LU-7.2  **Water Supply.** Support the efforts of the Bay Area Water Supply and Conservation Agency or other appropriate agencies to secure adequate water supplies for the Peninsula, to the extent that these efforts are in conformance with other City policies.

Policy LU-7.3  **Supplemental Water Supply.** Explore and evaluate development of supplemental water sources and storage systems, such as wells and cisterns, for use during both normal and dry years, in collaboration with water providers and users.

Policy LU-7.4  **Water Protection.** Work with regional and local jurisdictions and agencies responsible for ground water extraction to develop a comprehensive underground water protection program in accordance with the San Francisquito Creek Watershed Policy, which includes preservation of existing sources and monitoring of all wells in the basin to evaluate the long term effects of water extraction.

Policy LU-7.5  **Reclaimed Water Use.** 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.

Policy LU-7.6  **Sewage Treatment Facilities.** Support expansion and improvement of sewage treatment facilities to meet Menlo Park’s needs, as well as regional water quality standards, to the extent that such expansion and improvement are in conformance with other City policies.

Policy LU-7.7  **Hazards.** Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.

Policy LU-7.8  **Cultural Resource Preservation.** Promote preservation of buildings, objects, and sites with historic and/or cultural significance.

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.

PROGRAMS

Program LU-7.A  **Green Building Operation and Maintenance.** Employ green building and operation and maintenance best practices, including increased energy efficiency, use of renewable energy and reclaimed water, and install drought-tolerant landscaping for all projects.

Program LU-7.B  **Groundwater Wells.** Monitor pumping from existing and new wells to identify and prevent potential ground subsidence, salinity intrusion into shallow aquifers (particularly in the Bayfront Area), and contamination of deeper aquifers.

Program LU-7.C  **Sustainability Criteria.** Establish sustainability criteria and metrics for resource use and conservation and monitor performance of projects of a certain minimum size.

Program LU-7.D  **Performance Standards.** Establish performance standards in the Zoning Ordinance that requires new development to employ environmentally friendly technology and design to conserve energy and water, and minimize the generation of indoor and outdoor pollutants.

Program LU-7.E  **Greenhouse Gas Emissions.** Develop a Greenhouse Gas (GHG) standard for development projects that would help reduce communitywide GHG emissions to meet City and Statewide reduction goals.

Program LU-7.F  **Adaptation Plan.** Work with emergency service providers to develop an adaptation plan, including funding mechanisms, to help prepare the community for potential adverse impacts related to climate change, such as sea level rise, extreme weather events, wildfire, and threats to ecosystem and species health.

Program LU-7.G  **SAFER Bay Process.** Coordinate with the SAFER Bay process to ensure that the Menlo Park community’s objectives for sea level rise/flood protection, ecosystem enhancement, and recreational trails are adequately taken into consideration.
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 level rise to ensure protection of occupants and property from flooding and other potential effects.

Program LU-7.I Green Infrastructure Plan. Develop a Green Infrastructure Plan that focuses on implementing City-wide projects that mitigate flooding and improve storm water quality.
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RESOLUTION NO.\

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN (LAND USE & CIRCULATION ELEMENTS) AND M-2 AREA ZONING UPDATE

WHEREAS, the General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo (“Project”) began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park (“City”) and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings;

WHEREAS, the California Environmental Quality Act (“CEQA,” Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15000 et seq.) require an analysis and a determination regarding the Project’s potential environmental impacts;

WHEREAS, the Project consists of long-term planning and policy documents that will guide future development activities in the City and does not approve any specific development projects. Therefore, pursuant to CEQA Guidelines Section 15168, it is appropriate that the Environmental Impact Report (“EIR”) for the Project is a program-level EIR;

WHEREAS, the City released a Notice of Preparation (“NOP”) for the Project to the Office of Planning and Research (“OPR”) State Clearinghouse and interested agencies and persons on June 18, 2015 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City held a public scoping meeting on September 21, 2015. Comments on the NOP were received by the City and considered during preparation of the Draft EIR;
WHEREAS, a Notice of Availability ("NOA") was issued and the Draft EIR was made available for public review on June 1, 2016 for a 45-day public review period through July 15, 2016. As a result of comments received on the Draft EIR, the City Council extended the Draft EIR review period for 15 days, providing in total a 60-day public review period ending on August 1, 2016;

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 Public Library;

WHEREAS, on October 10, 2016, the City published a Response to Comments Document that contains all of the comments received on the Draft EIR during the public comment period, including a transcript of the public hearing, and written responses to those comments, prepared in accordance with CEQA and the CEQA Guidelines. The Draft EIR and Response to Comments Document, together with three errata, constitute the Final EIR;

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

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on October 19, 2016 and October 24, 2016 at which all persons interested had the opportunity to appear and comment and at which the Planning Commission considered and made recommendations to the City Council regarding on the Final EIR and the merits of the Project;

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Council on November 15, 2016 and November 29, 2016 at which all persons interested had the opportunity to appear and comment and at which the City Council considered the Final EIR and the merits of the Project; and

WHEREAS, the City Council has reviewed the Final EIR, all staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the City, including at the Planning Commission and at the City Council hearings and found that the Final EIR was prepared in compliance with CEQA;
WHEREAS, after closing the public hearing, the City Council acting on its independent judgment and analysis voted affirmatively to certify the Final EIR pursuant to CEQA;

WHEREAS, the City Council certifies that it has reviewed the comments received and the responses thereto and finds that the Final EIR provides adequate, good faith and reasoned responses to the comments. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City’s independent judgment as the lead agency for the Project and is supported by substantial evidence;

WHEREAS, the Final EIR identified certain potentially significant adverse effects on the environment caused by the Project;

WHEREAS, the City Council specifically finds that where more than one reason for approving the Project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the City Council would have made its decision on the basis of any one of those reasons;

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the potential for significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the City Council believes justify the occurrence of those impacts; and

WHEREAS, the City Council having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to certify the Final EIR, make the findings required by CEQA, adopt the Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program ("MMRP") and approve the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby certifies the Final EIR, makes the following findings with respect to the Project’s significant effects on the environment as identified in the Final EIR, as required under Sections 15091, 15092, and 15093 of the CEQA Guidelines, and adopts the MMRP as follows:
I. PROJECT DESCRIPTION
As fully described in Chapter 3 of the Draft EIR, the Project involves the updated goals, policies and programs of the General Plan Land Use Element and Circulation Element and the updated M-2 Area Zoning Ordinance, and the associated new development potential in the M-2 Area, also referred to as the Bayfront Area, combined with the remaining and previously approved buildout potential in the current General Plan that would be reaffirmed and carried forward to the 2040 buildout horizon.

The buildout of the potential future development in these identified locations is based on a horizon year of 2040; therefore, the EIR analyzes growth occurring between 2016 and 2040. The 2040 horizon year is generally consistent with other key planning documents, including Plan Bay Area, which is the Bay Area’s Regional Transportation Plan/Sustainable Community Strategy to Senate Bill 375, the Sustainable Communities and Climate Protection Act.

A. GENERAL PLAN UPDATE
Every city and county in California is required to prepare and to adopt a comprehensive long-term general plan for the physical development of the county or city and, in some cases, land outside the city or county boundaries (Government Code Section 65300). With the Housing, Open Space/Conservation, Noise and Safety Elements of the General Plan having been recently updated, the focus of the Project is on the Land Use and Circulation Elements. The City of Menlo Park has undertaken a community-based planning process to review changes to these elements as part of a focused General Plan Update. A major focus of the Project is balancing potential development impacts and the provision of community benefits, especially for the Belle Haven neighborhood. Targeted community benefits include alternative transportation to alleviate severe traffic congestion, housing to support both the adjacent neighborhood and the increasing workforce, and expanded service and retail uses.

The Land Use Element frames the type and scale of potential development that may occur, particularly in the M-2 Area, which is the area generally between US 101 and the San Francisco Bay and where most change is expected in Menlo Park over the next two decades. The proposed Land Use and Circulation Elements are intended to guide development and conservation in the City through the 2040 buildout horizon of this General Plan. These two elements are central components of the General Plan because they describe which land uses should be allowed in the City, where those land uses should be located, how
those land uses may be accessed and connected, and how development of those uses should be managed so as to minimize impacts and maximize benefits to the City and its residents. The Circulation Element addresses transportation issues throughout the City, and both updated Elements will be consistent with the other General Plan Elements. The Project aims to improve transportation connections citywide for all modes of travel and to upgrade traffic metrics to keep up with the area’s fast rate of development.

B. M-2 AREA ZONING UPDATE

The Draft EIR also assesses the proposed zoning provisions for the M-2 Area, which is the focus of future land use changes under the Project, to implement the updated General Plan programs, including development regulations and design standards for the M-2 Area. The updated Zoning Ordinance will include the creation of three new zoning districts in the M-2 Area—Office (O), Life Sciences (LS) and Residential Mixed Use (R-MU). Properties in the M-2 Area will be rezoned with the new zoning designations for consistency with the General Plan.

C. BUILDOUT PROJECTIONS

The horizon-year projections were based on the probable, or reasonably foreseeable, “planning period development” that is expected to occur within the planning period through the year 2040. As shown in Table 1, the remaining buildout potential under the current General Plan that is being reaffirmed as part of the Project is 1.8 million square feet of non-residential space, up to three hotels, and 1,000 residential units, which could generate up to 2,580 new residents and 4,400 new employees. The proposed net new development potential within the M-2 Area (the only new development potential proposed in the City) is 2.3 million square feet of non-residential space, 400 hotel rooms and 4,500 residential units, which could generate up to 11,570 new residents and 5,500 new employees. When combined and considered in the citywide context, the Project includes 4.1 million square feet of non-residential space, 400 hotel rooms and 5,500 residential units, which could generate up to 14,150 new residents and 9,900 employees. The environmental impact of this combined citywide development potential is the Project that is analyzed in the EIR.
<table>
<thead>
<tr>
<th>Category</th>
<th>Current General Plan Remaining Development Potential</th>
<th>Proposed Development Potential (M-2 Area Only)</th>
<th>New Potential = Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BAYFRONT AREA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Residential Feet</td>
<td>1.4 million</td>
<td>2.3 million</td>
<td>3.7 million</td>
</tr>
<tr>
<td>Hotel Rooms</td>
<td>0</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Residential Units</td>
<td>150</td>
<td>4,500</td>
<td>4,650</td>
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<tr>
<td>Population</td>
<td>390</td>
<td>11,570</td>
<td>11,960</td>
</tr>
<tr>
<td>Employees</td>
<td>3,400</td>
<td>5,500</td>
<td>8,900</td>
</tr>
<tr>
<td><strong>REMAINDER OF CITY</strong></td>
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<td></td>
</tr>
<tr>
<td>Non-Residential Feet</td>
<td>355,000</td>
<td>0</td>
<td>355,000</td>
</tr>
<tr>
<td>Hotel Rooms</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Residential Units</td>
<td>850</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Population</td>
<td>2,190</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Employees</td>
<td>1,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>CITYWIDE TOTALS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Residential Feet</td>
<td>1.8 million</td>
<td>2.3 million</td>
<td>4.1 million</td>
</tr>
<tr>
<td>Hotel Rooms</td>
<td>0</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Residential Units</td>
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<td>4,500</td>
<td>5,500</td>
</tr>
<tr>
<td>Population</td>
<td>2,580</td>
<td>11,570</td>
<td>14,150</td>
</tr>
<tr>
<td>Employees</td>
<td>4,400</td>
<td>5,500</td>
<td>9,900</td>
</tr>
</tbody>
</table>

Notes: Numbers are estimates and rounded for the purposes of this programmatic environmental review.

a. This column represents the previously-approved and ongoing development potential under the existing General Plan.

b. This is the proposed new development potential of the proposed project. New development potential would occur in the M-2 Area only.

c. This column represents the total buildout development potential of the proposed project, which is the sum of columns (a) and (b).

d. Potential Commercial square footage in the M-2 Area would occur within Office, Life Science, and Residential districts.

e. Three hotels are proposed under the current General Plan; Hotel square footage is not included in the New Development Potential in the M-2 Area development potential non-residential square feet.

f. Residential units proposed in the M-2 Area would include multi-family units and dormitory style units. Residential units proposed throughout the remainder of the city could include multi-family units and single-family units developed as second units where single-family units currently exist.

g. Assumes 2.57 persons per household per Association of Bay Area Governments (ABAG) Projections 2013, Subregional Study Area Table.
D. PROJECT OBJECTIVES
The Project addresses growth in the M-2 Area but also circulation citywide and will seek to accomplish the following objectives:

- Establish and achieve the community's vision.
- Realize economic and revenue potential.
- Directly involve Bayfront Area property owners (as land use changes are expected only in that area).
- Streamline development review.
- Improve mobility for all travel modes.
- Preserve neighborhood character.

II. ENVIRONMENTAL REVIEW PROCESS
A. ENVIRONMENTAL IMPACT REPORT
According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. A NOP of an EIR was issued by the City to the OPR State Clearinghouse and interested agencies and persons on June 18, 2015 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City also held a public scoping meeting on September 21, 2015. Comments on the NOP were received by the City and considered during preparation of the Draft EIR.

A NOA was issued on Wednesday, June 1, 2016 and the Draft EIR was made available for public review for a 45-day public review period through Friday, July 15, 2016. As a result of comments received on the Draft EIR, the City extended the Draft EIR review period for a total 60-day comment period between June 1, 2016 and August 1, 2016, which is 15 days beyond the CEQA required 45-day comment period per Section 15105 of the CEQA Guidelines. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. Copies of the Draft EIR were made available for review to interested parties at the at the City Main Library (800 Alma Street), Belle Haven Branch Library (413 Ivy Drive), Onetta Harris Community Center (100 Terminal Avenue), and the Community Development Department (701 Laurel Street) in Menlo Park, as well as on the ConnectMenlo website at www.menlopark.org/connectmenlo.
The Responses to Comments Document provides responses to the comments received during the comment period on the Draft EIR. The Draft EIR and the Responses to Comments Document comprise the Final EIR. The Planning Commission was presented with the Final EIR for consideration at a public hearing. The Planning Commission, however, does not take final action on the Final EIR or the Project, but provides recommendations. The City Council then considers the Planning Commission’s recommendations on the Final EIR and the Project during a noticed public hearing, and takes the final action with regard to certification of the Final EIR and approval of the Project. The City Council is currently scheduled to consider certification of the Final EIR at a public hearing in late 2016.

III. CERTIFICATION OF THE FINAL EIR

In accordance with CEQA Guidelines Section 15090, the City of Menlo Park, acting by and through its City Council hereby certifies that the Final EIR has been completed in compliance with the CEQA and the CEQA Guidelines. The City further certifies that it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to approving the Project. The City further certifies that the Final EIR reflects its independent judgment and analysis.

IV. RECORD OF PROCEEDINGS

For purposes of CEQA and these findings, the record of proceedings consists of the following documents and testimony:

(a) The NOP and all other public notices issued by the City in conjunction with the Project;

(c) The Draft EIR for the Project, dated June 2016;

(d) All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;

(e) The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, and the technical appendices, dated October 2016;

(f) The MMRP for the Project;
(h) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City’s compliance with the requirements of CEQA and with respect to the City’s action on the Project;

(i) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Project;

(j) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;

(k) All matters of common knowledge to the Planning Commission and City Council, including, but not limited to:
   (i) City’s General Plan and other applicable policies;
   (ii) City’s Zoning Ordinance and other applicable ordinances;
   (iii) Information regarding the City’s fiscal status;
   (iv) Applicable City policies and regulations; and
   (v) Federal, state and local laws and regulations.

(l) Any other materials required for the record of proceedings by CEQA Section 21167.6(e).

The documents described above comprising the record of proceedings are located in the Community Development Department, City of Menlo Park, 701 Laurel Street, Menlo Park, California 94025. The custodian of these documents is the City’s Community Development Director or his/her designee.

V. FINDINGS

The findings, recommendations, and statement of overriding considerations set forth below (“Findings”) are made and adopted by the City Council of the City of Menlo Park as the City’s findings under CEQA and the CEQA Guidelines relating to the Project. The Findings provide the written analysis and conclusions of the City Council regarding the Project’s environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations that support approval of the Project despite any remaining environmental effects it may have.
These findings summarize the environmental determinations of the Final EIR with regard to Project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the Final EIR. Instead, these findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the City’s findings and rationale about the significance of each impact following the adoption of mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR’s determinations regarding mitigation measures and the Project’s impacts.

In adopting mitigation measures, below, the City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby adopted and incorporated into the Project in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections VI and VII, below, provide brief descriptions of the impacts that the Final EIR identifies as either significant and unavoidable or less than significant with adopted mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

VI. FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project, some of which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR. Public Resources Code Section 21081(a)(1). In some cases, the City cannot require or control implementation of mitigation measures for certain impacts because they are within the responsibility and jurisdiction of other public agencies. Public Resources Code Section 21081(a)(2). Therefore, as explained below, some impacts will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures. To the extent that these mitigation measures will not mitigate or avoid all significant
effects on the environment, and because the City cannot require mitigation measures that are within the responsibility and jurisdiction of other public agencies to be adopted or implemented by those agencies, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in Section XII, below. Public Resources Code Section 21081(a)(3). As explained in Section X, below, the findings in this Section VI are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. IMPACT AQ-2A: DESPITE IMPLEMENTATION OF THE PROJECT POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE PROJECT CONSTRUCTION ACTIVITIES WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that future development under the Project would result in a substantial long-term increase in criteria air pollutants over the 24-year General Plan horizon. Criteria air pollutant emissions would be generated from on-site area sources (e.g., fuel used for landscaping equipment, consumer products), vehicle trips generated by the Project, and energy use (e.g., natural gas used for cooking and heating). Because cumulative development within the City of Menlo Park could exceed the regional significance thresholds, the Project could contribute to an increase in health effects in the basin until such time as the attainment standards are met in the San Francisco Bay Area Air Basin. The impact is considered significant and unavoidable.

Implementation of Mitigation Measure AQ-2a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measure AQ-2a; therefore, the impact would be significant and unavoidable.

Mitigation Measure AQ-2a:

Prior to issuance of a building permits, all development projects in the city that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines shall prepare and submit to the City’s Planning Division a technical assessment evaluating potential project-related operational air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD’s
CEQA Guidelines, the project applicant is required to incorporate mitigation measures into the development project to reduce air pollutant emissions during operation. The identified measures shall be incorporated into all appropriate construction documents, subject to the review and approval of the Planning Division prior to building permit issuance.

B. IMPACT AQ-2B: DESPITE IMPLEMENTATION OF THE PROJECT POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE PROJECT CONSTRUCTION ACTIVITIES WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that future development under the Project would result in a substantial long-term increase in criteria air pollutants over the 24-year General Plan horizon. Criteria air pollutant emissions would be generated from construction-related activities and if uncontrolled, fugitive dust (PM$_{10}$ and PM$_{2.5}$) levels downwind of actively disturbed areas during construction or overlapping construction activities could violate air quality standards or contribute substantially to an existing or projected air quality violation and expose sensitive receptors to elevated concentrations of pollutants during construction activities. Because cumulative development within the City of Menlo Park could exceed the regional significance thresholds, the Project could contribute to an increase in health effects in the basin until such time as the attainment standards are met in the San Francisco Bay Area Air Basin (SFBAAB). The impact is considered significant and unavoidable.

Implementation of Mitigation Measures AQ-2b1 and AQ-2b2 set forth below, which are hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measures AQ-2b1 and AQ-2b2; therefore, the impact would be significant and unavoidable.

**Mitigation Measure AQ-2b1:**

_Prior to building permit issuance, the City shall require applicants for all development projects in the city to comply with the current Bay Area Air Quality Management District’s (BAAQMD) basic control measures for reducing construction emissions of PM$_{10}$ (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines)._
Mitigation Measure AQ-2b2:

Prior to issuance of a building permit, development projects in the City that are subject to CEQA and exceed the screening sizes in the BAAQMD’s CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the project applicant is required to incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds (e.g., Table 8-2, Additional Construction Mitigation Measures Recommended for projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans), subject to the review and approval of the Planning Division prior to building permit issuance.

C. IMPACT AQ-5: DESPITE IMPLEMENTATION OF THE GENERAL PLAN POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE GENERAL PLAN WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that the Project will combine with regional growth within the air basin to result in a cumulatively considerable net increase of pollutants for the SFBAAB, which is currently designated a nonattainment area for California and National O₃, California and National PM₂.₅, and California PM₁₀ ambient air quality standards (AAQS). Any project that produces a significant regional air quality impact in an area that is in nonattainment adds to the cumulative impact. Mitigation measures AQ-2a, AQ-2b1 and AQ-2b2, set forth and incorporated above, and Mitigation Measure AQ-3a and AQ-3b set forth and incorporated below (see Section VII(A)) would reduce impacts to the extent feasible, but the Project’s impacts would remain significant and unavoidable.

There are no feasible mitigation measures available to reduce the impact to a less-than-significant level. Air pollutant emissions associated with the Project would result in a cumulatively considerable contribution to air quality impacts, and the Project’s impacts would be significant and unavoidable.
Mitigation Measure AQ-5:
Implementation of Mitigation Measures AQ-2a through AQ-3b.

D. IMPACT GHG-1: THE PROJECT WOULD RESULT IN A SUBSTANTIAL INCREASE IN GREENHOUSE GAS (GHG) EMISSIONS FROM EXISTING CONDITIONS BY THE PROPOSED GENERAL PLAN HORIZON YEAR 2040 AND WOULD NOT ACHIEVE THE 2040 EFFICIENCY TARGET, WHICH IS BASED ON A TRAJECTORY TO THE 2050 GOAL OF AN 80 PERCENT REDUCTION FROM 1990 LEVELS PURSUANT TO EXECUTIVE ORDER S-03-05. ADDITIONAL STATE AND FEDERAL ACTIONS ARE NECESSARY TO ENSURE THAT STATE AND FEDERALLY REGULATED SOURCES (I.E., SOURCES OUTSIDE THE CITY’S JURISDICTIONAL CONTROL) TAKE SIMILAR AGGRESSIVE MEASURES TO ENSURE THE DEEP CUTS NEEDED TO ACHIEVE THE 2050 TARGET.

The Final EIR finds that the Project would result in a substantial increase in GHG emissions from existing conditions by the horizon year 2040 and would not achieve the 2040 efficiency target, which is based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels. The policies identified in the General Plan as well as the transportation demand management (TDM) and other green building sustainability measures in the Zoning Ordinance update would reduce GHG emissions, to the extent feasible. However, additional state and federal actions are necessary to ensure that state and federally regulated sources (i.e., sources outside the City’s jurisdictional control) take measures to ensure the deep cuts needed to achieve the 2050 target. Therefore, GHG impacts for consistency with the 2040 and more aggressive long-term targets of Executive Order S-03-15 are considered significant. The City has a Climate Action Plan (CAP) to achieve the GHG reduction goals of Assembly Bill (AB) 32 for year 2020.

Implementation of Mitigation Measure GHG-1 set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure GHG-1 would ensure that the City updates the CAP to identify a post-2020 GHG reduction goal to align with the upcoming California Air Resources Board’s (CARB) Scoping Plan Update for statewide 2030 GHG emissions reductions target and identify a GHG reduction goal for the Project horizon year. At this time there are no post-2020 federal and state measures that would assist the City in achieving the efficiency target at the proposed project year. No additional
mitigation measures are feasible and available; therefore, the impact would remain significant and unavoidable.

**Mitigation Measure GHG-1:**

Prior to January 1, 2020, the City of Menlo Park shall update the Climate Action Plan (CAP) to address the GHG reduction goals of Executive Order B-30-15 and Executive Order S-03-05 for GHG sectors that the City has direct or indirect jurisdictional control over. The City shall identify a GHG emissions reduction target for year 2030 and 2040 that is consistent with the GHG reduction goals identified in Executive Order B-30-15 and Executive Order S-03-05. The CAP shall be updated to include measures to ensure that the City is on a trajectory that aligns with the state’s 2030 GHG emissions reduction target.

**E. IMPACT GHG-2: WHILE THE PROJECT SUPPORTS PROGRESS TOWARD THE LONG TERM-GOALS IDENTIFIED IN EXECUTIVE ORDER B-30-15 AND EXECUTIVE ORDER S-03-05, IT CANNOT YET BE DEMONSTRATED THAT MENLO PARK WILL ACHIEVE GHG EMISSIONS REDUCTIONS THAT ARE CONSISTENT WITH A 40 PERCENT REDUCTION BELOW 1990 LEVELS BY 2030 OR AN 80 PERCENT REDUCTION BELOW 1990 LEVELS BY THE YEAR 2050 BASED ON EXISTING TECHNOLOGIES AND CURRENTLY ADOPTED POLICIES AND PROGRAMS.**

The Final EIR finds that the Project would be consistent with the regional objectives of the Plan Bay Area and the City’s CAP. The policies and programs in the Project would ensure substantial progress toward the long-term GHG reductions goals for 2050. However, CARB has not yet drafted a plan to achieve the statewide GHG emissions goals established in Executive Order S-03-05. In addition to the local measures included in the Project, additional state and federal measures are necessary to achieve the more aggressive targets established for 2050 in Executive Order S-03-05. Therefore, GHG impacts are considered to be significant, requiring mitigation. As described above, the City has a CAP to achieve the GHG reduction goals of AB 32 for year 2020.

Implementation of Mitigation Measure GHG-1 set forth above, adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure GHG-1 would ensure that the City updates the CAP to identify a post-2020 GHG reduction goal to align with the upcoming CARB Scoping Plan Update for statewide 2030 GHG emissions reductions target and identify a GHG reduction goal for the Project horizon year. At this time there are no post-2020 federal and state measures that
would assist the City in achieving the efficiency target at the proposed project year. No additional mitigation measures are feasible and available; therefore, this impact would remain significant and unavoidable.

**Mitigation Measure GHG-2:**

*Implement of Mitigation Measure GHG-1.*

**F. IMPACT POP-4: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN A SIGNIFICANT CUMULATIVE IMPACT WITH RESPECT TO POPULATION AND HOUSING.*

The Final EIR finds that the Project’s proposed development projections are not in alignment with the existing Association of Bay Area Government’s (ABAG) *Projections 2013*, which is the official regional planning agency for the San Francisco Bay Area region, which is composed of the nine counties - Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, Sonoma - and contains 101 cities. ABAG produces growth forecasts on four-year cycles so that other agencies, including the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD), can use the forecasts to make project funding and regulatory decisions. The General Plans, zoning regulations and growth management programs of local jurisdictions inform ABAG’s projections. Following adoption of the Project, future ABAG projections would take into account the buildout of the Project and Menlo Park’s growth will no longer contribute to a cumulative exceedance of regional projections. Exceeding regional growth projections is not, by itself, a significant impact on the environment. The Project includes ongoing growth potential in the *Plan Bay Area’s El Camino Real and Downtown Priority Development Area*, which is an area identified for transit-oriented infill, and includes housing and jobs in the M-2 Area that would be guided by a planning framework that promotes a “live/work/play” environment in an infill setting; therefore, meeting the intent of the MTC/ABAG’s *Plan Bay Area* is the Bay Area’s Regional Transportation Plan (RTP)/ Sustainable Community Strategy (SCS) to reduce environmental impacts, specifically those associated with air quality, greenhouse gas emissions, and transportation and circulation. The significant and unavoidable impact is a conservative conclusion that is strictly related to the consistency with the existing *Projections 2013* prepared by ABAG and is does not result in a physical impact to the environment. The EIR finds that because the City does not have the jurisdiction to regulate or guide the cumulative development outside of City of Menlo Park that could contribute to the cumulative
exceedance of ABAG projections there is no mitigation the City can implement or monitor that would reduce the impact. There are no feasible and available mitigation measures available to reduce this impact. Therefore, this impact would remain significant and unavoidable.

G. IMPACT TRANS-1a: IMPLEMENTATION OF THE PROJECT WOULD EXCEED THE CITY’S CURRENT IMPACT THRESHOLDS UNDER THE 2040 PLUS PROJECT CONDITIONS AT SOME ROADWAY SEGMENTS IN THE STUDY AREA.

The Final EIR finds that that implementation of the Project would generate additional motor vehicle trips on the local roadway network, resulting in significant impacts some study segments during at least one of the AM or PM peak hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., respectively). Implementation of Mitigation Measure TRANS-1a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

Implementation of Mitigation Measure TRANS-1a, which is a typical improvement strategy to manage increased net daily trips by adding travel lanes to accommodate increased capacity of the roadway, could require additional right-of-way that is not under the jurisdiction of the City, which would affect local property owners and is considered infeasible in most locations. Also, the widening of roadways can lead to other secondary impacts, such as induced travel demand (e.g., more vehicles on the roadway due to increased capacity on a particular route), air quality degradation, increases in noise associated with motor vehicles, and reductions in transit use (less congestion or reduced driving time may make driving more attractive than transit travel). Wider roadways also result in a degradation of pedestrian and bicycle facilities, including increased intersection crossing times. Thus, while traffic may increase on certain roadways by varying percentages, it should be viewed as more than a level-of-service or traffic-operation issue. For these reasons, these types of measures are considered infeasible to reduce ADT on the impacted roadway segments. Furthermore, while implementation of the proposed Zoning regulations would reduce impacts at some roadways segments, it would not necessarily reduce all the impacted segments. For example, the proposed Zoning regulations that require a 20 percent trip reduction is anticipated to eliminate impacts on eight roadway segments, including segments of Alma Street, Encinal Avenue, Hamilton Avenue, Junipero Serra Boulevard, Laurel Street, Newbridge Street, and Linfield Drive. The trip reduction requirement would reduce traffic volumes at all other locations between 1 and 17 percent, resulting in reduced impacts.
Additionally, the proposed street classification system would reclassify some street segments in the Bayfront Area, including segments of Chrysler Drive, Constitution Drive, Chilco Street, Adams Drive, and others, from local streets to Mixed-Use Collectors. These reclassifications would change the street design standards and eliminate or reduce impacts as streets are rebuilt to new standards over time. Furthermore, the net growth in 2040 Plus Project conditions daily traffic volumes, which represents the net change from existing conditions, includes growth that will occur without the project under 2040 No Project Conditions. Fully mitigating the impact to less than significant levels is infeasible because it would require eliminating most of the year 2040 traffic growth on impacted segments, including background traffic growth, regional traffic growth outside the control of the City and/or not part of the project. For these reasons, impacts to roadway segments are considered significant and unavoidable. It should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with the applicable regulations and meet applicable thresholds of significance. However, due to the programmatic nature of the proposed project, no feasible and additional mitigating policies are available.

Mitigation Measure TRANS-1a:

*Widen impacted roadway segments at appropriate locations throughout the city to add travel lanes and capacity to accommodate the increase in net daily trips.*

H. **IMPACT TRANS-1b: IMPLEMENTATION OF THE PROJECT WOULD RESULT IN INCREASED DELAY TO PEAK HOUR MOTOR VEHICLE TRAFFIC EXCEEDING THE SIGNIFICANCE THRESHOLD AT SOME OF THE STUDY INTERSECTIONS.**

The Final EIR finds that that implementation of the Project would generate additional motor vehicle trips on the local roadway network, resulting in significant impacts some study intersections during at least one of the AM or PM peak hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., respectively). Implementation of Mitigation Measure TRANS-1b set forth below, which is hereby adopted and incorporated into the proposed project, would update the City’s existing Transportation Impact Fee (TIF) program to secure a funding mechanism for future roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on then current standards, but not to a less-than-significant level. Impacts would remain significant and unavoidable because the City cannot guarantee improvements at these intersections at this time. This is in part because the nexus study has yet to be prepared, some of the improvements have the potential to cause secondary
environmental impacts that would need to be addressed before construction could occur, and some of the impacted intersections are within the jurisdiction of the City of East Palo Alto and Caltrans. The City will continue to cooperate with these jurisdictions to identify improvements that would reduce or minimize the impacts to intersections and roadways as a result of implementation of future development projects in Menlo Park, but, many of the improvements in Mitigation Measure TRANS-1a are within the responsibility and jurisdiction of other agencies and not the City of Menlo Park. No additional mitigation measures are feasible and available; therefore, the impact would be significant and unavoidable.

**Mitigation Measure TRANS-1b:**

The City of Menlo Park shall update the existing Transportation Impact Fee (TIF) program to guarantee funding for citywide roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Transportation Impact Fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified below, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary transportation mitigations that are to be funded by that project.

As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the improvements and facilities required to mitigate the impacts of new development pursuant to the proposed project. The following examples of improvements and facilities would reduce impacts to acceptable level of service standards and these, among other improvements, could be included in the TIF program impact fees nexus study:
- **Sand Hill Road (westbound) and I-280 Northbound On-ramp (#1):** Modify the signal-timing plan during the PM peak hour to increase the maximum allocation of green time to the westbound approach during the PM peak hour.
- **Sand Hill Road (eastbound) and I-280 Northbound Off-ramp (#2):** Add an additional northbound right-turn lane on the off-ramp to improve operations to acceptable LOS D during the AM peak hour.
- **El Camino Real and Ravenswood Avenue (#28):** One eastbound right-turn lane on Menlo Avenue to improve conditions.
- **Willow Road and Newbridge Street (#33):** Implement measures on Chilco Street south of Constitution Drive to reduce or prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street, and measures to enhance east/west circulation from Willow Road via O'Brien Drive and the proposed mixed-use collector street opposite Ivy Drive, extending east to University Avenue, to discourage use of Newbridge Street.
- **Willow Road and Hamilton Avenue (#36):** Provide primary access to potential future development sites east of Willow Road via O'Brien Drive and/or the proposed Mixed-Use Collector that would intersect Willow Road between Hamilton Avenue and O'Brien Drive. Implement measures on Chilco Street south of Constitution Drive to prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street. Although the provision of an eastbound left-turn lane on Hamilton Avenue where it approaches Willow Road would reduce the delay, this potential mitigation is not recommend because it would encourage cut-through traffic via Chilco Street and Hamilton Avenue, potentially affecting the Belle Haven neighborhood. Therefore, to avoid facilitating the use of Chilco Street and Hamilton Avenue as cut-through routes in the adjacent residential neighborhood, mitigating this traffic impact is not recommended at this time, consistent with City policies that discourage cut-through traffic in residential neighborhoods. The improvements should be incorporated into the updated fee program for ongoing consideration.
- **Bayfront Expressway and Willow Road (#37):** Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.
- **Bayfront Expressway and University Avenue (#38):** Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.

- **Chilco Street and Constitution Drive (#45):** Install a traffic signal and signalized crosswalks at the intersection. Construct three southbound lanes on the one-block segment of Chilco Street, between Bayfront Expressway and Chilco Street, to include two southbound left-turn lanes to accommodate the volume of left-turning vehicles entering the project site. In addition, during the AM peak hour, provide a “split-phase” signal operation on Chilco Street. Construct a northbound left-turn lane on Chilco Street approaching Constitution Drive. Construct two outbound lanes on Chilco Street between Constitution Drive and Bayfront Expressway. If the Facebook Campus Expansion Project is approved, this mitigation measure would be required to be constructed as a requirement of that project.

- **Chrysler Drive and Constitution Drive (#46):** Construct a southbound left-turn on Chrysler Drive, approaching Constitution Drive.

- **University Avenue and Adams Drive (#47):** Install a traffic signal at this intersection.

- **University Avenue and Bay Road (#51):** Realign the eastbound and westbound approaches to allow replacement of the east/west “split-phase” signal on Bay Street with standard protected signal phases in order to allow eastbound and westbound pedestrian crossings to occur simultaneously, which would allow for an increase in green time allocated to northbound/southbound movements on University Avenue and reduce peak-hour delay at this intersection. This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to collect fair-share contributions from future development towards such improvements.

- **University Avenue and Donohoe Street (#54):** Mitigating this impact would require providing additional westbound lane capacity on Donohoe Street, including an extended dual left-turn pocket, dedicated through lane, and dual right-turn lanes; providing a southbound right-turn lane on University Avenue and lengthening the northbound turn pockets. However, this mitigation is likely to be infeasible given right-of-way limitations, proximity to existing US
101 on- and off-ramps, and adjacent properties. In addition, this intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to collect fair-share contributions from future development towards such improvements.

- **University Avenue and US 101 Southbound Ramps (#56):** Mitigating this impact would require modifications to the US 101 Southbound On/Off Ramps and at this location. This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to collect fair-share contributions from future development towards such improvements.

- **Chilco Street and Hamilton Avenue (#60):** Installation of a traffic signal would mitigate this impact to less than significant levels, but would have the undesirable secondary effect of encouraging the use of Chilco Street as a cut-through route, which conflicts with City goals that aim to reduce cut-through traffic in residential neighborhoods. Therefore, to avoid facilitating cut-through traffic, mitigating this traffic impact by increasing capacity is not recommended at this time, but should be incorporated into the updated fee program for ongoing consideration.

I. **IMPACT TRANS-2: IMPLEMENTATION OF THE PROJECT WOULD RESULT IN IMPACTS TO ROUTES OF REGIONAL SIGNIFICANCE.**

The Final EIR finds that Routes of Regional Significance would be adversely impacted during at least one of the peak hours as a result of implementation of the Project. Implementation of Mitigation Measure TRANS-1a, set forth and incorporated above, would reduce these impacts, but not to a less-than-significant level. As discussed above, Mitigation Measure TRANS-1a is a typical improvement strategy to manage increased net daily trips. However, providing additional travel lanes would increase segment capacity but would not be feasible segments given available right-of-way and both downstream and downstream capacity limitations on facilities such as US 101 and the Dumbarton Bridge. In addition, the routes are under the control of Caltrans, and the City cannot guarantee implementation of mitigation. No additional mitigation measures are feasible and available; therefore, the impacts to regional routes of significance would remain significant and unavoidable.

**Mitigation Measure TRANS-2:**

Implement Mitigation Measure TRANS-1a.
J. IMPACT TRANS-6a: IMPLEMENTATION OF THE PROJECT WOULD NOT PROVIDE ADEQUATE PEDESTRIAN OR BICYCLE FACILITIES TO CONNECT TO THE AREA-WIDE CIRCULATION SYSTEM.

The Final EIR finds that the Project would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system. Implementation of Mitigation Measure TRANS-6a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure TRANS-6a would update the City’s existing Transportation Impact Fee (TIF) program to secure a funding mechanism for future pedestrian and bicycle improvements that are determined to be necessary to mitigate impacts from future projects based on then current standards, impacts would remain significant and unavoidable, because the City cannot guarantee improvements at this time. This is because the nexus study has yet to be prepared. No additional mitigation measures are feasible and available; therefore, these impacts would remain significant and unavoidable.

Mitigation Measure TRANS-6a:
The City of Menlo Park shall update the Transportation Impact Fee (TIF) program to provide funding for citywide bicycle and pedestrian facilities that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward improvements that will connect development sites within the area circulation system, including the elimination of gaps in the citywide pedestrian and bicycle network. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the transportation Impact fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified in this mitigation measure, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary pedestrian or bicycle facilities mitigations that are to be funded by that project.

As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government
Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the bicycle and pedestrian improvements and facilities required to mitigate the traffic impacts of new development pursuant to the proposed project. The following examples of pedestrian and bicycle improvements would reduce impacts to acceptable standards, and these, among others improvements, could be included in the updated TIF program, also described under TRANS-1:

- **US 101 Pedestrian & Bicycle Overcrossing at Marsh Road, and Marsh Road Corridor Pedestrian & Bicycle Improvements (Haven Avenue to Marsh Road/Bay Road):** Provide pedestrian and bicycle circulation between the Bayfront Area east of US 101 with the area circulation system west of US 101 along Marsh Road, including access to schools and commercial sites west of Marsh Road that are accessed via Bay Road and Florence Street. Improvements should facilitate pedestrian and bicycle circulation between Haven Avenue and across US 101 near Marsh Road. The recommended improvement would include a dedicated pedestrian and bicycle crossing adjacent to Marsh Road. Alternatively, the provision of continuous sidewalks with controlled pedestrian crossings and Class IV protected bicycle lanes on the Marsh Road overpass, if feasible, could mitigate this impact.

- **Ringwood Avenue Corridor Pedestrian & Bicycle Improvements (Belle Haven to Middlefield Road):** Eliminate pedestrian and bicycle facility gaps on primary access routes to the Ringwood Avenue bicycle/pedestrian overcrossing of US 101 (located near the terminus of Ringwood Avenue and Market Place). Improvements should include complete sidewalks on the north side of Pierce Road and bicycle facility improvements on the proposed Ringwood Avenue-Market Place-Hamilton Avenue bicycle boulevard (see Street Classification Map in Chapter 3, Project Description). These improvements would also enhance pedestrian and bicycle access to Menlo-Atherton High School.

- **University Avenue Pedestrian Improvements:** Eliminate gaps in the sidewalk network on those portions of University Avenue that are within the Menlo Park City limits. The TIF Program should also include a contribution towards elimination of sidewalk gaps outside the City limits (within the City of East Palo Alto) to ensure that continuous sidewalks are provided on the west University Avenue between Adams Drive and the Bay Trail, located north of Purdue Avenue.
• **Willow Road Bikeway Corridor (Bayfront Expressway to Alma Street):** Provide a continuous bikeway facility that eliminates bicycle lane gaps, provides Class IV bicycle lanes on the US 101 overpass and where Willow Road intersects US 101 northbound and southbound ramps, and upgrades existing Class II bicycle lanes to Class IV protected bicycle lanes where feasible, particularly where the speed limit exceeds 35 miles per hour (mph).

• **Willow Road Pedestrian Crossings (Bayfront Expressway to Newbridge Street):** Provide enhanced pedestrian crossings of Willow Road at Hamilton Avenue, Ivy Drive (including proposed new street connection opposite Ivy Drive), O’Brien Drive and Newbridge Street. Enhanced crossings should include straightened crosswalks provided on each leg, high visibility crosswalk striping, accessible pedestrian signals, and pedestrian head-start signal timing (leading pedestrian intervals) where feasible. These enhanced crossings would provide improved access between the Belle Haven neighborhood and potential future development between Willow Road and University Avenue.

• **Dumbarton Corridor Connections:** Through separate projects, Samtrans is currently considering the potential for a bicycle/pedestrian shared-use trail along the Dumbarton Corridor right-of-way between Redwood City and East Palo Alto, through Menlo Park. If found feasible, the City’s TIF Program should incorporate walking and bicycling access and connections to the proposed trail, including a potential rail crossing between Kelly Park and Onetta Harris Community Center and Chilco Street and pedestrian and bicycle improvements on streets that connect to the Dumbarton Corridor: Marsh Road, Chilco Street, Willow Road, and University Avenue.

**K. IMPACT TRANS-6b: THE PROJECT WOULD GENERATE A SUBSTANTIAL INCREASE IN TRANSIT RIDERS THAT CANNOT BE ADEQUATELY SERVICED BY EXISTING PUBLIC TRANSIT SERVICES, AND THE PROJECT WOULD GENERATE DEMAND FOR TRANSIT SERVICES AT SITES MORE THAN ONE-QUARTER MILE FROM EXISTING PUBLIC TRANSIT ROUTES.**

The Final EIR finds that the Project would generate a substantial increase in transit riders that cannot be adequately serviced by existing public transit services, and the project would generate demand for transit services at sites more than one-quarter mile from existing public transit routes. Implementation of Mitigation Measure TRANS-6b set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Mitigation Measure TRANS-6b would update the City’s existing
Shuttle Fee program to guarantee funding for operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards, impacts would remain significant and unavoidable, because the City cannot guarantee improvements at this time. This is because the nexus study has yet to be prepared. No additional mitigation measures are feasible and available; therefore, these impacts would remain significant and unavoidable.

Mitigation Measure TRANS-6b:
The City of Menlo Park shall update the existing Shuttle Fee program to guarantee funding for citywide operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements and right-of-way acquisition. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Shuttle fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Shuttle fees to fund operations of City-sponsored shuttle service to meet the increased demand.

As part of the update to the Shuttle Fee program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the transit improvements and facilities required to mitigate the transit impacts of new development pursuant to the proposed project. The types of transit-related improvements and facilities that would reduce impacts to acceptable standards including increasing the fleet of City-sponsored Shuttles and adding additional transit stop facilities within one-quarter mile from residential and employment centers These, among other improvements, could be included in the Shuttle Fee program impact fees nexus study.

L. IMPACT TRANS-6c: THE PROJECT WOULD RESULT IN INCREASED PEAK-HOUR TRAFFIC DELAY AT INTERSECTIONS ON BAYFRONT EXPRESSWAY, UNIVERSITY AVENUE AND WILLOW ROAD, AS IDENTIFIED IN TRANS-1, THAT COULD DECREASE THE
PERFORMANCE OF TRANSIT SERVICE AND INCREASE THE COST OF TRANSIT OPERATIONS.

The Final EIR finds that would result in increased peak-hour traffic delay at intersections on Bayfront Expressway, University Avenue and Willow Road that could decrease the performance of transit service and increase the cost of transit operations. Implementation of Mitigation Measure TRANS-6c set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure TRANS-6c, which could result in the provision transit service on the on the Dumbarton Corridor could mitigate this impact, because provision of Dumbarton transit service would require approval of other public agencies and is not under the jurisdiction of the City of Menlo Park, implementation of this mitigation cannot be guaranteed and this impact would remain is significant and unavoidable. No additional mitigation measures are feasible and available.

Mitigation Measure TRANS-6c:

The City should continue to support the Dumbarton Corridor Study, evaluating the feasibility of providing transit service to the existing rail corridor and/or operational improvements to Bayfront Expressway, Marsh Road and Willow Road, such as a dedicated high-occupancy vehicle (HOV) lane, bus queue-jump lanes, or transit-signal priority that could reduce travel time for current bus operations.

VII. FINDINGS FOR SIGNIFICANT IMPACTS REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES

The Final EIR identifies the following significant impacts associated with the Project. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less than significant level or avoided by adopting and incorporating these mitigation measures conditions into the Project. Public Resources Code Section 21081(a)(1). As explained in Section X, below, the findings in this Section VII are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. IMPACT AQ-3a: WAREHOUSING OPERATIONS COULD GENERATE A SUBSTANTIAL AMOUNT OF DIESEL PARTICULATE MATTER (DPM) EMISSIONS FROM OFF-ROAD EQUIPMENT USE AND TRUCK IDLING. IN ADDITION, SOME WAREHOUSING, RESEARCH AND DEVELOPMENT, AND INDUSTRIAL FACILITIES MAY INCLUDE USE
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The Final EIR finds that the buildout of the Project could result in new sources of criteria air pollutant emissions and/or toxic air contaminants near existing or planned sensitive receptors. Existing and Project policies would reduce concentrations of TACs and PM$_{2.5}$ generated by new development. Review of projects by BAAQMD for permitted sources of air toxics (e.g., industrial facilities, dry cleaners, and gasoline dispensing facilities) would ensure health risks are minimized. Mitigation Measure AQ-3a would ensure that mobile sources of TACs not covered under BAAQMD permits are considered during subsequent project-level environmental review. Development of individual projects would be required to achieve the incremental risk thresholds established by BAAQMD. Implementation of the Mitigation Measures AQ-3a, set forth below, which are hereby adopted and incorporated into the Project, would reduce this impact to a less-than-significant level.

**Mitigation Measure AQ-3a:**

*Applicants for future non-residential land uses within the city that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Menlo Park prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), PM$_{2.5}$ concentrations exceed 0.3 µg/m$^3$, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:*

- Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.
- Electrifying warehousing docks.
- Requiring use of newer equipment and/or vehicles.*
• Restricting off-site truck travel through the creation of truck routes.

Mitigation measures identified in the project-specific HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of a proposed project.

B. IMPACT AQ-3B: PLACEMENT OF NEW SENSITIVE LAND USES NEAR MAJOR SOURCES OF AIR POLLUTION COULD BE EXPOSED TO ELEVATED CONCENTRATIONS OF AIR POLLUTANTS.

The Final EIR finds that the placement of new sensitive receptors near major sources of TACs and PM$_{2.5}$ could expose people to substantial pollutant concentrations. General Plan policies would reduce concentrations of criteria air pollutant emissions and air toxics generated by new development. Mitigation Measure AQ-3b would ensure that placement of sensitive receptors near major sources of air pollution would achieve the incremental risk thresholds established by BAAQMD.

Mitigation Measure AQ-3b:

As part of the discretionary review process for development applications, applicants for all non-residential projects within the City that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City’s Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), PM$_{2.5}$ concentrations exceed 0.3 µg/m$^2$, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:

- Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.
- Electrifying warehousing docks.
- Requiring use of newer equipment and/or vehicles.
Restricting off-site truck travel through the creation of truck routes.

Mitigation measures identified in the project-specific HRA shall be incorporated into the site development plan as a component of a proposed project, subject to the review and approval of the Community Development Department.

C. IMPACT BIO-1: IMPACTS TO SPECIAL-STATUS SPECIES OR THE INADVERTENT LOSS OF BIRD NESTS IN ACTIVE USE, WHICH WOULD CONFLICT WITH THE FEDERAL MIGRATORY BIRD TREATY ACT AND CALIFORNIA FISH AND GAME CODE COULD OCCUR AS A RESULT OF NEW DEVELOPMENT POTENTIAL IN THE BAYFRONT AREA AND FROM EXISTING AND ONGOING DEVELOPMENT POTENTIAL IN THE REMAINDER OF THE CITY IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that potential for occurrence of special-status species in developed areas is generally very remote in comparison to undeveloped lands with natural habitat that contain essential habitat characteristics for the range of species known in the Menlo Park vicinity; however, the western snowy plover, Santa Cruz kangaroo rat, salt-marsh harvest mouse and California least tern, among others, have the potential for occurrence in the remaining undeveloped lands in Bayfront Area and special-status species, including the Alameda song sparrow, American Badger, hoary bat, Santa Cruz kangaroo rat, pallid bat, California tiger salamander, western pond turtle, California red-legged frog have the potential for occurrence elsewhere in the study area. Implementation of Mitigation Measure BIO-1, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-1:
As part of the discretionary review process for development projects, new construction and building additions, regardless of size, in addition to appropriate CEQA review, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status species, other sensitive biological resources, and/or active nests of common birds protected under Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA shall include: wetlands, occurrences or suitable habitat for special-status species, sensitive
natural communities, and important movement corridors for wildlife such as creek corridors and shorelines.

The baseline BRA shall be prepared by a qualified biologist.

The baseline BRA shall provide a determination on whether any sensitive biological resources are present on the site, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If jurisdictional wetlands and/or waters are suspected to be present on the site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA.

The baseline BRA shall also include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project and lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).

The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan and the USFWS Recovery Plan for the Pacific Coast Population of the Western Snowy Plover, for determining the potential presence or absence of sensitive biological resources, however, the presence or absence of sensitive biological resources will be determined by on-site surveys. If the adjacent property is the Refuge, Refuge staff shall be contacted regarding the presence or absence of sensitive biological resources.

If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. Appropriate measures, such as preconstruction surveys, establishing no-disturbance zones and restrictive time periods during construction, protective development setbacks and restrictions, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist in consultations with the regulatory and resource agencies to provide adequate avoidance, or provide compensatory mitigation if avoidance is infeasible. With respect to fully protected species, if the BRA for any development project determines that any of the following Fully Protected Species are present, then neither take of such species will be permitted nor will mitigation measures including species collection or relocation. The Fully Protected Species include American Peregrine Falcon (Falco
peregrinus anatum), California Black Rail (Laterallus jamaicensis coturniculus), California Clapper Rail – Ridgway’s Rail (Rallus longirostris obsoletus), California Least Tern (Sterna albifrons browni), White-tail Kite (Elanus leucurus), Salt-marsh harvest mouse (Reithrodontomys raviventris), and San Francisco garter snake (Thamnophis sirtalis tetartaenia).

The qualified biologist shall consult with the Refuge management and, where appropriate, the Endangered Species Office of the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW) for determining the potential presence or absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required.

Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations, i.e. the USACE, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), USFWS, NMFS, Refuge and CDFW, shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits.

For sites that are adjacent to undeveloped lands with federally and/or State-listed special status species, or sensitive habitats, or lands of the Refuge, the BRA shall include evaluation of the potential effects of:

- additional light,
- glare,
- shading (i.e. shadow analysis),
- noise,
- urban runoff,
- water flow disruption,
- water quality degradation/sedimentation,
- attraction of nuisance species/predators (e.g. attraction of refuse) and their abatement (e.g. adverse impacts of rodenticides), and
- pesticides

generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. The BRA shall include proposed avoidance, minimization and mitigation of these adverse impacts.
The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department and the appropriate regulatory and resource agencies.

The following zoning regulations enacted by ordinances (including, but not limited to, 16.43 O-Office District, 16.43.080 Corporate housing, 16.43.140 Green and sustainable building; 16.44 LS-Life Science District, 16.44.130 Green and sustainable building) to minimize impacts to biological resources are incorporated by reference into this mitigation measure and shall be a component of the project building permits:

1. Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.

2. Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.
   a. Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.
   b. Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.
   c. Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.

   a. No more than ten percent (10%) of façade surface area shall have non-bird-friendly glazing.
   b. Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.
   c. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.
d. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.

e. Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

f. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

g. Use of rodenticides shall not be allowed.

If it is determined through the BRA or CEQA review that further assessment/monitoring/reporting is required by appropriate regulatory or resource agencies, it shall be the responsibility of the City to ensure all project requirements are implemented.

D. IMPACT BIO-2: IMPACTS TO COASTAL SALT MARSH VEGETATION IN THE BAYLANDS, AND POSSIBLY AREAS OF RIPARIAN SCRUB AND WOODLAND ALONG SAN FRANCISQUITO CREEK AND OTHER DRAINAGES IN THE STUDY AREA COULD OCCUR AS A RESULT OF NEW DEVELOPMENT POTENTIAL IN THE BAYFRONT AREA AND FROM EXISTING AND ONGOING DEVELOPMENT POTENTIAL IN THE REMAINDER OF THE CITY IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that impacts to riparian habitats and other sensitive natural communities include both direct and indirect impacts that may occur. Direct impacts occur as a result of converting natural resources to developed properties, including the addition of impervious surfaces or hydrologic alterations. Habitat loss and degradation of existing habitat are direct impacts. Direct impacts may also be temporary impacts if they disturb a habitat that is subsequently restored after construction. An indirect impact is a physical change in the environment, which is not immediately related to, but is caused by the project. For example, if development results in reducing the sizes of remaining habitats, the values and functions of that habitat would be reduced and indirect impacts would occur. Increased stormwater runoff could potentially contribute to the loss of wetland habitat, affecting special status species that rely on this habitat.

Sensitive natural communities in the study area include areas of coastal salt marsh vegetation in the baylands, native valley oaks dominate the 88-acre Saint Patrick’s Seminary in central Menlo Park and possibly areas of riparian scrub and woodland along San Francisquito Creek and other drainages. A portion of the
Bayfront Area along University Avenue has a designation of Life Sciences over areas of marshland cover. These marshlands appear to be primarily freshwater and brackish in nature, but would still be a sensitive natural community type and are most likely regulated wetlands as discussed further under Impact Discussion BIO 3 below. Implementation of Mitigation Measure BIO-2, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure BIO-2:**

*Implement Mitigation Measure BIO-1.*

**E. IMPACT BIO-3: IMPLEMENTATION OF THE PROJECT COULD RESULT IN DIRECT AND INDIRECT IMPACTS TO WETLAND HABITAT IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.*

The Final EIR finds that development and land use activities consistent with the Project could result in direct loss or modification to existing wetlands and unvegetated other waters, as well as indirect impacts due to water quality degradation. Affected wetlands could include both the wetland-related sensitive natural community types described above, as well as areas of open water, degraded and modified streams and channels, unvegetated waters, and isolated seasonal wetlands or freshwater seeps. Implementation of Mitigation Measure BIO-3, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure BIO-3:**

*Implement Mitigation Measure BIO-1.*

**F. IMPACT BIO-4: IMPLEMENTATION OF THE PROJECT COULD RESULT IN IMPACTS ON THE MOVEMENT OF FISH AND WILDLIFE, WILDLIFE CORRIDORS, OR WILDLIFE NURSERY SITES IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.*

The Final EIR finds that development and land use activities consistent with the Project would result in a reduction in the remaining natural habitat in the study area. However, most wildlife in these areas are already acclimated to human activity in the urbanized portions of the study area. Implementation of Mitigation Measure BIO-4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure BIO-4:**

*Implement Mitigation Measure BIO-1.*
G. IMPACT BIO-6: IMPACTS TO SENSITIVE HABITAT IN THE STANFORD HABITAT CONSERVATION PLAN (HCP) AREA COULD OCCUR AS A RESULT OF EXISTING DEVELOPMENT POTENTIAL IN THE STUDY AREA THAT IS LOCATED WITHIN THE STANFORD HCP AREA IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that development within sensitive habitats within the Stanford Habitat Conservation Plan area could occur under the Project. Implementation of Mitigation Measure BIO-6 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-6:

*Implement Mitigation Measure BIO-1.*

H. IMPACT BIO-7: IMPLEMENTATION OF THE PROJECT IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO BIOLOGICAL RESOURCES.

The Final EIR finds that implementation of the Project could result in further conversion of existing natural habitats to urban and suburban conditions, limiting the existing habitat values of the surrounding area and potentially resulting in significant cumulative impacts with respect to biological resources.

With implementation of Mitigation Measure BIO-1, set forth and incorporated above, the Project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

Mitigation Measure BIO-7:

*Implement Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-6.*
I. IMPACT CULT-1: FUTURE DEVELOPMENT IN MENLO PARK COULD 
LEAD TO DEMOLITION AND ALTERATION THAT HAS THE 
POTENTIAL TO CHANGE THE HISTORIC FABRIC OR SETTING OF 
HISTORIC ARCHITECTURAL RESOURCES SUCH THAT THE 
RESOURCE’S ABILITY TO CONVEY ITS SIGNIFICANCE MAY BE 
MATERIALLY IMPAIRED.

The Final EIR finds that implementation of the Project could result in new 
development and that could impair the historic integrity of resources are 
generally more important with larger and denser new construction and the 
impacts on historical resources would be significant. Implementation of Mitigation 
Measure CULT-1 set forth below, which is hereby adopted and incorporated into 
the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-1: 
At the time that individual projects are proposed on any site citywide with a 
building more than 50 years old or any site adjoining a property with a building 
more than 50 years old, the City shall require the project applicant to prepare a 
site-specific evaluation to determine if the project is subject to completion of a 
site-specific historic resources study. If it is determined that a site-specific historic 
resources study is required, the study shall be prepared by a qualified 
arachitectural historian meeting the Secretary of the Interior’s Standards for 
Architecture or Architectural History. At a minimum, the study shall consist of a 
records search of the California Historical Resources Information System, an 
intensive-level pedestrian field survey, an evaluation of significance using 
standard National Register Historic Preservation and California Register Historic 
Preservation evaluation criteria, and recordation of all identified historic buildings 
and structures on California Department of Parks and Recreation 523 Site 
Record forms. The study shall describe the historic context and setting, methods 
used in the investigation, results of the evaluation, and recommendations for 
management of identified resources. If applicable, the specific requirements for 
inventory areas and documentation format required by certain agencies, such as 
the Federal Highway Administration and California Department of Transportation 
(Caltrans), shall be adhered to.

If the project site or adjacent properties are found to be eligible for listing on the 
California Register, the project shall be required to conform to the current 
Secretary of the Interior's Standards for Treatment of Historic Properties with 
Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings, which 
require the preservation of character defining features which convey a building’s
historical significance, and offers guidance about appropriate and compatible alterations to such structures.

J. IMPACT CULT-2A: IMPLEMENTATION OF THE PROJECT COULD HAVE THE POTENTIAL TO CAUSE A SIGNIFICANT IMPACT TO AN ARCHAEOLOGICAL RESOURCE PURSUANT TO CEQA GUIDELINES SECTION 15064.5.

The Final EIR finds that implementation of the Project could result in new development and that could impair the historic integrity of unknown archaeological deposits associated with the historic period of Menlo Park and Native American prehistoric archeological sites. Implementation of Mitigation Measure CULT-2a set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-2a:
If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.

K. IMPACT CULT-2b: FUTURE DEVELOPMENT IN MENLO PARK COULD IMPACT ARCHEOLOGICAL RESOURCES WITHOUT PROPER CONSULTATION WITH NATIVE AMERICAN TRIBES.

The Final EIR finds that implementation of the Project could result in new development and that could impair the historic integrity of unknown
archaeological deposits associated with the historic period of Menlo Park and Native American prehistoric archeological sites. Implementation of Mitigation Measure CULT-2b set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-2b:
As part of the City’s application approval process and prior to project approval, the City shall consult with those Native American Tribes with ancestral ties to the Menlo Park city limits regarding General Plan Amendments in the city and land use policy changes. Upon receipt of an application for proposed project that requires a General Plan Amendment or a land use policy change, the City shall submit a request for a list of Native American Tribes to be contacted about the proposed project to the Native American Heritage Commission (NAHC). Upon receipt of the list of Native American Tribes from the NAHC, the City shall submit a letter to each Tribe on the provided list requesting consultation with the Native American Tribe about the proposed project via the via the City’s preferred confirmation of receipt correspondence tracking method (e.g., Federal Express, United States Postal Service Certified Mail, etc.).

L. IMPACT CULT-3: IMPLEMENTATION OF THE PROJECT WOULD HAVE THE POTENTIAL TO DIRECTLY OR INDIRECTLY AFFECT A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE, OR UNIQUE GEOLOGIC FEATURE.

The Final EIR finds that implementation of the Project could result in new development and that could impair unknown fossils or unique paleontological resources or unique geologic features in the study area. Implementation of Mitigation Measure CULT-3 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-3:
In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities anywhere in the city, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to
determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.

M. IMPACT CULT-4: GROUND-DISTURBING ACTIVITIES AS A RESULT OF FUTURE DEVELOPMENT IN MENLO PARK COULD ENCOUNTER HUMAN REMAINS THE DISTURBANCE OF THOSE REMAINS COULD RESULT IN A SIGNIFICANT IMPACT UNDER CEQA.

The Final EIR finds that implementation of the Project could result in new development and that could impair human remains, including those of Native Americans, associated with pre-contact archaeological deposits in the study area. Implementation of Mitigation Measure CULT-4 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-4:

Procedures of conduct following the discovery of human remains citywide 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.
N. IMPACT CULT-5: GROUND-DISTURBING ACTIVITIES AS A RESULT OF FUTURE DEVELOPMENT IN MENLO PARK COULD ENCOUNTER TRIBAL CULTURAL RESOURCES (TCRS) THE DISTURBANCE OF WHICH COULD RESULT IN A SIGNIFICANT IMPACT UNDER CEQA.

The Final EIR finds that implementation of the Project could result in new development and that could impair unknown archeological resources including Native American artifacts and human remains, which could be defined as tribal cultural resources (TCRs). Implementation of Mitigation Measure CULT-5a through CULT-5c set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-5a:
Implement Mitigation Measures CULT-2a.

Mitigation Measure CULT-5b:
Implement Mitigation Measures CULT-2b.

Mitigation Measure CULT-5c:
Implement Mitigation Measures CULT-4.

O. IMPACT CULT-6: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN A SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO CULTURAL RESOURCES.

The Final EIR finds that implementation of the Project could impair cultural resources, including unknown archaeological resources, paleontological resources, human remains, or TCR’s historic building and potentially resulting in significant cumulative impacts with respect to biological resources. Implementation of Mitigation Measure CULT-6, set forth and incorporated below, the Project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

Mitigation Measure CULT-6:
Implement Mitigation Measures CULT-1, CULT-2a, CULT-2b, CULT-3, and CULT-4.
P. IMPACT HAZ-4: IMPLEMENTATION OF THE PROJECT COULD OCCUR ON SITES WITH KNOWN HAZARDOUS MATERIALS AND, AS A RESULT, CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT.

The Final EIR finds that because hazardous materials are known to be present in soil, soil gas, and/or groundwater due to past land uses at certain sites that may be redeveloped as part of the Project, the direct contact, inhalation, or ingestion of hazardous materials could potentially cause adverse health effects to construction workers and future site users. The severity of health effects would depend on the contaminant(s), concentration, use of personal protective equipment during construction, and duration of exposure. The disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, nearby receptors, and the environment and impacts could be potentially significant. Implementation of Mitigation Measures HAZ-4a and HAZ-4b, set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

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.

**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).

**Q. IMPACT HAZ-9: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO HAZARDS AND HAZARDOUS MATERIALS.**

The Final EIR takes into account growth projected by the Project within the Menlo Park city boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of San Mateo County and the surrounding region, as forecast by the Association of Bay Area of Governments (ABAG). Potential cumulative hazardous materials impacts could arise from a combination of the development of the Project together with the regional growth in the immediate vicinity of the study area. As discussed under Impact HAZ-4, disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, nearby receptors, and the environment and impacts could be potentially significant. Implementation of Mitigation Measures HAZ-9, set forth and incorporated below, in conjunction with compliance with General Plan policies and strategies, other local, regional, State, and federal regulations, the proposed project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

**Mitigation Measure HAZ-9:**
*Implement Mitigation Measures HAZ-4a and HAZ-4b.*
R. IMPACT LU-2: FUTURE DEVELOPMENT PROPOSALS IN MENLO PARK COULD BE INCONSISTENT WITH THE APPLICABLE GOALS, POLICIES AND PROGRAMS IN THE GENERAL PLAN THAT HAVE BEEN PREPARED TO REDUCE AND/OR AVOID IMPACTS TO THE ENVIRONMENT AND THE SUPPORTING ZONING STANDARDS.

The Final EIR finds that future projects that are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards would be considered a significant impact. Implementation of Mitigation Measures LU-2, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure LU-2:
As part of the discretionary review process for development projects, all proposed development anywhere in Menlo Park is required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park’s Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.

S. IMPACT LU-4: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO LAND USE AND PLANNING.

The Final EIR finds that implementation of the Project could result in a cumulative land use impact if future projects under the proposed project are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards. Implementation of Mitigation Measure LU-4 set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure LU-4:
Implement Mitigation Measure LU-2.

T. IMPACT NOISE-1: FUTURE PROJECTS IN MENLO PARK COULD RESULT IN DEVELOPMENT THAT EXCEEDS NOISE LIMITS REQUIRED UNDER TITLE 24 AND THE CITY’S REGULATIONS.
The Final EIR finds that if future projects in Menlo Park exceed the noise limits required under Title 24 or the City’s regulations as set forth in the Zoning regulations this would result in a significant impact. Implementation of Mitigation Measures NOISE-1a, NOISE-1b, and NOISE-1c, set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure NOISE-1a:
To meet the requirements of Title 24 and General Plan Program N1.A, project applicants shall perform acoustical studies prior to issuance of building permits for citywide development of new noise-sensitive uses. New residential dwellings, hotels, motels, dormitories, and school classrooms must meet an interior noise limit of 45 dBA CNEL or Ldn. Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. Where exterior noise levels are projected to exceed 60 dBA CNEL or Ldn at the façade of a building, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the 45 dBA noise limit. Project applicants for all new multi-family residential projects subject to the review and approval of the Community Development Department, prior to building permit issuance, must perform acoustical studies within the projected Ldn 60 dB noise contours, so that noise mitigation measures can be incorporated into project design and site planning, subject to the review and approval of the Community Development Department.

Mitigation Measure NOISE-1b:
Stationary noise sources and landscaping and maintenance activities citywide shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.

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.

U. IMPACT NOISE-2: FUTURE PROJECTS IN MENLO PARK COULD CAUSE EXPOSURE OF PEOPLE TO, OR GENERATION OF, EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.

The Final EIR finds that if future projects in Menlo Park could cause exposure of people to, or generation of, excessive groundborne vibration or groundborne noise levels. Implementation of Mitigation Measures NOISE-2a and NOISE-2b, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

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 to 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 NOISE-2b:**
To reduce long-term vibration impacts of future development citywide on existing or potential future sensitive uses:

- Locate sensitive uses away from vibration sources.
- Design industrial development to minimize vibration impacts on nearby uses. Where vibration impacts may occur, reduce impacts on residences and businesses through the use of setbacks and/or structural design features that
reduce vibration to levels at or below the guidelines of the Federal Transit Administration near rail lines and industrial uses.

- Work with the railroad operators (e.g., Caltrain, Union Pacific, etc.) to reduce, to the extent possible, the contribution of railroad train noise and vibration to Menlo Park’s noise environment.

V. IMPACT NOISE-4: FUTURE PROJECTS IN MENLO PARK COULD RESULT IN CONSTRUCTION-RELATED NOISE THAT EXCEEDS NOISE LIMITS REQUIRED UNDER THE CITY’S REGULATIONS.

The Final EIR finds that future projects would be required to demonstrate compliance with the City’s required standards to ensure they do not result in the generation of construction noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies. Implementation of Mitigation Measure NOISE-4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure NOISE-4:
Implement Mitigation Measure NOISE-1c.

W. IMPACT NOISE-7: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO NOISE.

The Final EIR finds that implementation of the Project could result in a cumulative noise impact if future projects under the proposed project are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards related to maintaining acceptable noise operational and construction-related impacts. Implementation of Mitigation Measure NOISE-7, set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure NOISE-7:
Implement Mitigation Measures NOISE-1a through NOISE-1c, NOISE-2a, NOISE-2b, and NOISE-4.
X. IMPACT UTIL-10: IMPLEMENTATION OF THE PROJECT, WHEN CONSIDERED WITH THE OTHER JURISDICTIONS THAT DIVERT SOLID WASTE TO THE OX MOUNTAIN LANDFILL, COULD RESULT IN POTENTIAL LACK OF LANDFILL CAPACITY FOR DISPOSAL OF SOLID WASTE UNDER CUMULATIVE CONDITIONS.

The Final EIR finds that anticipated rates of solid waste disposal would have a less-than-significant impact with regard to target disposal rates, and that the City would continue its current recycling ordinances and waste management policies. Nevertheless, the 2034 estimated closure date for the Ox Mountain Landfill would result in insufficient solid waste disposal capacity at buildout of the proposed project when considered with other development in the service area of the Ox Mountain Landfill, resulting in a significant cumulative impact. Implementation of Mitigation Measure UTIL-10, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure UTIL-10:
The City shall continue its reduction programs and diversion requirements in an effort to further reduce solid waste that is diverted to the landfill and lower its per capita disposal rate citywide. In addition, the City shall monitor solid waste generation volumes in relation to capacities at receiving landfill sites to ensure that sufficient capacity exists to accommodate future growth. The City shall ensure any waste management firm it contracts with has access to a new landfill site(s) to replace the Ox Mountain landfills, at such time that this landfill is closed.

VIII. ALTERNATIVES

The Final EIR analyzed three alternatives to the Project, examining the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet Project objectives. The Project objectives are listed in Chapter 3 (Project Description) of the Draft EIR; the potentially significant environmental effects of the Project, including feasible mitigation measures identified to avoid these impacts, are analyzed in Chapter 4 (Environmental Evaluation) of the Draft EIR; and the alternatives are described in detail in Chapter 5 (Alternatives to the Proposed Project) of the Draft EIR.

Brief summaries of the alternatives are provided below. A brief discussion of the Environmentally Superior Alternative follows the summaries of the alternatives. As explained in Section IX, below, the findings in this Section VII are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.
A. THE NO PROJECT ALTERNATIVE: CURRENT GENERAL PLAN

CEQA requires evaluation of the “no project” alternative. State CEQA Guidelines section 15126.6(e). Consistent with State CEQA Guidelines section 15126.6(e)(3)(A), the No Project Alternative assumes that growth and development would continue to occur under the provisions of the current General Plan, including the development allocations non-residential space, hotel and residential unit allocations. Thus, no new development potential beyond what is currently permitted in the current General Plan would occur.

As shown in Draft EIR Table 5-1, the No Project Alternative would allow for the following new development allocations:

- Non-residential allocation: 1.8 million square feet (no net increase from current General Plan)
- Hotel allocation: 0 rooms (no net increase from current General Plan)
- Residential allocation: 1,000 units (no net increase from current General Plan)

When compared to the Project, implementation of the No Project Alternative would result in less development potential, and therefore fewer impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, population and housing, public services and recreation, and utilities and services systems. However, each of these topic areas were found to be less than significant under the Project with implementation of the Project’s goals, policies and programs and Mitigation Measures BI0-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a through NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10. Therefore, adoption of the No Project Alternative does not strictly reduce impacts merely because it allows for less development. For example, the Project includes land uses that plan to improve the balance between jobs and housing—the result is 14 Vehicles Miles Traveled (VMT) per service population, which is lower than the 19 miles anticipated with the No Project Alternative. The No Project Alternative would continue the business-as-usual land use imbalance related to jobs and housing and would not foster a live/work/play environment in the M-2 Area and therefore, impacts related to VMT and consequently, air quality and GHG emissions would be greater than the Project.

While the current General Plan includes goals, policies, and programs that reduce impacts to the environment, the No Project Alternative does not include the improved and enhanced goals, policies, and programs that address the distinct issues and opportunities that the Menlo Park community is likely to face during the updated planning horizon of the General Plan. The proposed policies...
of the Land Use and Circulation Elements have been carefully prepared to reduce and/or avoid impacts to the environment as a result of future development in the City to the extent feasible. The proposed policies aim to reduce VMT, greenhouse gas emissions, air quality pollutants, energy consumption, water demand, and solid waste generation by promoting infill development; increasing opportunities for alternative modes of transportation, pedestrian, and bicycle access and connectivity, and local jobs; protecting open space; conserving natural resources; and requiring adherence to green building practices. General Plan policies aim to avoid hazardous conditions and facilitate a healthy and safe environment for residents and visitors to Menlo Park. In addition, General Plan polices aim to protect cultural resources and ensure that new development and redevelopment is compatible with neighboring land uses.

Furthermore, the proposed Zoning update includes regulations for development in the M-2 Area that would introduce Residential and Non-Residential Green Building Requirements, installation of electric vehicle (EV) chargers and meeting 100 percent of electricity and natural gas demand through either onside generation and/or purchase of renewable electricity or electricity credits to offset energy use. The Zoning Ordinance update also requires that future development project applicants submit a zero-waste management plan to the City, which will cover how the applicant plans to minimize waste to landfill and incineration. The continuation of the ongoing General Plan and Zoning in the M-2 Area do not allow the City to stay current and address the evolving needs of its residents and employees.

As discussed in Section 5.4.3 of the Draft EIR, the No Project Alternative would not satisfy the Project objectives. One Project objective was to plan for changes to land uses in the M-2 Area. The No Project Alternative would not plan for any changes to the M-2 Area. Another Project objective was to achieve the community’s vision. The No Project Alternative would not plan for a live/work/play environment in the M-2 Area that was envisioned by the community. The No Project Alternative does achieve the community’s vision or the Project objective to improve mobility for all travel modes. The No Project Alternative would not implement the new proposed General Plan goals, policies and programs, and Zoning regulations that would implement the community’s vision for Menlo Park moving into the future. Another Project objective was to realize economic and revenue potential. With the No Project Alternative, there would be no new potential for housing which generates property tax revenue, for commercial uses that generate sales tax revenue, or for new hotel rooms that generate transient occupancy taxes for the City. Finally, the No Project Alternative would not meet
the Project objective streamline environmental review and proposed projects would continue to undergo full environmental review under the outdated General Plan. For the foregoing reasons, the No Project Alternative is hereby rejected as infeasible.

B. REDUCED NON-RESIDENTIAL INTENSITY ALTERNATIVE

Under the Reduced Non-Residential Intensity Alternative, the updated goals, policies and programs of the General Plan Land Use Element and Circulation Element the updated M-2 Area Zoning Ordinance would be implemented. All net new non-residential development under the Project in the M-2 Area would be reduced by 50 percent and the ongoing development potential under the existing General Plan would continue under this Alternative. In other words, all potential development under the existing General Plan would not be reduced. All other components under the Project as described under Section 3.7 of Chapter 3, Project Description, of this Draft EIR, would occur, such as an update to the City’s Zoning Ordinance for the M-2 Area to ensure consistency with the General Plan Update and previously adopted ordinances and policies.

As shown in Draft EIR Table 5-1, the Reduced Non-Residential Intensity Alternative would allow for the following new development allocations:

- Non-residential allocation: 2.9 million square feet (net increase of 1.1 million square feet from current General Plan)
- Hotel allocation: 200 rooms (net increase of 200 rooms from current General Plan)
- Residential: 5,500 units (net increase of 4,500 from current General Plan)

When compared to the Project, implementation of this alternative would result in less development potential and impacts related to air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, noise, public services and recreation, transportation and circulation, and utilities and services systems. However, because the Reduced Non-Residential Intensity Alternative assumes that the same General Plan goals, policies, and programs, updated Zoning regulation, and recommended Mitigation Measures AQ-3a, AQ-3b, BI0-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a though NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10 for the Project would apply, the impacts would not be less in these categories simply because less development is proposed. In other words, impacts would be reduced under both scenarios with the application of the mitigating features of the Project and the mitigation measures enforced through the MMRP. Mitigating Project features and Mitigation
Measures AQ-2a, AQ-2b1, AQ-2b2, and AQ-5, and TRANS-1a, TRANS-1b, and TRANS-6a through TRANS-6c, would not reduce impacts because some aspects of the measures are not within the City’s jurisdiction to implement. Development under the Reduced Non-Residential Intensity Alternative would result in less non-residential development but maintain the same level of residential as the Project, and therefore has the potential to improve the existing land use to job balance in the study area necessary to ensure that VMT-related impacts such as air quality, GHG emissions, and transportation and circulation would be lower when compared to the Project. It is for this reason this alternative was identified as the environmentally superior alternative. However, this identification does not in and of itself mean this is the most appropriate alternative to fulfill the vision and Project objectives for ConnectMenlo.

The Project is a reflection of the community’s vision as identified through ConnectMenlo, which was a robust community engagement process. Under the Reduced Non-Residential Intensity Alternative, the total number of non-residential square footage, hotel rooms, and employees in the M-2 Area would be 50 percent less than anticipated under the Project. This alternative, therefore, does not fully achieve the community’s vision because it is a reduction from that vision. Under this alternative, the 50 percent reduction in non-residential development would commensurately reduce economic and revenue potential as compared to the Project, especially from primary sources such as sales tax, business-to-business transaction taxes, and transient occupancy tax. Therefore, this alternative would not fully achieve the economic and revenue potential objective set forth for the Project. The Project and its live/work/play vision oriented toward pedestrian, transit and bicycle use (especially for commuting to nearby jobs) for the M-2 Area was developed working with M-2 Area property owners. Reducing the envisioned non-residential development potential will not achieve the vision of those property owners or the public who participated in ConnectMenlo to create that vision or the objective to improve mobility for all travel modes. For the foregoing reasons, Reduced Non-Residential Intensity Alternative is hereby rejected as infeasible.

C. REDUCED INTENSITY ALTERNATIVE

Under the Reduced Intensity Alternative, the updated goals, policies and programs of the General Plan Land Use Element and Circulation Element the updated M-2 Area Zoning Ordinance would be implemented. In addition, all net new development in the M-2 Area under the Project would be reduced by 25 percent. Potential development under the existing General Plan would not be reduced. All other components proposed by the Project as described under
Section 3.7 of Chapter 3, Project Description, of this Draft EIR, would occur, such as an update to the City’s Zoning Ordinance for the M-2 Area to ensure consistency with the General Plan Update and previously adopted ordinances and policies.

As shown in Draft EIR Table 5-1, the Reduced Intensity Alternative would allow for the following new development allocations:

- Non-residential allocation: 3.5 million square feet (net increase of 1.7 million square feet from current General Plan)
- Hotel allocation: 300 rooms (net increase of 300 rooms from current General Plan)
- Residential: 4,375 units (net increase of 3,375 units from current General Plan)

Like the Reduced Non-residential Intensity Alternative, when compared to the Project, implementation of the Reduced Intensity Alternative would result in less development potential and impacts related to air quality, biological resources, hazards and hazardous materials, noise, public services and recreation, and utilities and services systems. However, because the Reduced Intensity Alternative assumes that the same General Plan goals, policies, and programs, updated Zoning regulation, and recommended Mitigation Measures AQ-3a, AQ-3b, BI0-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a though NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10 for the Project would apply, the impacts would not be less in these categories simply because less development is proposed. In other words, impacts would be reduced under both scenarios with the application of the mitigating features of the Project and the mitigation measures enforced through the MMRP. Mitigating Project features and Mitigation Measures AQ-2a, AQ-2b1, AQ-2b2, and AQ-5, and TRANS-1a, TRANS-1b, and TRANS-6a through TRANS-6c, would not reduce impacts because some aspects of the measures are not within the City’s jurisdiction to implement.

Under the Reduced Intensity Alternative the total number of residential and non-residential square footage, hotel rooms, and employees in the M-2 Area would be 25 percent less than anticipated under the Project and would generally meet all of the project objectives, but not to the same extent as the Project. As described above under the Reduced Non-Residential Intensity Alternative, the reduced economic and revenue potential from that of the Project would not fully achieve the economic and revenue potential objective set forth by the Project and consequently, would not fully establish and achieve the community’s vision.
for jobs that would support and promote live/work/play environments oriented toward pedestrians, transit, and bicycle use (especially for commuting to nearby jobs) to the same extent as the Project. For the foregoing reasons, Reduced Intensity Alternative is hereby rejected as infeasible.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

In addition to the discussion and comparison of impacts of the Project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an “environmentally superior” alternative be selected and the reasons for such a selection be disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets the goals or needs of Menlo Park. The project under consideration cannot be identified as the environmentally superior alternative. Additionally, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the “No Project” Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

As shown in Table 5-2 in Chapter 5 of the Draft EIR, the No Project Alternative would, in comparison to the Project, result in reduced environmental impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, population and housing (cumulative), public services, and utilities and service systems, but would ultimately result in greater impacts related to aesthetics, air quality, greenhouse gas emissions and transportation and traffic. Neither the Reduced Non-Residential Alternative nor the Reduced Intensity Alternative would result in greater impacts when compared to the Project. Therefore, as shown on Table 5-2, the Reduced Non-Residential Intensity Alternative would be the environmentally superior alternative because it would result in fewer significant impacts than the Reduced Intensity Alternative. This is in part because the equal reduction of jobs and housing in the Reduced Intensity Alternative would maintain the imbalance that currently exists in the city, which could result in a higher VMT than both the proposed project and the Reduced Non-Residential Intensity Alternative.

For the foregoing reasons, the Reduced Non-Residential Intensity Alternative is considered the environmentally superior alternative.
XII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth above, the City has found that the Project will result in project and cumulative significant adverse environmental impacts related to air quality, greenhouse gas emissions, population and housing, and traffic and circulation that cannot be avoided following adoption, incorporation into the Project, and implementation of mitigation measures described in the EIR. In addition, there are no feasible project alternatives that would mitigate or avoid all of the Project’s significant environmental impacts. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. See also Public Resources Code Section 21081(b). Having balanced the economic, legal, social, technological or other benefits of the Project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts, the City finds that the Project benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statement identifies the reasons why, in the City’s judgment, specific benefits of the Project outweigh the significant and unavoidable effects. The City finds that each of the Project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

ECONOMIC BENEFITS

1. The Project would promote a vibrant economy by supporting a diversity of business and employment opportunities.
2. The Project provides for the greatest and most balanced economic growth alternative by creating 2.3 million square feet of new employment-related land uses and allowing the City greater opportunities to remain a competitive and innovative business destination in the regional development environment, which would support increased property and sales tax revenues.
3. The Project plans for 400 additional hotel rooms that will generate transient occupancy tax revenue for the City.
4. The Project updates the Transportation Impact Fee (TIF) program to guarantee funding for bicycle and pedestrian facilities and roadway and infrastructure improvements that are necessary to mitigate impacts from future projects.
ENVIRONMENTAL BENEFITS

1. The Project is environmentally superior to the existing General Plan, as discussed in Draft EIR Chapter 5 and summarized above in Section VII(A).
2. The Project recognizes the importance of linking land use and transportation planning.
3. The Project concentrates growth in existing urbanized areas and thereby results in fewer impacts from the construction of new infrastructure, maximizes use of existing impervious surfaces, provides multi-modal transportation opportunities, and reduces vehicle miles traveled, which translates into air quality and greenhouse gas emissions benefits and increases in resources and energy efficiency.
4. The Project largely concentrates growth at locations with existing uses and, as a result, potential future development would consist largely of either redevelopment of existing buildings and/or sites, and selective demolition of existing structures and replacement with new construction.
5. The Project includes policies that encourage conservation of water and energy resources in conformance with the City’s sustainability goals.
6. The Project includes policies and mitigation measures, enforceable through the MMRP, that protect the Don Edwards Bay National Wildlife Refuge and other sensitive habitat areas.
7. The Project is in conformance with the principles of planning sustainable communities by meeting both the present and future housing needs of the City.
8. The Project is consistent with Plan Bay Area, which is the Bay Area’s Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS), as well as SB 375, the Sustainable Communities and Climate Protection Act.

SOCIAL BENEFITS

1. The Project plans for citywide equity by providing the greatest job and housing opportunities in the M-2 Area to support a greater balance of land uses in this area of the City.
2. The Project includes up to 5,500 new residential units of which 4,500 would be in the M-2 Area, which represent significant new housing opportunities and include built in incentives for affordable housing.
3. The Project would result in reduced environmental justice inequities by facilitating and promoting the abatement of incompatible land uses and providing an equitable distribution of public amenities.
4. The Project would encourage mixed-use development in the M-2 Area to help improve walkability and quality of life for Menlo Park residents and the region by providing the opportunity for a better jobs/housing balance.

5. The Project provides opportunities for increased building heights and makes additional building height and residential density increases contingent on future development projects in Menlo Park providing the City with community benefits through corporate contributions.

6. The Project plans for M-2 Area residents to receive community benefits through corporate contributions as a result of the live/work/play environment envisioned.

7. The Project maintains investment backed expectations for the community at large.

8. The Project includes goals, policies, and programs that encourage social (and health) benefits associated with improved multi-modal transportation enhancements.
XII. ADOPTION OF THE MMRP

The City Council hereby adopts the mitigation measures set forth for the Project in the Final EIR and the MMRP attached hereto as Exhibit A and incorporated herein by this reference.

VI. 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, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the ______day of______________________, 2016, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ________________day of______________________, 2016.
Mitigation Monitoring or Reporting Program

This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the proposed Menlo Park General Plan (Land Use & Circulation Elements) and M-2 Area Zoning Update (proposed project). The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The mitigation measures in this MMRP shall be applied to all future development anywhere in the city unless otherwise specified in the specific mitigation measure. The City of Menlo Park must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.
### Mitigation Monitoring and Reporting Program

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<thead>
<tr>
<th>Mitigation Measures</th>
<th>Party Responsible for Implementation</th>
<th>Implementation Trigger/Timing</th>
<th>Agency Responsible for Monitoring Action</th>
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<tr>
<td><strong>Air Quality</strong></td>
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<tr>
<td><strong>AQ-2a:</strong> Prior to issuance of a building permits, all development projects in the city that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines shall prepare and submit to the City's Planning Division a technical assessment evaluating potential project-related operational air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD’s CEQA Guidelines, the project applicant is required to incorporate mitigation measures into the development project to reduce air pollutant emissions during operation. The identified measures shall be incorporated into all appropriate construction documents, subject to the review and approval of the Planning Division prior to building permit issuance.</td>
<td>Project applicant</td>
<td>During the building permit and site development review process and prior to permit issuance</td>
<td>City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
<td>Once for the preparation of the technical assessment</td>
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<tr>
<td><strong>AQ-2b1:</strong> Prior to building permit issuance, the City shall require applicants for all development projects in the city to comply with the current Bay Area Air Quality Management District’s (BAAQMD) basic control measures for reducing construction emissions of PM10 (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).</td>
<td>Project applicant</td>
<td>During the building permit and site development review process and prior to permit issuance</td>
<td>City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
<td>Prior to approval and during scheduled site visits</td>
</tr>
<tr>
<td><strong>AQ-2b2:</strong> Prior to issuance of a building permit, development projects in the City that are subject to CEQA and exceed the screening sizes in the BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as</td>
<td>Project applicant</td>
<td>During the building permit and site development review process and prior to permit issuance</td>
<td>City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
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### Mitigation Monitoring and Reporting Program

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<tr>
<td>Identified in the BAAQMD CEQA Guidelines, the project applicant is required to incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds (e.g., Table 8-2, Additional Construction Mitigation Measures Recommended for projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans), subject to the review and approval of the Planning Division prior to building permit issuance.</td>
<td>Project applicant</td>
<td>During the building permit and site development review process and prior to permit issuance</td>
<td>City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
<td>Once for the preparation of the HRA</td>
<td>Initials:_______ Date:________</td>
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<tr>
<td>AQ-3a: As part of the discretionary review process for development applications, applicants for all non-residential projects within the City that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City’s Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), PM2.5 concentrations exceed 0.3 µg/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:</td>
<td>Project applicant</td>
<td>During the building permit and site development review process and prior to permit issuance</td>
<td>City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
<td>Once for the preparation of the HRA</td>
<td>Initials:_______ Date:________</td>
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<td>- Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.</td>
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<td>- Electrifying warehousing docks.</td>
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Mitigation Monitoring and Reporting Program

Mitigation Measures | Party Responsible for Implementation | Implementation Trigger/Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency | Verified Implementation
---|---|---|---|---|---|---
- Requiring use of newer equipment and/or vehicles.
- Restricting off-site truck travel through the creation of truck routes.

Mitigation measures identified in the project-specific HRA shall be incorporated into the site development plan as a component of a proposed project, subject to the review and approval of the Community Development Department.

AQ-3b: As part of the discretionary review process, applicants for all residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) anywhere in the City within 1,000 feet of a major source of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City’s Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM2.5 concentrations exceed 0.3 µg/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:

- Air intakes located away from high volume roadways and/or truck loading zones.
- Heating, ventilation, and air conditioning systems of the
### Mitigation Monitoring and Reporting Program

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<td>buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.</td>
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Measures identified in the HRA shall be incorporated into the site development plan as a component of the proposed project subject to the review and approval of the Community Development Department. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City, subject to the review and approval of the Community Development Department.

#### AQ-5: Implementation of Mitigation Measures AQ-2a through AQ-3b.

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#### Biological Resources

**BIO-1:** As part of the discretionary review process for development projects, new construction and building additions regardless of size, in addition to appropriate CEQA review, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status bat species, other sensitive biological resources, and/or active nests of common birds protected under the Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA shall include: wetlands, occurrences or suitable habitat for special-status species, sensitive natural communities, and important movement corridors for wildlife such as creek corridors and shorelines.

The baseline BRA shall be prepared by a qualified biologist.

The baseline BRA shall provide a determination on whether any sensitive biological resources are present on the site, including jurisdictional wetlands and waters, essential habitat for special-
status species, and sensitive natural communities. If jurisdictional wetlands and/or waters are suspected to be present on the site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA.

The baseline BRA shall also include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project, and lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).

The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan and the United States Fish and Wildlife Service (USFWS) Recovery Plan for the Pacific Coast Population of the Western Snowy Plover, for determining the potential presence or absence of sensitive biological resources; however, the presence or absence of sensitive biological resources will be determined by on-site surveys. If the adjacent property is the Refuge, Refuge staff shall be contacted regarding the presence or absence of sensitive biological resources.

If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. Appropriate measures, such as preconstruction surveys, establishing no-disturbance zones and restrictive time periods during construction, protective development setbacks and restrictions, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist in consultation with the regulatory and resource agencies to provide adequate avoidance, or provide
### Mitigation Monitoring and Reporting Program

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<td>compensatory mitigation if avoidance is infeasible. With respect to fully protected species, if the BRA for any development project determines that any of the following Fully Protected Species are present, then neither take of such species will be permitted nor will mitigation measures including species collection or relocation. The Fully Protected Species include American Peregrine Falcon (<em>Falco peregrinus anatum</em>), California Black Rail (<em>Laterallus jamaicensis coturniculus</em>), California Clapper Rail - Ridgway’s Rail (<em>Rallus longirostris obsoletus</em>), California Least Tern (<em>Sterna albifrons browni</em>), White-tailed Kite (<em>Elanus leucurus</em>), Salt-marsh harvest mouse (<em>Reithrodontomys raviventris</em>), and San Francisco garter snake (<em>Thamnophis sirtalis tetratea</em>).</td>
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<td>The qualified biologist shall consult with the Refuge management and where appropriate, the Endangered Species Office of the USFWS, the National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW) for determining the potential presence or absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required.</td>
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<td>Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations (i.e., the USACE, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), USFWS, NMFS, Refuge and CDFW), shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits.</td>
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<td>For sites that are adjacent to undeveloped lands with federally and/or State-listed special status species, or sensitive habitats, or lands of the Refuge, the BRA shall include evaluation of the potential effects of:</td>
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<td>glare</td>
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<td>shading (i.e., shadow analysis),</td>
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<td>noise</td>
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<td>urban runoff,</td>
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<td>water flow disruption,</td>
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<td>water quality degradation/sedimentation,</td>
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<td>attraction of nuisance species/predators (e.g., attraction to refuse) and their abatement (e.g., adverse impacts of rodenticides),</td>
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<td>and pesticides,</td>
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generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. The BRA shall include proposed avoidance, minimization, and mitigation of these adverse impacts.

The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department and the appropriate regulatory and resource agencies.

The following zoning regulations enacted by ordinances (including but not limited to 16.43 O-Office District, 16.43.080 Corporate housing, 16.43.140 Green and sustainable building; 16.44 LS-Life Science District, 16.44.130 Green and sustainable building) to minimize impacts to biological resources are incorporated by reference into this mitigation measure and shall be a component of the project building permits:
### Mitigation Monitoring and Reporting Program

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<tr>
<td>1. Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.</td>
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<td>2. Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.</td>
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<tr>
<td>a. Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.</td>
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<td>b. Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.</td>
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<td>c. Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.</td>
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<td>a. No more than ten percent (10%) of façade surface area shall have non-bird-friendly glazing.</td>
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<tr>
<td>b. Bird-friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.</td>
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<tr>
<td>c. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.</td>
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The mitigation measures include:

d. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.

e. Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

f. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

g. Use of rodenticides shall not be allowed.

If it is determined through the BRA or CEQA review that further assessment/monitoring/reporting is required by appropriate regulatory or resource agencies, it shall be the responsibility of the City to ensure all project requirements are implemented.

Cultural Resources

**CULT-1:** At the time that individual projects are proposed on any site citywide with a building more than 50 years old or any site adjoining a property with a building more than 50 years old, the City shall require the project applicant to prepare a site-specific evaluation to determine if the project is subject to completion of a site-specific historic resources study. If it is determined that a site-specific historic resources study is required, the study shall be prepared by a qualified architectural historian meeting the Secretary of the Interior’s Standards for Architecture or Architectural History. At a minimum, the study shall consist of a records search of the California Historical Resources Information System, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The study shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and
**Mitigation Monitoring and Reporting Program**

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<tr>
<td>Recommendations for management of identified resources. If applicable, the specific requirements for inventory areas and documentation format required by certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), shall be adhered to. If the project site or adjacent properties are found to be eligible for listing on the California Register, the project shall be required to conform to the current Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings, which require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures. CULT-2a: If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic</td>
<td>Project applicant during construction</td>
<td>Qualified archaeologist approved by the City of Menlo Park Planning Division</td>
<td>Initiated after a find is made during construction</td>
<td>During regularly scheduled site inspections that would be initiated after a find is made during construction</td>
<td>Initials:_______ Date:_________</td>
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## Mitigation Monitoring and Reporting Program

### Mitigation Measures

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<th>Preservation Office (SHPO), if required.</th>
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<td><strong>CULT-2b:</strong> As part of the City’s application approval process and prior to project approval, the City shall consult with those Native American Tribes with ancestral ties to the Menlo Park city limits regarding General Plan Amendments in the city and land use policy changes. Upon receipt of an application for proposed project that requires a General Plan Amendment or a land use policy change, the City shall submit a request for a list of Native American Tribes to be contacted about the proposed project to the Native American Heritage Commission (NAHC). Upon receipt of the list of Native American Tribes from the NAHC, the City shall submit a letter to each Tribe on the provided list requesting consultation with the Native American Tribe about the proposed project via the City’s preferred confirmation of receipt correspondence tracking method (e.g., Federal Express, United States Postal Service Certified Mail, etc.).</td>
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<tr>
<td>The City of Menlo Park</td>
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<td><strong>CULT-3:</strong> In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities anywhere in the city, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and</td>
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<td>Project applicant</td>
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<th>Party Responsible for Implementation</th>
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<th>Agency Responsible for Monitoring</th>
<th>Monitoring Action</th>
<th>Monitoring Frequency</th>
<th>Verified Implementation</th>
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<tr>
<td>approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.</td>
<td>Project applicant</td>
<td>During construction</td>
<td>The San Mateo County Coroner</td>
<td>Initiated after a find is made during construction</td>
<td>During regularly scheduled site inspections initiated after a find is made during construction</td>
<td>Initials:_______ Date:________</td>
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<tr>
<td>CULT-4: Procedures of conduct following the discovery of human remains citywide 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.</td>
<td>Project applicant</td>
<td>During construction</td>
<td>The San Mateo County Coroner</td>
<td>Initiated after a find is made during construction</td>
<td>During regularly scheduled site inspections initiated after a find is made during construction</td>
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Greenhouse Gas Emissions

| GHG-1: Prior to January 1, 2020, the City of Menlo Park shall update the Climate Action Plan (CAP) to address the GHG reduction goals of Executive Order B-30-15 and Executive Order S-03-05 for GHG sectors that the City has direct or indirect jurisdictional control over. The City shall identify a GHG emissions reduction target for year 2030 and 2040 that is consistent with the GHG reduction goals identified in Executive Order B-30-15 and | City of Menlo Park | Prior to January 1, 2020 | City of Menlo Park Planning Division | Update the Climate Action Plan (CAP) | Once for update to the CAP | Initials:_______ Date:________ |

| | | | | | | |
## Mitigation Monitoring or Reporting Program

### Mitigation Monitoring and Reporting Program

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<tr>
<td>Executive Order S-03-05. The CAP shall be updated to include measures to ensure that the City is on a trajectory that aligns with the state’s 2030 GHG emissions reduction target.</td>
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<td>GHG-2: Implement of Mitigation Measure GHG-1.</td>
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### Hazards and Hazardous Materials

**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.

- **Project applicant**
- **During the building permit and site development review process and 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:_________**
### Mitigation Monitoring and Reporting Program

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<tr>
<td><strong>HAZ-4b:</strong> 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).</td>
<td>Project applicant</td>
<td>During the building permit and site development review process and prior to permit issuance</td>
<td>Licensed environmental professional in accordance with RWQCB, DTSC, and SMCEHD approved by the City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
<td>Prior to construction and during regularly scheduled site inspections</td>
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**Land Use Planning**

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<tr>
<td><strong>LU-2:</strong> As part of the discretionary review process for development projects, all proposed development anywhere in Menlo Park is required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park’s Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.</td>
<td>Project applicant</td>
<td>During the building permit and site development review process and prior to permit issuance</td>
<td>City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
<td>Once prior to plan review and approval</td>
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**Noise**

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<tr>
<td><strong>NOISE-1a:</strong> To meet the requirements of Title 24 and General Plan Program N1.A, project applicants shall perform acoustical studies prior to issuance of building permits for citywide development of new noise-sensitive uses. New residential dwellings, hotels, motels, dormitories, and school classrooms must meet an interior noise limit of 45 dBA CNEL or Ldn. Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure</td>
<td>Project applicant</td>
<td>Prior to the issuance of construction permits</td>
<td>City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
<td>Once for preparation of acoustical studies as outlined in the mitigation measure</td>
<td>Initials:________ Date:________</td>
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Mitigation Monitoring and Reporting Program

Mitigation Measures | Party Responsible for Implementation | Implementation Trigger/Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency | Verified Implementation
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HAS BEEN DESIGNED TO LIMIT INTERIOR NOISE IN HABITABLE ROOMS TO ACCEPTABLE NOISE LEVELS. WHERE EXTERIOR NOISE LEVELS ARE PROJECTED TO EXCEED 60 dBA CNEL OR Ldn AT THE FAÇADE OF A BUILDING, A REPORT MUST BE SUBMITTED WITH THE BUILDING PLANS DESCRIBING THE NOISE CONTROL MEASURES THAT HAVE BEEN INCORPORATED INTO THE DESIGN OF THE PROJECT TO MEET THE 45 dBA NOISE LIMIT. PROJECT APPLICANTS FOR ALL NEW MULTI-FAMILY RESIDENTIAL PROJECTS SUBJECT TO THE REVIEW AND APPROVAL OF THE COMMUNITY DEVELOPMENT DEPARTMENT, PRIOR TO BUILDING PERMIT ISSUANCE, MUST PERFORM ACOUSTICAL STUDIES WITHIN THE PROJECTED Ldn 60 dB NOISE CONTOURS, SO THAT NOISE MITIGATION MEASURES CAN BE INCORPORATED INTO PROJECT DESIGN AND SITE PLANNING, SUBJECT TO THE REVIEW AND APPROVAL OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

NOISE-1b: Stationary noise sources and landscaping and maintenance activities citywide shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.

Project applicant | Prior to the issuance of construction permits | City of Menlo Park Planning Division | Plan review and approval | During construction | Initials: | Date:

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
Mitigation Monitoring and Reporting Program

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<td>City of Menlo Park Planning Division</td>
<td>Plan review and approval</td>
<td>During construction</td>
<td>Initials:_______ Date:_________</td>
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- 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.

**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 as 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...
Mitigation Measures

- 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 (7AM–10PM) = 0.032
- Residential Nighttime (10PM to 7 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.

**NOISE-2b:** To reduce long-term vibration impacts of future development citywide on existing or potential future sensitive uses:

- Locate sensitive uses away from vibration sources.
- Design industrial development to minimize vibration impacts on nearby uses. Where vibration impacts may occur, reduce impacts on residences and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration near rail lines and industrial uses.
- Work with the railroad operators (e.g., Caltrain, Union Pacific, etc.) to reduce, to the extent possible, the contribution of railroad train noise and vibration to Menlo Park’s noise environment.
## Mitigation Monitoring and Reporting Program

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<tr>
<td><strong>Transportation and Circulation</strong></td>
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<tr>
<td><strong>TRANS-1a:</strong> Widen impacted roadway segments at appropriate locations throughout the city to add travel lanes and capacity to accommodate the increase in net daily trips.</td>
<td>City of Menlo Park</td>
<td>Ongoing</td>
<td>City of Menlo Park Transportation Division</td>
<td>Ongoing</td>
<td>Ongoing</td>
<td>Initials:_______ Date:_________</td>
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<tr>
<td><strong>TRANS-1b:</strong> The City of Menlo Park shall update the existing Transportation Impact Fee (TIF) program to guarantee funding for citywide roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Transportation Impact Fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified below, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary transportation mitigations that are to be funded by that project.</td>
<td>City of Menlo Park</td>
<td>Ongoing</td>
<td>City of Menlo Park Transportation Division</td>
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<td>Initials:_______ Date:_________</td>
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As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed...
Mitigation Monitoring and Reporting Program

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<tr>
<td>Project. The established procedures under AB 1600 require that a &quot;reasonable relationship&quot; or nexus exist between the improvements and facilities required to mitigate the impacts of new development pursuant to the proposed project. The following examples of improvements and facilities would reduce impacts to acceptable level of service standards and these, among other improvements, could be included in the TIF program impact fees nexus study:</td>
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<tr>
<td>Sand Hill Road (westbound) and I-280 Northbound On-ramp (#1): Modify the signal-timing plan during the PM peak hour to increase the maximum allocation of green time to the westbound approach during the PM peak hour.</td>
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<td>Sand Hill Road (eastbound) and I-280 Northbound Off-ramp (#2): Add an additional northbound right-turn lane on the off-ramp to improve operations to acceptable LOS D during the AM peak hour.</td>
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<tr>
<td>El Camino Real and Ravenswood Avenue (#28): One eastbound right-turn lane on Menlo Avenue to improve conditions.</td>
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<td>Willow Road and Newbridge Street (#33): Implement measures on Chilco Street south of Constitution Drive to reduce or prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street, and measures to enhance east/west circulation from Willow Road via O’Brien Drive and the proposed mixed-use collector street opposite Ivy Drive, extending east to University Avenue, to discourage use of Newbridge Street.</td>
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<tr>
<td>Willow Road and Hamilton Avenue (#36): Provide primary access to potential future development sites east of Willow Road via O’Brien Drive and/or the proposed Mixed-Use Collector that would intersect Willow Road between Hamilton Avenue and O’Brien Drive. Implement measures on Chilco Street south of Constitution Drive to prevent cut-through</td>
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## Mitigation Monitoring and Reporting Program

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<td>traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street. Although the provision of an eastbound left-turn lane on Hamilton Avenue where it approaches Willow Road would reduce the delay, this potential mitigation is not recommend because it would encourage cut-through traffic via Chilco Street and Hamilton Avenue, potentially affecting the Belle Haven neighborhood. Therefore, to avoid facilitating the use of Chilco Street and Hamilton Avenue as cut-through routes in the adjacent residential neighborhood, mitigating this traffic impact is not recommended at this time, consistent with City policies that discourage cut-through traffic in residential neighborhoods. The improvements should be incorporated into the updated fee program for ongoing consideration.</td>
<td>Bayfront Expressway and Willow Road (#37): Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.</td>
<td>Bayfront Expressway and University Avenue (#38): Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.</td>
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### Mitigation Measures

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<tr>
<td>Chilco Street and Constitution Drive (#45): Install a traffic signal and signalized crosswalks at the intersection. Construct three southbound lanes on the one-block segment of Chilco Street, between Bayfront Expressway and Chilco Street, to include two southbound left-turn lanes to accommodate the volume of left-turning vehicles entering the project site. In addition, during the AM peak hour, provide a “split-phase” signal operation on Chilco Street. Construct a northbound left-turn lane on Chilco Street approaching Constitution Drive. Construct two outbound lanes on Chilco Street between Constitution Drive and Bayfront Expressway. If the Facebook Campus Expansion Project is approved, this mitigation measure would be required to be constructed as a requirement of that project.</td>
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<td>Chrysler Drive and Constitution Drive (#46): Construct a southbound left-turn on Chrysler Drive, approaching Constitution Drive.</td>
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<td>University Avenue and Adams Drive (#47): Install a traffic signal at this intersection.</td>
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<td>University Avenue and Bay Road (#51): Realign the eastbound and westbound approaches to allow replacement of the east/west “split-phase” signal on Bay Street with standard protected signal phases in order to allow eastbound and westbound pedestrian crossings to occur simultaneously, which would allow for an increase in green time allocated to northbound/southbound movements on University Avenue and reduce peak-hour delay at this intersection. This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to collect fair-share contributions from future development towards such improvements.</td>
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<tr>
<td>University Avenue and Donohoe Street (#54): Mitigating this</td>
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**MITIGATION MONITORING AND REPORTING PROGRAM**

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<tr>
<td>University Avenue and US 101 Southbound Ramps (#56): Mitigating this impact would require modifications to the US 101 Southbound On/Off Ramps and at this location This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park’s updated fee program to collect fair-share contributions from future development towards such improvements.</td>
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<td>Chilco Street and Hamilton Avenue (#60): Installation of a traffic signal would mitigate this impact to less than significant levels, but would have the undesirable secondary effect of encouraging the use of Chilco Street as a cut-through route, which conflicts with City goals that aim to reduce cut-through traffic in residential neighborhoods. Therefore, to avoid facilitating cut-through traffic, mitigating this traffic impact by increasing capacity is not recommended at this time, but should be incorporated into the updated fee program for ongoing consideration.</td>
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**TRANS-6a:** The City of Menlo Park shall update the Transportation Impact Fee (TIF) program to provide funding for citywide bicycle

City of Menlo Park: Ongoing

City of Menlo Park: Ongoing

Ongoing

Initials: _________

Date: ___________
Mitigation Monitoring and Reporting Program

Mitigation Measures | Party Responsible for Implementation | Implementation Trigger/Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency | Verified Implementation
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and pedestrian facilities that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward improvements that will connect development sites within the area circulation system, including the elimination of gaps in the citywide pedestrian and bicycle network. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the transportation impact fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified in this mitigation measure, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary pedestrian or bicycle facilities mitigations that are to be funded by that project.

As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the bicycle and pedestrian improvements and facilities required to mitigate the traffic impacts of new development pursuant to the proposed project. The following examples of pedestrian and bicycle improvements would reduce impacts to acceptable standards,
Mitigation Monitoring and Reporting Program

Mitigation Measures

and these, among others improvements, could be included in the updated TIF program, also described under TRANS-1:

- **US 101 Pedestrian & Bicycle Overcrossing at Marsh Road, and Marsh Road Corridor Pedestrian & Bicycle Improvements (Haven Avenue to Marsh Road/Bay Road):** Provide pedestrian and bicycle circulation between the Bayfront Area east of US 101 with the area circulation system west of US 101 along Marsh Road, including access to schools and commercial sites west of Marsh Road that are accessed via Bay Road and Florence Street. Improvements should facilitate pedestrian and bicycle circulation between Haven Avenue and across US 101 near Marsh Road. The recommended improvement would include a dedicated pedestrian and bicycle crossing adjacent to Marsh Road. Alternatively, the provision of continuous sidewalks with controlled pedestrian crossings and Class IV protected bicycle lanes on the Marsh Road overpass, if feasible, could mitigate this impact.

- **Ringwood Avenue Corridor Pedestrian & Bicycle Improvements (Belle Haven to Middlefield Road):** Eliminate pedestrian and bicycle facility gaps on primary access routes to the Ringwood Avenue bicycle/pedestrian overcrossing of US 101 (located near the terminus of Ringwood Avenue and Market Place). Improvements should include complete sidewalks on the north side of Pierce Road and bicycle facility improvements on the proposed Ringwood Avenue-Market Place-Hamilton Avenue bicycle boulevard (see Street Classification Map in Chapter 3, Project Description). These improvements would also enhance pedestrian and bicycle access to Menlo-Atherton High School.

- **University Avenue Pedestrian Improvements:** Eliminate gaps in the sidewalk network on those portions of University Avenue that are within the Menlo Park City limits. The TIF Program should also include a contribution towards elimination of sidewalk gaps outside the City limits (within the City of East Palo Alto) to ensure that continuous sidewalks are provided on
### Mitigation Monitoring and Reporting Program

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<tr>
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<th>Monitoring Frequency</th>
<th>Verified Implementation</th>
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<tbody>
<tr>
<td>the west University Avenue between Adams Drive and the Bay Trail, located north of Purdue Avenue.</td>
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<tr>
<td><strong>Willow Road Bikeway Corridor (Bayfront Expressway to Alma Street):</strong> Provide a continuous bikeway facility that eliminates bicycle lane gaps, provides Class IV bicycle lanes on the US 101 overpass and where Willow Road intersects US 101 northbound and southbound ramps, and upgrades existing Class II bicycle lanes to Class IV protected bicycle lanes where feasible, particularly where the speed limit exceeds 35 miles per hour (mph).</td>
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<tr>
<td><strong>Willow Road Pedestrian Crossings (Bayfront Expressway to Newbridge Street):</strong> Provide enhanced pedestrian crossings of Willow Road at Hamilton Avenue, Ivy Drive (including proposed new street connection opposite Ivy Drive), O’Brien Drive and Newbridge Street. Enhanced crossings should include straightened crosswalks provided on each leg, high visibility crosswalk striping, accessible pedestrian signals, and pedestrian head-start signal timing (leading pedestrian intervals) where feasible. These enhanced crossings would provide improved access between the Belle Haven neighborhood and potential future development between Willow Road and University Avenue.</td>
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<tr>
<td><strong>Dumbarton Corridor Connections:</strong> Through separate projects, Samtrans is currently considering the potential for a bicycle/pedestrian shared-use trail along the Dumbarton Corridor right-of-way between Redwood City and East Palo Alto, through Menlo Park. If found feasible, the City’s TIF Program should incorporate walking and bicycling access and connections to the proposed trail, including a potential rail crossing between Kelly Park and Onetta Harris Community Center and Chilco Street and pedestrian and bicycle improvements on streets that connect to the Dumbarton Corridor: Marsh Road, Chilco Street, Willow Road, and University Avenue.</td>
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<tr>
<td><strong>TRANS-6b:</strong> The City of Menlo Park shall update the existing Shuttle Fee program to guarantee funding for citywide operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements and right-of-way acquisition. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Shuttle fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Shuttle fees to fund operations of City-sponsored shuttle service to meet the increased demand.</td>
<td>City of Menlo Park</td>
<td>Ongoing</td>
<td>City of Menlo Park Transportation Division</td>
<td>Ongoing</td>
<td>Ongoing</td>
<td>Initials:_______ Date:________</td>
</tr>
<tr>
<td><strong>TRANS-6c:</strong> The City should continue to support the Dumbarton Corridor Study, evaluating the feasibility of providing transit service to the existing rail corridor and/or operational</td>
<td>City of Menlo Park</td>
<td>Ongoing</td>
<td>City of Menlo Park Transportation</td>
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<td>improvements to Bayfront Expressway, Marsh Road and Willow Road, such as a dedicated high-occupancy vehicle (HOV) lane, bus queue-jump lanes, or transit-signal priority that could reduce travel time for current bus operations.</td>
<td>City of Menlo Park</td>
<td>Ongoing</td>
<td>City of Menlo Park Planning Division</td>
<td>Ongoing</td>
<td>Ongoing</td>
<td>Initials:_______ Date:________</td>
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### Utilities and Service Systems

**UTIL-10:** The City shall continue its reduction programs and diversion requirements in an effort to further reduce solid waste that is diverted to the landfill and lower its per capita disposal rate citywide. In addition, the City shall monitor solid waste generation volumes in relation to capacities at receiving landfill sites to ensure that sufficient capacity exists to accommodate future growth. The City shall ensure any waste management firm it contracts with has access to a new landfill site(s) to replace the Ox Mountain landfills, at such time that this landfill is closed.
### TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

<table>
<thead>
<tr>
<th>Green Building Requirement</th>
<th>NEW CONSTRUCTION</th>
<th>ADDITIONS AND/OR ALTERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 sq. ft. – 25,000 sq. ft.</td>
<td>Designed to meet LEED Silver BD+C</td>
<td>Designed to meet LEED Silver BD+C or update core and shell of entire building to current California Energy Code and meet section 16.45.130(2)(B)</td>
</tr>
<tr>
<td>25,001 sq. ft. – 100,000 sq. ft.</td>
<td>Designed to meet LEED Silver BD+C</td>
<td>CALGreen Mandatory</td>
</tr>
<tr>
<td>100,001 sq. ft. and above</td>
<td>Designed to meet LEED Gold BD+C</td>
<td>Designed to meet LEED Gold ID+C or update core and shell of entire building to current California Energy Code and meet section 16.45.130(2)(B)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Electric Vehicles (EV) Chargers</th>
<th>1 sq. ft. to 9,999 sq. ft. of conditioned area, volume or size</th>
<th>10,000 sq. ft. – 25,000 sq. ft. of conditioned area, volume or size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Wire²</td>
<td>N/A (Voluntary)</td>
<td>CALGreen Mandatory</td>
</tr>
<tr>
<td>• Minimum of 5% of total required number of parking stalls. AND Install EV Chargers³</td>
<td>N/A (Voluntary)</td>
<td>N/A (Voluntary)</td>
</tr>
<tr>
<td>• Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.</td>
<td>N/A (Voluntary)</td>
<td>N/A (Voluntary)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Energy Reporting</th>
<th>25,001 sq. ft. and above of conditioned area, volume or size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.</td>
<td>Designed to meet LEED Silver ID+C or update core and shell of entire building to current California Energy Code and meet section 16.45.130(2)(B)</td>
</tr>
</tbody>
</table>

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² Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

³ Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

⁴ Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings’ core and shell to the current California Energy Code standards and follow the City’s requirements listed in section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building’s core and shell to current California Energy Code standards and follow the City’s requirements listed in section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action.

⁵ If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed...
above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.  

6 At minimum, a 40 amp, 240 volt receptacle shall be installed at each structural column of residential carports for electrical vehicle charging. This requirement is in addition to pre-wire and installation of EV charger regulations.
### TABLE 16.43.140(1)(B): Non-Residential Green Building Requirements

<table>
<thead>
<tr>
<th>Green Building Requirement</th>
<th>NEW CONSTRUCTION</th>
<th>ADDITIONS AND/OR ALTERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10,000 sq. ft. – 25,000 sq. ft.</td>
<td>1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size</td>
</tr>
<tr>
<td></td>
<td>25,001 sq. ft. – 100,000 sq. ft.</td>
<td>10,000 sq. ft. – 25,000 sq. ft. of conditioned area, volume or size</td>
</tr>
<tr>
<td></td>
<td>100,001 sq. ft. and above</td>
<td>25,001 sq. ft. and above of conditioned area, volume or size</td>
</tr>
</tbody>
</table>

- **Green Building**
  - Designed to meet LEED Silver BD+C1
  - Designed to meet LEED Silver BD+C1
  - Designed to meet LEED Gold BD+C1
  - CALGreen Mandatory

- **Electric Vehicle (EV) Chargers**
  - Pre-Wire2
    - Minimum of 5% of total required number of parking stalls.
    - AND Install EV Chargers3
    - Minimum of 2 in the pre-wire locations.
  - Pre-Wire2
    - Minimum of 5% of total required number of parking stalls.
    - AND Install EV Chargers3
    - Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.
  - Pre-Wire2
    - Minimum of 5% of total required number of parking stalls.
    - AND Install EV Chargers3
    - Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations.
  - Pre-Wire2
    - Minimum of 5% of total required number of parking stalls.
    - AND Install EV Chargers3
    - Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations.

- **Energy Reporting**
  - Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.
  - Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.
  - Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.
  - Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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1 Designed to meet LEED standards is defined as follows: a) Applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and b) Applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification or for verification by a third party approved by the City for which the applicant will pay for review and/or certification.

2 Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

3 Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

4 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.43.140(2)(B). If the building owner chooses to upgrade the entire building's core and
shell to current California Energy Code standards and follow the City's requirements listed in section 16.43.140(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action.

5 If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

6 For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.